



May 31, 2006

Via E-mail: Regquery@worksafebc.com

WorkSafeBC
Prevention Policy & Regulation Review Department
Policy and Research Division
PO Box 5350 Station Terminal
Vancouver, BC V6B 5L5

Dear Sirs:

RE: PROPOSED AMENDMENT TO OHS REGULATION

The City of Port Coquitlam is pleased to comment on the proposed amendments to the Occupational Health and Safety Regulation.

Part 4, General Conditions

The change to Section 4.3 – recognizes that manufacturers do not always provide recommendations and instructions for the use and operation of tools and equipment. This mitigates the problematic issue of the manufacturer's instructions that may recommend the use of only their product, whereas another generic product may be as safe or safer, and could be less expensive. The proposed change removes the requirement to follow the manufacturer's recommendations, placing the emphasis on safe practices.

We support this proposed amendment.

Part 5, Chemical and Biological Substances

The proposed change to Section 5.49 – Excursion limits – attempts to clarify the requirements for excursion limits for substances only with an 8-hour TWA limit.

The new change will clarify that the excursion limits should not replace existing STELs and ceiling limits, but there is still no clear understanding what the direction is for substances that have a STEL but no Ceiling and vice versa.

We further suggest the addition of language to address when a substance does not have both a STEL and ceiling limit as follows:

- 1) If subsections (a) and (b) would still apply for the case of a “missing” STEL or Ceiling;
- 2) Whether or not the employer has the power (within the Regulation) to adopt an excursion limit in place of a “missing” STEL or Ceiling.

Part 6, Substance Specific Requirements

There are two proposed amendments to Part 6, under definitions (Section 6.33) and Controls (Section 6.36)

This not applicable to our operations, therefore no opinion is provided.

Part 9, Confined Spaces

The proposed amendment to Section 9.11, Qualifications, requires those with the professional credentials of certified industrial hygienist or registered occupational hygienist have experience in confined space entry before being deemed to be “qualified” to conduct hazard assessments and written confined space entry procedures. This is a reasonable amendment, in conjunction with subsection 2(c) which provides the Board officer the ability to recognize other education, training and experience acceptable to the Board. It is entirely possible for someone without the designated credentials to be deemed to be “qualified” to conduct hazard assessments and prepare written confined space entry procedures.

We support this proposed amendment.

Section 9.18 is proposed to be amended by removing the distinction between pressures within a pipe, recognizing that pressures above or below 15 psig could be hazardous.

There has been insufficient change to this section from a Municipal perspective. We strongly suggest either creation of a separate sub-section or inclusion of language in 9.18 (4) that excludes both potable and waste water in municipal systems from this language and allows for single valve closure at both ends of the segment to effect repairs and maintenance without disruption of large areas of residential and commercial service or jeopardizing fire suppression.

All municipalities follow the specifications from the American Water Works Association (AWWA) which establishes safe specifications for valves and pipe and as adopted by the BC Municipal Master Contract Document used throughout the province by municipalities to establish specifications for outside contractors either doing work for the municipality or wishing to tie in their project to our systems. As such, further isolation is not necessary for our systems. In respect to single or multiple valve failures – they do not occur. There is no known history of catastrophic failure of the valves; if they fail it is either in the open or closed position and relates to valve stem failure.

The proposed amendment to Section 9.22, and the corresponding Guideline, allowing alternate isolation measures other than those listed in section 9.18, provides a reasonable opportunity for employers to implement alternate isolation measures if the isolation procedures outlined in 9.18 are not practicable.

However, the requirement for applications for alternate measures is an administrative burden and does not work in emergency situations such as water main breaks. The process is well understood; the provision of blanket alternate measures should be a consideration, and should be addressed in the guidelines. From a municipal perspective, this change is supported, as there are certain situations where isolation in strict compliance with 9.18 is not possible or practicable.

Part 13, Ladders, Scaffolds and Temporary Work Platforms

The proposed change to Section 13.23 (5) – a complete repeal of the existing language – removes the lack of clarity in the current regulation regarding the appropriate action required for a “structural inspection” in the tenth year after the date of manufacture, and every fifth year after that.

The remaining regulation in section 13.23 continues to provide sufficient requirements for annual inspection and testing, maintaining worker safety.

The proposed amendment to section 13.23 is supported.

Section 13.33, subsection 1 will require a worker on a self-propelled elevating work platform to wear a personal fall arrest system. This will increase worker safety and the proposed amendment is supported.

Subsection 1.1 provides an exemption for a personal fall arrest system for workers on scissor lifts or elevating work platforms like scissor lifts, where there is not danger of lift instability.

Changes to subsection 4 have no impact on our operations; therefore no opinion is provided.

Part 14, Cranes and Hoists

The proposed amendment to Section 14.34 (3) is premature. This regulation is being proposed prior to the development and implementation of the training program currently being created through Industry Services.

The City has serious concerns regarding a Regulation being put into place without being able to comment on the content of the training program required in light of a similar situation that resulted with Traffic Control Person training.

Changes to Part 14, Section 14.34 (3) are not supported at this time, nor any time prior to employers having an opportunity to provide input in the training program being proposed.

This employer does not have tower cranes so will not provide comment on the proposed changes to Section 14.91 re. Tower Cranes.

This not applicable to our operations, therefore no opinion is provided.

Part 18, Traffic Control

18.1 Definition of traffic control recognizes that traffic control is more than someone standing with a Stop/Slow paddle; it is also work control zones with no TCP.

This proposed amendment is supported.

18.2 Makes the MOTH manual secondary to the Regulation.

This proposed amendment is supported as it removes any ambiguity.

18.4 (1)(a) requires that everyone on the jobsite know what traffic control procedures are in effect on the jobsite. This proposed change formally requires that supervisors and employers understand the traffic control arrangements for the work; formerly this was delegated to a traffic control supervisor.

This proposed amendment is supported in so far as the supervisor on the worksite is charged with the responsibility for the traffic control.

18.4. (1)(b) Requires any person assigned to be a traffic control person be adequately trained in a course acceptable to the Board. This is not acceptable. There are circumstances where someone could be controlling traffic that would not necessarily need a full course of instruction. By proposed definition, someone who sets up a barricade at the end of a side street to keep traffic from entering a parade route would be a traffic control person. Requiring that person to take a traffic control course is unreasonable and unworkable.

The Regulation or guideline description needs to address various levels of traffic control requirements, recognizing the different levels of hazard. Some situations simply don't require the full training.

Changes to 18.14(1)(b) are not supported as proposed.

18.6 Requires that a traffic control person only be used if other traffic control devices and procedures cannot control traffic. This is supported, as setting up a work control zone is the first defense for workers working near, or in traffic.

This proposed amendment is supported.

18.7 Removes the possibility of workers relieving a traffic control person for short durations such as bathroom breaks. We do not support this proposed change. If the work zone is

adequately set up prior to the traffic control person taking a bathroom break, having someone handle the control paddle for a short duration is not unreasonable. As long as the replacement worker is aware that the traffic zone is set up adequately, and has an understanding of the functions required during the short duration break, that is, has received instruction, but not necessarily a full two day course, the coverage should be allowed.

Changes to 18.17 are not supported as proposed.

Part 20, Construction, Excavation and Demolition
Section 20.4, Safe Access

The proposed amendment to section 20.4 to include specific requirement for the provision of suitable/safe access to all locations of a construction site to improve the safety of workers on construction sites

The proposed amendment to section 20.4 is supported.

Part 23: Oil and Gas, Part 24: Diving, Fishing and Other Marine Operations, Part 26: Forestry Operations

This not applicable to our operations, therefore no opinion is provided.

We thank you for the opportunity to comment on the proposed regulation changes.

Yours truly,



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City of Port Coquitlam



Garry Manning
Safety and Training Officer
City of Port Coquitlam