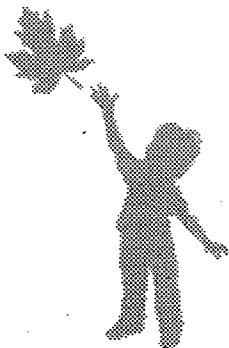


Designating reproductive toxins

An oral submission to WorkSafeBC Prevention Policy and Regulation
Review Department
on proposed regulatory amendments to Part 5
of the Occupational Health and Safety Regulation

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Sean Griffin
Research Coordinator,
Toxic Free Canada



toxic free!
Canada

The new voice of the Labour Environmental Alliance Society
1203-207 West Hastings Street, Vancouver, BC V6B 1H7
T: 604.669.1921 F: 604.696.9627
E: info@toxicfreecanada.ca www.toxicfreecanada.ca

My name is Sean Griffin and I represent the Toxic Free Canada, formerly known as the Labour Environmental Alliance Society.

Over the past 10 years, we have been involved in numerous projects in the workplace, working with joint OH&S committees in reviewing chemicals used in the workplace, identifying those that may be toxic according to WHMIS and other authoritative criteria and facilitating product substitution wherever possible. We have worked in a wide range of worksites, from schools districts to hospitals, care centres, office complexes, food processing plants and retail stores. We also worked with the Property Management Branch of the B.C. Buildings Corporation in developing their Cleaning Chemical Content Standard.

Our work has primarily been focussed on cleaning products, which typically have been a significant source of hazardous ingredients. We recently completed a WorkSafeBC Innovations at Work project involving three school district and two major hotel properties that resulted in substantial changes to cleaning product use and procurement. The project was based in part on utilizing the substitution provision of Part 5.57 of the OH&S Regulation. In fact, much of our successful product substitution has come about because of that provision, using both with the former hazardous chemical designations under the Table of Exposure Limits prior to 2005 and later the ACGIH table of exposure limits and chemical designations.

We are very concerned about proposed changes to the OH&S Regulation that would see no additional designations of reproductive and developmental toxins provided as the American Conference of Governmental Industrial Hygienists (ACGIH) reduces still further its already inadequate provisions.

As we understand it, the ACGIH will no longer be specifically identifying reproductive toxins or sensitizers in their annual publication Threshold Limit Values booklet if those endpoints are not the basis for establishing the TLV. The ACGIH will still provide information on potential reproductive toxicity and sensitization in its documentation section, but that information will not be immediately accessible to workers as the ACGIH table is now, on the WorkSafeBC website.

To continue to rely on the ACGIH list of reproductive toxins and sensitizers as WorkSafeBC proposes will not provide workers with the protection they need — especially pregnant women in the workplace. Even the ACGIH itself acknowledges that its list of designated substances is out of date and the organization does not have the resources to update it, either now or in the future.

In the course of our work, we have reviewed literally hundreds of material safety data sheets covering products used in our project workplaces. At least reproductive toxins show up regularly among the hazardous ingredients in products on our worksites:

- Dibutyl phthalate, still widely used in floor finishing products
- N-methyl-2-pyrrolidone, used in floor strippers, graffiti wipes and other products
- Triforine, a fungicide used on school and parks properties
- Toluene, a solvent, used in a wide variety of thinners, cleaners and paints.

All of those ingredients are listed as reproductive toxins by the Office for Environmental Health Hazard Assessment under California's Proposition 65. Yet only one of them — dibutyl phthalate — is currently listed as a R-designated substance by the ACGIH.

When WorkSafeBC went from its own exposure table to the ACGIH, the R designation that had been attached to toluene was lost. The result has been that many vulnerable workers of reproductive age have been exposed to a substance that is not treated as reproductive toxin in the workplace. We have examples from our own workplace work, where pregnant workers have been exposed to toluene because it is not identified as an R substance by ACGIH.

In many cases, we have been able to go into the workplace, educate OH&S committees about reproductive toxins and point them to authoritative lists such as Proposition 65, and assist them in making product substitution. But they do not have regulatory protection they deserve — and that protection may be reduced still further if ACGIH drops some of its designations and they are not replaced.

In the case of carcinogens and reproductive toxins, threshold limit values do not provide adequate protection. They are notoriously difficult to assess and enforce, especially since few OH&S committees even know how to access monitoring equipment. In our experience, even in workers are routinely exposed on a daily basis to substances such as toluene and n-methyl 2-pyrrolidone, there is no monitoring of TLVs. Workers need the protection of updated designations that will both alert them to the danger and provide a regulatory means of carrying out product substitution where appropriate.

In our view the quickest way to achieve that would be to amend Part 5.57 to make the authoritative Proposition 65 list of reproductive and developmental toxins the reference for designation of reproductive toxins. The list is updated annually, based on an expert assessment of current science and is considered the most complete list of reproductive toxins on the continent.

A more made-in-Canada alternative would be to incorporate the WHMIS classification of reproductive toxins. We understand that was actually proposed in the tripartite consultation leading to the latest amendments and consensus was reached that it was the appropriate action. A new section (e) would then be added that would read: “(e) Classified under WHMIS Controlled Products Regulations 53 or 55 as a developmental or reproductive toxin, subdivision A or Division 2 of Class D-Poisonous and Infectious Material.”

ACGIH designations would be retained where they currently exist, but the additional classifications would be added to provide protection where there are gaps in ACGIH coverage or where future gaps may emerge.

There is additional reason to include one of the other of those designations. The Globally Harmonized System of hazard classification will soon be introduced in Canada. Already the ACGIH designations are far behind the GHS classifications and will continue to fall behind because of the ACGIH's admitted inability to provide regular updating. In contrast, the WHMIS classifications already conform to GHS classifications. California's Proposition 65 list also conforms.

We urge WorkSafeBC to implement a change immediately that would include either the Proposition 65 list or the WHMIS classifications for reproductive toxins. That would ensure that vulnerable workers are protected and that groups like ours can be effective in helping to create a safer, healthier workplaces.

