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Dear Sirs:

RE: PROPOSED AMENDMENT TO OH&S REGULATION

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

Part 4, General Conditions

Section 4.3, Safe machinery and equipment

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.

The City of Surrey supports this proposed change and is aware that this change will not affect the City of Surrey's obligations to ensure replacement parts are appropriate, meet applicable standards and are properly installed.

Part 5, Chemical and Biological Substances

Section 5.49, Excursion limits

The purpose of this amendment is to reinsert a phrase previously removed from Section 5.49 of the *Occupational Health and Safety Regulation*.

The phrase “is provided only with” was previously removed from section 5.49, creating the effect that excursion limits apply to all substances with 8-hour time weighted average (“TWA”) limits, regardless of whether or not they have short-term exposure limits (“STELs”) or ceiling limits, which are intended to prevent excursions. It is proposed that the phrase be reinserted.

The City of Surrey supports the proposed change.

The new change will clarify that the excursion limits should not replace existing STELs and ceiling limits, but, there is 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; however, the reality is that some contaminants have only one or the other (Ceiling or STEL).

In that respect, there should be clarification in the guideline (or regulation itself) to clarify:

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 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 City of Surrey supports the proposed amendment to section 9.11.

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

Section 13.23, Testing

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.

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.

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 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.

The City of Surrey supports the proposed changes.

Part 14, Cranes and Hoists

Equipment Operation

Section 14.34, Operator qualifications

The proposed amendment is to delete the existing section 14.34 (3) and replace it with new section 14.34.1 requiring that on and after July 1, 2007, a mobile crane, tower crane or boom truck may be operated only “by a person with a valid operator’s certificate issued by a person acceptable to the Board”.

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.

The City of Surrey supports the intent of this change. However, there is concern around the detail (or lack thereof), and as it is said, “The devil is in the detail.”

A certification process for crane operators is good. Not knowing what the process is causes concern. At this point, the City of Surrey is aware of discussions that have been taking place at the BC Association for Crane Safety (BCACS). Not enough has been said about proposed training for the new operator, particularly in the boom truck context.

It is unclear to what extent industries have been consulted in the process and who represents employers (particularly municipal employers) at the table. If there is a representative, the City of Surrey cannot confirm that there has been any discussion with municipalities in the Lower Mainland.

Enforcement date has been set for July 1, 2007, which seems to be very aggressive. Slightly more than a year away, the training curriculum has not been set. It appears that it is more important to have an enforceable regulation quickly put in place than to make the effort to craft a regulation workable and understood by all.

The City of Surrey understands that a competency challenge will be part of the process. If an operator fails the competency test, then what is the process for certification, and how quickly can this come about? Current mobile equipment operator training providers can offer no information as the guidelines and BCACS has yet to describe the curriculum.

There is a requirement for direct supervision of persons with learners or restricted use certificates to have an operator with a certificate in attendance at the workplace and in close physical proximity and readily accessible to the learner or restricted user while they are operating the equipment. Work activity for our boom trucks is structured such that the boom truck operators are solo. This requirement would, for all intents and purposes, require a second operator on all boom trucks during the entire training period, which is unacceptable.

While the concept of operator certification is supported, the City of Surrey does not support the current proposed regulation with its process of “fast-tracking” training requirements leading to certification.

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.

The City of Surrey supports the proposed changes.

Part 18: Traffic Control

Section 8.24, High visibility apparel

Part 8: Personal Protective Clothing and Equipment

The proposal is to delete section 8.24 (1) and reposition the requirement in proposed section 18.9 of Part 18 as the provision applies only to a person directing traffic, which by definition is a traffic control person. This is a supported amendment.

Part 18: Traffic Control

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 MOTM 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.

The City of Surrey supports this proposed change.

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.

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

Yours truly,

*Sam Chauhan
Senior Advisor, OHS
City of Surrey*