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Greater Vancouver Regional District

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Greater Vancouver Regional District • Greater Vancouver Water District
Greater Vancouver Sewerage and Drainage District • Greater Vancouver Housing Corporation

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File No.: CR23-01

WorkSafeBC
Workers' Compensation Board of British Columbia
Prevention Policy & Regulation Review Department
Policy and Research Division
P.O. Box 5350 Station Terminal
Vancouver BC V6B 5L5

Sent by Fax: 604-279-7599

Re: **GVRD Response to Proposed Amendments**
Occupational Health and Safety Regulation

The Greater Vancouver Regional District is pleased to participate in the review and comment on the proposed amendments to the WorkSafeBC *Occupational Health and Safety Regulation*.

Our comments are described in the following pages. Please contact the undersigned if you have any questions or wish clarification on any of our submission.

Thank you for the opportunity to provide input to the Regulation review process. As a stakeholder in health and safety initiatives in British Columbia, the GVRD is aware of the importance of critical comment and review and welcomes the direction taken by WorkSafeBC.

Yours truly,

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Enclosures

GVRD Response
Proposed Amendments to the Occupational Health and Safety Regulation

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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 GVRD supports this proposed change and is aware that this change will not affect the GVRD'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 GVRD 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.

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Proposed Amendments to the Occupational Health and Safety Regulation**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.

The GVRD 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 GVRD responds as follows:

A moot point, but 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 GVRD 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.

Isolation of potable water lines in valve chambers is required if the water lines have valves or pumps in line, even though the integrity of that particular system is not being compromised. Our risk assessments continue to support our 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 our systems are designed and engineered. AWWA standards appear to accept the design and use of single valve isolation, reducing pressure behind the valve.

In respect to single (or multiple) valve failures – they just don't occur – and WorkSafeBC field officers understand the issue. We have 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.

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3. 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 GVRD supports this proposed change.

Equivalent protection to a blank or blind may be difficult or impossible to achieve; however, acceptable measures may be found that provide the necessary protection to our workers. The GVRD strongly suggests that the Guidelines clearly reflect that where isolation cannot be achieved using equivalent measures, alternate measures are acceptable if approved by WorkSafeBC. The test should not be "equivalent protection" but rather whether the alternate measures provide the necessary protection to the workers.

The GVRD strongly suggests that WorkSafeBC empowers their field Safety Officers to approve alternate measures on site so that work can proceed without undue delay. Current process, while improving, still takes too much time. This may be alright for planned work, but leaves the GVRD in a precarious position when dealing with emergency or urgent work.

A moot point, but WorkSafeBC interchanges "alternate procedures" and "alternate measures" in this Regulation and attendant Guideline. Preferred wording is "alternate measures".

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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 GVRD supports this proposed change.

The changes to Part 13.23 move toward a more performance based model, which allows the GVRD, 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 GVRD 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 GVRD supports this proposed change. This change will affect GVRD 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.

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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 GVRD 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 GVRD 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 GVRD 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 GVRD 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 and at off-site locations. This requirement would, for all intents and purposes, require a second operator on all boom trucks during the entire training period, which is unacceptable.

The BCACS has promised a more complete list of excluded equipment under the proposed Regulation, but at this point, no further information has been provided.

To reiterate, **the GVRD is in support of the intent of the Regulation but cannot support the proposed Regulation without more detail.**

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Section 14.91, Hoisting ropes

The proposal clarifies that the interval for shortening the 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 GVRD supports this proposed change which bears little or no impact on our workers.

Part 8: Personal Protective Clothing and Equipment**Section 8.24, High visibility apparel**

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 GVRD supports this proposed change. No further comment.

Part 18: Traffic Control

A new definitions section was added and responsibility for overall supervision of traffic control operations was more specifically set out. Each person assigned to be a TCP must still be "trained in a course acceptable to the Board".

The GVRD supports this proposed change.

Specifically, the GVRD supports the proposed 18.4 (c), and the need for flexibility for alternative courses to be recognized. Employers or industry associations should be encouraged to bring forward alternative courses for review by the WCB regardless of whether or not the Safety Network program meets their needs.

The GVRD is aware that training and instructing a TCP in a course acceptable to the WCB is only part of the overall training necessary for a TCP.

As well the GVRD specifically supports Section 18.6. Traffic control arrangements for a workplace should only use a traffic control person when the use of signs, devices and/or procedures is not sufficient to provide effective traffic control. TCP's should only be used where necessary. Wherever possible, employers should use traffic control procedures and devices as described in the *Traffic Control Manual*.

The definition of "traffic" speaks to an "other mobile thing". Perhaps wording like "mobile equipment" might be easier to understand. Can a "mobile thing" easily (if at all) be defined?

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Part 20: Construction, Excavation and Demolition
Section 20.4 Safe Access

It is proposed to include a specific requirement for the provision of suitable access to and on a construction site to permit the safe delivery of equipment and material to the place where they will be used.

The GVRD supports this proposed amendment. The GVRD recognizes the need for coordination among workplace parties, and safe delivery, interior access, and material handling practices.

Part 23: Oil and Gas
Section 23.14 Pumps

The GVRD makes no comment.

Part 24 Diving, Fishing and Other Marine Operations

The GVRD makes no comment.

Part 26: Forestry operations
Section 26.11 Dangerous trees

The term "hazard area" is currently used in various parts of the *Occupational Health and Safety Regulation* but is not a defined term. The proposed definition of "hazard area" under Part 1 will add clarity wherever the term "hazard area" is used.

The GVRD supports the addition of "hazard area" to the Part 1 definitions.

Sections 26.11 (6) (b) and 26.11 (7) (c) mandate that no work will be done within reach of a dangerous tree if wind speeds exceed 20km/h. These sections are proposed to be amended to refer to a wind speed of 40km/h. It is also proposed that 26.11 (6) (b) and 26.11 (7) (c) be made consistent with existing practices, that no work will be done within "the hazard area of a dangerous tree", instead of "within reach of the tree".

The GVRD supports these proposed changes.