

# 1006

November 3, 2005

Work Safe B.C.  
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Dear Sir/Madam :

Re: **Proposed Amendments to the Occupational Health & Safety Regulation (OHSR)**

The Canadian Petroleum Products Institute (CPPI) has reviewed the proposed amendments to the B.C. Occupational Health & Safety Regulation. CPPI agrees with the proposed amendments in general. The proposed amendments add clarity towards the protection of the health and safety of workers. However, the CPPI has serious reservations about the amendments proposed to the following sections:

**PART 3: RIGHTS AND RESPONSIBILITIES  
OCCUPATIONAL HEALTH AND SAFETY PROGRAMS**

**Section 3.1: When Program Required**

The CPPI does not support the proposed amendment. Contrary to the Explanatory Note, the proposal would have a substantial impact on employers who were in compliance with the OHS Program requirement prior to March 30, 2004.

The previous wording ...

- (1) An occupational health and safety program as outlined in Section 3.3 must be initiated and maintained by each employer having:
  - (a) a workforce of 20 or more workers, *in an industry classified as "A" or "B" hazard in Part 33 (Occupational First Aid); or,*
  - (b) a workforce of 50 or more workers *in an industry classified as "C" hazard in Part 33. [emphasis added]*

... differentiated between workplaces operated by the same employer but falling within different industry types in the A, B, and C hazard classification system. For example, petroleum refining, fuel distribution and petroleum retail operations are each classified differently for Occupational First Aid requirements. The need for an OHS Program in each type of operation was based on

the number of workers engaged in that particular type of operation. The need for a program in one operation was **independent** of the need for one in the others. We agree with the Explanatory Note, "*The requirement is that employers that have a large workforce but a small number of workers at each individual worksite must initiate and maintain an OHS Program.*"

Under the proposed amendment, an employer with 20 or more workers in B.C. and with at least one worker employed at a workplace that is not classified as low risk will require a formal OHS Program in all operations under the control of that employer, independent of the risk in those operations. For example: having 5 employees working in a moderate risk workplace such as Fuel Distribution will require a formal OHS Program for all employees within the Province for that employer even if the respective workplaces are low risk (eg. retail, carwash, office work). This is contrary to the Guideline to Part 3 (p.6) where typical low risk job functions are listed as:

- Administrative and clerical tasks
- Retail tasks
- Service sector tasks (such as hospitality and tourism)
- Professional, financial, and business services
- Training or teaching

## **PART 8: PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT**

### **Section 8.34 Table 8-1: Respirator Protection Factors**

It is proposed that reference to "non-elastomeric or paper type (disposable) respirator" be removed from the above sections of the Regulation. The Explanatory Notes state that this type of device is no longer manufactured or commercially available. The CPPI has confirmed with suppliers that "non-elastomeric or paper type (disposable) respirators" have not been withdrawn from the Canadian market.

We believe the use of this type of respirator is an integral part of an effective respiratory protection program. We are concerned that the removal of any mention of this type of respirator from the Regulation will discourage the use of respiratory protection in many situations where these respirators are currently used to reduce worker exposure to airborne contaminants.

## **PART 8: PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT**

### **Section 8.40(2): Fit Tests**

### **Section 8.41(2): User Seal Check**

The CPPI would like to clarify that fit testing must be performed in accordance with Section 7 of *CSA Standard CAN/CSA-Z94.4-02, Selection, Use and Care of Respirators* and that Appendices B and C with detailed instructions on qualitative and quantitative fit testing are not a mandatory part of the CSA standard.

## **CSA Standard CAN/CSA-Z94.4-02 Selection, Use and Care of Respirators**

### **7. Respirator Fit Testing**

#### **7.1. General**

7.1.3 A fit test shall be carried out:

- (a) prior to initial use and after completing the health surveillance evaluation (see Clause 11.1);
- (b) at least every 2 years; however, it is recommended that fit tests be conducted annually;
- (c) whenever there is a change in respirator face piece (eg, brand, model, or size); and

#### **7.2. Quantitative Fit Testing (QNFT)**

7.2.1 One of the procedures described in Appendix C should be used to perform a QNFT.

#### **7.3 Qualitative Fit Testing (QLFT)**

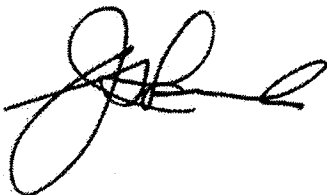
7.3.1 One of the procedures described in Appendix B should be used to perform a QLFT.

The CPPI recommends the adoption of the CSA standard respirator fit testing frequency, that is, recommended annually and mandatory every two (2) years.

The CPPI is a national association of Canadian refiners and marketers of petroleum products. Our purpose is to serve and represent these sectors of the petroleum industry with respect to environment, health & safety and business issues. CPPI - Western Division members include Arco Products Canada Ltd., Chevron Canada Limited, Husky Energy Inc., Imperial Oil Ltd. - Products/Chemicals Div., Parkland Income Fund, Petro-Canada, Shell Canada Products and Suncor Energy Products Inc. This sector includes petroleum refining, product distribution and sales via retail and wholesale markets.

Yours truly,

**CPPI – Western Division**



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JS:cfk

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