

WORKERS' COMPENSATION BOARD OF B.C.

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Kelowna, B.C.
June 3, 2008

TRANSCRIPT OF PROCEEDINGS

PANEL:

Anne Burch
Ed Bates

Chair
Legal Counsel

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THE CHAIR
(Introductory Remarks)

1 --- PROCEEDINGS COMMENCED AT 3:05 P.M.

2 THE CHAIR: So, welcome. I would like to
3 thank you all for coming to this public hearing. And first
4 I would like to introduce the Public Hearing Panel. I am
5 Anne Burch, the Chair, and also Director of Prevention
6 Policy and Regulation Review. And to my right is Ed Bates,
7 and Ed is General Counsel and secretary to WorkSafeBC.

8 I would also like to introduce Wendy Toikko,
9 who is our court reporter today and will be taking verbatim
10 notes of this public hearing. And this public hearing, the
11 record assists the Board of Directors of WorkSafeBC in
12 their decision-making process, and the recorded notes are
13 made public after the Board of Directors makes decisions
14 regarding these proposed regulatory amendments.

15 Now, I just wanted to turn this over to Ed
16 for a short comment on our Panel.

17 MR. BATES: Good afternoon, ladies and
18 gentlemen. As some of you will be aware, we usually have
19 and planned to have this afternoon at our public hearings a
20 panel of three. Unfortunately, our Chair, Ms. Roberta
21 Ellis, who is the Vice President of Policy & Research of
22 WorkSafeBC was in a motor vehicle accident this morning on
23 her way to the airport to attend these hearings. Anne and
24 I are advised that she is not seriously injured, but rather
25 shaken up, as you can imagine, to the extent that she could

1 not carry on with her planned day and be with us here at
2 these hearings. Not wanting to inconvenience you, it was
3 decided to proceed with these hearings and accordingly Anne
4 Burch has been formally appointed Acting Vice-President of
5 the Policy 7 Research Division until Roberta will resume
6 that role and, more importantly, as Chair of this Panel.
7 Anne and I can assure you that your submissions to us to
8 this Panel will receive exactly the same in-depth analysis
9 and consideration by the Policy & Research Division and by
10 the Board of Directors as if we were three.

11 Further, I want to add that I know Roberta
12 will be anxious to read your presentations herself as part
13 of the regulatory process and as part of the
14 recommendations and analysis to the Board of Directors. We
15 apologize for her absence but extend to you her best wishes
16 and thanks for being here.

17 THE CHAIR: I would also like to welcome
18 Terry Brown, who is here, and Terry is a member of the
19 Board of Directors of WorkSafeBC.

20 So the purpose of this public hearing is to
21 provide you with an opportunity to comment on the proposed
22 amendments to the *Occupational Health and Safety*
23 *Regulation*. The parts under consideration I will just read
24 out are:

25 Part 1, Definitions; and Part 4, General

1 Conditions - relating to avalanches;

2 Part 4, General Conditions - relating to
3 environmental tobacco smoke;

4 Part 5, Chemical Agents and Biological
5 Agents - relating to the designation of substances;

6 Part 14, Cranes and Hoists - relating to
7 operator's duties;

8 Part 17, Transportation of Workers -
9 relating to seating requirements and seat belts in vehicles
10 used to transport workers;

11 Part 20, Construction, Excavation and
12 Demolition; and Part 22, Underground Workings - relating to
13 fills, stockpiles and professional certifications;

14 Part 22, Underground Workings - relating to
15 the accommodation of tunnel boring and cut and cover
16 excavation methods; and

17 Part 23, Oil and Gas - relating to snubbing
18 operations, emergency escape systems, riding hoisting
19 equipment and other items.

20 The proposed amendments to Parts 1 and 4
21 relating to avalanches, and Parts 20 and 22 relating to
22 fills and stockpiles were taken to the 2007 public
23 hearings. Stakeholders had asked for more consultation and
24 I want to thank all of the stakeholders who took the time
25 to work with us on these very important issues. The

1 amendments were revised, and are now being returned to this
2 public hearing.

3 Stakeholders have been advised of the 2008
4 proposed amendments and the associated explanatory notes.

5 The proposed changes have been:

- 6 • Placed on the WorkSafeBC website;
- 7 • Sent to over 3,500 stakeholders via E-news;
- 8 • Advertised in the *BC Gazette* and in 17
9 newspapers; and
- 10 • We have also contacted representatives of
11 industry and worker associations and
12 interest groups to encourage their response.

13 Copies of the proposed amendments are also
14 available at the front desk should you wish to get a copy
15 of them, if you don't have one already.

16 So we are here to listen to your remarks.
17 Generally, we allot about 20 minutes in total per person
18 with about ten minutes per item. However, how strictly we
19 follow these rules is really dependent on how many people
20 are in here. So if you happen to go over your allotted
21 time, don't worry too much today.

22 If you have written material to leave with
23 us, please do so at the sign-in desk. Both oral and
24 written submissions will form part of the public hearing
25 record. The deadline for receipt of any written materials

MARK SCHOLZ
(Canadian Association of Oil Well Drilling Contractors)

1 is 4:30 p.m. on Friday, June 13th, 2008.

2 So these public hearings represent the
3 formal consultation process, and once the public hearing
4 process is complete, the written and oral submissions will
5 be analyzed. The Board of Directors at WorkSafeBC is the
6 decision-making body, and will have access to all of the
7 submissions made prior to making their final decision on
8 each proposal.

9 So this is your opportunity to be heard on
10 these issues. We thank you for your interest and
11 involvement and we look forward to hearing your views.

12 I would like now to call upon our first
13 presenters, and you are at the table already. Welcome.
14 Mark Scholz and Reg Masse from the Canadian Association of
15 Oil Well Drilling Contractors, and I understand you would
16 like to talk about Part 23.

17 MR. SCHOLZ: That's correct.

18 THE CHAIR: Okay, go ahead.

19 PRESENTATION BY MR. MARK SCHOLZ OF CANADIAN ASSOCIATION OF
20 OIL WELL DRILLING CONTRACTORS:

21 MR. SCHOLZ: Thank you very much and good
22 afternoon. It's great to participate in these hearings and
23 providing our feedback to Part 23 of the Code. In your
24 package that I have presented to you there is a copy of the
25 slide presentation, as well as a letter that was dated

1 January 30th to Ms. Burch, as well. So there is lots of
2 detail in there if you need some more background with our
3 presentation.

4 Again, my name is Mark Scholz, I am the
5 Manager of Technical Services for the CAODC. This is Reg
6 Masse, from Pantera Drilling, he will be representing the
7 CAODC as well, he's the Safety Manager at Pantera Drilling.

8 I will get right into our presentation here.

9 Section 23.1, the proposed addition of the
10 clause (b), a standalone snubbing unit, we feel is quite
11 redundant. The current definition already encompasses
12 standalone snubbing units. The term "all", all other
13 equipment captures any and all equipment that services
14 wells and therefore the applicable legislative provisions
15 should already apply. Our recommendation is, well, we do
16 not support the addition of clause (b); again we feel it's
17 just not really needed.

18 Section 23.39, subsections (1), (2)(a)(b),
19 (4)(a)(b) and (5). There's a recurring term, the term used
20 is the "principal working platform" throughout this
21 section, we feel is quite generic. We would suggest that
22 the term "racking boards" be used instead. Racking boards
23 refer to the monkey boards and the rod cages on the
24 drilling and service rig side respectively. A working
25 platform could refer to casing stabbing boards, which with

1 some reconfigurations can be located between the drilling
2 rig floor and the monkey board. Workers only use a
3 stabbing board after risk assessment has been completed,
4 and therefore the chances of having to escape from the
5 stabbing board are low.

6 These terms are accepted industry terms and
7 our recommendation is that the term "principal working
8 platform" be replaced with the more precise "racking
9 boards".

10 Section 23.39, subsection (2)(b), is the
11 reference to the "80% of the height of the platform above
12 ground level" is derived very specifically from Geronimo
13 equipment. The basis for updating this section is to
14 recognize that there are modern options for egress in
15 addition to the traditional Geronimo. Moreover, the *Code*
16 should recognize future developments in emergency means of
17 escape, which may have a landing spot with the distance
18 shorter than 80 percent.

19 While most of the rig fleet still uses the
20 Geronimo type escape devices, the doors are open for
21 different solutions. We have an example here as the
22 Vertical Descent Device here, which is an emergency escape
23 device which currently can be used in the field. The safe
24 landing point of this equipment is shorter than the 80
25 percent which would be the prescriptive definition, which

(Canadian Association of Oil Well Drilling Contractors)

1 is currently trying to be amended here of the height of the
2 monkey board. And this equipment could be subsequently
3 excluded from use in the field. This equipment is designed
4 to function and operate with a landing point shorter than
5 80 percent, so it would be excluded if this were to go
6 forward.

7 I have just for educational means here a few
8 videos here to kind of give you an idea of what
9 developments are starting to come out in the field here.

10 (VIDEO BEING PLAYED)

11 This here is starting to develop the pod
12 egress system, which is leaving the traditional Geronimo-
13 type approach. These are examples of equipment that is
14 starting to be used, and are much safer for workers in the
15 field.

16 (VIDEO STOPPED)

17 (VIDEO BEING PLAYED)

18 Here's another example here, this one being
19 more of the complete encapsulation of the individual. The
20 worker is completely protected with this type of escape.
21 And it's just really pointing out the purpose for these
22 videos is that there is ongoing development of egress
23 systems. And what we're really trying to point out here is
24 we don't want to impair or limit future developments that
25 are happening and ongoing within the field.

1 (VIDEO STOPPED)

2 In its original form, section 23.39 was a
3 prescriptive requirement based entirely on the Geronimo and
4 thereby potentially eliminating other options which may
5 provide safer exit from the derrick, which may be again
6 shorter than the 80 percent. Instead of the 80 percent of
7 the height, we recommend using some sort of description of
8 a safe location removed from the source of danger. This
9 allows our companies to conduct appropriate sites, specific
10 risk assessments, based on egress design being used. It's
11 critical again not to limit or impair any future
12 developments or improvements to the derrick egress system.
13 The prescriptive text currently used in the section may
14 exclude safer emergency methods in the future.

15 What we would recommend is removing specific
16 technical references based on the Geronimo from the
17 regulations and inserting performance-based requirements.

18 Sections 23.39, subsection (4). We would
19 request that the word "installed" be added to this section
20 and that the word "tested" be removed. Again I've just
21 taken an excerpt from the wording, what we would recommend.
22 The inspection process outlined in the following clauses
23 (a) and (b) is more than adequate for ensuring the safe
24 operation of the escape device. Again, we would just
25 recommend the terms "tested" be replaced with "installed".

(Canadian Association of Oil Well Drilling Contractors)

1 We find its word use would be much better.

2 Section 23.39, subsections (5)(a) and (b),
3 this is in terms of the training aspect of the equipment.
4 As written, subsection 5 is very prescriptive, too
5 prescriptive in our opinion about the specifics of the
6 training, in particular with respect to the frequency of
7 practice escapes. There is no question that riding the
8 escape device is important. However, it should not be
9 practiced so frequently that the training constitutes a
10 hazard in itself.

11 Industry practice dictates that all
12 crewmembers participate in drills that simulate escape
13 and/or emergency situations. These drills run regularly as
14 part of routine operations.

15 And again to give you an example of the
16 ongoing training that is going in the field, derrick hands
17 are required to take the Enform Rig Rescue Fall Protection
18 course, which must be re-certified every three years. This
19 course provides workers with theoretical as well as
20 practical experience on the escape emergency equipment.
21 Escape drills at rig start-up, inspection, installation of
22 the equipment and frequent blowout prevention drills are
23 common tools for training.

24 What needs to be pointed out is the primary
25 purpose of this equipment is for emergency use only. The

(Canadian Association of Oil Well Drilling Contractors)

1 manufacturer's instructions for the Geronimo strongly
2 recommend not even to use the device for normal descent.
3 The current wording right now as it is mentioned would, I
4 would argue, put our workers, I believe, in serious risk of
5 being injured.

6 I have an excerpt from the manual and
7 installation guide for one of the manufacturer's guides for
8 installing a Geronimo. As you can see, one of the cautions
9 is, and I'll just read you it:

10 Emergency use only. Do not use the Geronimo
11 emergency escape device for normal descent
12 from work station. If necessary to test
13 function of Geronimo emergency escape
14 device, do so only at ground level.
15 Repeated use may weaken anchors or wear out
16 bronze brake pad. If weakened or worn parts
17 are relied upon in an emergency, they may
18 fail and serious injury or death may result.

19 Again, the ongoing practice from the monkey board is
20 opening up a can of worms and it is going to put workers in
21 serious danger of injuring themselves. So we want to
22 caution at, I guess, the intent of the amendment.

23 In terms of again, just to summarize, we
24 fully support training requirements in the field. However,
25 we believe that practice drills are just as effective

(Canadian Association of Oil Well Drilling Contractors)

1 without requiring actual escape every time. At some point
2 during the training an actual ride on the escape device
3 should be required, but not on a frequent basis. What we
4 would recommend is language such as this, and I'll give you
5 an example:

6 Each person assigned to work on a racking
7 board above the rig floor during drilling or
8 well servicing operations must be instructed
9 in the inspection and use of the escape
10 device.

11 Now, this is extremely consistent with Part 11.2, section 6
12 of the B.C. Regulations when referring to fall protection.
13 Fall protection states this:

14 Before a worker is allowed into an area
15 where a risk of falling exists, the employer
16 must ensure that the worker is instructed in
17 fall protection system for the area and the
18 procedures to be followed.

19 It does not require a recurring practice drill of ensuring
20 the fall protection works. As long as the workers are
21 educated and aware of the systems, we feel that our
22 training programs that are currently in the field are
23 sufficient and provide adequate instruction.

24 Section 23.51, this is referring to removing
25 an injured worker from the derrick. We do not support the

(Canadian Association of Oil Well Drilling Contractors)

1 addition of clause (3) to this section. Industry does
2 regular training for this type of evacuation of an injured
3 worker. Our contractors have training processes in place
4 that approximate the rescue procedures and the appropriate
5 load weights. We do not see a need to outline the
6 specifics of that training program and we do not support
7 the addition of clause (3).

8 And finally, the last part of our
9 presentation is section 23.64.1. We want to first of all
10 thank you for considering putting our recommended practice
11 or Industry Recommended Practice number 15. This is
12 something that industry works very hard and there is many
13 years of practice and education that goes through to put
14 these types of procedures in place, and we believe that it
15 belongs within the *Code*, and again we appreciate you
16 considering putting this amendment as a recommended
17 practice for snubbing operations.

18 That is our presentation today. We're more
19 than happy to address any questions or concerns.

20 THE CHAIR: No, thank you very much for that
21 presentation, Mark. That was very informative having the
22 presentation on the wall there. Thank you very much.

23 MR. SCHOLZ: Yes.

24 THE CHAIR: Reg, were you going to say
25 anything, or were you just...

JIM RICHES
(Greyback Construction Ltd.)

1 MR. HASSE: I just wanted to assist Mark if
2 there's any questions that you have. We'd be more than
3 happy to discuss those with you.

4 THE CHAIR: That's fine, thank you very
5 much; appreciate that.

6 MR. HASSE: Yes.

7 THE CHAIR: Okay. So we'll call on our
8 second presenter, who is Mr. Jim Riches from Greyback
9 Construction.

10 Hello, Mr. Riches, and I understand you
11 wanted to talk about Part 14, Cranes and Hoists?

12 MR. RICHES: Yes, I would.

13 THE CHAIR: Okay.

14 PRESENTATION BY MR. JIM RICHES OF GREYBACK CONSTRUCTION
15 LTD.:

16 MR. RICHES: Thanks for letting me speak
17 today at your hearing. I'd like to speak about section
18 14.63.1, which was withdrawn. This was an important
19 change. This proposal by WCB WorkSafeBC would have
20 required two brake systems, which would have been
21 expensive, retrofitting a number of cranes in our industry
22 today, and hoist drums operated with friction controls.

23 WorkSafeBC agreed that the recommendation
24 from COCA to withdraw this proposal because it was
25 impractical and offered no greater degree of safety. The

KEN HAMMELL
(Sun Peaks Resort Corp.)

1 proposal as noted would have required the retrofitting of
2 all cranes, hoists, drums and new second braking system at
3 a cost of at least \$8,000 per hoist drum. The most
4 important thing is it would not have increased the safety
5 and the result of this deletion is a substantial savings to
6 our industry, with the number of cranes that are out there.

7 That's all I have. Okay.

8 THE CHAIR: Thank you.

9 MR. RICHES: Any questions? Okay.

10 THE CHAIR: Thank you very much, Mr. Riches.
11 I appreciate that.

12 MR. RICHES: Okay.

13 THE CHAIR: Okay. Our next speaker is Ken
14 Hammell from Sun Peaks Resort Corporation. Welcome Ken.

15 PRESENTATION BY MR. KEN HAMMELL OF SUN PEAKS RESORT CORP.:

16 MR. HAMMELL: Thank you. This is more an
17 oral presentation towards the submissions that have been
18 made towards the avalanche definitions and the new
19 classification system that's been put forward by the CAA
20 and the Canada West Ski Areas Association. Being one of
21 the second largest ski resorts in Western Canada we fully
22 support the submissions that have been put forward by the
23 CAA and we support any further submissions that will come
24 forward before the end of this public hearing process.

25 That's all we have.

SCOTT DAVIS
(Association of Canadian Mountain Guides)

1 THE CHAIR: Okay.

2 MR. HAMMELL: Okay.

3 THE CHAIR: Thank you very much.

4 Okay, we're moving right along here. The
5 next person we have down is Mr. Scott Davis.

6 MR. DAVIS: This is good timing.

7 THE CHAIR: Good timing is right. And, Mr.
8 Davis, I understand you're with the Association of Canadian
9 Mountain Guides?

10 MR. DAVIS: That's correct, yes.

11 THE CHAIR: And you wanted to speak with
12 Parts 1 and 4 about avalanches?

13 MR. DAVIS: That's correct, yes.

14 THE CHAIR: Okay.

15 PRESENTATION BY MR. SCOTT DAVIS OF THE ASSOCIATION OF
16 CANADIAN MOUNTAIN GUIDES:

17 MR. DAVIS: Yes, thanks for the introduction
18 and thank you for the opportunity to speak with you today,
19 as well as for the effort that WorkSafeBC has put into
20 reworking these amendments in the name of increased worker
21 safety.

22 WorkSafeBC and the ACMG have shared a great
23 deal of common goals with respect to safety, ensuring the
24 highest possible standard of safety for guides and their
25 clients is paramount for us. Indeed, it is the fundamental

1 premise of the rigorous training and assessment that guides
2 undergo. The ACMG has been in existence since 1963 and
3 currently has over 600 members. Many of them work as ski
4 and alpine guides in B.C.'s mountains, and as an
5 accountable and responsible organization we set standards
6 for the practice of mountain guiding related activities,
7 and define the scope for our members.

8 As a professional association of Canadian
9 certified guides and instructors, we are also
10 internationally recognized as leaders in the area of
11 backcountry safety.

12 At last year's public hearings we supported
13 WorkSafeBC's initiative to manage avalanche risk in the
14 B.C. workplace, but voiced our concerns over proposed
15 regulations as they were presented at that time.

16 We thank WorkSafeBC for deciding to consider
17 more stakeholder feedback before enacting regulations on
18 this matter.

19 I commend both WorkSafeBC and George
20 Matheson, as well as Canadian Avalanche Association and
21 Clair Israelson for their efforts to facilitate this
22 process and appreciate the inclusion of the ACMG in these
23 discussions.

24 We are in general agreement with the March
25 2008 version of the proposed regulations and feel that this

1 will improve worker safety for the wilderness operations in
2 which our members work.

3 As a professional association the ACMG takes
4 its duties around accountability very seriously. We have
5 worked hard to meet the best practice of a regulated body.
6 We are pleased to see this recognized in the current
7 wording of the new regulations. We will be adopting the
8 training and experiential requirements developed in
9 conjunction with the CAA into our training and professional
10 guidelines at our fall general meeting this year.

11 We are also committed to continue in our
12 participation as major stakeholders and development of any
13 guidance for avalanche risk assessment, or safety plans
14 that pertain to one of these operations.

15 We are in general agreement with the current
16 version of the proposed amendments but our one comment is
17 we'd like to suggest a five-year review of wilderness
18 safety plans by a QAP will suffice, given the daily nature
19 of its implementation, especially in the backcountry work
20 environment, rather than the three years currently
21 proposed.

22 My other concern regards implementation
23 dates for these regulations. There is still considerable
24 work to do in organizing the agreed-upon framework for
25 these safety plans, as well as a limited number of

SCOTT DAVIS
(Association of Canadian Mountain Guides)

1 professionals that will qualify and/or be interested in
2 this particular work. Therefore I urge the Board to
3 consider a minimum of one year for industry to complete
4 these avalanche safety plans and to consider a grace period
5 of an additional year to the fall of 2010 for those that
6 cannot complete it by the fall of 2009. I feel that this
7 will give people enough time to develop high-quality plans
8 that fully address any concerns for worker safety.

9 In closing, I'd like to commend WorkSafeBC
10 once again for pursuing a collaborative approach as a means
11 to improving worker safety and for creating this
12 opportunity for comment.

13 THE CHAIR: Okay. And, Mr. Davis, I wanted
14 to ask you again if you could just go over the
15 implementation timeframes you were suggesting that you
16 wanted. You felt that a year implementation date, you were
17 looking for a year and then followed by another grace
18 period --

19 MR. DAVIS: Yes.

20 THE CHAIR: -- until the fall of 2010, was
21 that it?

22 MR. DAVIS: Exactly, yes.

23 THE CHAIR: Okay. I just wanted to clarify
24 that. Okay, thank, you very much.

25 MR. BATES: Thank you.

LANCE OSBERG
(United Steelworkers Local 1-423)

1 MR. DAVIS: Thanks for your time.

2 THE CHAIR: Okay. The next person that we
3 have listed is Lance Osberg, Steelworkers 1-423. And
4 hello, Mr. Osberg.

5 MR. OSBERG: Hi. Thank you.

6 THE CHAIR: And I understand you wanted to
7 speak to Part 14, Cranes and Hoists?

8 PRESENTATION BY MR. LANCE OSBERG OF THE UNITED STEELWORKERS
9 LOCAL 1-423:

10 MR. OSBERG: That's correct. I am employed
11 at a local building supply here in Kelowna. I just wanted
12 to thank you for allowing me to be here to speak here
13 today.

14 Being a crane operator I find that there is
15 a large lack of training, first of all, with management.
16 To the best of my knowledge where I am employed, management
17 has no training in the regulations. There are no
18 procedures, there is an attitude of be quiet and just do
19 what you are told, which I am here today to say is
20 unacceptable.

21 My question to the Board is how is my
22 manager or supervisor to enforce the regulations when he
23 has no training in them? How do I do my job safely when he
24 does not know how to operate a crane or even know the
25 regulations that are applied to the operations of that

1 crane? Salesmen that never see jobsites, builders that
2 only care about the end results.

3 My own personal experience has left me
4 hanging, making decisions before being educated in the
5 regulations and after being educated in them. Finding
6 myself not only being left holding the bag, but being
7 considered a shit-disturber for not taking measures just to
8 get the job done. Being told that if I don't do it,
9 someone else will.

10 And I'm here to say enough is enough. Are
11 the regulations to be enforced or not? Every day in
12 Kelowna crane operators are faced with leaving their
13 remotes, leaving loads suspended, unattended while moving
14 products into buildings. No work procedures in place,
15 companies not applying for variances.

16 Access problems, pass the buck, leaving
17 operators to struggle, facing decisions to risk themselves
18 or others, jobs not being prepared, managers not trained,
19 no orientation. This is commonplace in the building
20 industry and again it's unacceptable.

21 There is little surprise that there are
22 fatalities in this province and I am here today to ask you
23 to step up to the plate, move forward, get on with the
24 registration and our certification, make changes to force
25 companies not only to educate their managers in the

1 regulations but to know what they are talking about. Today
2 is the time.

3 I would be satisfied to rely upon the
4 definition of critical lifts that was implemented in Part
5 14 in 2007, rather than on the suggested broader definition
6 of the Coroner's inquiry that recommended the following
7 revision to the proposed amendments. The WCB Board of
8 Directors not implement the proposed amendment 14.37.1, but
9 add the following section, 14.42.1:

10 A critical lift must be carried out under
11 the direction of a qualified supervisor who:

- 12 a) is not operating a crane, hoist, or
13 other piece of power equipment; and
14 b) is responsible for the safe conduct
15 of the operation.

16 My child is now entering the workforce.

17 Grant Patey's dad is the reason I am here
18 today.

19 I have personally been to two funerals and
20 one memorial service at work -- hopefully never again.

21 Safety is the right of everyone.

22 Thank you, please make these changes and
23 prevent someone else from a mindless death and all the
24 repercussions, what happens when a life is lost. Thank you
25 very much.

DAVE WELDER
(United Steelworkers Local 1-423)

1 THE CHAIR: Thank you very much, Mr.
2 Osborne.

3 I'd just like to say that if anyone has any
4 written material who has spoken and they'd like to leave it
5 with us, you can either leave it with the panel here, or
6 you could leave it out with Lily Neudorf at the front desk.
7 So if you have any written material that you would like to
8 leave with us, please do so.

9 Okay. So our next presenter is Mr. Dave
10 Welder, with the Steelworkers Union.

11 Thank you, Mr. Welder, and I understand you
12 wanted to speak to Part 5 relating to the designation of
13 substances.

14 PRESENTATION BY MR. DAVE WELDER OF THE UNITED STEELWORKERS
15 LOCAL 1-423:

16 MR. WELDER: Yes. My name is Dave Welder.
17 I am the Health and Safety Director for the United
18 Steelworkers Local 1-423, and we represent workers from
19 Christina Lake to Princeton and from the border up to
20 Enderby in various operations in forestry, logging,
21 manufacturing and other items.

22 And I want to talk about Part 5, especially
23 5.57 and 5.58. And when I first looked at it, it took me a
24 while to understand what the changes were, and once I
25 figured out what the proposed changes were, I was actually

1 a bit concerned. In this age of knowledge it appears that
2 the Board is reducing protection for workers and I wonder
3 why -- why would we consider doing that today. And that,
4 the Board reducing protection, you know, comes from the
5 ACGIH reducing their scope of substances, chemicals, and
6 sensitizers and reproductive toxins, not increasing it.

7 With the reduction from ACGIH in the way the
8 proposals are written, it's clear that workers will be put
9 at a greater risk than they were previously. And when I
10 look at it now, it looks as no ACGIH designation, no
11 control or exposure plan required, and that as an advocate
12 for workers is not a good thing. So from my understanding
13 is that if a chemical has a sensitizing or reproductive
14 effect, that is secondary to the TLB health effects, then
15 that product will no longer be included as a reproductive
16 toxin or sensitizer in the list.

17 And when I looked at page 2, the acrylic
18 acid example, that before it was an irritant and one of the
19 critical effects was it had reproductive issues, and then
20 you see after the change that it will just be an URT
21 irritant, this can't be good for the health and safety and
22 protection of workers in this province.

23 So one of the suggestions we have as a local
24 union is that WHMIS should be included in 5.57. Employers
25 understand WHMIS, they have WHMIS, most of our employers

1 have WHMIS coordinators. WHMIS is a Canadian designation.
2 Workers understand WHMIS. Most of the workers we deal with
3 are all trained in WHMIS. WHMIS is updated and again we
4 believe it needs to be included in 5.57 and that the
5 Board's scope in 5.57 shouldn't just be limited to ACGIH.

6 I've got three kids and when I look at where
7 their car seats have gone, where their bike helmets have
8 gone, where the consumer protection for them has gone, it
9 has always been increasing, and this seems to be at odds
10 with this proposal, which would have less protection for
11 people than more. So everybody else is going in one
12 direction and this proposal is going in the exact opposite.
13 You know, there is better car seats for kids, there's
14 better helmets for kids, there's a whole bunch of safer
15 things for them and that yet this proposal is unsafer.

16 You know, we really believe and we really
17 look at the Board's mandate to protect the health and
18 safety of workers in B.C. If that mandate changed, so be
19 it, but right now we should be going in a positive
20 direction. And this proposed change does nothing to
21 further the health and safety of workers in B.C.

22 And when we talk about reproductive toxins
23 or sensitizers, I've got a good friend of mine that I've
24 worked with for years, and he had a childhood, a birth
25 defect. Why it happened nobody knows. But when you look

1 at the tribulation and the challenges that those parents
2 have gone through, that the child has gone through, the
3 incredible costs that they've had to incur, why would we
4 not let people know about reproductive toxins in their
5 workplaces and sensitizers in their workplaces.

6 Our workers at the 30 various worksites in
7 this area deal with the number one chemical would be
8 formaldehyde. They deal with blown insulation, they deal
9 with solvents, they deal with coolants. People have a
10 right to know about those items, and taking those out of
11 the section 5 cannot be good. And then also there is no
12 requirement of employers to have a control mechanism, or to
13 reduce or eliminate those reproductive toxins and
14 sensitizers, if they're not covered under the jurisdiction
15 of 5.57.

16 So in closing, we would like to see WHMIS
17 included in 5.57 and that would be a compromise to the
18 language that has been proposed in front of us. Thank you
19 very much.

20 THE CHAIR: Thank you very much, Mr. Welder.

21 So at this time we have actually gone
22 through everyone who is scheduled to speak this afternoon.
23 I am just wondering if there's anyone in the room that
24 would like to speak who is not scheduled.

25 Okay. Well, I think what we'll do is we'll

THE CHAIR
(Introductory Remarks)

1 take a short recess to see if anyone else comes, wants to
2 speak. So I will adjourn the meeting now for a short
3 period of time and we'll wait and see if there's anyone
4 else who would like to speak. So you are free to stay if
5 you'd like, or if you have other things to do, that's fine,
6 too.

7 --- PROCEEDINGS RECESSED AT 3:40 P.M.

8 --- PROCEEDINGS RECONVENED AT 4:14 P.M.

9 THE CHAIR: It is now about quarter after
10 4:00. We have had a half an hour recess, so I will adjourn
11 the meeting right now. Thank you.

12 --- PROCEEDINGS ADJOURNED AT 4:15 P.M.

13 --- PROCEEDINGS RECONVENED AT 7:00 P.M.

14 THE CHAIR: Welcome. I would like to thank
15 you all for coming to this public hearing. And first I
16 would like to introduce the Public Hearing Panel. I am
17 Anne Burch. I am the Chair of the Panel, and Director of
18 Prevention Policy and Regulation Review. And to my right
19 is Ed Bates, and Ed is General Counsel and secretary to
20 WorkSafeBC

21 I would also like to introduce Wendy Toikko,
22 who is our court reporter today and will be taking verbatim
23 notes of this public hearing. And this record assists the
24 Board of Directors of WorkSafeBC in their decision-making
25 process, and the recorded notes are made public after the

1 Board of Directors makes decisions regarding these proposed
2 regulatory amendments.

3 I just wanted to hand this over to Ed to say
4 a piece about Roberta Ellis, who is normally with us here.

5 MR. BATES: Good evening, ladies and
6 gentlemen. As some of you will know and was our intention
7 this evening, the panel was to be three people.
8 Unfortunately, our Chair, Roberta Ellis, as Anne has just
9 indicated, who is Vice President of Policy & Research at
10 WorkSafeBC, was in a motor vehicle accident this morning on
11 her way to the airport to attend these hearings. Anne and
12 I have talked with Roberta and we are pleased to advise
13 that she was not seriously injured but shaken up to the
14 extent that she could not continue with her planned day and
15 be with us here this afternoon and this evening.

16 Not wanting to inconvenience you, the
17 decision was taken to carry on with these hearings.
18 Accordingly Anne Burch has been formally appointed as
19 Acting Vice-President of the Policy & Research Division
20 until Roberta will resume that role and therefore as Chair
21 of this Panel. Anne and I wish to assure you on behalf of
22 WorkSafeBC and the Board of Directors that your submissions
23 will be given the same in-depth analysis and consideration
24 by the Policy & Research Division and, most importantly of
25 course, by the Board of Directors as if our Panel was

1 three.

2 I know Roberta will want to read your
3 submissions in the future and will be keenly interested in
4 participating in the regulatory process before the
5 recommendations are made to the Board of Directors. We
6 apologize for her absence this evening but extend to you
7 her very best wishes and thanks for being here.

8 THE CHAIR: So I go on. I would certainly
9 like to welcome Terry Brown again, who is a member of the
10 Board of Directors of WorkSafeBC.

11 So the purpose of this public hearing is to
12 provide you with an opportunity to comment on the proposed
13 amendments to the *Occupational Health and Safety*
14 *Regulation*. The parts under consideration are:

15 Part 1, Definitions; and Part 4, General
16 Conditions - relating to avalanches;

17 Part 4, General Conditions - relating to
18 environmental tobacco smoke;

19 Part 5, Chemical Agents and Biological
20 Agents - relating to designation of substances;

21 Part 14, Cranes and Hoists - relating to
22 operator duties;

23 Part 17, Transportation of Workers -
24 relating to seating requirements and seat belts in vehicles
25 used to transport workers;

1 Part 20, Construction, Excavation and
2 Demolition; and Part 22, Underground Workings - relating to
3 fills, stockpiles and professional certifications;

4 Part 22, Underground Workings - relating to
5 the accommodation of tunnel boring and cut and cover
6 excavation methods; and

7 Part 23, Oil and Gas - relating to snubbing
8 operations, emergency escape systems, riding hoist
9 equipment and other miscellaneous items.

10 The proposed amendments to Parts 1 and 4
11 relating to avalanches, and to Parts 20 and 22 relating to
12 fills and stockpiles were taken to the 2007 public
13 hearings. Stakeholders had asked for more consultation,
14 and I want to thank all of the stakeholders who took the
15 time to work with us on these important issues. The
16 amendments were revised and are now being returned to this
17 public hearing.

18 We advised stakeholders of the 2008 proposed
19 amendments and associated explanatory notes. We put the
20 proposed changes on the WorkSafeBC website. We sent E-
21 news notifications to over 3,500 people. We advertised in
22 the *BC Gazette* and in 17 newspapers, and we also contacted
23 representatives of industry and worker associations and
24 interested groups to encourage their response.

25 We have made copies available of the

1 proposed amendments at the front, if you would want to have
2 a copy, if you don't have one yourself.

3 So we are here to listen to your remarks.
4 And generally, and I'll just go over a little bit on the
5 timelines, we usually allocate 20 minutes a person, ten
6 minutes per topic. But if we have fewer people here, we're
7 certainly a little more lenient with the timelines.

8 If you have written material to leave with
9 us, you can leave it with us at the Panel, or with Lily
10 Neudorf at the sign-in desk. And both oral and written
11 submissions will form part of the public hearing record.
12 The deadline for receipt of any written materials is 4:30
13 p.m. on Friday, June the 13th, 2008.

14 The public hearings represent the formal
15 consultation process, and once the hearing process is
16 complete, the written and oral submissions will be
17 analyzed. The Board of Directors is the decision-making
18 body at WorkSafeBC and will have access to all of the
19 submissions made prior to making their final decision on
20 each proposal.

21 So this is your opportunity to be heard on
22 these issues. We thank you for your interest and
23 involvement and we certainly look forward to hearing your
24 views.

25 So I'd like to now call upon our first

CAROLYNNE FARDY
(Federation of Post Secondary Educators)

1 presenter, who is Carolynne Fardy. Carolynne, I understand
2 you're with the Federation of --

3 MS. FARDY: Post Secondary Educators.

4 THE CHAIR: -- Post Secondary Educators, and
5 you wanted to say some words on Part 5, designation of
6 substances.

7 PRESENTATION BY MS. CAROLYNNE FARDY OF THE FEDERATION OF
8 POST SECONDARY EDUCATORS:

9 MS. FARDY: My name is Carolynne Fardy and I
10 am the Chairperson of the Workplace Health and
11 Environmental Safety Committee of the Federation of Post
12 Secondary Educators of B.C., and I will be referring to us
13 as the FPSE.

14 The FPSE welcomes the opportunity to present
15 our views on the 2008 proposed amendment on the *OH&S*
16 *Regulations*. FPSE represents over 10,000 faculty and staff
17 who teach in B.C.'s public and private post-secondary
18 education system. Our members work in a variety of
19 disciplines, everything from traditional university degree
20 programs to technical trades, training, as well as a vast
21 array of developmental, educational programs. Many of our
22 members are exposed to chemical and biological substances
23 on a daily basis.

24 FPSE recognizes the important work of the
25 committee. Gathering public input into changes to the

1 regulation that will impact all workers in B.C. is crucial.

2 I will be speaking today to our concerns
3 regarding Part 5, chemical and biological agents,
4 specifically as related to reproductive toxins and
5 sensitizers.

6 We are not in agreement with WorkSafe's
7 proposed amendment to continue to use the ACGIH list as a
8 sole reference because ACGIH will no longer reference
9 reproductive toxins and sensitizers in their list unless
10 they are the basis for the threshold limit. As well, ACGIH
11 has warned they do not have the resources available to
12 maintain currency of the list when it comes to these
13 designations. The ACGIH list of threshold limit values
14 will therefore be limited and outdated.

15 As mentioned previously, I am the Chair of
16 FPSE's Workplace Health Safety and Environment Committee.
17 In addition, I am co-Chair of my Joint Health and Safety
18 Committee at my employment, Thompson Rivers University.
19 I also serve as a board member for Toxic Free Canada, where
20 I represent FPSE.

21 As an OH&S activist for over 20 years, I am
22 particularly concerned by the effects of chemical exposure.
23 I was trained as a medical laboratory technologist and
24 worked for many years in clinical laboratories before I
25 moved to the educational arena. Over the years I worked

1 with many of the chemicals that now are known to be
2 sensitizers and reproductive toxins. I have been lucky to
3 come through the years unaffected adversely to my exposure
4 to such chemicals, but many of my colleagues have not been
5 so fortunate. And so I would like to just share some of
6 their stories today.

7 One colleague has taught for years in
8 biology labs, which involved exposure to formalin preserved
9 specimens. Students come and go, but instructors remain to
10 do the same thing for many classes every week, year after
11 year, with the accompanying accumulating exposure. She,
12 after many months of illness, she was eventually diagnosed
13 with formaldehyde poisoning and has an ongoing multiple
14 chemical sensitivity. Her symptoms include long-lasting
15 excruciating headaches, nausea, inability to think, to the
16 point where she feels impaired and unable to drive herself
17 home. She is no longer able to teach and has left the
18 university as the risks with coming to work every day were
19 just too great.

20 A second colleague developed a sensitivity
21 to organic solvents from years of exposure in chemistry
22 labs. This sensitivity increases every year. She
23 currently teaches and attends meetings wearing a gas mask,
24 never knowing if a student will wear a fragrance or a new
25 cleaning product in the building will trigger an attack

1 with her. Her symptoms are similar to what I described
2 before, but progressing to that of anaphylaxis, as her
3 throat tightens and you can tell to talk to her that she is
4 going through an attack. She no longer belongs to clubs.
5 She's not able to attend movies or other social events, and
6 so her quality of life has really been affected. The
7 saving grace for her has always been her garden, but this,
8 too, has become an enemy, as she experienced a reaction to
9 a floral scent for the first time this spring.

10 I have spent many years teaching students
11 who now are in clinical laboratories, but they do keep in
12 touch. One spent a year of repeated ill health and
13 misdiagnosis to finally being told that she had developed a
14 latex sensitivity. When I last heard from her she
15 described her throat tightening when a child with a balloon
16 was across the park where she was.

17 Another student did a survey of clinical lab
18 workers and found an increased rate of autoimmune disease.

19 Given these examples, I question, is there a
20 threshold limit for such chemicals when there is such an
21 accumulative toxic effect.

22 In many workplaces our windows still will
23 not open, so if these chemicals are not seen and handled
24 properly, they will enter the A/C system with the potential
25 of affecting many others.

1 These individuals, in my opinion, have been
2 canaries in the workplace. We owe it to the workers of
3 today to give them as much current information as we can so
4 that they can make informed safe choices, when handling
5 chemicals that may affect lifetime of increased sensitivity
6 at a minimum.

7 FPSE is a member of the B.C. Federation of
8 Labour and adopt their position. This is extended greater
9 protection to workers by revising section 5.57(1) by adding
10 a number (e) to read:

11 Classified under WHMIS HPA CPR 53 or 55 as a
12 developmental toxin, Subdivision A or
13 Division 2 of Class D - Poisonous and
14 Infectious Materials.

15 WHMIS is the recognized system in Canada.
16 It establishes the legal requirements for the
17 identification of hazardous materials at workplaces. The
18 WHMIS list must be kept up to date to meet the requirements
19 of the Material Safety Data Sheets. These must be updated
20 every three years and suppliers must provide every new
21 product with a MSDS. The WHMIS list is therefore a much
22 more reliable source of information of reproductive toxins
23 and sensitizers than the ACGIH list. Adopting the WHMIS
24 list would provide consistency and avoid confusion as
25 workers are very familiar with this system. This will be

1 particularly important when employers and workers note a
2 discrepancy between the ACGIH list and the required MSDS
3 references.

4 The effects of the designated chemical and
5 biological substances are serious. I've given a few
6 examples of how sensitizers can affect people's lives. As
7 a new grandmother, I am equally concerned by the severe
8 implications of reproductive toxins, their effects can be
9 multi-generational. It is estimated that 15 to 20 percent
10 of B.C. workforce could be affected by reproductive toxins.
11 For FPSE, that's 1,500 to 2,000 of our members.

12 I refer to reproductive toxins as silent
13 killers. Society has told our young people to establish
14 themselves in their careers before starting a family, and
15 they have listened. As a result, many may not realize
16 their health may have been compromised until they are
17 unable to conceive or have a child with birth defects.
18 Reproductive toxins can lead to sterility, testicular
19 damage, miscarriage, foetal abnormalities and cancer of the
20 reproductive organs. We cannot betray the faith of our
21 young workers.

22 WorkSafe has a statutory obligation to
23 ensure safe and healthy workplaces. In order to do so as
24 it relates to the chemical and biological substances,
25 WorkSafe must provide workers with the strongest regulatory

1 requirement. FPSE believe the amendment of Part 5, which
2 guarantees the worker the rights to be protected against
3 these substances by including the WHMIS list will meet that
4 obligation. Knowledge is power. So let's empower all of
5 those in the workforce by giving them the most current
6 information they need and that they can understand.

7 Thank you for giving me the opportunity to
8 address the committee today.

9 THE CHAIR: Thank you, Ms. Fardy; appreciate
10 that.

11 MS. FARDY: Any questions?

12 THE CHAIR: Did you want to leave -- do you
13 have any notes that you would like to leave with us?

14 MS. FARDY: This is all handwritten. I can
15 leave it for you or I can type it up and I can e-mail it to
16 you, whichever you would prefer.

17 THE CHAIR: Actually, that's not really
18 necessary because we've got a transcript of it. I didn't
19 realize that was handwritten, so that's fine.

20 MS. FARDY: Do you want me to leave this for
21 you, because I can do that.

22 THE RECORDER: If you would, that would be
23 wonderful.

24 MS. FARDY: Sure, that's no problem.

25 THE CHAIR: Okay.

JACKIE SPAIN
(Health Sciences Association of B.C.)

1 MS. FARDY: If you can read my writing.

2 THE RECORDER: Thank you.

3 THE CHAIR: Thank you again.

4 MR. BATES: Thank you.

5 THE CHAIR: Okay. Our next speaker is
6 Jackie Spain. And, Jackie, I understand you're with the
7 Health Sciences Association of B.C., and also wanted to
8 talk about --

9 MS. SPAIN: Part 5.

10 THE CHAIR: -- designation of substances?

11 MS. SPAIN: Yes.

12 THE CHAIR: Welcome.

13 PRESENTATION OF MS. JACKIE SPAIN OF THE HEALTH SCIENCES
14 ASSOCIATION OF B.C.:

15 MS. SPAIN: And, ironically, I am also a
16 laboratory technologist. And just to give you a reason why
17 we are probably all here in Kelowna, there is a National
18 Laboratory Conference happening right here in Kelowna at
19 this point in time. So we've had people here for about six
20 days from all over Canada, and all over the world, actually
21 internationally, so very interesting.

22 The organization that I represent is the
23 Health Sciences Association and the Health Sciences
24 Association is a group in British Columbia that represents
25 laboratory workers, laboratory technologists, many other

1 types of workers, ultrastenographers, dieticians,
2 pharmacists, we can go on, the list is over 100 long,
3 approximately 14,000 members. Out of those 14,000 members
4 we represent about 85 percent women in our organization,
5 which is a direct reflection to, if you walk into any of
6 your hospitals, you will see that 85 percent female.

7 I am also a health and safety educator, so I
8 spend a huge amount of my time educating in the world of
9 health and safety for B.C. Federation of Labour,
10 Occupational Health and Safety Centre, but also for the
11 group called OHSA, which you're probably aware of, the
12 Occupational Health and Safety Agency for British Columbia.
13 So I spend my days talking to people directly about the
14 issues.

15 The other part of my background is in my
16 career I've ended up specializing in chemistry and
17 microbiology, and became a special chemist. And out of
18 those experiences, I ended up moving along and educating
19 myself and working, became a transportation and dangerous
20 goods expert in both international air and ground transport
21 in Canada. So my life is about following the hazards and
22 talking to people about the hazards and how can we avoid
23 issues.

24 So if we start looking at this issue of what
25 we're talking about here, with the ACGIH limits, those

1 limits really don't meet the needs for the workers out
2 there. I think we can, I feel, and I think a lot of people
3 feel that the previous tables that did meet the needs. The
4 problems we're going to start seeing here if we keep using
5 these tables, which, you know, I don't think I need to
6 repeat all the words of my previous speaker, who said
7 really everything so succinctly.

8 But what's happening here is if we don't
9 have the ability to recognize if something's a reproductive
10 toxin, and workers don't have the ability to find that
11 information out, how are they going to signal that there's
12 a problem? How does a woman working in a healthcare
13 facility inform their supervisor that they're expecting and
14 they shouldn't be exposed to this type of chemical, if they
15 don't have the knowledge. And I think we're all about
16 knowledge and we're all about having safe and healthy
17 workplaces.

18 When we're talking about children and
19 reproduction, children are our future. And if we don't
20 take care of those children, then there will be problems
21 there. Also we keep talking about what's happening in
22 workforces, and workforces are diminishing. We need to
23 attract young people. How can we attract young women - it
24 will be young women - to our industry, and educate these
25 young women if we're going to then expose them to

1 reproductive toxins right at the time where they're looking
2 to start their families and start their careers. So I
3 think this is just becoming a huge issue.

4 Our organization supports the stand of the
5 B.C. Federation of Labour, and I'd like to commend Sheila
6 that is here on the work that was done and the information
7 that was placed forwards. I think it was very well done
8 and it says it very well as to the way we would like it to
9 be. We need to look at the WHMIS designations. I think we
10 need to keep that list up to date. We need to put the
11 resources there, and we need to start having that
12 information freely available to workers so that they can
13 signal their decisions.

14 The group I represent are very intelligent
15 people. They have gone to school. They have post-
16 secondary education, and they can make those decisions and
17 help make those decisions and help be part of reducing
18 those exposures in workplaces. That's good for us all.
19 That's good for industry, and it's especially good for an
20 industry like ours that's starting to have issues because
21 we don't have enough educated people, and we're having
22 problems because of I guess the way our workplaces have
23 become, attracting people to them. And this is going to
24 add to the mix, and it's not a good add.

25 So I really believe that we have to let

JACKIE SPAIN
(Health Sciences Association of B.C.)

1 people know about these reproductive toxins. We have to
2 talk about it. We have to have information freely
3 available and good quality information, and we have to
4 start taking more steps, not less steps to protect people
5 in workplaces.

6 And I think I'd like to conclude there. I
7 think what has been said before I totally agree, and our
8 organization totally agrees with the submissions from the
9 B.C. Federation of Labour.

10 THE CHAIR: Thank you very much, Ms. Spain;
11 appreciate that. And again, if you have any submissions
12 written material that you'd like to...

13 MS. SPAIN: Yes. I will see if our office
14 can submit something.

15 THE CHAIR: Okay, that would be excellent.
16 Thank you.

17 Okay. The next person that's scheduled is
18 Mr. Chuck Chatten with the Construction and Specialized
19 Workers' Union, Local 1611. Hello, Mr. Chatten. I
20 understand you want to talk about Part 22, Tunnel Boring?

21 MR. CHATTEN: That's correct. I understand
22 Roberta was in a motor vehicle accident?

23 THE CHAIR: Yes, she was, unfortunately.

24 MR. CHATTEN: That's --

25 MR. BATES: Thank you.

1 MR. CHATTEN: -- one for Ed, and...

2 THE CHAIR: Okay, thank you.

3 MR. CHATTEN: It's, I believe, with two
4 parts for a reason. Mr. Rex Eaton made a request of me in
5 July of last year and subsequent to that in
6 November/December to take part in the consultative process.
7 And so I forwarded the paperwork that I handed you on the
8 30th of January to him, and my presentation today is kind
9 of a combination of the two. And I just drove from Nelson,
10 so I'm --

11 THE CHAIR: Well, thank you very much for
12 making that effort to come all the way here.

13 MR. CHATTEN: Well, the other one is in
14 Cranbrook and I'll be offshore when that one happens, it's
15 within reason to drive to.

16 THE CHAIR: Yes.

17 MR. CHATTEN: And I don't know if there is
18 an opportunity to discuss process and cover a wee bit of
19 issues after the hearing - I understand there is one person
20 after myself - or if that's out of the question. And why I
21 say that is I believe that my presentation will take pretty
22 close to the full ten minutes.

23 THE CHAIR: Sure.

24 MR. CHATTEN: But there's issues surrounding
25 this whole process, and I'm not certain if you're aware of

1 it. But like a boring machine was stuck in North York very
2 recently, are you aware of that, in just out of Toronto.

3 THE CHAIR: Outside of Toronto.

4 MR. CHATTEN: You've been made aware of that
5 by other presenters, possibly?

6 THE CHAIR: I think we have, yes.

7 MR. CHATTEN: I don't know.

8 THE CHAIR: But please, just go ahead and,
9 you know, elaborate on whatever you'd like to mention on
10 that.

11 MR. CHATTEN: All right. So I don't mind
12 leaving and then coming back if there's someone else that's
13 doing a presentation right behind me, so whatever.

14 THE CHAIR: No, no, actually, you take as
15 much time as you need to go through your presentation and
16 your issues.

17 MR. CHATTEN: You're going to regret that.
18 All right.

19 THE CHAIR: Sorry...?

20 MR. SZIRMAI: I come from Revelstoke and I'd
21 like to get back tonight. So my presentation is quite
22 short, so if it helps I don't mind doing it before and he
23 can elaborate as much as he wants.

24 MR. CHATTEN: That would absolutely be fine
25 with me.

1 THE CHAIR: Would that be okay, Mr...?

2 MR. CHATTEN: Yes.

3 MR. SZIRMAI: I would prefer to do it like
4 that.

5 THE CHAIR: Okay. If that would --

6 MR. CHATTEN: If that's --

7 MR. SZIRMAI: Sure, that would be fine with
8 me.

9 THE CHAIR: If you don't mind, Mr. Chatten,
10 that would be fine.

11 MR. CHATTEN: Absolutely not. Absolutely
12 not.

13 THE CHAIR: Thank you for being
14 accommodating.

15 You're Mr. Alex --

16 MR. SZIRMAI: Szirmai.

17 THE CHAIR: -- Szirmai, and you are with
18 the Great Canadian Snowmobile --

19 MR. SZIRMAI: Great Canadian Snowmobile
20 Tourists.

21 THE CHAIR: -- Tourists.

22 MR. SZIRMAI: And a Director in the B.C.
23 Commercial Snowmobile Tour Operator Association.

24 THE CHAIR: Okay. And you're obviously with
25 Parts 1 and 4 regarding avalanches.

ALEX SZIRMAI
(Great Canadian Snowmobile Tourists)

1 MR. SZIRMAI: Yes. We have some concerns in
2 terms of the implementation of this process and some of he
3 requirements.

4 THE CHAIR: Sure. Okay.

5 PRESENTATION BY MR. ALEX SZIRMAI OF THE GREAT CANADIAN
6 SNOWMOBILE TOURISTS:

7 MR. SZIRMAI: The Commercial Snowmobiling
8 industry is quite young and we're going to need sufficient
9 time to implement new regulations as they are now being
10 proposed. Our organization was founded in 2005 and has
11 been working very hard to catch up in terms of guide
12 qualifications and standards, and this is a somewhat
13 lengthy process. In order to train guides, a number of
14 years are needed to bring them up to specific standards for
15 industry. And we fear that the present regulations as
16 proposed sort of ignores the fact that there is basically
17 no courses to bring our staff up to the right levels.

18 Most operations at present have good
19 measures in place in terms of avalanche safety. We like to
20 keep our clients safe and get them back home, and that of
21 course also goes for our staff. Those measures consist of
22 sort of control, training, observations of the terrain.
23 And to give you an idea, I've run a backcountry operation
24 since 1993 and I have never been near or involved in an
25 avalanche in the Revelstoke area, to give you an idea. And

1 I deal with anywhere between 500 to 700 clients per year
2 that ride anywhere from four to five days with us.

3 The second concern we have is that the area
4 we operate on this can be very, very large, making
5 assessments of avalanche conditions on a daily basis very
6 costly and labour intense and at times almost impossible.

7 The qualifications for avalanche planners as
8 proposed is absurd and excessive. Fifteen years of
9 experience is now required, which is way too long a period.
10 Presently only two people in the province are qualified.
11 Presently only six snowmobile level 2 people are qualified
12 in the province. It may take up to the three to five years
13 to obtain this qualification. We look at, you know, what a
14 doctor is, when a doctor can practice and he starts
15 anywhere at five to six years. Yet WCB requires 15-year
16 experience from an avalanche technician.

17 I also used to train our own planners that
18 understand our industry. Our industry is quite different
19 than the mechanized ski industry or avalanche hazards as
20 they pertain to roads, et cetera. We're not a gravity-
21 based industry. We don't require the steep terrain that
22 many ski operations require, and we fear that the
23 presently-trained avalanche technicians that's proposed to
24 do our planning have no idea how snowmobiling works and
25 what terrain we use that in.

1 Our industry also largely operates in front
2 country in simple terrain. The majority of our operations
3 do two- and three-hour tours in very simple terrain.
4 Complex terrain where avalanche risks are extreme make only
5 four percent of our total use terrain. We fear operations
6 might shut down if present WCB requirements are implemented
7 short-term.

8 Our approach to avalanche safety is one of
9 avoidance. In 30 years we've had two minor incidents that
10 basically are non-related to avalanches and usually just
11 physical accidents, always caused by the carelessness of
12 our clients.

13 In area deemed very avalanche dangerous, the
14 Revelstoke area, we commercially never have been faced with
15 actual avalanche control measures we had to implement
16 prior, during or after an avalanche situation, due largely
17 through pre-trip decision-making process of avoidance.
18 This is with guides that are presently trained according to
19 CAA level 1 avalanche technicians.

20 In your amendments 4, it is listed that ski
21 and resort operations are going through a MTSA tenure
22 process. Most snowmobile operations also go through this
23 process and consequently have already a management and
24 master plan in place, also dealing with avalanches.

25 Our recommendations are following: To

1 reduce the avalanche planner experience qualifications from
2 15 to eight years. Our industry might not survive a rapid
3 introduction of this legislation. We need time to
4 implement our standards and also WCB for operating in
5 avalanche terrain. Mandatory implementations further might
6 require financial assistance to get small operations on
7 board with guide and planner training and qualifications.
8 We require interim recommendations to be implemented over a
9 six-year period. This would enable us to train sufficient
10 staff to a level 2 avalanche technician, according to the
11 CAA. And last, avalanche safety plans would require a
12 minimum of two-year implementation period.

13 Thank you so much.

14 THE CHAIR: Thank you very much, Mr.
15 Szirmai. Thank you. Thank you very much, and we hope you
16 have a very safe journey back to Revelstoke tonight.

17 MR. SZIRMAI: Oh, yes, and thank you.

18 THE CHAIR: Okay. Back to you, Mr. Chatten.

19 MR. CHATTEN: Thank you. Did you perhaps
20 work with Greyback?

21 MR. BROWN: Yes.

22 MR. CHATTEN: Okay. And you're on the
23 Board of Directors of WorkSafeBC?

24 MR. BROWN: Yes.

25 MR. CHATTEN: I'm sorry, I forgot your name.

1 MR. BROWN: Terry Brown, it's an easy one.

2 MR. CHATTEN: Terry Brown? Thank you.

3 THE CHAIR: Okay. So just for the record,
4 Mr. Chatten is going to be speaking with the Construction
5 and Specialized Workers' Union Local 1611.

6 PRESENTATION BY MR. CHUCK CHATTEN OF THE CONSTRUCTION AND
7 SPECIALIZED WORKERS' UNION LOCAL 1611:

8 MR. CHATTEN: All right. I would like to
9 say that I am a representative of Construction and
10 Specialized Workers' Union Local 1611, part of the
11 Labourers' International Union in North America. We are
12 affiliated with the B.C. and Yukon Territory Building and
13 Construction Trades Council. We have a head office in
14 Vancouver and regional offices in Kelowna, Kamloops,
15 Victoria, Nanaimo, Campbell River, Dawson Creek and Nelson,
16 the one I work out of. We represent approximately 6,000
17 men and women in construction, road building, mining,
18 diamond drilling, industrial plants, health care, parking
19 lot, security and other service industries, including
20 tunnelling.

21 I was asked by Rex Eaton during the
22 consultative process in late 2007 to make a submission. I
23 am including that submission for your perusal, as for the
24 most part, despite the new proposal to introduce 22.57.1
25 through 22.57.9 my comments from January 30, 2008 remain

1 applicable.

2 This presentation should really be made to
3 you at a refuge bay underground to allow you to have a real
4 life "moment" in the construction miner's world. The drill
5 and blast, alpine miner and tunnel boring machine are
6 methods of advancing a heading that I have worked on in
7 British Columbia. None of them qualify as "limited hazard
8 underground workings".

9 Question: Is it irresponsible of WorkSafeBC
10 to implement the proposed amendments to Part 221 of the
11 *Occupational Health and Safety Regulations*?

12 WorkSafeBC claims these proposed amendments
13 are needed because contractors applying for variances to
14 existing regulations created an administrative overload.
15 Basing the need for amendments on responding to the number
16 of variances applied for is cause to mourn the passing of
17 common sense, responsibility and reason. Bureaucratic red
18 tape is not a reason to dilute the existing regulations and
19 increase the likelihood of injury or death to workers. For
20 amendments to Part 22 to be implemented, the tunnel workers
21 or construction miners must be recognized as the experts.
22 It is truly disappointing that WorkSafeBC has abandoned the
23 process of recognizing that workers are experts and
24 including them in the committee process to determine what
25 regulations should be reviewed or amended.

1 This should not be the first time that we
2 get to talk to WorkSafeBC about our concerns with these
3 proposed changes. A more transparent process involving all
4 three parties, the contractor, the worker and the Board,
5 would result in understanding, trust and common sense,
6 thereby creating responsible amendments. Crafting the
7 regulation to avoid contractors applying for variance
8 requests multiple times makes sense and we could do it
9 together.

10 For the reasons provided, the definition of
11 22.57.1 should read as follows -- and what is bolded
12 throughout are simply the proposed amendments. What is not
13 bolded is my response, all right, for ease of reading.

14 THE CHAIR: Okay.

15 MR. CHATTEN: If you have my presentation
16 there.

17 22.57.1 In Sections 22.57.2 - 22.57.9
18 "limited hazard underground working" means a
19 non-gassy underground working

20 ...

21 (b) being excavated using cut and cover
22 technique.

23 It should not include the ones that were in the book, in
24 proposed amendments. And I just noticed a typo in my
25 presentation there, in the bolded part.

1 THE CHAIR: Oh, don't worry.

2 MR. CHATTEN: My copying is poor.

3 Anyway, there are no limited hazard
4 underground workings during excavation by a TBM or "as the
5 work progresses" as the TBM excavates. It seems that cave-
6 ins are the prime consideration of the folks proposing
7 these amendments. The reality of power failure, the
8 reality of fire, the reality of engineering errors, the
9 reality of underground streams, the reality of loose rock,
10 the reality of rocks oxidizing, the reality of access and
11 egress, and the reality of extraction of injured workers
12 are all being ignored. The reality is that from portal
13 structure to portal structure until the tunnel is broke
14 through and "daylighted" at both ends, there cannot be a
15 "limited hazard underground working".

16 This proposed definition adds confusion as
17 to what is a "completed excavation" and opens the door to
18 creative interpretations. Confusion and creative
19 interpretations must be prevented. And you'll see that
20 theme throughout my presentation.

21 "Hours of work". Again the bolded part is
22 as it appears in the proposed amendments. If section
23 22.57.1 is rewritten, we have no issue with this section.
24 Once again, it should be noted that when employees
25 physically and mentally exert themselves for eight hours,

1 the majority of accidents occur after the eight-hour point
2 when they are tired and have difficulty focusing.

3 "Self-rescuers", 22.57.3. We are unable to
4 see any reason to change the requirement to carry a self-
5 rescuer. Period. They are not cumbersome. I invite
6 WorkSafeBC or the committee to see how a worker "can
7 readily obtain a self-rescuer in an emergency" by taking
8 the following test: You are in a pitch-black room. Try to
9 move across the room to find a flashlight in unfamiliar
10 surroundings to now look for your self-rescuer. Then
11 imagine this with uneven ground, moving machinery and other
12 people in a panic. The term "readily available" is another
13 problem involving creative interpretation that must be
14 prevented.

15 And underground you rely on the air that is
16 provided by a mechanical means. So 22.57.4, "Alternative
17 air" is very important. Until the tunnel has broken
18 through, there must be rigid or steel fan line to within 60
19 feet of the advancing face with the capability of being
20 reversed. This needs to be tested regularly by the safety
21 miner to ensure the airflow can be reversed. Leave the
22 ventilation requirements as they are in 22.19.

23 The "Radioactivity survey", 22.57.5. As
24 noted, we are proposing that 22.57.1 be rewritten and that
25 more consultation is required as the safety miner might be

1 the proper authority after excavation commences to best
2 deal with this matter.

3 "Cap lamps", 22.57.6. I tried to contain my
4 response. We are strongly opposed to this proposal.
5 Period. The cap lamp is like the self-rescuer and simply a
6 requirement that should never be removed. There is no
7 problem to performing work or with productivity loss
8 carrying a cap lamp, so why take away a necessary tool. It
9 shows presence, you can see where someone is because their
10 lamp is on if it's dark. You can see, they're used to
11 signal. If I rotate my lamp, I'm telling someone to come
12 ahead. If I flip my lamp like this, I'm telling them to
13 back off. If I flash my lamp back and forth, I'm
14 indicating danger. It's a very serious tool of the trade.
15 This is another example of wording which allows more
16 creative interpretations that must be prevented.

17 "Refuge stations". We only agree if the
18 definition of "limited hazard underground working" is
19 rewritten to include cut and cover and TBM as suggested.
20 That means the TBM has gone right through and it's
21 daylighted at both ends, and in a cut and cover, of course,
22 we have an engineered ceiling or "back" to worry about
23 where the refuge stations are required. In the proposal,
24 the word "may" in part (a) is another example where more
25 creative interpretation is introduced. This must be

1 prevented. Fire and loss of ventilation are more likely
2 than cave-ins but just as deadly. And those refuge
3 stations, where do you go when things mess up? And I've
4 had to use them and without them I wouldn't be here
5 possibly, so...

6 "Rescue workers". I hope you folks at some
7 point in your careers have had a chance or will have a
8 chance to watch a mine rescue team in operation. They hold
9 them at the Sullivan mine in Kimberly. They hold them
10 around the province, and it's incredible the amount of
11 knowledge that is required of the mine rescue team. And
12 they compete, different mines and the same requirements
13 apply. So there is a need for mine rescue capability, and
14 22.51 provides a set of requirements which should not be
15 varied. This whole proposal is open to creative
16 interpretations and they must be prevented.

17 Imagine Mount MacDonald, that's 90 miles
18 east of Revelstoke and 72 west of Golden, in the middle of
19 the Rogers Pass being declared a "limited hazard
20 underground working". Now imagine the highly trained
21 ambulance service from either community performing a rescue
22 eight kilometres underground, if they could find the tunnel
23 portal. I am so serious, people couldn't find either
24 portal and I'm talking about either end of that 16-
25 kilometre-long tunnel, and I worked there for two-and-a-

1 half years. And people bringing supplies couldn't find it,
2 you know. The ambulance service professionals know their
3 community only. That's what they are familiar with, not
4 with the wild blue yonder out there where the work might
5 be.

6 And the "Self contained breathing
7 apparatus", 22.57.9. Who determines this is a limited
8 hazard underground working? The length of the tunnel, the
9 grade of the tunnel, the physical condition of the rescue
10 workers should all be taken into consideration. When
11 construction is completed and the project is signed over to
12 the owners after commissioning the owner may determine this
13 to be acceptable.

14 Access to self-contained breathing apparatus
15 rated for 30 minutes would not be an issue if applied to a
16 cut and cover project. If the project is drill and blast,
17 alpine miner, or TBM, access to self-contained breathing
18 apparatus rated for two hours must be a requirement.

19 And in conclusion, we never had the
20 opportunity to see the employers' variance request that
21 resulted in these proposed amendments. And that's a very
22 big concern to me because they might have all been the same
23 request. I don't know.

24 After the fiasco at the Brilliant Expansion
25 Project, where the professional conduct of engineers

1 involved in the design-build project was brought into
2 question, it is certain that the engineers certificate is
3 not always valid. The Board officers handling the project
4 relied on the engineers certificate to allow non-compliance
5 with Part 22 of the *Occupational Health and Safety*
6 *Regulations*.

7 We would like to suggest a hold be put in
8 place or a moratorium on anything not agreed to by all
9 three parties involved until further consultation. We feel
10 confident that common sense can prevail in crafting the
11 regulation to prevent multiple variance requests. TBMs
12 have been used in other jurisdictions and there is no need
13 to re-invent the wheel.

14 As you have my submission to Mr. Rex Eaton,
15 I would like to request that you review my conclusion
16 presented in January of this year.

17 And one other question is burning the fuse
18 to be answered: How many underground workers do you folks
19 honestly believe have the slightest idea that a
20 consultative process has taken place and proposed
21 amendments to Part 22 are in the public hearing process?

22 Thanks for the opportunity to drive 700 K to
23 respond to these proposed changes.

24 Now, as you promised me some extra time.

25 THE CHAIR: Yes.

1 MR. CHATTEN: I would like to -- and if it's
2 something that can't be responded and if it is anything
3 improper, tell me to shut up. Okay? I mean it, I don't
4 want to do or say anything that is improper to be reviewed.
5 All right?

6 THE CHAIR: Well, this is your opportunity
7 to provide us with comments on the proposed amendments.

8 MR. CHATTEN: All right.

9 THE CHAIR: So we're not really here to have
10 a discussion, but if there's anything that you feel that
11 you would like to be on the record --

12 MR. CHATTEN: Okay.

13 THE CHAIR: -- so that we can bring it
14 forward to our Board of Directors --

15 MR. CHATTEN: Okay.

16 THE CHAIR: -- we're certainly giving you
17 the floor to do that. We'd appreciate that.

18 MR. CHATTEN: Thank you. I am not an
19 expert.

20 THE CHAIR: Okay.

21 MR. CHATTEN: I worked as a shifter. I
22 never worked as a walker, and if you understand the
23 hierarchy underground, the walker is like the captain of
24 the ship and then there's a number of shifters that work
25 under him. I say "him", not to be sexist. But the safety

1 miner is the only person who has authority higher than the
2 walker. All right? And he will tell the walker the
3 ventilation isn't working, the men can't go in there, or
4 that's how it works.

5 However, I did work underground on
6 tunnelling in 1966 at the Bennett Dam. I did work at the
7 Duncan Dam in 1966 and '67. I worked at the Kootenay Canal
8 in 1974, the Kaiser Coal Project in '69. That's the only
9 time I was exposed to methane gas. Site "C", I ran an
10 alpine miner there in 1980 and '81. Mount MacDonald from
11 '86 to '88, and the Kemano Completion Project in '89/'90.
12 So I spent about nine years of my life underground,
13 probably four of them on drill and blast -- actually,
14 closer to six years drill and blast, two years TBM and
15 about a year on the alpine miner. And I also worked on the
16 mine rescue team at Kemano.

17 Now, I worked at Mount MacDonald and in that
18 project a tunnel boring machine advanced eight kilometres.
19 After that the bottom was taken out, so the tunnel boring
20 machine created a circular passage for eight kilometres.
21 Upon that process being completed, it was extracted and a
22 drill blast method took place following it to make the
23 tunnel shape, I believe approximately 22 feet to spring
24 line and then the arch, so that the trains carrying coal
25 could pass through without a problem. So you had a

1 combination of TBM and drill and blast.

2 And I lost two colleagues there in the
3 process of minerals -- not minerals, I am very sorry --
4 muck being extracted from the face to the port. Everything
5 is done, production is the most important thing. All
6 right? So as a result of that, and it's foolish to try to
7 blame one person, but there was one or two individuals very
8 aggressive on the loci, which are the mechanical devices
9 that pull the train, all right? Like a locomotive only
10 it's l-o-c-i.

11 Anyway, I guess something that I'd like to
12 say is that there were engineering errors on that project
13 where tights were created. Do you know what tights are?

14 THE CHAIR: No.

15 MR. CHATTEN: No? All right. Tights are
16 when the tunnel isn't in a straight line even on both
17 sides. So that from centreline to here might be eight feet
18 and from centreline to here might be seven feet. So you
19 might have to slash two feet of rock off of here. So you
20 have to drill, load it, and blast it after the machine has
21 gone by. All right? And this happens with some
22 regularity, all right, in either drill and blast, in all
23 methods of excavation. So that work was going on while we
24 were extracting muck from the face.

25 People will tell you that nobody works

1 underground other than the TBM crew. But I take umbrage
2 with those comments because I've been there, doing the
3 work. We took a form that was 140 feet long and we
4 repeated that process of placing concrete to pour a pony
5 wall for a full eight kilometres. And then we built a pre-
6 designed telescopic arch form and we placed concrete from
7 the top of the pony wall to cover the arch.

8 Now, I'd like to say that once there was no
9 requirement for ventilation, that tunnel is now a limited
10 hazard underground working and the way I think would be
11 proper to designate.

12 Prior to that there are all these instances,
13 and if you understand rock oxidizing, at Capilano-Seymour
14 Tunnel. And it was very interesting that I was having
15 discussions with Rex Eaton, heard about the problems
16 because our members were doing the job and told Rex it
17 might be very interesting to see exactly what I'm talking
18 about. When rock oxidizes it hasn't seen oxygen for a
19 million years, it literally explodes and you can have rock
20 the size of the table you're sitting at fall out of the, we
21 call it the "back", the ceiling.

22 Spring line is where the arch starts to
23 spring line. So when you say "spring line to spring line"
24 you're talking about the back, and then from there down is
25 the wall, and the floor is called the "floor" or the

1 "invert". And in the amendments there's references to the
2 "face". The face is always the advancing face. We never
3 look at the walls or what's been excavated as the face,
4 okay? So I've covered engineering errors.

5 At present we don't have an acceptable
6 definition for underground. Part 22.2.2 is up for grabs.
7 There has been no -- it's wording, it's where I saw words
8 played with and, to put it delicately, people's lives are
9 being played with. The issue of whether you're underground
10 and you should have the safety of Part 22, or whether
11 you're in an enclosed space and should have it come under
12 Part 5 is not acceptable. It should be Part 22 until it's
13 lined, or -- and when I say this, a mining engineer, I
14 don't want to bring up names because I'm being recorded and
15 probably I could get into trouble for it. But there are
16 people who have at Brilliant, and I'll use that Brilliant
17 Expansion Project again, where - and I'm sure you folks
18 have lots of information on it - there were instances there
19 where a gentleman who has a degree in engineering and is a
20 geotechnical engineer understands a whole whack of stuff,
21 I'm sure, but had never been in a mine or an underground
22 setting in his life prior to the project commencing. And
23 he's calling the shots.

24 This is the same guy that then, picture
25 this, an elevator shaft -- not an elevator shaft, an

1 excavation that houses the powerhouse, 14 stories high,
2 with rock, you know, a rock cut key into the rock. Picture
3 this. Workers are down here building a powerhouse, rocks
4 are falling off, falling off on an ongoing basis. At the
5 same time the Board officers are going underground to
6 accept this gentleman's word that underground is now in its
7 final structural condition. I believe those were the
8 words. The same project has rock falling off the thing.
9 This gentleman says, listen, the experts here are the high
10 scalers, which happen to be the miners. They're the ones
11 that are going to go up there and remove the loose rock.
12 They shut the project down for seven days, or five days, I
13 don't want to exaggerate. I'm just saying what happened.

14 So in that process, the Board officers, and
15 the engineer said the experts here are the guys that are
16 doing the high scaling. They're the guys that are going to
17 go up there and remove the rocks and put in the rock bolts.

18 Do you folks understand what a rock bolt is
19 -- yes/no? It's a high tensile steel bolt that you install
20 by drilling a hole and you can use a number of -- you can
21 use grout, or you can use epoxy resin to lock that rock in,
22 and it's stressed to thousands of pounds pull to ensure
23 that it is in solid rock. Okay?

24 The reason that those are put in place is to
25 prevent rocks from falling. Well, it was one of the owners

1 walking through the project that had a piece of rock go
2 through a sheet of three-quarter inch form ply right beside
3 him and he said this place is not safe. That invited the
4 Board officers over to take care of it.

5 Do you want me to shut up for minute?

6 THE CHAIR: No, that's fine. We'll just
7 leave it there. Sorry, we have a rather jumping microphone
8 here.

9 MR. CHATTEN: That's okay.

10 I want to say that I think something that's
11 been lacking since '98 is the hardcopy of the *Occupational*
12 *Health and Safety Regs* for the use of the guys and gals who
13 are doing the chores. There is no computer screens
14 underground and in the surface lunchrooms there's nothing
15 there where you can pull up the Regs to review them. That
16 might be across the river or somewhere far away in an
17 office, but it's not where the work is and it's a real
18 contentious issue because somebody will come and say this
19 is where it's at now, and of course the workforce is going
20 oh, okay, really? And because the folks are taking the
21 orders from, they proceed with the work, whether in fact
22 it's actually been certified and okayed by the Board.

23 I think the Board officers should have more
24 power. That's a very strong conviction I have, and they
25 should have better training to deal with underground

1 issues. I know Gary Kreller recently retired. He worked
2 at the Bennett Dam in 1966. I know he understands, and
3 Glen Monkman was a recorder for BC Hydro prior to his
4 employment. I believe he's in the retirement process. I
5 don't know if there's one other person on the Board that
6 has underground experience. And I believe it's important
7 that experience be part of the folks that are doing the
8 chores when it comes to regulations.

9 THE CHAIR: Mr. Chatten, I just wanted to
10 interject here.

11 MR. CHATTEN: Yes.

12 THE CHAIR: So we're trying to focus this on
13 the proposals that we have under review right now.

14 MR. CHATTEN: Yes.

15 THE CHAIR: So if this is sort of issues
16 that are of a general nature that aren't really related to
17 the proposals, perhaps we should take this offline and do
18 it after the conclusion of the public hearing. So I just
19 wanted to make that comment.

20 MR. CHATTEN: Okay. I'll stick to TBM,
21 then, in my next couple of comments.

22 THE CHAIR: Sure.

23 MR. CHATTEN: And I certainly would be happy
24 to go offline.

25 THE CHAIR: Yes.

1 MR. CHATTEN: Do you guys know what raised
2 boring machines are? It's a TBM that works vertically, but
3 I'll do that offline.

4 Regulators need to enforce existing
5 standards of safety, not defer to construction managers or
6 construction engineers who are concerned about costs. I am
7 positive that the miners voiced their opinions to Board
8 officers about ventilation training, unsafe work practices
9 and supervision at the Brilliant Project, and this wasn't
10 TBM-related, but it's drill and blast where a project was
11 declared to be a limited hazard underground working.

12 Last I'd like to just talk about the boring
13 machine that was stuck in North York, and I would be really
14 happy, I was in Montreal all of last week and returned home
15 on Sunday. I have got information coming from a fellow
16 named Joe Mandarino of Local 183, and our international
17 union provides the training and the workforce for the
18 underground works in Toronto, all of it. All right? And
19 when I say this, there are no difference in the regulations
20 for underground regardless which method of advancing the
21 face is used.

22 So I mentioned in my presentation earlier
23 about reinventing the wheel. I think it would be superb to
24 look at Quebec, at places where they have subway or metros,
25 and really do a solid comparison and hopefully we could be

1 part of that.

2 And like what happened - and I'll give this
3 to you, I downloaded it last night at home - what happened
4 is they were very close to the end of a -- I don't need to
5 read it, but it was a three-metre-wide tunnel and the rings
6 were being installed as the TBM advanced and it was between
7 the rings that this muck came in and now that whole thing
8 is buried and it will take months to extract it. So the
9 whole machine was buried. The folks that were there got
10 out because they're highly trained. All right?

11 So the ground isn't always straight and flat
12 that the machine is excavating. Sometimes there are dips.
13 This is for sewer line, all right? And, I mean, with the
14 expansion that's happening in British Columbia, like the
15 Fraser Valley is booming, this area is booming, there is
16 proposed tunnels in the Kicking Horse Pass, there's
17 proposed tunnels all over the place, and it would probably
18 be a very wise thing to do under Port Mann, but that's not
19 mine to say. I'll shut up now, and I'd like to give you
20 this to read.

21 THE CHAIR: Okay, yes, please do.

22 MR. CHATTEN: All right.

23 THE CHAIR: And thank you very much, Mr.
24 Chatten, and especially for taking the time to drive all
25 the way here to come to the public hearing. We really

1 appreciate that.

2 MR. CHATTEN: Okay.

3 THE CHAIR: Thank you very much. So now
4 we've actually gone through everyone who has been
5 scheduled, and I just wanted to ask if there is anyone else
6 in the room that would like to make a presentation. So
7 what I'll do then, if there's no one else in the room who
8 wants to make a presentation, is I'm going to adjourn the
9 meeting for a short while just to see if anyone else comes
10 tonight and who wants to participate. So as of now we
11 will go off record.

12 --- PROCEEDINGS RECESSED AT 8:10 P.M.

13 --- PROCEEDINGS RECONVENED AT 8:25 P.M.

14 THE CHAIR: At this time I would like to
15 close the meeting, seeing as how there are no further
16 people who would like to participate. So the meeting is
17 closed.

18 --- PROCEEDINGS CONCLUDED AT 8:25 P.M.

19 I HEREBY CERTIFY the foregoing to be a
20 true and accurate transcript of the
21 proceedings herein, transcribed from
22 taped proceedings, to the best of my
23 skill and ability.

24 _____
25 Pat Neumann