

Wednesday, May 17, 2006

WorkSafeBC
Prevention Policy & Regulation Review Department
Policy and Research Division
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Via E-mail: Regquery@worksafebc.com

Dear Sirs:

RE: PROPOSED AMENDMENT TO OH&S REGULATION

The ***DISTRICT OF WEST VANCOUVER*** 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

Section 4.3 (1) (b) (i) and Section 4.3 (4) (a) require tools, machines and pieces of equipment to be selected, used, operated and modified in accordance with the manufacturer's recommendations and instructions.

It is proposed that the reference to manufacturer recommendations be removed from both sections.

The DISTRICT OF WEST VANCOUVER supports this proposed amendment and are aware that this change will not affect the employer'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 DISTRICT OF WEST VANCOUVER 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 6, Substance Specific Requirements

Section 6.33 Definitions

Section 6.36 Controls

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. 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.

The DISTRICT OF WESTVANCOUVER supports the proposed changes.

Part 9: Confined Spaces

Section 9.11, Qualifications

Section 9.11 (2) is being proposed to be amended to ensure all persons completing a hazard assessment or drafting safe work procedures have experience in the recognition, evaluation and control of confined space hazards.

It 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 DISTRICT OF WESTVANCOUVER supports the proposed change to this Regulation.

Section 9.18, Isolation

Section 9.18 sets out the approved methods to isolate adjacent piping from a confined space prior to worker entry. Section 9.18 (2) and (3) provides an artificial distinction between piping with substances above 15 psig and piping with substances below 15 psig. It is proposed that this distinction be removed.

The DISTRICT OF WEST VANCOUVER responds as follows:

The distinction between piping with substances above 15 psig and piping below 15 psig was not artificially set. The distinction arises from the *Safety Standards Act*, Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation which defined “high pressure as exceeding 103 kPa gauge (equivalent to 15 psig).

The DISTRICT OF WEST VANCOUVER neither supports nor opposes this change: this Section is still problematic, particularly in the context of potable (treated) water.

Please consider these points:

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 continue to 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.

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: keep in mind that systems are designed and engineered. Currently public municipal water systems in North America are designed and constructed to American Waterworks Association (AWWA) standards which are reflected in the locally adopted BC Master Municipal Specifications for municipal infrastructure. These are the standards to which the DISTRICT OF WEST VANCOUVER adheres to. The standards incorporate the use of single valves for system isolation for the purposes of repairing or upgrading potable water systems when the integrity of the piping system is being compromised. The accepted procedure for worker protection from the hazard of engulfment is by shutting down the closest valves and, where possible, throttling down

the next valve in line while maintaining positive pressure. This limits the quantity of water that could enter a confined space. However, in many instances such as large meter chambers, it also still allows for the continuity of water service to a building through a bypass specifically designed and constructed for such a purpose within the chamber.

In respect to single (or multiple) valve failures – they just don't occur – and WorkSafeBC field officers understand the issue. This is a compliance problem, not a safety problem. Isolation requirements in potable water systems should reflect the use of single valve isolation, reducing pressure to minimum acceptable operational parameters.

The DISTRICT OF WEST VANCOUVER recommends that WorkSafeBC consider the enormous public health and safety risk they unknowingly create under the current regulation and proposed amendments to the regulation to protect against a highly improbable risk of a single valve catastrophically failing (a leak would allow time for a worker to exit safely).

We propose that under Section 9.18 (4) an exemption be made for public water systems or recognition of single valve systems that are designed to AWWA standards be acceptable to isolate confined spaces.

3. Section 9.18 of the regulation addresses the hazard of uncontrolled pressure in piping adjacent to a confined space. To be in compliance there must be no pressure in the pipe. Even where it may be possible to double block and bleed, as a matter of public policy and good operating practice, public water supply systems should, whenever practical, maintain a positive pressure. Failure to maintain a positive pressure puts the public water supply at great risk from contaminants entering the system through the groundwater or through back siphoning from unprotected services. It further disables fire control and suppression systems in adjacent buildings. If required to use the double block and bleed procedure at an intersection, there is the potential to impact hundreds of consumers and customers covering several city blocks in either direction. The potential for an enormous public health and safety risk must be balanced against the improbable risk of a valve failing placing a worker at risk in a water distribution chamber (confined space). To our knowledge there has not been such a documented incident.

In addition, where no work is being performed to the piping system and the integrity of the piping network remains uncompromised, there is no opportunity for a valve or piping failure and the requirement for lockout or isolation cannot be justified. Modified lockout and isolation requirements should only be required when the integrity of the piping system is being maintained (e.g. when cutting in a new valve or installing a meter). Maintenance work such as greasing the operating mechanism of a large valve located in a chamber should not be subject to the lockout and isolation regulations.

4. As for applications for alternate measures under 9.22, this is still an administrative burden and does not work in emergency situations (water main breaks). The process is well-understood for the most part; the provision of blanket alternate measures should be a consideration, and should be addressed in the Guidelines.

Section 9.22, Alternate procedures

Section 9.22 allows isolation measures other than those listed in section 9.18 to be used in specified circumstances. The proposed changes will confirm that alternative measures can be used when strict compliance with section 9.18 is not practicable and when alternative measures are acceptable to WorkSafeBC. This will provide flexibility without compromising worker protection, as all alternatives must be approved by WorkSafeBC prior to implementation.

The DISTRICT OF WEST VANCOUVER supports this proposed change.

Not possible is absolute, practicable considers what can be done in reasonable circumstances. Equivalent protection to a blank or blind may be difficult to achieve; however, acceptable measures may be found that provide the necessary protection to our workers.

Interestingly WorkSafeBC interchanges “alternate procedures” and “alternate measures” in this Regulation and attendant Guideline.

Part 13: Ladders, Scaffolds and Temporary Work Platforms

Section 13.23, Testing

The changes to this part focus on the previous requirement for a movable work platform to undergo a “structural inspection” after the first ten years of service, and every five years thereafter.

The DISTRICT OF WEST VANCOUVER supports this proposed change.

The changes to Part 13.23 move toward a more performance based model, which allows the DISTRICT OF WEST VANCOUVER, and any contracted engineering firms to perform annual inspections of mobile equipment, to determine what level of disassembly and inspection is necessary based on good engineering practice.

Section 13.33, Fall Protection

There are two changes to this Part: the first deals with the requirement for workers to wear fall arrest while using a scissor type lift; and, the second deals with the use of the anchors manufactured as integral parts of crane or hoist supported work platforms.

The first change is an addition, which allows a worker to work without fall arrest on a scissor type lift, provided that the unit is operated on a firm, level surface.

The DISTRICT OF WEST VANCOUVER supports this proposed change.

This will allow workers considerable freedom in performing their work without the obstruction of a harness and other equipment used in fall arrest systems.

The second change to this Part has been made to ensure that a worker who uses the manufactured anchor point on a work platform suspended from a crane or hoist does not fall more than 15 cm (6 in) if the platform becomes dislodged from the hook.

The DISTRICT OF WEST VANCOUVER supports this proposed change.

This change will affect DISTRICT OF WEST VANCOUVER personnel who are required to work from suspended work platforms, but significantly improves the safety of the worker in the event of a failure of the platform.

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.

Changes to Part 14, Section 14.34 (3) **are not supported** at this time, or 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.

The DISTRICT OF WEST VANCOUVER supports the intent of this change. However, there is concern around the detail (or lack thereof).

A certification process for crane operators is good. Not knowing what the process is causes concern. At this point, the DISTRICT OF WEST VANCOUVER 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 DISTRICT OF WEST VANCOUVER 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 DISTRICT OF WEST VANCOUVER 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 boom trucks is structured such that the boom truck operators are usually 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 DISTRICT OF WEST VANCOUVER **does not support the current proposed regulation with its process of “fast-tracking” training requirements leading to certification.**

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.

The **DISTRICT OF WEST VANCOUVER supports this proposed change.**

Part 18: Traffic Control

It is gratifying to note that concerns expressed by municipalities with respect to the lengthy and excessive training program, and the apparent requirement that TCP's are required for all traffic control, have been acknowledged through the proposed amended regulation.

The **DISTRICT OF WEST VANCOUVER supports these proposed changes.**



THE WATERFRONT COMMUNITY

**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 DISTRICT OF WEST VANCOUVER 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.

Thanks and regards,

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