



City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

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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 OH&S REGULATION

The City of Richmond 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 – Safe machinery and equipment – recognizes that manufacturers do not always provide recommendations and instructions for the use and operation of tools and equipment. In addition, under the former regulations there was the possibility that the manufacturer's instructions may recommend the use of only their product, whereas another generic product may be as safe or more safe, 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.

The proposed wording suggests the assumption that all substances either have STELs and Ceilings or have none. The reality is that some contaminants have only one or the other. There should be clarification in the regulation or guideline, to identify:

- 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 of Ceiling.

Part 6, Substance Specific Requirements

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

Defining a "health care work place" and a "safety engineered needle" is appropriate and supported

Section 6.36 contains wording changes in subsection (1) which improve the safety of workers and the change is supported. In addition, the proposed new subsection 1.1 regarding the use of safety-engineered needles or needle-less devices would also improve the safety of workers and is likewise supported.

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 leeway 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.

The proposed amendment to Section 9.11 is supported.

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.

1. **"adjacent piping"** means a device such as a pipe, line, duct or conduit which is connected to a confined space or is so located as to allow a substance from within the device to enter the confined space.

This requires isolation of potable water lines in valve chambers if the water lines have valves or pumps in line, even though the integrity of that particular system is not being compromised. Risk Assessments support the practice of acknowledging the hazard with no probability of exposure as long as the integrity of the system is not compromised. As such, further isolation is not necessary as it is part of an engineered system.

The Regulation should acknowledge this.

2. **9.18(4) single valve isolation:** In respect to isolating a substance that is hazardous only because of its pressure, temperature or quantity, in particular potable water: we must keep in mind that municipal water systems are designed and engineered. American Water and Waste Association standards appear to accept the design and use of single valve isolation, reducing pressure behind the line. There is no history of catastrophic failure of the valves.

In respect to single or multiple valve failures – they do not occur. There is no history of catastrophic failure of the valves. Isolation requirements in potable water systems should reflect the use of single valve isolation, reducing pressure to minimum acceptable operational parameters.

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(5) 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. This is a reasonable amendment and is supported.

Changes to subsection 4 improve worker safety by ensuring a platform suspended from a crane or hoist cannot fall more than 15 cm if the platform becomes dislodged from the hook. This amendment is supported.

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.

This employer has grave concerns regarding a Regulation being put into place without being able to comment on the content of the training program it will require. A similar occurrence with Traffic Control Person training has created numerous problems for all employers.

Changes to Part 14, Section 14.34 (3) are not supported at this time, nor any time prior to employers having an opportunity for 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.

Section 14.91 clarifies that the interval for shortening a hoisting rope is 500 hours of use and excludes non-rotating wire ropes with 14 or more outer strands or with a plastic coated inner core from the requirement to periodically shorten the hoisting rope.

We support this proposed change.

Part 18, Traffic Control

The proposed amendment to Section 18.1, clarifying that the primary reference for traffic control be the OHS Regulation, is supported.

- 18.1 Definition of traffic includes pedestrian – this would mean that a crossing guard is a Traffic Control Person, requiring a course acceptable to the Board. This is not reasonable, given that in some cases the Crossing Guard would be an employee of the School District or Municipality, or in some cases, a volunteer. One would require training, the other would not.

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 is a supported amendment.

Definition of traffic control person to be anyone designated or assigned by the employer to direct traffic is not supported in all cases. These objections are noted both above and in 18.4 below.

- 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 is supported as an understanding of the traffic control plan will improve worker safety.
- 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. As noted in 18.1 above, there are circumstances where someone could be controlling traffic who would not necessarily need a full course of instruction.

In addition to the issue of crossing guards, consider that, 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 needs to address various levels of traffic control requirements, recognizing the different levels of hazard. It should not contain a blanket statement that anyone controlling traffic is a traffic control person, and anyone who is a traffic control person must take a course of instruction acceptable to the Board. There are some instances, as noted above, that simply do not require excessive training, nor the Board's time and effort in accepting training programs.

- 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.
- 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 out of line. 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.
- 18.8 adds retroreflective leg bands and strip on hard hat. This will improve worker visibility and is supported, although there should be a phase-in period allowed; some employers have up to 200 Traffic Control Persons. The cost of refitting them with this equipment would be substantial.

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 access to all locations of a construction site to permit the safe delivery of equipment and material will improve the safety of workers on construction sites and is supported.

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

Not applicable to our municipality so no comments are made.

Part 26: Forestry Operations

It is recognized that tree falling is one of the most hazardous occupations. The proposed changes to wind speeds and the hazard area of a dangerous tree are supported.

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

Yours truly,


Robb Armstrong
Manager, Occupational Health & Safety

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