

WORKERS' COMPENSATION BOARD OF B.C.

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Prince George, B.C.
May 22, 2008

TRANSCRIPT OF PROCEEDINGS

PANEL:

Roberta Ellis
Anne Burch
Ed Bates

Chair
Vice-Chair
Legal Counsel

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1 --- PROCEEDINGS COMMENCED AT 3:00 P.M.

2 THE CHAIR: And I want to say thanks for
3 coming to the public hearing. I'm going to introduce
4 myself and the panel. I'm Roberta Ellis. I'm the Chair of
5 the public hearing panel and vice-president of the Policy
6 and Research Division. On my left is Anne Burch, who is
7 vice-chair of the panel and director of Prevention Policy
8 and Regulation Review. And on my right, Mr. Ed Bates, who
9 is general counsel and secretary to WorkSafeBC. And we're
10 very happy to have Wendy Toikko with us again, who has been
11 our court reporter before. Wendy takes *verbatim* notes of
12 the public hearing. The record assists the Board of
13 Directors in their decision-making and the recorded notes
14 are made public after the Board of Directors makes
15 decisions regarding these proposed regulatory amendments.

16 So I'm just going to read into the record
17 the amendments to the *Occupational Health and Safety*
18 *Regulations* that are being considered at this public
19 hearing: Part 1, Definitions; and Part 4, General
20 Conditions, which relate to avalanches, Part 4, General
21 Conditions that relate to amendments to the environmental
22 tobacco smoke regulation, Part 5, Chemical Agents and
23 Biological Agents regarding the designation of certain
24 substances, Part 14, Cranes and Hoists, cranes and hoists
25 relating to operators' duties, Part 17, Transportation of

1 Workers relating to seating requirements and seatbelts in
2 vehicles used to transport workers, Part 20, Construction,
3 Excavation and Demolition; and Part 22, Underground
4 Workings relating to fill, stockpiles and professional
5 certifications, Part 22, Underground Workings relating to
6 accommodation of tunnel boring and cut and cover excavation
7 methods, and Part 23, Oil and Gas relating to snubbing
8 operations, emergency escape systems, riding hoist
9 equipment and miscellaneous items.

10 And for the record, the proposed amendments
11 to Parts 1 and 4 relating to avalanches and to Parts 20 and
12 22 relating to fills and stockpiles were taken out to the
13 2007 public hearings. Stakeholders at that time asked for
14 more consultation and I do want to offer thanks to anybody
15 who did take time to work with us on those issues. The
16 amendments were revised and are being returned to this
17 public hearing. Stakeholders have been advised of the 2008
18 proposed amendments and associated explanatory notes.
19 We've placed the proposed changes on the WorkSafeBC
20 website. We sent E-news missives to 3,500 stakeholders.
21 We advertised in the B.C. Gazette and 17 newspapers and
22 we've also contacted representatives of industry
23 associations and interest groups to encourage their
24 response. So I'm just going to point out, Rob, it's not
25 for want of trying to encourage people to come to the

1 public hearings.

2 MR. SHERLOCK: Yeah, you bet.

3 THE CHAIR: So the other thing to know is if
4 you want to leave a written submission that's terrific. It
5 can be left with Leley Neudorf, who is our administrative
6 assistant out here. But the deadline for all written
7 materials is 4:30 p.m., Friday, June the 13th, 2008. So
8 this is the formal consultation process. Once we're
9 complete, we analyze everything, the written and the oral
10 submissions. The Board of Directors is the decision-making
11 body at WorkSafeBC and they have access to everything that
12 we hear or everything that is sent in to us. So I'm really
13 pleased that you're with us today. And this is Rob
14 Sherlock, S-h-e-r-l-o-c-k, and with the Western Industrial
15 Contractors, which is part of COCA, the Council of
16 Construction Association, Rob.

17 MR. SHERLOCK: Yes, I sit on the Board of
18 Directors of COCA.

19 THE CHAIR: I thought that's where I had met
20 you. And you wanted to speak to Part 14, Cranes and
21 Hoists?

22 MR. SHERLOCK: Yeah.

23 THE CHAIR: Good.

24 MR. SHERLOCK: Specifically 14.63.1.

25 THE CHAIR: Okay. On you go.

ROB SHERLOCK
(Western Industrial Contractors and
Council of Construction Association)

1 MR. SHERLOCK: Okay.

2 PRESENTATION BY MR. ROB SHERLOCK OF WESTERN INDUSTRIAL
3 CONTRACTORS AND COUNCIL OF CONSTRUCTION ASSOCIATION:

4 MR. SHERLOCK: Hello. Thanks for allowing
5 me the opportunity to speak. My name is Rob Sherlock. I
6 am the safety and environmental manager for a local
7 construction firm, Western Industrial Contractors, "WIC"
8 for short. I'm here representing WIC and COCA, Council of
9 Construction Association in the matter of proposed changes
10 to Part 14, Cranes and Hoists, subsection 14.63.1 of the
11 WorkSafeBC Regulation that has to do with adding a second
12 brake system on cranes with hoist drums operated with
13 friction controls. I would like to say that I, as well as
14 the organizations I'm here to represent, support the
15 withdrawal of section 14.63.1 of the Regulation.

16 We, as employers, take the safety of our
17 employees very seriously and are not in the business of
18 cutting corners when it comes to safety. It is just not
19 cost effective or morally acceptable for us to do that. As
20 an employer, we are on board for any reasonable changes to
21 any of the regulations that will ensure a higher standard
22 of safety in our industry, which this regulation would not
23 accomplish this. Having said that, section 14.63.1 would
24 have industry refit all cranes of this type with a second
25 braking system at an approximate cost of about \$8,000 to

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1 industry per crane. Now, money aside, this would be a
2 welcome change, if, in fact, adding this system would help
3 prevent the types of accidents that inspired this proposed
4 change in the regulation in the first place. The fact is
5 the existing braking systems that are installed on these
6 cranes now are more than adequate to do the job they are
7 designed to do. The braking systems aren't the problem.
8 Everyone needs to understand that the crane operator has to
9 engage the existing braking system manually, which we know,
10 if properly engaged, will work. Now, adding the second
11 braking system will require the operator to manually engage
12 it as well, which, in fact, would do the same exact thing
13 as the first braking system. So we feel it would make --
14 it would not make any safety sense or business sense to
15 have this regulation in place.

16 And that's all I have. And thanks for your
17 time.

18 THE CHAIR: Thanks, Rob. I think this was a
19 -- this one was an interesting topic. I think, as you
20 know, the recommendation to inquire into this came from a
21 Coroner's judgment.

22 MR. SHERLOCK: That's right.

23 THE CHAIR: And while the coroner's
24 recommendations are not binding on us, we always try to at
25 least make sure that we've given them a thorough -- a

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1 thorough hearing and a thorough review. And I think this
2 was a good example of the kind of consultation that we did
3 with industry and other stakeholders. That while the
4 intent was very, I think, commendable, it was clear that it
5 wasn't going to work in the -- in the manner that it was
6 proposed.

7 MR. SHERLOCK: Correct.

8 THE CHAIR: And so actually I think that the
9 pre-consultation on this one was very helpful.

10 MR. SHERLOCK: It was, yes.

11 THE CHAIR: One of the things that we've
12 noted in the explanatory notes is if there is a need to
13 look at this kind of an initiative in any case, probably a
14 CSA technical committee could perhaps look at the concerns
15 and the issues so that you have an across Canada system as
16 well because the other thing that was brought to our
17 attention was given the mobility of a lot of this equipment
18 it's crossing borders all the time so --

19 MR. SHERLOCK: That's right. And we, as
20 industry, agree that there is a problem.

21 THE CHAIR: Yes.

22 MR. SHERLOCK: It just --

23 THE CHAIR: This isn't the solution.

24 MR. SHERLOCK: This isn't the solution for
25 that problem.

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Council of Construction Association)

1 THE CHAIR: And so I just do note that we --
2 this was a matter that was -- while it was taken out for
3 consultation, the -- we are agreeing that this proposal
4 should be withdrawn and we will not be proceeding to take
5 it forward to the Board of Directors for their
6 consideration.

7 MR. SHERLOCK: Thank you.

8 THE CHAIR: And I think that was perhaps
9 what you came here to confirm.

10 MR. SHERLOCK: That was right.

11 THE CHAIR: Okay. Well, then I do thank you
12 for that, Rob. And as I had mentioned to you just before
13 we started, because of the nature of these regulatory
14 amendments, we did not anticipate a great deal of sign up
15 this afternoon. We have two or three other individuals who
16 have indicated they want to speak. But at this point what
17 I'm going to do is simply adjourn the proceedings for a
18 short period of time in order to make sure that we are here
19 to hear anybody that wants to be here but allow you to get
20 on with your busy day.

21 MR. SHERLOCK: Okay. Thank you.

22 THE CHAIR: Thanks very much, Rob. Come on
23 in. Hi, there.

24 THE RECORDER: Do you wish to go on the
25 record, Madam Chair?

ROB SHERLOCK
(Western Industrial Contractors and
Council of Construction Association)

1 THE CHAIR: We'll continue, yes. Come on
2 in. For the record, I know that Ms. Sheila Moir has
3 entered the room.

4 MS. MOIR: The workers are late.

5 THE CHAIR: That's fine. So Sheila, what I
6 was going to do was because I had mentioned to Rob, we
7 didn't anticipate a large sign up here.

8 MS. MOIR: Yes.

9 THE CHAIR: But obviously we're here for the
10 afternoon and the evening to hear what people have to say.

11 MS. MOIR: Right.

12 THE CHAIR: What I'm going to do is just
13 adjourn and --

14 MS. MOIR: Okay, sure.

15 THE CHAIR: -- for now.

16 MS. MOIR: Okay.

17 THE CHAIR: And then we'll resume the
18 hearings when the other presenters arrive.

19 MS. MOIR: Okay. Sounds great.

20 THE CHAIR: Okay.

21 MS. MOIR: So the other people aren't --
22 behind us aren't here either?

23 THE CHAIR: That's fine.

24 MS. MOIR: Oh, okay.

25 THE CHAIR: Yeah.

ROB SHERLOCK
(Western Industrial Contractors and
Council of Construction Association)

1 MS. MOIR: I don't know.

2 THE CHAIR: No, they're not.

3 MS. MOIR: Oh, they're not.

4 THE CHAIR: So we're just going to adjourn
5 and we'll resume.

6 MS. MOIR: Yeah, yeah, okay, great.

7 THE CHAIR: Okay, good.

8 --- PROCEEDINGS RECESSED AT 3:10 P.M.

9 --- PROCEEDINGS RESUMED AT 3:20 P.M.

10 THE CHAIR: Ladies and gentlemen, so I am
11 going to resume our public hearing panel. I'm not going to
12 re-read into the record the sections that we are
13 considering for proposed amendment. I've already done
14 that. I am going to welcome Shannon Euverman, who is here
15 instead of Brian O'Rourke, from the Steelworkers. So
16 Shannon, please come forward.

17 I'd also like to introduce us to the folks
18 who are here. My name is Roberta Ellis. I am Chair of the
19 panel. And I'm vice-president of the Policy and Research
20 Division. This is Anne Burch, who is our vice-chair and
21 director of Prevention, Policy and Regulation Review. And
22 this is Ed Bates, who is general counsel and secretary to
23 WorkSafeBC. And also, this is Wendy Toiko, who is a court
24 reporter, who's worked with us before. And I'll just
25 explain a little bit about the process. Wendy takes

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1 *verbatim* notes of the public hearing and that record
2 assists the Board of Directors in their decision making
3 process. We make the recorded notes public after they've
4 made their decisions and the Board of Directors is made
5 aware of all of the material that comes to our attention
6 through this public hearing process.

7 The other thing I would just like to let you
8 know is that if there are written materials that anybody
9 wants to make sure we have, the deadline for that is 4:30
10 p.m. on Friday, June 13th. And if you want to leave some
11 written notes today, that's fine, too. Just leave them
12 with Leley Neudorf and we'll make sure that they're added
13 to the record. I will let you know that in order to make
14 sure that we disseminate the material as broadly as
15 possible all of the proposed changes were placed on our
16 website. They were sent to over 3,500 stakeholders via E-
17 news, advertised in the B.C. Gazette and 17 newspapers and
18 we've also contacted a number of industry associations and
19 interest groups to encourage participation. So we're
20 delighted to have you here this afternoon, Shannon.

21 MS. EUVERMAN: Thank you.

22 THE CHAIR: And I understand that you are
23 going to speak to Part 5, Designation of Substances --

24 MS. EUVERMAN: Yes.

25 THE CHAIR: -- but feel free to speak about

SHANNON EUVERMAN
(Steelworkers Local 1-424)

1 anything you like. Thanks, Shannon.

2 MS. EUVERMAN: Thank you very much, Chair.

3 THE CHAIR: Welcome.

4 PRESENTATION BY MS. SHANNON EUVERMAN OF STEELWORKERS LOCAL
5 1-424:

6 MS. EUVERMAN: First I'd like to introduce
7 myself. I'm Shannon Euverman. I am a business agent and I
8 am the third vice-president of the Steelworkers Local 1-424
9 here in Prince George. I'm here today representing the
10 6,000-plus members of USW Local 1-424. We are extremely
11 pleased that WorkSafe is holding public hearings in Prince
12 George and that we have an opportunity to respond to the
13 proposed regulation amendments for 2008. It is important
14 to us that we have this opportunity available to us in our
15 community.

16 I'm here today to respond to the proposed
17 amendments to Part 5, the Chemical and Biological
18 Substances relating to designated substances. Section
19 5.57(b)(c) of designated substances is extremely important
20 to us and our members. USW is very concerned about the
21 proposed amendments to Part 5, which will allow the
22 continued use of the ACGIH List as the only resource
23 available to workers and employers, as a recognized
24 reference for the designation of chemicals that are
25 reproductive toxins and sensitizers. This amendment is

1 flawed in our opinion because the ACGIH will no longer
2 reference those designations in their list unless they are
3 the basis for the threshold limit value.

4 The Board have admitted that they do not
5 have the resources available to keep these designations
6 current and updated. Our members are primarily employed in
7 forestry and related sectors. They work in sawmills, do
8 repairs and equipment maintenance, welding and saw filing.
9 They work in the treated pole industry and in paint shops.
10 All of these occupations are exposed to wood dust and use
11 chemicals, which are components of products, such as
12 solvents and paints that are primary sources of exposure to
13 reproductive toxins and of sensitizers. The regulation of
14 exposures to these chemicals and how they must be
15 identified in a clear and transparent manner is also of
16 great importance to our members and, therefore, to the USW
17 Local 1-424 officers as well.

18 Continued reliance upon the ACGIH List of
19 Designations, a source of information, which is limited
20 and, therefore, provides minimal protection to our members,
21 is simply unacceptable. Reproductive toxins affect the
22 reproductive ability of men and women. Exposure can result
23 in sterility, testicular damage, fetal abnormalities,
24 miscarriages and cancers of the reproductive organs.
25 Workers have a fundamental right to be provided with the

1 best protection against exposures. Obviously, reproductive
2 toxins have the greatest potential for those effects on
3 young workers, who are of a reproductive age, an estimated
4 20 percent of the workforce in B.C. And these effects are
5 insidious. Workers would not know that they have been
6 affected until they discover they are unable to conceive or
7 they have children with birth defects. These effects will
8 be manifested in multiple generations. Sensitizers are
9 those chemicals, which may not cause immediate health
10 effects but after repeated exposures workers will develop
11 allergic reactions. The range of hypersensitivity is broad
12 and includes skin effects, occupational asthma, lung
13 disease and compromised immune systems. They usually have
14 a lifelong effect and have the potential for being fatal.
15 They involve such products as solders, wood dust and
16 paints.

17 Neither of these classes of chemical
18 designations is to be trifled with. The WCB must provide
19 workers with the strongest regulatory requirements in order
20 to fill -- in order to fulfil their obligation to protect
21 workers.

22 In the pre-consultation meetings held with
23 the WCB, labour and employer stakeholders, both parties
24 were prepared to extend that greater protection to workers
25 by agreeing on a recommendation to revise section 5.57 to

1 add (e) to read -- and that would be classified under WHMIS
2 CPR 53 or 55 as a development or reproductive toxin,
3 subdivision A or Division 2 of Class D - Poisonous and
4 Infectious Material. WHMIS is the recognized system in
5 Canada and establishes the legal requirements for the
6 identification of hazardous substances. Due to the
7 requirements of the MSDS, the Material Safety Data Sheets,
8 the WHMIS list must be kept up-to-date. Therefore, the
9 WHMIS list is a much more reliable source of information on
10 reproductive toxins and sensitizers. It's also widely used
11 in all operations in British Columbia. Adopting the WHMIS
12 list of reproductive toxins and sensitizers will provide
13 consistency and avoid confusion at workplaces where -- when
14 employers and workers may notice a discrepancy between the
15 ACGIH list and the required WHMIS MSDS references.

16 In the explanatory notes, the WCB states
17 that the proposed amendment is an interim measure until
18 such time as an -- it is appropriate to consider other
19 identification systems that address workplace exposures to
20 reproductive toxins and sensitizers. We believe this is
21 also unacceptable. This regulation amendment was first
22 proposed in the summer of 2007. In the pre-consultation
23 meetings that took place in early September of 2007 --
24 pardon me, and the pre-consultation meetings took place in
25 early September 2007.

1 If the WCB had taken seriously the
2 recommendation of the stakeholders, they could have
3 undertaken investigation of other resources -- other
4 resource lists at that time. The WHMIS list is readily
5 available what research must be done. Our recommendation
6 to the WCB Board of Directors revises section 5.57 to add
7 (e) to read, "Classified under WHMIS CPR 53 or 55 as a
8 developmental or reproductive toxin, subdivision A or
9 Division 2 of Class D - Poisonous and Infectious Material".

10 I would urge the WCB to make this revision
11 and to take this opportunity to satisfy both labour and
12 employer stakeholders.

13 Section 5.58(1) is one we do agree with.
14 The protective policy amendments that are proposed are in
15 accordance with what we believe is correct and we would
16 recommend that the WCB Board of Directors implement this
17 proposed amendment.

18 That concludes my presentation for today. I
19 would ask that you take our comments under consideration
20 and review them carefully when arriving at a decision.

21 THE CHAIR: Thanks, Shannon.

22 MS. EUVERMAN: Thank you.

23 THE CHAIR: I just -- I wonder if I could
24 ask a quick question.

25 MS. EUVERMAN: Sure.

1 THE CHAIR: Because I want to be clear about
2 this. The motivation for making the amendment was, as I
3 think the explanatory notes made clear, because we didn't
4 want any of the protections to be lost --

5 MS. EUVERMAN: Yes.

6 THE CHAIR: -- because of the change in the
7 -- so I just want to be clear, however, that in expressing
8 your concern that the ACGIH not be the sole source for --

9 MS. EUVERMAN: Yes.

10 THE CHAIR: -- information and in suggesting
11 that there are WHMIS provisions that should profitably be
12 investigated, but you're not recommending that we lose the
13 protection that would be preserved by what's proposed in
14 the regulation. That's, I guess, what I'm concerned about.

15 MS. EUVERMAN: I don't think that the
16 steelworkers want to see any protection --

17 THE CHAIR: Lost.

18 MS. EUVERMAN: -- measures lost.

19 THE CHAIR: Lost, okay.

20 MS. EUVERMAN: The WHMIS system is widely
21 used. It's easily recognizable. The MSDS data sheets are
22 -- they're comprehensible to even sawmill workers, to
23 people with very limited resources. Also, it's been a
24 measure that we've been accustomed to and adapted to many
25 years ago in the -- in the workplace, as it is today.

1 They're -- they're simplistic. They -- I think they cover
2 every product used in Canada and, therefore, we feel it
3 would be the superior reference material to use in these
4 situations.

5 THE CHAIR: Right.

6 MS. EUVERMAN: I don't know that we would be
7 losing anything by using that system. Rather, than the
8 ACGIH list, which is comprised a lot --

9 THE CHAIR: Right.

10 MS. EUVERMAN: -- and mainly of U.S. used
11 products and one that we just don't -- we don't feel is
12 adaptable as well as the WHMIS.

13 THE CHAIR: No, I think that's a very fair
14 point and I would agree with you. We've made it clear and
15 we will make clear to the Board of Directors that we are,
16 in fact, going to have to consider other systems, WHMIS
17 being one of them under the **Health Canada Hazardous**
18 **Products Act** and *Controlled Products Regulations*. Of
19 course, the other thing is the Global Harmonization System
20 that's also coming into place at the same time. So I think
21 I can assure you that we're certainly not averse to
22 exploring that. The concern was not to lose the
23 protections that are already there that could have been
24 lost because ACGIH had, in fact, ceased to record in their
25 system what some of these potentially hazardous substances

1 are. So I just wanted to be clear in expressing your
2 concern about ACGIH and expressing your support for WHMIS
3 the steelworkers are in no way suggesting that they want
4 any protections lost.

5 MS. EUVERMAN: Yes.

6 THE CHAIR: I hear the -- I hear the
7 critique --

8 MS. EUVERMAN: Yes.

9 THE CHAIR: -- but I wanted to be really
10 clear.

11 MS. EUVERMAN: Yes, you are absolutely
12 correct, Panel.

13 THE CHAIR: Okay, thank you.

14 MS. EUVERMAN: Just in an addendum to that,
15 the WHMIS Regulations and section are always being revised
16 as --

17 THE CHAIR: Right.

18 MS. EUVERMAN: -- as they go on. And that's
19 one of the concerns we have with the --

20 THE CHAIR: ACGIH.

21 MS. EUVERMAN: -- ACGIH list is that it
22 doesn't have those revisions being made constantly. With
23 the influx of products coming from offshore, it becomes
24 another concern that we don't know a lot of the -- what's
25 in these products. And the WHMIS designation should be one

1 of the main components into investigating and determining
2 what's in those -- those items that may be dangerous to --
3 to people especially in the -- in this section, so...

4 THE CHAIR: Okay. No, that's very helpful.
5 And I thank you very much for taking a little time to
6 answer my questions.

7 MS. EUVERMAN: Thank you, Panel.

8 THE CHAIR: Thank you very much.

9 MS. EUVERMAN: Thank you.

10 THE CHAIR: Could I ask Ken Morland? Thanks
11 very much, Shannon.

12 MR. MORLAND: Good afternoon.

13 THE CHAIR: Mr. Morland, I think you're
14 particularly interested in Part 14?

15 MR. MORLAND: 14.63.1 --

16 THE CHAIR: Right.

17 MR. MORLAND: -- is what I'd like to speak
18 on and it's going to be short and sweet.

19 PRESENTATION BY MR. KEN MORLAND OF STERLING CRANES:

20 MR. MORLAND: Our feeling is that we'd like
21 to thank WorkSafeBC for withdrawing the section from the
22 regs, as we feel that conventional cranes with friction
23 clutches and brakes are designed by the manufacturer and
24 have a proven -- have proven to be very safe when operated
25 and maintained within the specifications of the operator

1 and maintenance manuals.

2 THE CHAIR: Mm-hmm. And in fact, I --
3 indeed your colleague, Mr. Sherlock from the Western
4 Industrial Contractors and from COCA, was here a little
5 earlier, Mr. Morland. And I just wanted to note for you
6 also, we appreciate you taking the time to come here today
7 to speak to this issue. We -- I had noted previously with
8 Mr. Sherlock that this was a recommendation from the
9 Coroner's inquest and while these are not binding on us we
10 always take them very seriously and we want to air them
11 with the stakeholders. It was clear from the feedback that
12 we got that while one of the elements, the 14.37.1, the
13 operator amendment, had wide support from right across the
14 industry. This one posed some particular challenges and in
15 some circumstances it wasn't doable.

16 MR. MORLAND: Yeah, and not necessary.

17 THE CHAIR: Yeah.

18 MR. MORLAND: You know, I mean...

19 THE CHAIR: Yeah, we heard that.

20 MR. MORLAND: The majority of the cranes
21 like I say, that are produced have all of the safety
22 features in them and it's normally operator error, you
23 know.

24 THE CHAIR: Right. We also noted that there
25 is a technical committee that's looking at the CSA Standard

1 Z150 Safety Code for Mobile Cranes. And that might be a
2 productive place for operators across the country to get
3 some common standards --

4 MR. MORLAND: Exactly.

5 THE CHAIR: -- that address the safety
6 issues, this not necessarily have been -- having been the
7 right way to do it.

8 MR. MORLAND: Yeah.

9 THE CHAIR: So I thank you for that.

10 MR. MORLAND: Well, I think also like B.C.
11 Crane Safety, along with WorkSafeBC, with what they're
12 trying to do is going to eliminate a lot of things as well
13 so...

14 THE CHAIR: Right, indeed. So I thank you
15 for taking the time out of your busy day to come and
16 express yourself for that.

17 MR. MORLAND: Okay. Thank you.

18 THE CHAIR: Thank you so much, sir. Can I
19 just ask, Sheila, were you planning to present at this
20 session?

21 MS. MOIR: No.

22 THE CHAIR: Okay. So just for the record,
23 then, I'm going to again adjourn the proceedings
24 temporarily. And so Ms. Toiko, we're off the record.
25

1 --- PROCEEDINGS RECESSED AT 3:45 P.M.

2 --- PROCEEDINGS RESUMED AT 4:15 P.M.

3 THE CHAIR: So at this point there being no
4 further presenters, no further presenters registered and no
5 additional presenters who have determined that they wish to
6 attend the hearings, I am going to conclude our afternoon
7 session and we will resume the public hearing at 7:00 p.m.
8 this evening.

9 --- PROCEEDINGS RECESSED AT 4:15 P.M.

10 --- PROCEEDINGS RESUMED AT 7:00 P.M.

11 THE CHAIR: For the record, I want to
12 introduce myself. I'm Roberta Ellis. I'm the Chair of the
13 public hearing panel. And I want to introduce Anne Burch,
14 who is the vice-chair. And I'm going to stop at this point
15 because...

16 --- PROCEEDINGS RECESSED

17 --- PROCEEDINGS RESUMED

18 THE CHAIR: And I'll start again with Anne.
19 So back on the record. This is Anne Burch, who is the
20 vice-chair and the Director of Prevention Policy and
21 Regulation Review. And Ed Bates, who is general council
22 and secretary to WorkSafeBC. And I do also want to
23 introduce Wendy Toiko, who is our court reporter today and
24 we've worked with Wendy before. Wendy takes *verbatim* notes
25 of the public hearing and the record assists the Board of

1 Directors in making their decisions. And once we're
2 finished we publish all of that on our website so everybody
3 can see what has been said. So I'm just going to take a
4 minute and read into the public record the proposed
5 amendments to the *Occupational Health and Safety*
6 *Regulation*, which are: Part 1, Definitions; and Part 4,
7 General Conditions, relating to avalanches, Part 4, General
8 Conditions, relating to amendments to environmental tobacco
9 smoke, Part 5, Chemical Agents and Biological Agents
10 relating to designation of substances, Part 14, Cranes and
11 Hoists, cranes and hoists relating to operators' duties,
12 Part 17, Transportation of Workers, relating to seating
13 requirements and seatbelts in vehicles used to transport
14 workers, Part 20, Construction, Excavation and Demolition;
15 and Part 22, Underground Workings, that's fills and
16 stockpiles and professional certifications, Part 22,
17 Underground Workings, which is tunnel boring and cut and
18 cover excavation methods, and Part 23, Oil and Gas,
19 snubbing operations, emergency escape systems, hoisting
20 equipment and miscellaneous items.

21 And just for the record I want to note that
22 the proposed amendments to Part 1 and 4 relating to
23 avalanches and 20 and 22 relating to fills and stockpiles
24 were taken out in 2007 to the public hearings. At that
25 point, stakeholders asked for more consultation and I do

1 want to thank everybody who took part in that. And on the
2 basis of that stakeholder input, we amended the proposed
3 revisions and they're being returned now to public hearing.
4 So stakeholders have been advised of the 2008 proposed
5 amendments and explanatory notes. We placed them on
6 WorkSafeBC's website. We sent them via E-news to over
7 3,500 stakeholders, advertised in the B.C. Gazette and 17
8 newspapers and we've contacted representatives of industry
9 associations and interest groups to encourage their
10 response. The other thing of note is that written
11 submissions can be left with us because both oral and
12 written submissions form part of the public hearing. The
13 deadline for written materials is 4:30 p.m. on Friday, June
14 13th, 2008. And just to remind everybody that our Board of
15 Directors will have access to everything that comes to the
16 public hearing process.

17 So I'm going to call on you, Rosemary, to be
18 our first speaker and perhaps you can just formally
19 identify yourself and the organization you represent.

20 MS. GUTTERIDGE: Sure.

21 THE CHAIR: Thanks so much.

22 PRESENTATION BY MS. ROSEMARY GUTTERIDGE:

23 MS. GUTTERIDGE: Okay. I'd like to just
24 thank you for the opportunity of presenting here. My name
25 is Rosemary Gutteridge. I'm a registered nurse and work at

1 Prince George Regional Hospital. I am very concerned about
2 the proposed changes to Part 5 of the *Occupational Health*
3 *and Safety Regulations*, which covers chemical agents and
4 biological agents. In the average hospital, there are any
5 number of chemical and biological agents that are regularly
6 used by nursing staff and others. Gluteraldehyde is one
7 highly toxic substance, still used for sterilizing some
8 instruments in the OR and minor treatment areas. Formaline
9 is used in maternity and the OR, as well as the laboratory,
10 often in large amounts and involving pouring the substance
11 from one container to another. Latex is another agent
12 regularly used throughout the facility. Mercury, until
13 recently, was still used in some old sphygmomanometers and
14 other older equipment. Other agents include Metamucil,
15 containing syllium, which causes sensitivities, not only to
16 those pouring it, due to the fine dust, but also to any
17 individuals in the immediate area. On the unit I work we
18 have arthritics from time to time who are being treated
19 with an oral cytotoxic drug which involves handling of the
20 pills by those dispensing the medication. For years this
21 drug was dispensed without any personal protective
22 equipment being worn by the dispenser. We are now advised
23 to wear gloves when handling this medication. One wonders
24 what the effect will be to those nurses who were handling
25 this drug without any protection. I use this example to

1 illustrate the importance of nurses being informed.

2 I cite another example on one of our units,
3 when construction was being done. A construction worker
4 had been spraying a highly toxic chemical used, I believe,
5 as an adhesive, which affected the nurses to the point that
6 one nurse was aware of her tongue going numb, others
7 developed sore throats. There were pregnant workers
8 present as well. On closer examination of the MSDS, it
9 should have been used in a very well ventilated area. The
10 worker using the spray was not aware of the possible side
11 effects of the spray or the conditions advised for using
12 it. The right to know is a basic occupational health and
13 safety right. Rather than decreasing the information
14 given, more information should be given, and even more so
15 to pregnant nurses, to include protection for their unborn
16 children. The information currently contained in the
17 Regulation with regard to exposure should remain, plus
18 WHMIS designations should also be included to ensure up-to-
19 date listings.

20 I'd just like to thank you again for this
21 opportunity to make this presentation.

22 THE CHAIR: Thanks very much, Rosemary. And
23 I just want to thank you also, it's not the first time that
24 you've presented to us and it's always --

25 MS. GUTTERIDGE: No, that's right.

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1 THE CHAIR: -- a pleasure to hear from you.
2 Thank you very much.
3 MS. GUTTERIDGE: Thank you.
4 THE CHAIR: Thank you so much. Art, your
5 turn.
6 MR. FRENETTE: Saved you some time.
7 THE CHAIR: Oh, thank you, Art. That's
8 great. Thanks very much.
9 MR. FRENETTE: We didn't know how many of
10 you there would be so...
11 THE CHAIR: That's okay. As long as we've
12 got one, that's the main thing.
13 MR. FRENETTE: Yeah.
14 THE CHAIR: Thank you so much. And then
15 just for our court reporter, if you can just state your
16 name and your organization.
17 PRESENTATION BY MR. ART FRENETTE of COMMUNICATIONS, ENERGY
18 AND PAPERWORKERS UNION OF CANADA:
19 MR. FRENETTE: Okay. My name is Art
20 Frenette. I'm the safety representative for Northwood Pulp
21 Mill here in Prince George. I will start reading my -- I
22 wrote this during work hours today so please bear with me.
23 THE CHAIR: Absolutely.
24 MR. FRENETTE: Okay. I'm here today
25 representing the members of the CEP Local 603. There are

(Communications, Energy and Paperworkers Union of Canada)

1 406 members in our local and we all work at Northwood Pulp
2 Canfor. I am pleased to have the opportunity to
3 participate in this hearing and to represent the concerns
4 of my members to the proposed regulation amendments. We
5 appreciate that we have the chance to attend hearings in
6 our community.

7 CEP Local 603 is concerned with the proposed
8 amendments to Part 5, Chemicals and Biological Substances
9 relating to the designated substances. Section 5.57(b)(c)
10 Designated Substances. These proposed amendments will
11 continue to allow the use of the ACGIH list as the sole
12 resource available to employers and workers in B.C. for the
13 designation of chemicals as reproductive toxins and
14 sensitizers.

15 We do not agree with this amendment because
16 of the ACGIH will no longer reference these designations in
17 their list unless they are the basis for the threshold
18 limit value. ACGIH also has said that they do not have the
19 resources available to do ongoing research in order to keep
20 the designations up to date. Our workers are employed in a
21 pulp mill, an industrial operation that relies heavily on
22 the use of chemicals in the productive process. Given that
23 chemical hazards places workers at a risk for exposures, it
24 is essential that they have the best protective (sic) that
25 regulation can provide.

1 We also have included -- at our pulp mill,
2 we have included washers and dryers in certain areas in our
3 mill so we are able to wash our clothing at work so we do
4 not have to expose the toxins at our workplace at home to
5 our families and children. We have -- we have workers who
6 are required to work in certain parts of the mill where
7 chemicals are always present. We have workers who have
8 worked in equipment maintenance shops. We are required to
9 use solvents, solders and paints. All of those products
10 are ones, which contain both reproductive toxins and
11 sensitizers.

12 We do not agree with the continued reliance
13 upon the ACGIH list as the only resource of information on
14 reproductive toxins and sensitizers. Its limitations
15 provide minimal protection to our members. Reproductive
16 toxins, which affect the reproductive health of men and
17 women, can have long life (sic) and life-altering effects
18 on workers. Young workers of reproductive age have a right
19 to the best possible protection against exposure. It is
20 estimated that 20 of the -- 20 percent of the B.C.
21 workforce is in this group. The effects of these work
22 reproductive toxins are not evidence until it is too late.
23 Not until workers find that they are able to conceive or
24 have children born with defects. Perhaps the most
25 disturbing fact of these exposures is that they affect the

1 next generation. Sensitizers are chemicals, which may not
2 cause any kind of health effects immediately, but on
3 further exposures workers will be allergic.

4 The development of -- here's a big one -- I
5 had to look this one up -- hypersensitivity -- just how to
6 spell it anyways -- is broad and can include skin reaction,
7 occurring (sic) asthma and immune disorders. They usually
8 have a long -- lifelong effect on workers' health and can
9 be fatal. These chemicals can be found in solvents and
10 paints and (sic) name a few. Reproductive toxins and
11 sensitizers can have drastic effects on the health of
12 workers and the WCB is obligated to provide the best
13 regulation protection for them.

14 This year for the first time the fatalities
15 from the occupational disease and illnesses were greater
16 than the traumatic deaths. This is the time to strengthen
17 Part 5.

18 In the pre-consultation meeting, which was
19 held last September with the WCB labour and employer
20 stakeholders, it was agreed upon to provide workers with
21 better protection by recommending that in addition to the
22 reference of the ACGIH designations in section 5.57.1(b)
23 and (c), item (e) to be added as follows: Classified under
24 WHMIS CPR 53 or 55 as a developmental or reproductive toxin
25 subdivision A or Division 2 of Class D - Poisonous and

1 Infectious Material.

2 WHMIS is the recognized system in Canada and
3 has established legal requirements for the identification
4 of hazardous substances at workplaces. Due to the
5 requirement of the Material Safety Data Sheets in the WHMIS
6 list must be kept up to date. There is a requirement in
7 Part 5 that Material Safety Data Sheets be updated by
8 employers every three years. For this reason the WHMIS
9 system is a much more reliable source of information on the
10 designation of reproductive toxins and sensitizers.

11 Adopting the WHMIS list of reproductive
12 toxins and sensitizers will provide consistency with the
13 Material Safety Data Sheets. Workers and employers may be
14 confused by the reference to two different systems.

15 Recommendations. The WCB Board of Directors
16 to revise the proposed amendment, the change and include
17 item (e), "Classified under WHMIS CPR 53 or 55 as a
18 developmental or reproductive toxin, subdivision A of
19 Division 2 of Class D - Poisonous and Infectious Material.
20 CEP Local 603 urges the WCB to take seriously our
21 recommendation. We believe that this will provide our
22 members with the best protection against exposures to
23 reproductive toxins and sensitizers.

24 Section 5.58 Protective Policy. The CEP
25 agrees with this amendment and recommends that the WCB

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1 Board of Directors implement.

2 I thank you.

3 THE CHAIR: All right. Thank you, Art. And
4 thank you, Rosemary. And I clarified a little earlier, I'm
5 clear that it's not that any of the presenters are asking
6 us not to take steps to maintain the existing protection.
7 Nobody wants to see that lost, which it would have been
8 lost given the changes that the ACGIH had made in the
9 reporting system. The concern is that the Board also be
10 asked to consider the addition of the recommendation that
11 the WHMIS descriptors also be added into the regulation.
12 So I just wanted to be very clear about that. Thanks very
13 much, Art.

14 MR. FRENETTE: Okay. Thank you very much.

15 THE CHAIR: Thank you. Thank you very much.
16 Thank you, Rosemary. That's great. So what I'm going to
17 do this evening is what I did this afternoon. At this
18 point, I'm going to adjourn our hearings for the moment but
19 the panel's going to remain here for some time because we
20 like to make sure that nobody who comes is disappointed.
21 So we'll be here for a little while longer but in the
22 meantime we're going to go off the record and I thank you
23 for taking the time out of your schedules this evening to
24 be here. Thank you very much.

25 MR. FRENETTE: Thank you very much.

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1 MS. GUTTERIDGE: Yes, thank you.

2 --- PROCEEDINGS RECESSED AT 7:30 P.M.

3 --- PROCEEDINGS RESUMED AT 8:00 P.M.

4 THE CHAIR: So for the record the hour being
5 past eight o'clock I am going to adjourn the evening
6 session of our public hearings in Prince George. And we
7 are concluded.

8 --- PROCEEDINGS CONCLUDED AT 8:00 P.M.

9

10 I HEREBY CERTIFY the foregoing to be a
11 true and accurate transcript of the
12 proceedings herein, transcribed from
13 taped proceedings, to the best of my
14 skill and ability.

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Karen Acaster

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