

Presentation to the WCB Public Hearing On Regulation Amendments, 2008

Victoria

June 5, 2008

I am here today representing the 642 members of CAW Local 333. Our members work for BC Transit, Medi-Van and Handi-Dart. They are operators, mechanics and utility workers. We are pleased that the WCB is holding public hearings in Victoria and that we have an opportunity to respond to the proposed regulation amendments for 2008. It is important to us that we have this opportunity available in our community.

I am here today to respond to the proposed amendments to Part 5, Chemical Agents and Biological Agents relating to Designated Substances.

Section 5.57 (b)(c) Designated substances:

The CAW Local 333 are very concerned about the proposed amendments to Part 5, which will allow the continued use of the ACGIH list as the only resource available to workers and employers as the recognized reference for the designation of chemicals that are reproductive toxins and sensitizers.

This amendment is flawed because the ACGIH will no longer reference these designations in their list unless they are the basis for the threshold limit value. They have admitted that they do not have the resources available to keep these designations updated and current.

Our members are employed as bus drivers, mechanics and utility workers. The drivers are exposed to diesel fumes and have experienced health effects such as nausea and headaches. The diesel fuel comes from different suppliers and workers can experience differing symptoms when the supplier is changed.

Our mechanics work in the shops and are exposed to solvents, brake cleaners, paints, fiberglass and welding fumes. These products contain both reproductive toxins and sensitizers.

The regulation of exposures to these chemicals and how they must be identified in a clear and transparent manner is of great importance to our members and therefore to the CAW Local 333.

Continued reliance upon the ACGIH list of designations, a source of information which is limited and therefore provides minimal protection to our members is unacceptable.

Reproductive toxins affect the reproductive ability of men and women. Exposures can result in sterility, testicular damage, fetal abnormalities, miscarriages, and cancers of the reproductive organs. Workers have a fundamental right to be provided with the best protection against exposures.

Obviously reproductive toxins have the greatest potential for these effects on young workers who are of reproductive age, an estimated 20% of the workforce in BC. And these effects are insidious, workers will not know that they have been affected until they discover they are unable to conceive or they have children with birth defects. These effects may affect multiple generations.

Sensitizers are those chemicals which may not cause immediate health effects but after repeated exposures workers will develop allergic reactions. The range of hypersensitivity is broad and includes skin effects, occupational asthma, lung diseases and compromised immune systems. They usually have a life-long effect and have the potential for being fatal. They involve such products as paints, fiberglass and solvents.

Both of these classes of chemical designations can have serious, life altering health affects for workers and the WCB must provide workers with the strongest regulatory requirements in order to fulfill their obligation to protect workers.

Workers have a right to know about the chemicals that they are working with.

In the pre-consultation meeting held with the WCB, labour and employer stakeholders, both parties were prepared to extend greater protection to workers by agreeing on a recommendation to revise Section 5.57 to add(e) to read:

(e) Classified under WHMIS HPA CPR 53 or 55 as a developmental or reproductive toxin sub division A or Division 2 of Class D-Poisonous and Infectious Material

Workplace Hazardous Materials Information System(WHMIS) is the recognized system in Canada and establishes the legal requirements for the identification of hazardous substances used in workplaces. Due to the requirements of the MSDS (material safety data sheets) the WHMIS list of chemical designations must be kept up to date. Therefore the WHMIS list is a much more reliable source of information on reproductive toxins and sensitizers.

Adopting the WHMIS list of reproductive toxins and sensitizers will provide consistency and avoid confusion at workplaces when employers and works may notice a discrepancy between the ACGIH list and the required WHMIS MSDS references.

In the explanatory notes the WCB states that the proposed amendment is an “interim measure until such time it is appropriate to consider other identification systems that address workplace exposures to reproductive toxins and sensitizers.”

This is unacceptable, this regulation amendment was first proposed in the summer of 2007 and the pre-consultation meetings took place in early September 2007. If the WCB had taken seriously the recommendation of the stakeholders, they could have undertaken investigation of other resource lists.

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The WHMIS list must be included in Section 5.57 in order for the requirements of this Section, to substitute a safer product or to provide an exposure control plan, be applied.

Recommendation:

The WCB Board of Directors revises Section 5.57 to add (e) to read

(e) Classified under WHMIS CPR 53 or 55 as a developmental or reproductive toxin, subdivision A of Division A or Division 2 of Class D-Poisonous and Infectious Material.

Thank you and I urge the WCB to make this revision .