



2006 June 01

Policy and Research Division
WorkSafeBC
PO Box 5350, Stn Terminal
Vancouver, BC V6B 5L5



Dear Sirs:

The GVRD Labour Relations Department represents 15 Lower Mainland municipalities and the GVRD itself on matters related to labour relations, workers' compensation and associated employment issues. We would like to thank you for the opportunity to comment on the proposed changes to the WorksafeBC Regulation Proposals.

We understand that there are 11 regulatory amendments under review for 2006 and would like to offer the following comments from our perspective:

Part 4, General Conditions

Section 4.3 – Safe machinery and equipment

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 is 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.

The change is 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 centres)
- hemodialysis centres
- drug treatment centres
- blood banks
- blood collection agencies
- hospices
- residential care facilities
- assisted living residences
- physicians' offices
- naturopaths' offices.

The change is 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 exceeds 15 psig and those that do not exceed 15 psig. Both create a hazard.

The change is reasonable although there are additional comments which do raise concerns (see attached).

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.

The changes are 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 an on 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.

The changes are 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 requirements would come into effect as of 2007 July 01. (There would be various levels of competency required for different kinds of equipment.)

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.

The Operator qualification provision needs to be monitored to ensure that it realistically reflects both practical needs and safety.

The changes are reasonable although there are additional comments which raise concerns (see attached).

Part 18, Traffic Control

Section 18.1, Traffic control manual

Section 18.3, Traffic control supervisor

Section 18.5, Traffic control persons, when required

Section 18.6, Selection and instruction

Sections 18.7 to 18.11, 18.13 to 18.15

Section 18.1 corrects a previous oversight. It specifies that traffic control issues be settled by using the WorkSafeBC Occupational Health & Safety Regulation where there is conflict with any other jurisdictional requirement.

Section 18.3 establishes the new position of "qualified worker" in addition to the "traffic control person". This is an important addition which recognizes that there is a range of hazard levels while directing traffic. **However, we believe the current draft Regulation still does not provide clarity and seems to require employers to put their workers who control traffic through a two-day course approved by WorkSafeBC. We have submitted our concerns on this item separately in a letter dated today to Ms. Anne Birch, Director of the Policy and Research Division.**

Section 18.5 is a significant improvement on the current regulation and we strongly support the changes. This section provides that:

18.5(1) Except as permitted by subsection (2), traffic control persons must be used to control traffic when traffic is required to pass a worker, equipment or other obstruction which may block all or part of the traveled roadway and any of the following conditions prevail:

- (a) workers or equipment are employed over the brow of a hill, around a sharp curve, or at any other location where sight distance is not adequate for oncoming traffic to have adequate warning of their presence;
- (b) it is necessary to institute a one-way traffic system where traffic volumes are heavy, approach speeds are high, and a traffic signal system is not used;
- (c) the work encroaches into an intersection so as to interfere with regular traffic movement;
- (d) traffic speed or volume is a significant risk to workers;
- (e) other traffic control devices are not available for emergency protection;
- (f) workers are not adequately protected by other traffic control devices.

18.5(2) The requirements for traffic control persons or qualified workers may be waived where:

- (a) adequate protection for workers is provided by other traffic control devices or procedures, or
- (b) circumstances allow self-regulating single lane traffic controlled by signs as specified in the *Traffic Control Manual*.

This provides for much greater flexibility and is a more reasonable approach to lower hazard traffic control.

Section 18.6 describes the criteria for selection and training and allows the employer to deliver this training.

Sections 18.7 to 18.11, 18.13 to 18.15 add the qualified worker, where appropriate, and clarify further when a qualified worker or a traffic control person is required.

These changes are reasonable.

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 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 and is not applicable to municipal work.

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 and is not applicable to municipal work.

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 inviting our comments.

Yours truly,



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MG/mas

cc: All Members of the Human Resources Advisory Committee

Additional Comments

Part 9, Confined Spaces, Section 9.18 – Isolation

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 and there are certain situations where isolation in strict compliance with section 9.18 is not possible or practicable.

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.



2006 May 24

Ms. Anne Birch
Director, Policy and Research Division
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RE: **Part 18, Traffic Control**

Dear Ms. Birch:

I am writing on behalf of the GVRD to express our concerns regarding the WorkSafeBC Draft Proposal for Change to the Traffic Control Regulation.

We recognize that this Regulation has been through two public Drafts. We supported the Draft that was produced in December 2005.

That Draft achieved two noteworthy objectives:

1. It recognized that there are lower hazard as well as high hazard situations in controlling traffic; and
2. It permitted the employer to directly train workers for the lower hazard situations.

The current Regulation does not provide clarity and seems to require Employers to put their workers who control traffic through a two-day course approved by WorkSafeBC.

Unfortunately, the second public Draft Regulation also fails to provide clarity and it requires the employer to put the worker who controls traffic through a WorkSafeBC approved course – as yet unspecified.

As an alternate, if the wording were changed to require training in a manner acceptable to the Board, with the understanding that the Employer would provide the training, that would be quite helpful.

Notably, the large majority of work done by municipalities is in lower hazard situations – in city streets where the speed limit is 60 kilometers per hour or slower and where the work is of short duration. It is fair to say that this kind of traffic control situation is present within municipalities more than any other industry sector – and that this situation takes place hundreds of times per week in British Columbia.

The situations may differ between locations – and the Employer is in the best position to ensure that training and equipment is appropriate to the traffic hazards.

We believe that the lower hazard traffic control situation should be managed the same way that other hazards are managed – by proper hazard identification, followed by appropriate training from the employer to eliminate or control that hazard.

We respectfully request that you redraft the Regulation to recognize:

1. lower hazard traffic control situations, and
2. permit appropriate training by the employer for these situations.

Thank you for considering our views.

Yours truly,



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cc: All members of the Human Resources Advisory Committee