

Council of Construction Associations
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Grant McMillan, President

Ms. Anne Burch
Director, Policy and Review Division
WorkSafeBC
BY email: anne.burch1@worksafebc.com

April 25, 2006

Dear Ms. Burch:

I am writing on behalf of the Council of Construction Associations (COCA), which represents the Construction Industry on WCB issues.

We wish to comment on the proposed changes to the Occupational Health & Safety Regulation, as part of the May, 2006 hearings.

Overview

There are 11 regulatory amendment packages under review for 2006.

We are strongly opposed to the changes made under the Traffic Control Draft Regulation since it was first sent out for consultation. Essentially the Draft wording from the December, 2005 version that we supported has been reversed. The result is confusing and adds unnecessary work to the staff of WorkSafeBC who, under the proposal, are required to approve every training process that the employer may put in place for lower level hazard Traffic Control. Please see our detailed comments below.

Please note that we have some questions regarding the clarity and timing of the Crane Operator regulation.

The detailed comments are listed below.

Part 4, General Conditions

Section 4.3, Safe machinery and equipment

3.1

The change recognizes that manufacturers do not always provide recommendations and instructions for the use and operation of tools and equipment. Also, the manufacturer's instructions may require the use of their product whereas another generic product may be as safe and less expensive. The proposed change removes the requirement to follow the manufacturer's recommendations. The emphasis is properly placed on *safe* practices.

This change seems reasonable.

Part 5, Chemical and Biological Substances

Section 5.49, Excursion limits

This proposed change would correct an error in drafting within the existing regulation. That error caused confusion because it permitted sometimes contradictory exposure limits.

This change seems reasonable.

Part 6, Substance Specific Requirements

Section 6.33, Definitions

Section 6.36, Control procedures

The proposed change would emphasize that both engineering controls and safe work practices are needed to eliminate or control exposure to biological pathogens. This section applies primarily to the health care sector, but includes residential care facilities and assisted living residences. It basically requires a self-sheathing needle, in addition to existing precautions.

The WorkSafeBC definition states that: A health care workplace: means any workplace relating to the health care of persons, including where medical or dental care, treatment or related procedures are administered;

Examples of “health care workplaces” under section 6.33 include

- ambulances
- dental offices
- medical and dental laboratories
- health clinics, including in industrial facilities
- hospitals
- outpatient facilities (including renal dialysis clinics and cancer treatment centers)
- hemodialysis centres
- drug treatment centres
- blood banks
- blood collection agencies
- hospices
- residential care facilities
- assisted living residences
- physicians’ offices
- naturopaths’ offices

This change seems reasonable.

Part 9, Confined Spaces

Section 9.11, Qualifications

Section 9.18, Isolation

Section 9.22, Alternate procedures

Section 9.11 adds the requirement that a person who is described as a “qualified person” for the purpose of writing a Confined Space Plan” must, in addition to academic qualifications, have experience with confined space entry. This is logical. The current regulation only requires that the person have academic training, which may not include actual experience.

Section 9.18 removes the artificial distinction between pressures within a pipe that exceed 15 psig and those that do not exceed psig. Both create a hazard. This is reasonable.

Section 9.22 provides for more flexibility in meeting the isolation measures that are required by 9.18. The flexibility that is proposed would change the words “not possible” to “not practicable”. The proposed change would also

replace “equivalent” with “acceptable.” Both changes in wording give some additional opportunity to meet the safety requirements in different ways.

These changes seem reasonable.

Part 13, Ladders, Scaffolds and Temporary Work Platforms

Section 13.23, Testing

Section 13.33, Fall protection

Section 13.23 is proposed for change to avoid the lack of clarity in the current regulation. The current regulation requires a “structural inspection” which has been interpreted in a wide range of meanings – including a full teardown to examine all critical components. This could cost \$5,000 for a small elevating platform up to \$100,000 for large platforms. The deletion of this sub-section does not diminish worker safety. The regulation still requires that the platform must be inspected “in accordance with good engineering practice at least every 12 months” and “certified as safe for use.”

Section 13.33 would change to confirm that workers on self-propelled elevating work platforms must wear a fall arrest system. It also qualifies this requirement by adding that a worker on a scissor lift or on an elevating work platform with similar characteristics to a scissor lift do not have to wear a fall arrest system, provided that the work takes place on a firm, level surface and that all manufacturer’s guardrails and chains are in place.

These changes seem reasonable.

Part 14, Cranes and Hoists

Section 14.34, Operator qualifications

Section 14.91, Hoisting ropes

Section 14.34 would provide for a requirement for documented proof of competency for operators of mobile cranes, tower cranes and boom trucks, this proof to be issued by an agency acceptable to the Board. The requirement would come into effect as of July 1, 2007. (There would be various levels of competency required for different kinds of equipment.)

PLEASE NOTE: The deadline of July 1, 2007 does not seem to provide enough time for the proof of competency program to be developed and in place for the operators of mobile cranes, tower cranes and boom trucks.

Section 14.91 is a technical change to recognize that the newer three layer non-rotating rope load lines are more durable than the previous two layer lines. Only two layer lines will have to be removed periodically to reduce wear and tear on pressure points.

These changes are reasonable. The Operator qualification provision will need to be monitored to ensure that it realistically reflects both practical needs and safety.

Part 18, Traffic Control

We strongly object to the change that is proposed within the new Draft Regulation on Traffic Control. The previous proposal, that we supported, established the new position of “qualified worker”, in addition to the “traffic control person.”

The previous proposal was an important addition that recognized two important principles: (1) There should be a recognition of two categories of traffic control situations --- high and low hazard; and (2) The employer should be provided with the flexibility of training the worker in the low hazard situation.

The former proposal recognized that there is a range of hazard levels while directing traffic. The current proposed regulation has the effect of forcing employers to take a WorkSafeBC approved course.

The current proposal does not clearly distinguish between low and high hazard situations and it no longer permits the employer to do the training. Instead, the employer must send the worker to a “WorkSafeBC approved” course.

The current proposal will result in WorkSafeBC being deluged with applications for course approvals. This is not a productive use of employer or WorkSafeBC staff time. The Regulation should be changed to allow the employer to train for low hazard traffic control – as the employer now does

for many other workplace situations, including fall protection, excavation work and confined space entry.

This section should not proceed as written. The lower level traffic control training requirements should be restored. The employer should be permitted to train as appropriate, without seeking WorkSafeBC approval for the course in advance.

Part 20, Construction, Excavation and Demolition

Sections 20.4 to 20.14, Safe Work Areas and Safe Access

This applies solely to construction sites and adds a provision for safe access for the delivery of materials.

Part 23, Oil and Gas

Section 23.14, Pumps

This applies solely to the oil and gas industry.

Part 24, Diving, Fishing and Other Marine Operations

Section 24.93, Requirements for sensors and alarms

This applies solely to diving, fishing and other marine operations.

Part 26, Forestry Operations

Section 26.11, Dangerous trees

This applies to forestry operations and would apply to tree-falling done by other industries. The proposed changes would limit work to be done in the area of a “dangerous tree”. A “dangerous tree” is defined by WorkSafeBC as “any tree that is hazardous to workers because of location or lean, physical damage, overhead hazards, deterioration of limbs, stem or root system, or a combination of these.” This definition remains unchanged.

What is proposed for change is to specify that no work, including silviculture, is to be done in the hazard area of dangerous trees when the wind speed exceeds 24 kph.

Thank you for the opportunity to comment.

Sincerely Yours

Grant McMillan
President

Cc Roberta Ellis, Vice President, Policy and Research Division

-----Original Message-----

From: Grant McMillan

Sent: Wednesday, May 31, 2006 9:54 AM

To: Ellis, Roberta

Cc: Burch, Anne

Subject: TCP Regulation

As stated in previous correspondence, COCA believes that the Draft regulation that would require a "Board approved course" is not workable. We would be prepared to work with WorkSafeBC to produce a one page hpow to document that would improve traffic safety in lower hazard situations. Regards, Grant