

2011/10/12-02

**THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA****RESOLUTION OF THE BOARD OF DIRECTORS****RE: Amendments to requirements of the *Occupational Health and Safety Regulation (BC Regulation 296/97, as amended)*****WHEREAS:**

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("*Act*"), the Workers' Compensation Board ("WCB") may make regulations it considers necessary or advisable in relation to occupational health and safety and occupational environment;

**AND WHEREAS:**

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to the following Parts of the Occupational Health and Safety Regulation ("OHSR"), and has given notice of the proposed amendments, conducted consultations and held public hearings on the following proposed amendments in accordance with section 226(1) of the *Act*:

- Part 6, Substance Specific Requirements; and consequential amendments to Part 20, Construction, Excavation and Demolition, relating to updating asbestos requirements;
- Part 6, Substance Specific Requirements, relating to updating the reference to the *Pesticide Control Act*;
- Part 9, Confined Spaces, relating to clarifying that atmospheric testing must be conducted by a qualified person;
- Part 12, Tools, Machinery and Equipment, relating to safer driven-feed mobile chipper requirements;
- Part 14, Cranes and Hoists, relating to updating the reference to the *Elevating Devices Safety Act*;
- Part 15, Rigging, relating to wire rope splices;
- Part 16, Mobile Equipment, relating to a worker riding on a rear-mounted work platform on a vehicle for retrieving traffic cones;

- Part 20, Construction, Excavation and Demolition, relating to new requirement that concrete pumps and placing booms meet the requirements of *CSA Standard Z151-09*;
- Part 23, Oil and Gas, relating to updating the reference to the *Power Engineers and Boiler and Pressure Vessel Safety Act*;
- Part 28, Agriculture, relating to the requirement for rollover protective structures on agricultural tractors;
- Removal from the OHSR of the requirements for “prior approval” or “prior permission” before proceeding with certain types of work or using certain work arrangements. The sections identified for change by identifying specific requirements or referencing standards, or by partial repeal, are as follows:
  - Part 5, Chemical Agents and Biological Agents, relating to extended work periods,
  - Part 14, Cranes and Hoists, relating to chimney hoists,
  - Part 19, Electrical Safety, relating to high voltage,
  - Part 21, Blasting Operations, relating to mobile drill rigs; and
- Addition of more prescriptive requirements to sections containing the phrase “acceptable to the Board” before proceeding with certain types of work or using certain work arrangements. The proposals are in Part 6, Substance Specific Requirements, and relate to:
  - the removal of asbestos debris and acceptance from the Board,
  - monitors and alarms for equipment and machinery and acceptance from the Board.

**AND WHEREAS:**

Pursuant to section 228 of the *Act*, a review of the above Parts was undertaken by the WCB as part of the process of ongoing review of and consultation on its regulations to ensure they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment;

**AND WHEREAS:**

The Board of Directors, after due consideration of all presentations to the WCB, considers it necessary and advisable in accordance with the WCB’s mandate under the *Act* in relation to occupational health and safety and occupational environment, to amend Parts 5, 6, 9, 12, 14, 15, 16, 19, 20, 21, 23, and 28 of the OHSR;

**AND WHEREAS:**

The WCB must specify the date on which regulations come into force, which date must be at least 90 days after their deposit under the *Regulations Act*, as per section 227 of the *Act*;

**AND WHEREAS:**

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the BOD has evaluated the proposed regulatory amendments according to the established regulatory criteria.

**THE BOARD OF DIRECTORS RESOLVES THAT:**

1. The regulatory amendments to the OHSR, as set out in Appendices B to M, are approved;
2. The amendments in Appendices B to M come into force on February 1, 2012;
3. The regulatory amendments in Appendices B to M will be deposited with the Registrar of Regulations in such form as may be required by the Registrar;
4. The Regulatory Criteria Checklist in Appendix N is approved.

Dated at Richmond, British Columbia, on October 12, 2011.

**By the Workers' Compensation Board**

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**GEORGE MORFITT, FCA  
CHAIR, BOARD OF DIRECTORS**

## APPENDIX B

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

#### **1 Section 6.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended**

(a) **by striking out** “In sections 6.2 to 6.32:” **and substituting** “In this section and sections 6.2 to 6.32:”, **and**

(b) **by repealing the definitions of** “**asbestos-containing material**”, “**friable material**”, “**high risk work activity**”, “**low risk work activity**”, **and** “**moderate risk work activity**”, **and substituting the following:**

“**asbestos-containing material**” means the following:

- (a) a manufactured article or other material, other than vermiculite insulation, that would be determined to contain at least 0.5% asbestos if tested in accordance with one of the following methods:
  - (i) Asbestos, Chrysotile by XRD, Method 9000 (Issue 2, dated August 15, 1994) in the NIOSH Manual of Analytical Methods, published by the United States National Institute for Occupational Safety and Health, Centre for Disease Control;
  - (ii) Asbestos (bulk) by PLM, Method 9002 (Issue 2, dated August 15, 1994) in the NIOSH Manual of Analytical Methods, published by the United States National Institute for Occupational Safety and Health, Centre for Disease Control;
  - (iii) Test Method for the Determination of Asbestos in Bulk Building Materials (EPA/600/R-93/116, dated July 1993) published by the United States Environmental Protection Agency;
- (b) vermiculite insulation that would be determined to contain any asbestos if tested in accordance with the Research Method for Sampling and Analysis of Fibrous Amphibole in Vermiculite Attic Insulation (EPA/600/R-04/004, dated January 2004) published by the United States Environmental Protection Agency;

“**friable asbestos-containing material**” means asbestos-containing material that is crumbled or powdered or can be crumbled or powdered by hand pressure;

“**high risk work activity**” means a work activity that involves working with or in proximity to asbestos-containing material if a high level of control is necessary in respect of that activity to prevent exposure of a worker to airborne asbestos fibre;

“**low risk work activity**” means a work activity that involves working with or in proximity to asbestos-containing material if, at the time the work activity is being carried out, both of the following apply:

- (a) the asbestos-containing material is not being
  - (i) cut, sanded, drilled, broken, ground down or otherwise fragmented, or
  - (ii) disturbed such that the asbestos-containing material may release airborne asbestos fibre;
- (b) it is not necessary to use personal protective equipment or engineering controls in respect of that activity to prevent exposure of a worker to airborne asbestos fibre;

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**“moderate risk work activity”** means a work activity, other than a high risk work activity, that involves working with or in proximity to asbestos-containing material if, at the time the work activity is being carried out, one or both of the following apply:

- (a) the asbestos-containing material is being
  - (i) cut, sanded, drilled, broken, ground down or otherwise fragmented, or
  - (ii) disturbed such that the asbestos-containing material may release airborne asbestos fibre;
- (b) it is necessary to use personal protective equipment or engineering controls, or both, in respect of that activity to prevent exposure of a worker to airborne asbestos fibre;

**“qualified person”** means a person who

- (a) has knowledge of the management and control of asbestos hazards through education and training, and
- (b) has experience in the management and control of asbestos hazards.

### **2 Section 6.2 is repealed and the following substituted:**

#### **Application**

- 6.2** Sections 6.3 to 6.32 apply to a workplace where a worker is or may be exposed to potentially harmful levels of asbestos fibre, including a workplace where asbestos-containing material is present.

### **3 Section 6.4 is repealed and the following substituted:**

#### **Inventory**

- 6.4** (1) The employer must ensure that a qualified person
- (a) collects representative samples of the materials in the workplace that the qualified person suspects contain asbestos, and
  - (b) determines whether each of the samples is asbestos-containing material in accordance with,
    - (i) in the case of a sample that is not vermiculite insulation, one of the methods set out in paragraph (a) (i) to (iii) of the definition of “asbestos-containing material” in section 6.1, and
    - (ii) in the case of a sample that is vermiculite insulation, the method set out in paragraph (b) of the definition of “asbestos-containing material” in section 6.1.
- (2) If a qualified person suspects that an inaccessible material contains asbestos, the material must be treated as asbestos-containing material unless a qualified person determines, in accordance with subsection (1) (b), that it is not asbestos-containing material.
- (3) The employer must
- (a) ensure that a qualified person prepares an inventory of all asbestos-containing materials in the workplace,
  - (b) keep the inventory at the workplace, and
  - (c) keep the inventory current.

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**4 Section 6.6 is amended**

- (a) in subsection (1) by adding “referred to in section 6.4 (3)” after “inventory”,**
- (b) in subsection (2) by adding “by a qualified person” after “conducted” and by striking out “asbestos” and substituting “asbestos-containing material”,**
- (c) in subsection (3) by striking out “work involving asbestos takes place” and substituting “a work activity that involves working with or in proximity to asbestos-containing material begins” and by striking out “a low, moderate, or high risk activity.” and substituting “a low risk work activity, a moderate risk work activity or a high risk work activity.”, and**
- (d) by repealing subsection (4).**

**5 Section 6.7 is amended**

- (a) in subsection (1) by striking out “a friable asbestos-containing material in the workplace is controlled” and substituting “all friable asbestos-containing materials in the workplace are controlled”, and**
- (b) in subsection (2) by striking out “friable”.**

**6 Section 6.9 (4) is amended by striking out “asbestos-containing” in both places and substituting “asbestos”.**

**7 Section 6.10 (1) is amended by striking out “asbestos” and substituting “asbestos-containing material”.**

**8 Section 6.12 (3) and section 6.16 (4) and (5) are amended by striking out “high risk activity” and substituting “high risk work activity”.**

**9 Section 6.18 is amended by striking out “asbestos or asbestos-containing dust” and substituting “asbestos-containing material”.**

**10 Section 6.20 (1) is amended by striking out “exposed, friable” and substituting “exposed friable”.**

**11 Section 6.24 is amended by striking out “asbestos-containing friction material” and substituting “friction material that is asbestos-containing material”.**

**12 Section 6.32 (2) is amended by adding “asbestos” before “fibre”.**

**13 Section 20.1 is amended by adding the following definition:**

**“asbestos-containing material” has the same meaning as in section 6.1; .**

**14 Section 20.2 is amended**

- (a) in subsection (1) (c) (i) by striking out “friable asbestos building materials,” and substituting “friable asbestos-containing material, as that term is defined in section 6.1,”, and**
- (b) in subsection (1) (c) (ii) by striking out “insulating materials containing asbestos have” and substituting “asbestos-containing material has”.**

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**15 Section 20.112 (a) is repealed and the following substituted:**

- (a) ensure that a qualified person inspects the site to identify any asbestos-containing materials, lead or other heavy metal or toxic, flammable or explosive materials that may be handled, disturbed or removed, .

**16 Sections 1 to 15 of this Appendix come into force on February 1, 2012.**

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX C

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

**1 Section 6.77 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended**

**(a) by repealing subsection (1) (b) and substituting the following:**

(b) holds a valid pesticide applicator certificate issued under the *Integrated Pest Management Act.*, **and**

**(b) in subsection (3) by striking out “valid applicator certificate” and substituting “valid pesticide applicator certificate”.**

**2 Section 1 of this Appendix comes into force on February 1, 2012.**

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX D

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

- 1 Section 9.25 (1) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding “in accordance with this section and section 9.26” after “in the confined space is tested”.**
- 2 Section 9.26 (2) is repealed and the following substituted:**
  - (2) Each confined space test must be carried out by a qualified person who has training and experience to calibrate, operate and monitor testing equipment and interpret readings from the testing equipment.
- 3 Sections 1 and 2 of this Appendix come into force on February 1, 2012.**

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX E

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

#### **1 Section 12.70 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:**

##### **Driven-feed chippers**

**12.70** (1) A driven-feed chipper must have

- (a) a feed table that meets both of the following requirements:
    - (i) the feed table, including the drop-down extension, if any, must extend at least 150 cm (59 in) from the nip point of the feed rollers;
    - (ii) the total distance from the nip point of the feed rollers to the ground must be at least 210 cm (82 in), as measured along the centre line of the feed table to the lip of the feed table and then vertically from the lip of the feed table to the ground,
  - (b) side walls on the feed table, including any drop-down extension, and on the guard chute that are of sufficient height to prevent a worker who is standing on the ground from reaching the feed rollers, and
  - (c) a feed control bar that is
    - (i) located across the top and close to the feed end of the guard chute, and
    - (ii) designed so that a worker endangered by the feed rollers is able to stop or reverse the feed rollers both by
      - (A) pushing the feed control bar to its forward travel limit, and
      - (B) pulling the feed control bar to its rearward travel limit.
- (2) No part of a person's body may be on the feed table or in the guard chute unless
- (a) the feed rollers have stopped, and
  - (b) the motor of the driven-feed chipper is turned off and locked out.
- (3) Despite subsection (1), a driven-feed chipper that is in use in British Columbia before February 1, 2012 may continue to be used if
- (a) the driven-feed chipper meets the requirements of subsection (1) (a) and (b),
  - (b) the feed control bar meets the requirements of subsection (1) (c) (i), and
  - (c) the feed control bar is designed so that a worker endangered by the feed rollers is able to stop or reverse the feed rollers by at least one of the means set out in subsection (1) (c) (ii).

#### **2 Section 1 of this Appendix comes into force on February 1, 2012.**

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX F

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### ***THE BOARD OF DIRECTORS RESOLVES THAT:***

- 1 Section 14.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended in the definition of “miscellaneous material hoist” by striking out “governed by the Elevating Devices Safety Act;” and substituting “regulated under the Safety Standards Act;”.***
- 2 Section 1 of this Appendix comes into force on February 1, 2012.***

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX G

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### ***THE BOARD OF DIRECTORS RESOLVES THAT:***

***1 Section 15.23 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by repealing everything before Table 15-2 and substituting the following:***

#### **Wire rope splices**

- 15.23** (1) A turnback eye splice made using wire rope clips must use the number of clips
- (a) specified by the manufacturer for each turnback eye termination, or
  - (b) if not specified by the manufacturer, specified in Table 15-2.
- (2) A lap splice made using wire rope clips must use double the number of clips
- (a) specified by the manufacturer for a turnback eye termination, or
  - (b) if not specified by the manufacturer, specified in Table 15-2.

***2 Section 1 of this Appendix comes into force on February 1, 2012.***

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX H

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

#### **1 Section 16.31 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended**

##### **(a) by adding the following subsection:**

(0.1) In this section:

**“barricade”** means a barricade referred to as a class 1A, class 1, class 2 or class 3 barricade in chapter 2 of the traffic control manual;

**“buffer vehicle”** means a vehicle referred to as a buffer vehicle in the section entitled “Buffer Vehicles” in chapter 2 of the traffic control manual;

**“flashing arrow board”** means a traffic sign referred to as a flashing arrow board in the section entitled “Flashing Arrow Boards (FABs)” in chapter 2 of the traffic control manual;

**“flexible drum”** means a traffic control device referred to as a flexible drum in the section entitled “Flexible Drums” in chapter 2 of the traffic control manual;

**“multilane roadway”** means a roadway that has 2 or more lanes in which traffic flows in the same direction, including climbing and passing lanes, whether or not there are also lanes in which traffic flows in the opposite direction;

**“ROPS”** means a rollover protective structure that meets the requirements of sections 16.23, 16.24, 16.25 and 16.26;

**“traffic cone”** means a traffic cone or tubular marker referred to in the section entitled “Traffic Cones and Tubular Markers” in chapter 2 of the traffic control manual;

**“traffic control manual”** means the *Traffic Control Manual for Work on Roadways* (revised and consolidated, 1999), published by the government. ,

**(b) in subsection (1) by striking out “or when permitted by subsections (2) to (4).” and substituting “or as contemplated by subsection (2), subsections (3.1) and (3.2) or subsection (4).”, and**

**(c) by adding the following subsections:**

(3.1) A worker who is occupying a rear mounted platform on non-ROPS equipped mobile equipment as part of a method of retrieving traffic cones from a closed lane of a multilane roadway is not prohibited under subsection (3) of this section or under section 18.3 from occupying the platform when the mobile equipment is backing up if all of the following conditions are met:

(a) the mobile equipment is backing up in the closed lane;

(b) the employer has

(i) identified the hazards to the workers at the workplace, and

(ii) taken measures

(A) to eliminate the hazards, or

(B) if it is not practicable to eliminate an identified hazard, to minimize the risk to workers from the hazard to the lowest level practicable;

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- (c) a written safe work procedure that
    - (i) relates to that method of retrieving traffic cones, and
    - (ii) includes a description of the measures referred to in paragraph (b) has been established by the employer and is being followed;
  - (d) the mobile equipment is not exceeding a speed of 15 km per hour;
  - (e) the mobile equipment has the following operating devices:
    - (i) two or more 360 degree flashing yellow lights;
    - (ii) a flashing arrow board pointing toward the open lane adjacent to the closed lane;
  - (f) the mobile equipment has an audio warning device that
    - (i) makes a distinct sound that is audible, above the ambient noise level in the workplace, to both the driver of the mobile equipment and the worker, and
    - (ii) operates automatically and at all times while the mobile equipment is backing up;
  - (g) there is an effective 2-way voice communication system between the driver of the mobile equipment and the worker while the worker is on the platform;
  - (h) one of the following requirements is met:
    - (i) behind the rear of the mobile equipment, barricades are placed across the closed lane or flexible drums are placed in the centre of the closed lane, in accordance with the following:
      - (A) the barricade or flexible drum closest to the mobile equipment is at all times located not more than 250 m from the rear of the mobile equipment;
      - (B) the barricades or flexible drums are located along the length and to the end of the closed lane at intervals of not greater than 250 m;
    - (ii) directly behind and at a safe distance from the rear of the mobile equipment, in the closed lane, there is a buffer vehicle that meets the following requirements:
      - (A) the buffer vehicle is at all times located not more than 100 m from the rear of the mobile equipment;
      - (B) the buffer vehicle has two or more 360 degree flashing yellow lights and the lights are operating;
      - (C) the buffer vehicle has a flashing arrow board pointing toward the open lane adjacent to the closed lane and the flashing arrow board is operating;
      - (D) there is an effective 3-way voice communication system among the driver of the buffer vehicle, the driver of the mobile equipment and the worker while the worker is on the platform;
  - (i) the worker is riding on safe facilities that meet the requirements of subsection (2) (b);
  - (j) the maximum load capacity established for the platform by the manufacturer or by the professional engineer who designed the platform is clearly marked on the platform and is not being exceeded.
- (3.2) Unless otherwise provided in subsection (3.1), the equipment, arrangements and procedures referred to in that subsection must meet all applicable requirements in respect of equipment, arrangements and procedures that are set out for traffic control under Part 18.

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*2 Section 1 of this Appendix comes into force on February 1, 2012.*

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

**THE BOARD OF DIRECTORS RESOLVES THAT:**

**1 The following sections are added after the heading “Concrete Pumping”:**

**Definition**

**20.26.1** In sections 20.26.2 to 20.54, “**mast**” means a mounting or support structure, other than a truck or trailer, for a concrete placing boom.

**Application of regulation**

**20.26.2** Sections 20.31, 20.32, 20.37, 20.38, 20.40 (3), 20.43 (4) and 20.45 do not apply in relation to concrete pumps or placing booms manufactured on or after August 1, 2012.

**Standards**

**20.26.3**(1) The operation, inspection, testing and maintenance of a concrete pump or placing boom manufactured before August 1, 2012 must meet the requirements of CSA Standard Z151-09, Concrete pumps and placing booms, as set out in clauses 1.1 to 3 [*Definitions*], 4.1.9.2.3, 4.1.18.2, 4.1.19.1, 4.2.1.1, 4.2.2, 5.1.1 to 5.3.4, 5.3.7 to 6.3.4 and 6.5.1 to 6.7.3, including any table, figure or annex referred to in those clauses.

(2) The design, manufacture, installation, operation, inspection, testing and maintenance of a concrete pump or placing boom manufactured on or after August 1, 2012 must meet the requirements of CSA Standard Z151-09, Concrete pumps and placing booms, as set out in clauses 1.1 to 3 [*definitions*], 4.1.1.2 to 5.3.4, 5.3.7 to 6.3.4 and 6.5.1 to 6.7.3, including any table, figure or annex referred to in those clauses.

**2 Section 20.27 is amended**

(a) *in subsection (1) by striking out “A concrete pump, placing boom and mast” and substituting “A mast”,*

(b) *by repealing subsection (1) (d) and adding the following paragraph:*

(e) the allowable load. , *and*

(c) *by repealing subsection (2).*

**3 Section 20.28 is repealed and the following substituted:**

**Manufacturer’s, supplier’s or integrator’s manual**

**20.28** (1) The manufacturer’s, supplier’s or integrator’s manual for a concrete pump or placing boom, comprised of the documentation listed in clause 4.1.18.1 of CSA Standard Z151-09, Concrete pumps and placing booms, must be readily accessible to the operator and to maintenance personnel.

(2) The manufacturer’s

(a) operation and maintenance manual for a mast must be readily accessible to the operator and to maintenance personnel, and

(b) instructions for erection and use of a mast must be readily accessible to the installer, the operator and to maintenance personnel.

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**4** *Section 20.29 is amended by striking out “Part 4 (General Conditions)” and substituting “Part 4 (General Conditions) of this regulation” and by striking out “concrete placing boom” and substituting “concrete pump, placing boom”.*

**5** *Section 20.30 is amended*

*(a) in subsection (1) by striking out “concrete placing boom or mast” and substituting “concrete pump, placing boom and mast”, and*

*(b) in subsections (2) and (3) by striking out “concrete placing boom or mast” and substituting “concrete pump, placing boom or mast”.*

**6** *The following section is added:*

### **Design and construction**

**20.30.1** A concrete placing boom, mast and other structural supports must be designed and constructed so that, when this equipment is operated in accordance with the manufacturer’s intended use, stresses to the load bearing components do not exceed the components’ structural limits and the equipment is capable of carrying out its design function with an adequate margin of safety.

**7** *Section 20.31 is repealed and the following substituted:*

### **Controls**

**20.31** Controls for a concrete pump, placing boom or mast must have their function clearly identified, and be located and maintained to allow safe operation of the concrete pump, placing boom and mast.

**8** *Section 20.32 (2) is amended by striking out “on a placing boom or mast” and substituting “on a concrete pump, placing boom or mast”.*

**9** *Section 20.36 is repealed.*

**10** *Sections 20.40 (1), (2) and (3) and 20.42 (2) are amended by striking out “or mast”.*

**11** *Section 20.41 (3) is repealed.*

**12** *Section 20.47 is renumbered section 20.47 (1) and is amended*

*(a) in subsection (1) by striking out “A concrete placing boom and mast” and substituting “A mast”, and*

*(b) by adding the following subsection:*

*(2) Despite section 20.26 of this regulation,*

*(a) a reference to a “qualified person” in clauses 5.2.2.2.1 to 5.2.2.2.3 of CSA Standard Z151-09, Concrete pumps and placing booms, must be read as a reference to a person who is a professional engineer, and*

*(b) a reference to a “person qualified to the requirements of CSA W178.2” or to a “representative authorized by the manufacturer” in clause 5.2.2.2.2 of CSA Standard Z151-09, Concrete pumps and placing booms, must be read as a reference to a person who is a professional engineer.*

## APPENDIX I

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### ***13 Section 20.48 is repealed and the following substituted:***

#### **Repair and modification**

- 20.48** (1) Replacement parts used for repair of a concrete pump, placing boom or mast must meet or exceed the original manufacturer's specifications or be certified by a professional engineer.
- (2) If a repair is made to a load bearing component of a concrete pump, placing boom or mast,
- (a) the repaired component must meet or exceed the original manufacturer's specifications, or
  - (b) the repair must be certified by a professional engineer, before the concrete pump, placing boom or mast may be operated.
- (3) If a modification affecting the safe operation of a concrete pump, placing boom or mast is made to
- (a) the structure,
  - (b) one or more mechanical components, or
  - (c) the control system
- of the concrete pump, placing boom or mast, the concrete pump, placing boom or mast must be certified as safe for use by a professional engineer, the manufacturer or the manufacturer's authorized agent before it may be operated.

### ***14 The following section is added:***

#### **Installation of mast**

- 20.48.1** The design and installation of a mast must be
- (a) in accordance with the manufacturer's specifications, or
  - (b) in the absence of manufacturer's specifications, certified by a professional engineer that the mast will safely support an allowable load.

### ***15 Sections 20.50 to 20.52 are repealed.***

### ***16 Sections 1 to 15 come into force on February 1, 2012.***

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX J

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### ***THE BOARD OF DIRECTORS RESOLVES THAT:***

***1 Section 23.15 (1) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:***

- (1) A pressure vessel must have a pressure relief device set to relieve at a pressure not exceeding 103 kPa (15 psi) if
  - (a) the design of the pressure vessel is not registered under the Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation, B.C. Reg. 104/2004,
  - (b) the pressure vessel is connected to a production facility or compressor station, and
  - (c) the pressure vessel is not directly open to the atmosphere.

***2 Section 1 of this Appendix comes into force on February 1, 2012.***

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX K

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

**1 Section 28.41 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:**

#### **Rollover protective structures for agricultural tractors**

**28.41** (1) In this section:

**“risk assessment”** means an assessment of the risk that an agricultural tractor will roll over while it is being operated, based on the relevant circumstances of the proposed operation including the following:

- (a) the stability of the agricultural tractor, taking into account such factors as the configuration of the agricultural tractor and any attachments mounted on or pulled by the agricultural tractor during operation;
- (b) the ground conditions where the agricultural tractor will be operated, including the presence of ditches, drop-offs and ground irregularities such as holes, soft spots or mounds;
- (c) the grades on which the agricultural tractor will be operated;
- (d) the nature of the activities to be performed with the agricultural tractor;
- (e) the applicable safe work procedures established by the employer;
- (f) the training and experience of the operator;
- (g) the presence or absence of direct supervision of the operator by a qualified person;

**“ROPS”** means a rollover protective structure that meets the requirements of sections 16.23, 16.24, 16.25 and 16.26.

- (2) Section 16.22 does not apply to an agricultural tractor if it is being driven or used as part of agricultural operations on farm land.
- (3) Subject to subsection (4), a worker must not drive or use an agricultural tractor as part of agricultural operations on farm land unless the agricultural tractor has a ROPS.
- (4) A worker may drive or use an agricultural tractor without a ROPS as part of agricultural operations on farm land if a qualified person has carried out a risk assessment and has determined that, in the circumstances, the agricultural tractor can be operated safely and with a low risk of a rollover, and any of the following apply:
  - (a) the agricultural tractor was manufactured on or before January 1, 1985;
  - (b) the agricultural tractor
    - (i) is a low profile tractor that is used in agricultural operations on farm land in places that have low overhead clearance, such as orchards, hop yards, farm buildings or greenhouses, where overhead clearance is not adequate to allow an agricultural tractor with a ROPS to operate, and
    - (ii) is being driven or used as part of those agricultural operations;
  - (c) the agricultural tractor is fitted with implements that are incompatible with a ROPS.
- (5) The employer must permanently affix, on an agricultural tractor without a ROPS that is driven or used as part of agricultural operations on farm land, a notice that is legible and visible to a person in the operator’s position, stating that the agricultural tractor
  - (a) does not have a rollover protective structure, and

## APPENDIX K

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(b) may be driven and used only in areas and for activities authorized by the employer.

**2 Section 1 of this Appendix comes into force on February 1, 2012.**

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX L

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

- 1 *Section 5.50 (2) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed.*
- 2 *Section 14.2 (9) is amended by striking out “WorkSafeBC Standard 14.116 Chimney Hoists.” and substituting “WorkSafeBC Standard 14.116 – Chimney Hoists, set out in Schedule 14-A.”*
- 3 *Section 14.116 is amended by striking out “WorkSafeBC Standard 14.116 Chimney Hoists may, with the prior permission of the Board,” and substituting “WorkSafeBC Standard 14.116 – Chimney Hoists, set out in Schedule 14-A, may”.*
- 4 *Section 14.117 (1) (b) (iii) is amended by striking out “WorkSafeBC Standard 14.116 Chimney Hoists,” and substituting “WorkSafeBC Standard 14.116 – Chimney Hoists, set out in Schedule 14-A,”.*
- 5 *Section 14.119 is repealed and the following substituted:*

#### **Load rating**

**14.119** The rated capacity of the hoist of a chimney hoist must be conspicuously marked on the hoist and must not be exceeded.

- 6 *Part 14 is amended by adding the attached Schedule 14-A.*
- 7 *Section 19.26 (1) is amended by striking out “approval is obtained from the Board and”.*
- 8 *Section 21.25 (b) (v) is amended by striking out “, unless the prior permission of the Board has been obtained”.*

### **SCHEDULE 14-A**

*(sections 14.2 (9), 14.116 and 14.117)*

### **WORKSAFEBC STANDARD 14.116 – CHIMNEY HOISTS**

#### **Scope**

- 1 This standard sets out the minimum requirements that are in addition to those set out in sections 14.116 to 14.119 of this Regulation for the design and use of a chimney hoist to transport personnel to a fixed work platform on a chimney or similar structure.

#### **Definitions and interpretation**

- 2 (1) In this standard:
  - “**cage**” means the fully enclosed platform of a chimney hoist, which platform is used to raise or lower one or more persons to a fixed work platform on a chimney or similar structure;
  - “**hoist**”, in respect of a chimney hoist, means the apparatus that is used to raise or lower the cage;
  - “**rated capacity**”, in respect of a cage or a hoist, means the maximum weight the cage or hoist is rated by its manufacturer to carry.
- (2) The definitions set out in ANSI/ASSE Standard A10.22-2007, *Safety Requirements for Rope-Guided and Non-Guided Workers’ Hoists*, apply in this standard.

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### General requirements

- 3 (1) A chimney hoist must
  - (a) be designed, constructed, erected, disassembled, inspected, maintained and operated as specified by the manufacturer or a professional engineer, and
  - (b) meet the requirements of ANSI/ASSE Standard A10.22-2007, *Safety Requirements for Rope-Guided and Non-Guided Workers' Hoists*, except as otherwise specified in this standard.
- (2) A chimney hoist must have a cage.

### Certification after alteration

- 4 (1) Following any alteration to a chimney hoist, other than ordinary adjustments or repairs,
  - (a) the chimney hoist must be tested by a professional engineer and certified as required under section 14.117 of this Regulation, and
  - (b) the design documents and operating instructions must be updated by the professional engineer as necessary to ensure the documentation is complete and allows for safe use of the chimney hoist.
- (2) A copy of the certification required under subsection (1) must be available at the workplace where the chimney hoist is installed.

### Emergency stopping devices

- 5 A chimney hoist must be outfitted with emergency stopping devices on at least two separate guide wire ropes that will apply automatically to prevent the cage from falling if a wire rope fails.

### Safety factors

- 6 Suspension and guide wire ropes, supporting structures, slings and metal fittings used on a chimney hoist must have a safety factor of 10.

### Drive restrictions

- 7 A hoist must have a positive drive and there must not be a clutch between the transmission and the hoist drum.

### Brakes

- 8 A hoist must have two independent braking systems: one that applies automatically when the controls are in the neutral position, and one that applies automatically in the event of loss of power.

### Terminal stopping devices

- 9 A chimney hoist must have upper and lower terminal stopping devices that automatically stop the cage from normal travel speed, within the top and bottom travel limits.

### Speed governor

- 10 A hoist must have a governing device that will effectively prevent the drum speed from exceeding 110% of the design speed.

### Equipment condition

- 11 The hoist, wire ropes and cage of a chimney hoist must be in good working order with all components, controls and functions meeting, and operating in accordance with, the

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manufacturer's specifications, the professional engineer's design specifications and this Regulation.

### **Cage markings**

- 12** The cage must be legibly marked to show
- (a) the name of the manufacturer or certifying professional engineer,
  - (b) a unique identification number or code that links to the design and certification documentation for the chimney hoist from the certifying professional engineer,
  - (c) the weight of the cage, and
  - (d) the rated capacity of the cage.

### **Load restrictions**

- 13** (1) The rated capacity of the cage must not be exceeded.
- (2) A chimney hoist must not use a hoist with a rated capacity that is less than the rated capacity of its cage.

### **Cage layout and guarding**

- 14** The cage must be constructed so that
- (a) it does not cause a hazard to the occupants, and
  - (b) the occupants cannot reach any hazard created by movement of the cage or the hoisting mechanism.

### **Fall protection at landings**

- 15** A landing that is 3 m (10 ft) or more above grade must have gates, hinged guardrails, hinged covers or other effective guarding that protects persons who are at or near the landing from the hazard of falling off of or through the landing platform when the cage is not at that landing.

### **Guarding at the lower landing**

- 16** The lower landing for a chimney hoist must be guarded by perimeter guards or guardrails and a gate.

### **Instructions for use and maintenance**

- 17** The instructions from the professional engineer who designed the chimney hoist and from the manufacturers of its component parts, relating to safe use and maintenance of the chimney hoist, must be available in the workplace.

### **Chimney hoist must be in good condition**

- 18** The chimney hoist, including its cage, must be in good condition at the beginning of each shift and during use.

### **Operator training and authorization**

- 19** (1) A chimney hoist operator must not operate a chimney hoist unless authorized by the employer.
- (2) A chimney hoist operator must not be authorized under subsection (1) unless the operator has demonstrated
- (a) competency in the operation of the chimney hoist, and

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- (b) familiarity with the operating instructions required under section 17 and the communication systems required under sections 22 and 23.

### Daily testing

- 20 Before the first use on each work shift, the cage of the chimney hoist must be raised to its maximum operating height and lowered back to the ground or base to ensure that
  - (a) all functions are operating correctly,
  - (b) all limit devices are functioning properly, and
  - (c) there is adequate clearance between the cage and any surrounding object such as a structure, overhead obstruction, storage rack, or scaffold, and any hazard such as energized electrical wires and equipment.

### Attending the controls

- 21 The operator of a chimney hoist must not leave the hoist controls unattended or engage in any other tasks unless the cage is at the lowest landing level, which is usually at ground or grade level, and no persons are in the cage.

### Communication with the operator

- 22
  - (1) There must be effective voice communication, using single channel two-way radios, among the chimney hoist operator, occupants of the cage and people at each hoist landing.
  - (2) If there is more than one occupant in a cage, one person in the cage must be designated to be the primary person to signal the chimney hoist operator regarding cage movement requests.

### Backup communication plan

- 23
  - (1) An effective signalling system must be developed and implemented as an alternative in the event the primary voice communication system becomes ineffective while the chimney hoist is in use.
  - (2) If the voice communication system becomes ineffective while the chimney hoist is in use, the signalling system required under subsection (1) must be used to bring the cage down to the lowest landing and the hoist must not be used until the voice communication system is effectively restored.

### Persons or materials

- 24 Materials, equipment or supplies must not be raised or lowered by the chimney hoist with a person in the cage.

### Getting in or out of the cage

- 25 The cage must be at a designated landing before a person gets into or out of the cage.

### Hoisting speed

- 26 A cage must not be raised or lowered at a speed greater than 76 m/min (250 fpm).

### Position of gates

- 27 All the gates of a chimney hoist must be kept closed, except at a landing designated for loading and unloading the cage.

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### Emergency evacuation

- 28** (1) Before a chimney hoist is used, a plan must be developed for the evacuation of personnel from the cage in the event of loss of power or equipment malfunction.
- (2) While a chimney hoist is in use, personnel and equipment must be immediately available to implement the plan required under subsection (1).

**9** *Sections 1 to 8 of this Appendix come into force on February 1, 2012.*

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## APPENDIX M

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### **THE BOARD OF DIRECTORS RESOLVES THAT:**

**1 Section 6.27 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:**

#### **Waste removal**

- 6.27**
- (1) Before any work involving asbestos takes place, the employer must ensure that procedures for the safe removal of asbestos dust and debris from the work area are set out in writing by a qualified person.
  - (2) The written procedures must
    - (a) comply with the requirements set out in section 6.8,
    - (b) provide for removal of asbestos dust and debris from the work area
      - (i) while work is in progress, at intervals necessary to eliminate or minimize the risk of exposure,
      - (ii) at the end of each work shift, and
      - (iii) at the completion of work involving asbestos, and
    - (c) consider the nature of the asbestos dust and debris to be removed and provide specific direction regarding which of the following removal methods, or combination of the following removal methods, is most appropriate for safe removal of that asbestos dust and debris in relation to each of the times set out in paragraph (b) (i), (ii) and (iii):
      - (i) using a vacuum cleaner, or similar device, that is equipped with a HEPA-filtered exhaust;
      - (ii) wiping surfaces with a damp cloth or sponge to remove residual amounts of asbestos dust and debris;
      - (iii) wet sweeping or wet mopping to remove larger amounts of asbestos dust and debris;
      - (iv) using a shovel or similar device to place larger amounts of dampened asbestos debris into the sealed container required by section 6.25;
      - (v) using another method that is acceptable to the Board.
  - (3) The employer must ensure that
    - (a) every worker who is engaged in asbestos dust and debris removal at the work area is adequately instructed and trained in the written procedures of the qualified person under this section, and
    - (b) the written procedures of the qualified person are followed.
- 2 Section 6.128 (3) is amended by striking out “using procedures acceptable to the Board.” and substituting “using procedures set out in section 4.3 (2) or other procedures acceptable to the Board.”**

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**3** *Sections 1 to 2 of this Appendix come into force on February 1, 2012.*

Dated at Richmond, British Columbia, October 12, 2011.

By the Workers Compensation Board

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George Morfitt, FCA  
Chair, Board of Directors

## Regulatory Criteria Checklist INCLUDING SMALL BUSINESS LENS

*The purpose of the checklist is to demonstrate that legislative and regulatory changes have been developed according to the regulatory reform policy, while still protecting public health, safety and the environment.*

*Name of authorizing legislation: Workers Compensation Act*

*Name of regulation, if applicable: Occupational Health and Safety Regulation (“OHSR”)*

*Purpose: Amendments to the OHSR to maintain or enhance worker health and safety*

**If the answer is “NO” to any of the below criteria, please attach an explanation.**

Regulatory Criteria	Criteria Generally Met
<p><b>1. Reverse Onus: Need is Justified</b></p> <ul style="list-style-type: none"> <li>- Has the public policy been defined?</li> <li>- Has the scope of the public policy problem been assessed?</li> <li>- Is government intervention necessary to address the problem?</li> <li>- Can a flexible policy be designed to fit different circumstances?</li> <li>- Is there a way compliance can be voluntary? <b>No</b></li> </ul>	<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<p><b>2. Cost-Benefit Analysis</b></p> <ul style="list-style-type: none"> <li>- Is the benefit to government or external partners worth the increased cost to business and those who must comply?</li> <li>- If a formal cost-benefit analysis is not required, have the impacts of the requirements been analyzed?</li> </ul>	<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<p><b>3. Competitive Analysis</b></p> <ul style="list-style-type: none"> <li>- Has the impact of the requirements on British Columbia’s economic competitiveness been assessed? <b>No</b></li> <li>- Have the requirements been compared with other relevant jurisdictions? <b>For some, as required.</b></li> <li>- Have the regulatory requirements been analyzed for compliance with British Columbia’s obligations under the Trade, Investment, and Labour Mobility Agreement?</li> </ul>	<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<p><b>4. Streamlined Design</b></p> <ul style="list-style-type: none"> <li>- Do the requirements avoid or eliminate duplication or overlap with federal or local government requirements, or those of other ministries?</li> <li>- Can they be streamlined, harmonized with or incorporated into existing legislation/regulation/policy?</li> <li>- Has business process mapping been undertaken to streamline the requirements and lessen the time needed to comply? <b>No</b></li> </ul>	<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>

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- 5. Replacement Principle**  YES  NO
- Will one regulatory requirement be eliminated for each new regulatory requirement introduced by the legislation or regulation?
- 6. Results-Based Design**  YES  NO
- Does the design reflect government's commitment to regulatory requirements that are results-based and use scientific evidence?
  - Have market incentives been considered to achieve compliance and regulatory objectives? **N/A**
- 7. Transparent Development**  YES  NO
- Are the requirements transparent for ease of access, understanding and compliance?
  - Have interested parties had an opportunity to present their views during the development of the requirements?
  - Have interested parties had the opportunity to see and comment on the proposed requirements?
- 8. Time and Cost of Compliance**  YES  NO
- Has the amount of time needed to comply been reduced? **For some.**
  - Can compliance occur with existing resources (e.g. no additional staff, accountant, lawyer, is required)?
  - No additional paperwork is required (costing time and money). If additional paperwork results, can this be incorporated into or streamlined with existing paperwork?
  - Can compliance occur without specialized training? If training is needed, is it equally accessible to the rural areas of the province and for persons who do not have access to high speed (broad band) Internet?
  - Have government service standards been set (e.g. response or turnaround time)? **N/A**
  - Have steps been considered to ensure that those who administer the requirements will respond in a timely way to those who are affected by the requirements? **N/A**
- 9. Plain Language**  YES  NO
- Have the requirements been drafted in a way that is easy to understand and facilitates compliance?
- 10. Simple Communications**  YES  NO
- Will this change be communicated?
  - Can it be described in less than one page?
  - Can it be added to existing small business information sources such as the Small Business BC website?
- 11. Sunset Review/Expiry Principle**  YES  NO
- Has a date been set to review the requirements to ensure continued relevancy, or does the legislation or regulation contain a sunset provision for requirements to expire?

<b>Number of Regulatory Requirements to be added:</b>	<b>59</b>
<b>Number of Regulatory Requirements to be eliminated:</b>	<b>26</b>
<b>NET CHANGE:</b>	<b>33</b>

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<b>Part 6, Substance Specific Requirements; and consequential amendments to Part 20, Construction, Excavation and Demolition – relating to updating asbestos requirements</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>7</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>2</b>
	<b>NET CHANGE:</b>	<b>5</b>
<b>Part 6, Substance Specific Requirements – relating to updating the reference to the <i>Pesticide Control Act</i></b>	<b>Number of Regulatory Requirements to be added:</b>	<b>0</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>0</b>
<b>Part 9, Confined Spaces – relating to clarifying that atmospheric testing must be conducted by a qualified person</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>0</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>0</b>
<b>Part 12, Tools, Machinery and Equipment – relating to safer driven-feed mobile chipper requirements</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>7</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>7</b>
<b>Part 14, Cranes and Hoists – relating to updating the reference to the <i>Elevating Devices Safety Act</i></b>	<b>Number of Regulatory Requirements to be added:</b>	<b>0</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>0</b>
<b>Part 15, Rigging – relating to wire rope splices</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>2</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>2</b>
	<b>NET CHANGE:</b>	<b>0</b>
<b>Part 16, Mobile Equipment – relating to a worker riding on a rear-mounted work platform on a vehicle for retrieving traffic cones</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>10</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>10</b>

## APPENDIX N

<p><b>Part 20, Construction, Excavation and Demolition – relating to new requirement that concrete pumps and placing booms meet the requirements of CSA Standard Z151-09</b></p>	<p><b>Number of Regulatory Requirements to be added: 24</b>  <b>Number of Regulatory Requirements to be eliminated: 18</b>  <b>NET CHANGE: 6</b></p>
<p><b>Part 23, Oil and Gas – relating to updating the reference to the <i>Power Engineers and Boiler and Pressure Vessel Safety Act</i></b></p>	<p><b>Number of Regulatory Requirements to be added: 0</b>  <b>Number of Regulatory Requirements to be eliminated: 0</b>  <b>NET CHANGE: 0</b></p>
<p><b>Part 28, Agriculture – relating to the requirement for rollover protective structures on agricultural tractors</b></p>	<p><b>Number of Regulatory Requirements to be added: 4</b>  <b>Number of Regulatory Requirements to be eliminated: 1</b>  <b>NET CHANGE: 3</b></p>
<p><b>Removal from the OHSR of the requirements for “prior approval” or “prior permission” before proceeding with certain types of work or using certain work arrangements. The sections identified for change by identifying specific requirements or referencing standards, or by partial repeal, are as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Part 5, Chemical Agents and Biological Agents, relating to extended work periods,</b></li> <li>• <b>Part 14, Cranes and Hoists, relating to chimney hoists,</b></li> <li>• <b>Part 19, Electrical Safety, relating to high voltage,</b></li> <li>• <b>Part 21, Blasting Operations, relating to mobile drill rigs</b></li> </ul>	<p><b>Number of Regulatory Requirements to be added: 0</b>  <b>Number of Regulatory Requirements to be eliminated: 3</b>  <b>NET CHANGE: -3</b></p>

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<b>Addition of more prescriptive requirements to sections containing the phrase "acceptable to the Board" before proceeding with certain types of work or using certain work arrangements. The proposals are in Part 6, Substance Specific Requirements, and relate to:</b> <ul style="list-style-type: none"><li>• the removal of asbestos debris and acceptance from the Board,</li><li>• monitors and alarms for equipment and machinery and acceptance from the Board.</li></ul>	<b>Number of Regulatory Requirements to be added:</b>	<b>5</b>
	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>0</b>
	<b>NET CHANGE:</b>	<b>5</b>

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**Responsible Minister or Head of Regulatory Authority**

George Morfitt, FCA  
Chair, Board of Directors  
Workers' Compensation Board

**October 12, 2011**

**Date**

**Ministry/Agency and Contact:**

Anne Burch, Director  
Prevention Policy and Regulation Review  
Policy and Research Division  
Workers' Compensation Board (tel): 604-244-6186

### **Notes:**

#### 1. *Reverse Onus: Need is Justified*

These amendments are necessary to maintain reasonable standards for the protection of worker health and safety.

These 2011 regulatory amendments relate to:

- Part 6, Substance Specific Requirements; and consequential amendments to Part 20, Construction, Excavation and Demolition – relating to updating asbestos requirements;
- Part 6, Substance Specific Requirements – relating to updating the reference to the *Pesticide Control Act*;
- Part 9, Confined Spaces – relating to clarifying that atmospheric testing must be conducted by a qualified person;
- Part 12, Tools, Machinery and Equipment – relating to safer driven-feed mobile chipper requirements;
- Part 14, Cranes and Hoists – relating to updating the reference to the *Elevating Devices Safety Act*;
- Part 15, Rigging – relating to wire rope splices;
- Part 16, Mobile Equipment – relating to a worker riding on a rear-mounted work platform on a vehicle for retrieving traffic cones;
- Part 20, Construction, Excavation and Demolition – relating to new requirement that concrete pumps and placing booms meet the requirements of *CSA Standard Z151-09*;
- Part 23, Oil and Gas – relating to updating the reference to the *Power Engineers and Boiler and Pressure Vessel Safety Act*;
- Part 28, Agriculture – relating to the requirement for rollover protective structures on agricultural tractors;
- Removal from the OHSR of the requirements for “prior approval” or “prior permission” before proceeding with certain types of work or using certain work arrangements. The sections identified for change by identifying specific requirements or referencing standards, or by partial repeal, are as follows:
  - Part 5, Chemical Agents and Biological Agents, relating to extended work periods,
  - Part 14, Cranes and Hoists, relating to chimney hoists,
  - Part 19, Electrical Safety, relating to high voltage,
  - Part 21, Blasting Operations, relating to mobile drill rigs; and

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- Addition of more prescriptive requirements to sections containing the phrase "acceptable to the Board" before proceeding with certain types of work or using certain work arrangements. The proposals are in Part 6, Substance Specific Requirements, and relate to:
  - the removal of asbestos debris and acceptance from the Board,
  - monitors and alarms for equipment and machinery and acceptance from the Board.

Compliance with the OHSR requirements is mandatory to ensure the health and safety of workers.

### 3. *Competitive Analysis Completed*

The nature of these amendments to the OHSR does not warrant a formal competitive analysis. Where applicable, the requirements have been compared to other jurisdictions.

### 4. *Streamlined Design*

Business mapping is not an issue with these regulatory requirements.

### 5. *Replacement Principle Applied*

The amendments result in a net addition of 33 regulatory requirements. Many stakeholders advise they have already implemented many of these requirements.

### 6. *Results-Based Design*

These amendments are a mix of results-based and prescriptive requirements. One of the objectives of the WCB's ongoing regulation review is to strike a reasonable balance between establishing standards or practices for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance. OHSR requirements are mandatory; market incentives are not an option.

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### 7. *Transparent Development*

Section 226(1) of the *Workers Compensation Act* requires three conditions to be met before making a regulation, as follows:

- 226 (1) Before making a regulation under this Part, the Board
- (a) must give notice of the proposed regulation in the Gazette and in at least 3 newspapers, of which one must be published in the City of Victoria and one in the City of Vancouver,
  - (b) must hold at least one public hearing on the proposed regulation, and
  - (c) may conduct additional consultations with representatives of employers, workers and other persons the Board considers may be affected by the proposed regulation.

The three conditions have been met for the 2011 regulatory amendment process:

- (a) Notice of the proposed amendments and public hearings was published three times in:
  - the BC Gazette in March and April 2011;
  - about 70 newspapers in rural or remote areas in BC in April-May 2011.
- (b) A public hearing process was conducted between March 31, 2011 (date of formal notice) and June 3, 2011 (due date for written submissions). Oral hearings were conducted in five locations, namely Prince George (May 3), Cranbrook (May 10), Richmond (May 12), Kelowna (May 31), and Victoria (June 2).

Two public hearing sessions were scheduled at each location, from 3:00 to 5:00 pm, and from 7:00 to 9:00 pm, to ensure maximum accessibility by stakeholders. The Hearing Panel was comprised of Roberta Ellis (Chair), Anne Burch (Vice Chair), and Ed Bates (General Counsel);

Stakeholders were advised of the proposals and the public hearing details as follows:

- The amendments with explanatory notes were posted on the WorkSafeBC website;

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- An e-news notification was sent to approximately 10,000 stakeholders advising them of the proposals and that they were posted on the WorkSafeBC website;
  - The Policy and Practice Consultative Committee (“PPCC”) members, which includes the Employers’ Advisor and the Workers’ Advisor from the Ministry of Labour, Citizens’ Services and Open Government, were advised that the amendments were posted and asked to inform their constituents;
  - Over 100 key stakeholders were phoned and advised of the proposed amendments and requested to provide feedback;
  - A one-page handout was created for WorkSafeBC field officers for the purpose of encouraging stakeholders in their locales to participate in the public hearing process;
- (c) Prior to the public hearings, the Policy and Research Division (“PRD”) consulted with stakeholders. The consultation phase was conducted during the period September 23, 2010 to December 10, 2010.

For this consultation phase, the proposed amendments with explanatory notes were:

- Placed on the WorkSafeBC website and stakeholders advised of the link;
  - Sent to approximately 10,000 stakeholders via e-news;
  - Provided to the Policy and Practice Consultative Committee members; and
  - The focus of two consultation sessions: an open consultation session (October 20, 2010); and a consultation session with the Employers’ Forum (November 4, 2010).
- (d) Prior to the consultation phase, the PRD conducted pre-consultation sessions during July-August 2010, to obtain input from employer and worker representatives nominated by the employer and worker representatives on the Policy and Practice Consultative Committee.

### 8. *Time and Cost of Compliance*

Amendments to the OHSR are intended to keep workers safe from injury, illness or/and disease. In some cases, the amount of time required to comply has been reduced as there is no longer a need for prior approvals or permissions from the Board before work can be done; requirements are now provided in the OHSR. If a person can comply with the former OHSR sections, they will be able to comply with the new sections without additional training. Once a regulation becomes effective, it is required to be complied with immediately or unless a specific date is stated in the regulation. There are no significant implementation issues with the amendments.

### 9. *Plain Language*

The requirements have been drafted in plain language that facilitates compliance.

### 10. *Simple Communication*

Once approved:

(a) The PRD will:

- forward the regulatory amendments for deposit with the Registrar of Regulations, Ministry of Attorney General;
- post copies of all written submissions and the transcripts of the oral hearings on the WorkSafeBC website;
- update the internet copy of the OHSR on the WorkSafeBC website; and
- advise stakeholders of the approved amendments by:
  - posting the approved amendments, BOD Resolution, and any relevant additional background material on the WorkSafeBC website;
  - sending an E-News notification to approximately 10,000 stakeholders; and
  - informing the Ministry of Labour and Citizens' Services and the PPCC of the approved amendments.

(b) The Communications Department will:

- place an article in the ACCESS and WorkSafe publications; and
- respond to media queries.

### 11. *Sunset Review and Expiry Provisions*

Sunset review and expiry provisions are not required. Section 228 of the Act requires the WCB to undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.