

WORKERS' COMPENSATION BOARD OF B.C.

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATION

Victoria, B.C.

June 5, 2008

TRANSCRIPT OF PROCEEDINGS

PANEL:

Roberta Ellis	Chair
Anne Burch	Vice-Chair
Ed Bates	Legal Counsel

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THE CHAIR
(Introductory Remarks)

1 (PROCEEDINGS COMMENCED AT 3:04 P.M.)

2 THE CHAIR: Well, first of all, thanks very much,
3 everybody, for taking time to be here with us this
4 afternoon in Victoria. As some of you know,
5 because you have faithfully presented in Nanaimo,
6 we tend to have in the past held many of our
7 hearings in Nanaimo, and we decided it was
8 Victoria's turn for us to be present here. So I
9 just want to thank everybody for taking time out of
10 their busy days to be here at this public hearing
11 on proposed amendments to the Occupational Health
12 and Safety Regulation.

13 My first duty is to introduce myself. My name
14 is Roberta Ellis. I'm the Vice-President of the
15 Policy & Research Division, and I'm the Chair of
16 the Panel. And I just want to introduce
17 Anne Burch, our Vice-Chair, who is Director of
18 Prevention Policy & Regulation Review, and Ed
19 Bates, who's General Counsel and Secretary to
20 WorkSafeBC.

21 I'm also going to introduce Heidi Archer. Heidi
22 is our Court Reporter today, and she'll be taking
23 verbatim notes of the public hearing. That record
24 assists the Board of Directors of WorkSafeBC in
25 their decision-making process, and all of the

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1 recorded notes are made public after the Board of
2 Directors make decisions regarding the proposed
3 regulatory amendments.

4 So I'm just going to take a moment to read into
5 the record the proposed amendments to the
6 Occupational Health and Safety Regulation that we
7 are considering at this time:

8 So Part 1, Definitions; and Part 4, General
9 Conditions, relating to avalanches;

10 Part 4, General Conditions, relating to
11 environmental tobacco smoke;

12 Part 5, Chemical Agents and Biological Agents,
13 relating to the designation of substances;

14 Part 14, Cranes and Hoists, relating to
15 operator's duties;

16 Part 17, Transportation of Workers, relating to
17 seating requirements and seat belts in vehicles
18 used to transport workers;

19 Part 20, Construction, Excavation, and
20 Demolition; and Part 22, Underground Workings,
21 fills, stockpiles, and professional certifications;

22 Part 22, Underground Workings, relating to the
23 accommodation of tunnel boring and cut-and-cover
24 excavation methods;

25 And Part 23, Oil and Gas, predominantly snubbing

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1 operations, emergency escape systems, riding hoist
2 equipment, and some miscellaneous items.

3 I want to note that the proposed amendments to
4 parts 1 and 4 relating to avalanches and to
5 parts 20 and 22 relating to fills and stockpiles,
6 they were taken out of the 2007 public hearings.
7 Stakeholders had asked for more consultation, and I
8 do want to thank all of you who took time to work
9 with us on these important issues. They were
10 revised, and they're now being brought to this
11 public hearing.

12 Stakeholders have been advised of the 2008
13 proposed amendments and associated explanatory
14 notes. The proposed changes have been placed on
15 the WorkSafeBC website, sent to over 3,500
16 stakeholders via E-News, advertised in the
17 BC Gazette and 17 newspapers, and we've also
18 contacted representatives of industry associations
19 and interest groups to encourage their response.

20 And if any of you do want, for your own records,
21 copies of the proposed amendments, they're at the
22 front desk.

23 If you have written material that you want to
24 leave with us, please do so at the sign-in desk, or
25 you can give it to us. Oral and written

1 submissions form part of the public hearing record,
2 and I just want to make you aware the deadline for
3 receipt of any written materials is 4:30 p.m. on
4 Friday, June the 13th.

5 The public hearings represent the formal
6 consultation process, and once the hearing process
7 is complete, written and oral submissions will be
8 analyzed. We have further meetings in Fort St.
9 John and Cranbrook planned.

10 And the Board of Directors is the
11 decision-making body at WorkSafeBC, and they will
12 have access to all of the submissions -- written
13 and oral, transcribed -- prior to making their
14 final decision.

15 So I'm really thankful that you've taken time to
16 be here this afternoon, as I said. And I'm going
17 to call, first of all, to present Mona Sykes, who
18 is representing the B.C. Government and Service
19 Employees' Union.

20 Thanks, Mona.

21 MS. SYKES: I'll leave my crap behind.

22 PRESENTATION BY MS. MONA SYKES ON BEHALF OF THE B.C.
23 GOVERNMENT AND SERVICE EMPLOYEES' UNION:

24 THE CHAIR: And I think, Mona, parts 1 and 4, avalanches;

25 Part 4, ETS; Part 5, designation of substances; and

1 Part 17, transportation of workers we note, but of
2 course, anything else you want to add.

3 MS. SYKES: Good, because I will.

4 THE CHAIR: Good.

5 MS. SYKES: It's always good to note, though.

6 THE CHAIR: Good.

7 MS. SYKES: We'll see how well I do today, so . . .

8 THE CHAIR: Thanks.

9 MS. SYKES: I guess you know who we are. We represent a
10 number of different occupations. We represent,
11 obviously, avalanche technicians. We represent
12 people that work in forestry. We represent
13 highways workers. We represent social workers. We
14 represent health care workers. We represent hotel
15 workers. So you look at the occupational grouping,
16 we're probably in there somewhere, to be quite
17 honest.

18 THE CHAIR: Mm-hmm. Yeah.

19 MS. SYKES: BCGEU has approximately 60,000 members
20 throughout the province, obviously in a diverse
21 amount of jobs, so just about every change to
22 regulation has some effect or some impact.

23 I'm going to put on my glasses, because I can't
24 see, and I might have to actually look to see what
25 I said.

1 The one that caused me -- and I know -- it
2 causes me the most concern because there's nothing
3 that we gain from exposure to environmental tobacco
4 smoke, and it's very nice to see it on the table
5 again. And I've looked at the Environmental
6 Tobacco Act [sic], and I've looked at the
7 environmental tobacco regulations, and I've looked
8 at the WorkSafe regulations, and you can see that
9 there is an attempt to make them kind of go in line
10 with each other. The unfortunate part is when I
11 look at the Environmental Tobacco Act and I look at
12 the regulations, they cause me great concerns
13 because they allow exposure to second-hand smoke to
14 a number of our members. They allow exposures for
15 those that work in the health care sector. They
16 allow exposures for those that provide community
17 health services. They provide for exposures for
18 those that work in privatized facilities or group
19 homes or any other kind of home that's privately
20 run, which is a lot these days. It used to all be
21 government, but you know, days of evolution,
22 they've been devolved to, you know, the private
23 sector, so to speak.

24 Now, the Tabasco Control Act allows -- in fact,
25 they say, As long as the cigarette is out. Well,

1 that's not effectively removing anything; so I put
2 my cigarette out, and a worker would come into my
3 home environment or whatever the environment is.

4 So the first question which caused me concern
5 because it enables that to occur under the Act, the
6 Environmental Tobacco Act -- and I look at the
7 WorkSafe regulation with respect to that, and
8 what -- WorkSafe says it must be "effectively
9 removed."

10 So we look at what -- and this is really
11 controversial, and I have attached documents,
12 research studies; that "effectively removed" can
13 mean a number of different things or processes.
14 "Effectively removed" in Community Health
15 Employers -- this is what their current practice
16 is. And their current practice is, I'm going to
17 assign a person to work in a home environment --
18 and this has only been their practice for the last
19 few years. This isn't -- and it's not with all,
20 but it's generally an accepted practice.

21 So I'm being assigned to work in a home where
22 there's somebody that smokes tobacco, or five or
23 six people who smoke tobacco, and what they say --
24 and they tell that person that as a client of this
25 agency, that they are to stop smoking one hour

1 before the person comes into that environment, and
2 they are to ventilate as best they can with open
3 windows.

4 Well, the issue is this: We have people that
5 obviously require care, so they're elderly. They
6 are not going to open any windows. They don't like
7 cold air. They don't like fresh air, for the most
8 part, and they smoke. So not only is the smoke in
9 the rooms, in the buildings, it's in the -- they
10 smoke in their beds; they smoke in their rooms; and
11 tobacco smoke is in everything. And so the worker
12 goes into that environment.

13 This regulation doesn't protect them, and that
14 causes me concern. It sets people up to say, If
15 you're a worker and you work under these
16 conditions, you will not be exposed to
17 environmental tobacco smoke; but if you work under
18 these situations and these conditions, it's okay
19 for you to be exposed to environmental tobacco
20 smoke, especially second-hand smoke.

21 In some of the recent studies that they're doing
22 on second-hand smoke and sidestream smoke, they're
23 actually saying that's more detrimental and more
24 problematic to a person's health. And so workers
25 that are going into those situations and where you

1 can smell tobacco smoke, there's an exposure that
2 occurs.

3 So we want the Workers' Compensation Board to
4 look at and to substantiate what "effectively
5 removed" means and looks like.

6 THE CHAIR: Okay.

7 MS. SYKES: And that's not just for our members. It's for
8 employers. I think it assists employers in, you
9 know, where they might think that means
10 "effectively removed," and then all of sudden, a
11 board officer will come in and say, You didn't
12 effectively remove anything; it's -- this place is
13 contaminated, and workers are being exposed.

14 So I thought about it, and I know -- and it
15 becomes fairly interesting, because you look --
16 okay. So a person's sick; they're in their own
17 home; and they have certain rights in their own
18 home. But then we look at all of the other changes
19 we've made to health and community health care
20 workers, and we've said to people in the home
21 environment, You can't use these certain chemicals
22 because you're exposing workers to those chemicals,
23 so you must use these other products that aren't
24 harmful to that worker. We say to them a number --
25 you have to have a bed that does the following,

1 because if you don't have a bed that does the
2 following, you're exposing a worker to an ergonomic
3 hazard. So we say all of those things, and yet
4 when it comes to environmental tobacco smoke, which
5 we all know causes cancer, we say, for some reason,
6 that's okay.

7 And to me, there is nothing redeeming about
8 tobacco smoke. It doesn't do anything healthy for
9 the individual who's sick, and it certainly doesn't
10 to our workers in that home environment.

11 So we have made -- and I don't know -- like,
12 because I don't -- I've done some research, but I
13 know in some of the research, that there are some
14 suggestions that would remedy some of the
15 filtration with respect to the quality of air, and
16 those are the HEPA filters. Now, I haven't looked
17 at how HEPA filters work in these environments, but
18 supposedly -- and this is from the research -- they
19 remove 99.9 percent; and if that's the case, why
20 wouldn't we say "effectively removed" before a
21 worker goes in; that if people are going to be
22 smokers, that they must install those in their home
23 environment. No different than an ergonomic bed;
24 no different than having a ceiling lift; no
25 different than having, you know, all -- you know,

1 handles in the bathtub; no different than any of
2 those other kinds of measures.

3 So that's our -- that would be a recommendation
4 that mitigates. Obviously, we prefer people not
5 smoking anywhere ever again in their lives, but
6 we're not going to get there, so we're going to be
7 realistic. So we really thought about it and
8 thought that maybe that would be acceptable
9 practice.

10 THE CHAIR: Okay.

11 MS. SYKES: Anyway, that's what we're putting forward.

12 THE CHAIR: Thank you.

13 MS. SYKES: Oh, and there was one other issue. And you'll
14 see -- we point this all out -- the differences in
15 variations between the Tobacco Control Act [sic],
16 the Workers' Compensation regulation, and their
17 regulations.

18 But they also, under the regulations -- which
19 caused me concern -- they say that they're going to
20 be the ones that actually will enforce their
21 regulation.

22 THE CHAIR: I can answer --

23 MS. SYKES: Good.

24 THE CHAIR: -- that for you.

25 MS. SYKES: That would be great, because I think --

1 THE CHAIR: Just to --

2 MS. SYKES: -- everybody here probably is interested.

3 THE CHAIR: -- put your mind at rest.

4 MS. SYKES: Aren't you all interested?

5 THE CHAIR: Now, just to put your mind at rest, we had
6 that discussion, and in fact, WorkSafeBC will take
7 responsibility as it always has for any enforcement
8 that applies to a workplace that falls under the
9 definition of "workplace," and no one else will be
10 taking responsibility for that. We continue to do
11 that.

12 I think it was actually perhaps more a confusion
13 the other way. We had some questions about whether
14 or not we would be enforcing the non-workplace
15 aspects of the amendments --

16 MS. SYKES: Oh? Hmm.

17 THE CHAIR: -- to the Act. And the answer to that is no.

18 MS. SYKES: No.

19 THE CHAIR: Because we have no -- we have absolutely no
20 jurisdiction to do that. Clearly, there are
21 some -- as you have mentioned, there are some
22 environments where some places meet more than one
23 definition.

24 MS. SYKES: Yes.

25 THE CHAIR: Someone's home is their home --

1 MS. SYKES: Yeah.

2 THE CHAIR: -- as you mentioned, but it's also a workplace
3 for the worker. But when we take action, it will
4 be with the understanding that we are enforcing
5 with regard to the Act and the regulations and
6 policy as it defines a worker and a workplace. So,
7 no; we will be continuing to enforce the
8 Occupational Health and Safety Regulation as it
9 relates to environmental tobacco smoke.

10 MS. SYKES: Okay. That's good. Because when I look at
11 the Act and the regulations, they define
12 "workplace" in a certain way, and it's different
13 than how we --

14 THE CHAIR: Yeah.

15 MS. SYKES: -- define "workplace" --

16 THE CHAIR: Yeah.

17 MS. SYKES: -- under -- or how you define "workplace"
18 under the Act and the regulations.

19 THE CHAIR: There may be some interesting discussions,
20 Mona, that --

21 MS. SYKES: Yeah.

22 THE CHAIR: -- come up and some specific circumstances
23 where, you know, we all have to put our heads
24 together and figure out what the jurisdiction is.
25 But there is no ceding of the authority to

1 investigate or enforce or inspect or educate or
2 consult under the Workers' Compensation Act.

3 MS. SYKES: Okay.

4 And I have given you the sites for the
5 studies --

6 THE CHAIR: Sure.

7 MS. SYKES: -- with respect to --

8 THE CHAIR: Thank you.

9 MS. SYKES: -- sidestream smoke, second-hand smoke.

10 And the other issue that we wanted to raise --
11 and you'll remember I said "hotel workers" as
12 well --

13 THE CHAIR: Yes.

14 MS. SYKES: -- and hotel workers are put in the dilemma
15 of -- and there are not very many hotels anymore
16 that have smoking, but as you do your tour around
17 the province and you go to Prince George and Fort
18 St. John and all those lovely places in the north,
19 you will find that there are more people who
20 actually smoke, and there are more hotels that
21 enable and allow smoking to transpire. So that
22 also is an issue. So how do you effectively --

23 THE CHAIR: Okay.

24 MS. SYKES: -- remove that? And, again, we look to the
25 HEPA filter solution and only having, you know,

1 designated -- if you designate a room to be
2 smoking, then you have to have the following that
3 would be in that room that would effectively
4 eliminate the smoke. So I just wanted to bring
5 that up.

6 THE CHAIR: Thank you.

7 MS. SYKES: Now, the avalanche, my favourite topic of
8 discussion, since I knew nothing about avalanches,
9 or very little. I know way more than I ever wanted
10 to know.

11 So I've been involved in the stakeholders'
12 meetings, and obviously, we had some issues and
13 concerns with the proposed regulation a couple of
14 years ago, and we're really happy to see that the
15 proposed regulation has shifted. That enables, I
16 think -- I think it enables the parties to
17 effectively come up with some preventative measures
18 which protect workers out in the field.

19 And I know that there's been some issues -- as
20 you've gone through the province already -- with
21 respect to the timelines of when this should be
22 enacted. And it seems to me that through the
23 stakeholders' meetings, that everybody thought at
24 that point in time they could live up to the
25 timelines that were developed. So I'm really

1 curious to hear why those timelines no longer are
2 acceptable or valid, because I think they are. And
3 there was good discussion around it.

4 The other issue that I wanted to bring up is we
5 have a huge amount of members who actually have to
6 go into avalanche areas, and that's part of their
7 job if they work in forestry, if they work in
8 enforcement -- wildlife enforcement. And even our
9 deputy sheriffs, on time, have to go through
10 avalanche areas.

11 So one of the things that we've recommended
12 throughout the consultation process is that there
13 should be something that protects workers through
14 education and training, first on avalanche areas
15 and what to be aware of, because there's lots of
16 great training that's really quick to do. And then
17 the second thing is that we are requesting that
18 workers, when they go into an avalanche area, are
19 also equipped with personal protective equipment.
20 We talk about locator devices; we talk about
21 shovels; and we talk about all of the things that
22 everybody always says workers need when they go
23 into those particular areas, and yet it's not a
24 requirement of this --

25 THE CHAIR: Yeah.

1 MS. SYKES: -- particular regulation.

2 So we're saying, you know, Just a minute. It's
3 great that there's some work done, but we need to
4 have employers consider -- and they're not doing
5 that right now -- whether a worker is going into an
6 avalanche area. And if a worker is, what are the
7 conditions, and what does that worker -- what are
8 the requirements prior to putting that worker into
9 that area? And so we do talk about the probes, the
10 transceivers, et cetera.

11 And we know that education and training are
12 covered by the regulations, but we also think that
13 they should also be included in the section, just
14 simply because it's something so different that it
15 might not be considered. We also know that you do
16 have a new regulation that came into place that
17 talks about working alone, and a lot of our members
18 go through avalanche areas, and they are working
19 alone. So the process when they're working alone
20 should also make consideration of these factors,
21 where that's not really covered under the working
22 alone regulation.

23 So that's all I wanted to say on the avalanche
24 area. You guys don't have any questions or
25 anything?

1 THE CHAIR: No. Yeah. That's good.

2 MS. SYKES: No? Okay. Good.

3 THE CHAIR: No.

4 MS. SYKES: Chemical and biological substances: The first
5 thing that we want to say is we support the B.C.
6 Federation of Labour with respect to the submission
7 that they've made with respect to chemical hazards.
8 And rather than go through it all, what we wanted
9 to talk about is, of course, when we moved over to
10 the ACGIH, or American Conference of Government
11 Industrial Hygienists [sic], we rely on a process
12 that doesn't meet our needs, and we rely on a
13 process that is determined by another body. And I
14 think that's the issue here. It causes us great
15 concern, because every time they make a change
16 that's negative or a negative impact, there's
17 nothing we can do to fix it.

18 In this case, the recommendations to fix it are
19 obviously to go with the standard that we have
20 under Workplace Hazard Management Information
21 Systems [sic], or "WHMIS," and that's what we
22 recommend, as well as through the Federation of
23 Labour. So that's really important.

24 And then the last thing I wanted to say -- and
25 we do talk about ACGIH and our position on it. The

1 last thing that we wanted to say about it is the
2 reproductive toxins and sensitizers, and adopting
3 that through WHMIS is -- we think that's really
4 important, and not to do that, we think, puts
5 workers at increased risk of exposures; and it
6 doesn't allow workers to know that those substances
7 that they're working with, in fact, can cause
8 difficulties or problems.

9 It's hard enough to get a copy of ACGIH. It's
10 hard enough to find --

11 THE CHAIR: Yeah.

12 MS. SYKES: -- out what designated substances are. But
13 then it's now another step to find out what
14 reproductive hazards are, so that is causing us a
15 huge problem.

16 And through the consultation process, it's my
17 understanding -- because I wasn't involved in this
18 consultation process -- but it's my understanding
19 there were agreements made to, in fact, use that,
20 the WHMIS standards. And so if that was already
21 agreed through that consultation process, then it
22 seems to me that should have been put forward as
23 part of the regulatory changes.

24 THE CHAIR: Just -- I will speak --

25 MS. SYKES: Yeah.

1 THE CHAIR: -- to that. There are -- just because members
2 may not be aware. There's a pre-consult stage
3 where we asked two -- just two -- two
4 representatives of labour and employers to give us
5 their ideas. At that point, there's another
6 extensive consultation process --

7 MS. SYKES: Yes.

8 THE CHAIR: -- and then there's a public hearing process.

9 MS. SYKES: Yes.

10 THE CHAIR: So just so that you're aware, it's not a
11 binding process, but it's an --

12 MS. SYKES: Yes.

13 THE CHAIR: -- opportunity to hear what people have to
14 say.

15 MS. SYKES: And, you know, I really appreciate -- and I
16 think every -- all the partners appreciate -- I
17 call "partners" -- employers "partners." Boy, will
18 you -- people will be looking at me later.

19 I think it's really important that the workplace
20 parties have an opportunity to be involved in the
21 consultative process. I think the workplace
22 parties come up with very creative solutions to
23 issues that impact and affect employers,
24 supervisors, and workers and their unions. So I
25 think it's really imperative that that consultative

1 approach continues. And we think that when we
2 are -- when we get involved through the
3 consultative approach, that -- I think we feel
4 better at the end of the day that the regulation or
5 the proposed --

6 THE CHAIR: Yeah.

7 MS. SYKES: -- regulation better reflects our needs, and
8 we had an opportunity to have dialogue.

9 And so, you know, I always suggest that the more
10 consultation before is a good thing, but if there's
11 no consideration or regard to what the
12 decision-making or the recommendations are of that
13 body, then it becomes difficult because there's no
14 purpose for us to participate.

15 THE CHAIR: Right. And one of the things I've noted for
16 the record is that for most of the presenters who
17 flagged concerns about ACGIH -- that is well
18 noted -- what I've confirmed is that there's no
19 objection to maintaining the level of protection
20 that would have been lost had we not taken this
21 step. The concern is that for many presenters, it
22 just doesn't go far enough and that that's the
23 spirit of that recommendation; that that has to be
24 explored.

25 MS. SYKES: Yes.

1 THE CHAIR: Yeah.

2 MS. SYKES: And also it has to be accessible and
3 available, right? It's no good to workers if they
4 don't have access, so . . .

5 Transportation of workers, this was always --
6 this is such an interesting one, I have to say.
7 And I want to -- actually, I'm going to read from
8 this, because this one was so technical in some
9 areas.

10 So if you have it in front of you --

11 THE CHAIR: Yeah.

12 MS. SYKES: -- and if you look at Section 17.2, it
13 outlines responsibilities for employers, and
14 Section 17.2(1) incorporates responsibilities for
15 workers. Now, in 17.2(1),

16 "...the operator of a worker transportation
17 vehicle must ensure that the worker
18 transportation vehicle has been inspected
19 before use on a work shift."

20 Section 17.2 states that,

21 "...the employer must ensure that an
22 inspection has occurred prior to {the}
23 first use of a vehicle on a shift."

24 And the issue here is the language implies that
25 if the inspection has not been completed by the

1 employer, the worker would be placed -- and this is
2 our view -- in an adversarial position with respect
3 to the employer.

4 So the BCGEU is -- our view is that most
5 agriculture workers and other workers are not in a
6 position to enforce what the regulation
7 contemplates. So this is what we recommend: that
8 Section 17.2(1) be amended to state,

9 "...a copy of the inspection by the
10 employer {is} made available to the
11 {worker}, along with any corrections that
12 have been made prior to the vehicle being
13 assigned."

14 And that way -- if I'm an employer and I do an
15 inspection before I assign the vehicle to that
16 worker, and then that worker comes and they do
17 their own inspection and they say to the employer,
18 A, B, C, and D, and the employer says, Well, I did
19 an inspection, and that isn't the case, you end up
20 in this argument, and it doesn't seem to me that
21 that's very good. Plus you're doing the same thing
22 twice --

23 THE CHAIR: Yeah.

24 MS. SYKES: -- which also didn't seem to be very useful.

25 You've got the employer doing the inspection -- and

1 I'm going to gather it's an in-depth inspection,
2 because you don't say what that inspection looks
3 like, so let's pretend it's an in-depth
4 inspection -- and then you've got a worker who's
5 also doing an inspection where there's going to
6 be --

7 THE CHAIR: Yeah.

8 MS. SYKES: -- conflict. So that's what we would
9 recommend.

10 Now, I understand that drivers -- and all of
11 us -- usually are supposed to inspect their
12 vehicles before we get in, and that's a different
13 type of inspection, and I don't know if that was
14 contemplated. So I was really unsure, because it
15 doesn't define very well in that particular
16 regulation. So --

17 THE CHAIR: And just to that --

18 MS. SYKES: Yeah.

19 THE CHAIR: -- point, Mona, maybe I'll just ask you a
20 quick question.

21 MS. SYKES: Sure.

22 THE CHAIR: One of the challenges in the regulation is
23 that the general duty sections of the Act clearly
24 point out what owner, employer, worker, supervisor
25 responsibilities --

1 MS. SYKES: Yes.

2 THE CHAIR: -- are. And I was curious from the BCGEU's
3 perspective -- not every operator of a vehicle has
4 an employer.

5 MS. SYKES: That's true.

6 THE CHAIR: There isn't always an employer.

7 MS. SYKES: Correct.

8 THE CHAIR: And part of the intent here was to capture
9 everybody's responsibilities, whether they're an
10 independent operator on their own or are the
11 employee of an employer. So --

12 MS. SYKES: Yes.

13 THE CHAIR: -- I think it would be helpful for us in
14 hearing from stakeholders to give us some idea of
15 the kind of sets of circumstances that they do
16 envisage. Because I agree with you there can be a
17 challenge there. It's just that in this world of
18 work these days, not every operator does have an
19 employer.

20 MS. SYKES: Well, I'm going to give you an example,
21 actually, that made me laugh --

22 THE CHAIR: That's helpful.

23 MS. SYKES: -- just because --

24 THE CHAIR: Yeah.

25 MS. SYKES: -- it's funny and it's a government one,

1 so . . .

2 What happened was -- deputy sheriffs transport
3 inmates, generally speaking, but they also
4 transport other workers or judiciary.

5 THE CHAIR: Right.

6 MS. SYKES: And they transport people without seat belts,
7 but they shouldn't. So you may have judges in your
8 vehicle. What are they? And how do they fit in
9 the scheme of things? And you have over three. So
10 that does happen, and that does occur, so that's an
11 example.

12 THE CHAIR: Okay.

13 MS. SYKES: And so when I asked -- when we were talking --
14 because we just met with the deputy sheriffs, and
15 we were talking about this particular regulation.
16 I asked -- I always say, Does this impact or
17 affect? And they went, Oh, yes, hugely. And I was
18 quite surprised, because I would have --

19 THE CHAIR: Yeah.

20 MS. SYKES: -- never thought that was --

21 THE CHAIR: Thought that.

22 MS. SYKES: -- the case, so . . .

23 THE CHAIR: Okay.

24 MS. SYKES: And I think that you're right. You know, when
25 we look at contractors or we look at, you know,

1 transporting, you know, three or five people from
2 Point A to Point B, then what happens? What if
3 BCGEU -- and I'll use us as the employer in this
4 case -- transport five members from Point A to
5 Point B in a van? Is this applicable? And I think
6 that goes to a bigger issue.

7 But my view is if you're inspecting the vehicle,
8 then the person that's operating has their
9 obligations anyway under the Motor Vehicle Act to
10 do their inspection, but we're talking about a
11 bigger inspection that would be done by the
12 employer.

13 THE CHAIR: Okay.

14 MS. SYKES: And we're actually asking you to take a look
15 at what that looks like, because I think it's going
16 to be really confusing for people that haven't done
17 it. So you're looking at road conditions; you're
18 looking at weather conditions; you're looking at
19 tires; you're making sure that if it's winter
20 conditions, you have winter tires; you're looking
21 at, you know, whether there's enough air in the
22 tires; you're looking at, you know, the type of
23 vehicle and how many people are you transporting
24 under these type of conditions; and you're making
25 decisions when you're doing the inspection as the

1 employer overall. You're going to look and say,
2 Well, maybe the day before a worker said, Well,
3 just a minute here; the brakes, you know, took
4 longer. They still may be adequate brakes, but
5 under these conditions are not adequate brakes.

6 So those are the things that we think would
7 be -- and maybe through a pamphlet or something; I
8 don't know -- but would be really interesting to
9 see a little bit more emphasis on. And that -- you
10 know, because I wasn't even sure when I was looking
11 at it.

12 And then the other comment we had is-- it says
13 what -- 17.2 doesn't define what "reasonable
14 measures" are, and so we're also, you know -- I
15 mean, people are making decisions and choices, and
16 I don't know how that should look; but at the same
17 point in time, what is "reasonable" mean to me
18 isn't "reasonable" to you. So I think that's
19 important.

20 And then we've looked at 17.11(3), and it had
21 provided a ban on smoking in a worker
22 transportation vehicle. We want that let back in.
23 We don't want it deleted. And the reason is
24 because the Act and the regulations only cover
25 certain things and not all under the Tobacco

1 Control Act and regulations.

2 THE CHAIR: We'll check that. Yeah.

3 MS. SYKES: Yeah. And even when you look -- when I looked
4 at the regulatory requirements if a vehicle is
5 deemed a "workplace," you cover it, but if it's not
6 deemed a "workplace," then you could have exposures
7 that occur. And this actually covered those events
8 where it may not be a worker vehicle or an employer
9 vehicle, but workers are being transported in it.

10 Anyway, I talk a little bit about that in here,
11 so . . .

12 Yeah. And then -- yeah. And then we have
13 clients that are transported, and if they're
14 allowed to smoke in the vehicle because it's their
15 vehicle, but you're actually driving them, does
16 that cover you? Does that protect you? So it was
17 like, Oh, good grief.

18 And then the last thing I wanted to talk
19 about -- and it's just for a few minutes, and I
20 really wasn't going to talk about this. And so I
21 asked our members, Do we have anybody that, you
22 know, works in the areas of crane operators? And,
23 in fact, we have members in highways that work
24 around bridge crews; that work around, you know, a
25 lot of crane equipment. And then when I started

1 looking at it -- and what I would recommend is that
2 what we should look at is minimum age requirements.
3 And it's not only in this particular regulation,
4 but I think it goes throughout.

5 And the more I talked to people, the more
6 fascinated I became in how young some of the folks
7 that were working on cranes were, and I think
8 that's a problem. I really think that we have an
9 obligation -- and we all know that young people are
10 more vulnerable than others and that they have a
11 lack of experience. There's a -- they're at
12 greater risk than other workers. And to be honest,
13 if you have somebody 16, 17, 18, or 19 operating a
14 crane, it causes me concern.

15 So I looked across Canada, and I found some
16 interesting information, some of it very specific
17 to who could operate cranes and some age
18 restrictions of 20 and other types of age
19 restrictions. But rather than talk about
20 age-specific, because I don't want to do that here,
21 I think that this just lends itself to maybe it's
22 time -- because we -- under Employment Standards,
23 there is no provision anymore that it precludes or
24 excludes people of certain age from working as 12.
25 In between 12 and 14, you need permission, and

1 other than that, you're good to go. Well, I think
2 that creates concerns in a number of different
3 sectors, and provinces have dealt with that
4 differently. I've got a copy of it here for you --

5 THE CHAIR: Thank you.

6 MS. SYKES: -- for your reading pleasure, so to speak. So
7 I did bring that.

8 THE CHAIR: Well, I want to thank you for that, Mona. We
9 have actually begun a discussion group --

10 MS. SYKES: Oh, great.

11 THE CHAIR: -- to look at the whole topic of minimum age
12 requirements, which is a -- can sometimes be a
13 controversial one, but we've at least started to
14 assemble that material.

15 MS. SYKES: Well, that's good.

16 THE CHAIR: Okay.

17 MS. SYKES: And that's it.

18 THE CHAIR: Thank you very much.

19 MS. SYKES: You're very welcome.

20 THE CHAIR: Thank you. Thanks.

21 MS. SYKES: And I will give you all of this, because I
22 don't want to --

23 THE CHAIR: That's great.

24 MS. SYKES: -- have to do it again on Friday.

25 THE CHAIR: We'd be happy to receive it.

1 And I understand that Ms. Amber Wood wasn't able
2 to be with us today, but I think that Mr. Doug
3 Washer is?

4 MR. WASHER: Yes.

5 THE CHAIR: Mr. Washer, come on forward.

6 Mr. Doug Washer represents the BC Commercial
7 Snowmobile Operators Association.

8 MR. WASHER: Here's that --

9 THE CHAIR: Thanks, sir.

10 MR. BATES: Thank you.

11 MR. WASHER: -- in case you want to follow --

12 THE CHAIR: That's great.

13 MR. WASHER: -- along a little.

14 THE CHAIR: Thank you.

15 MS. BURCH: Thank you.

16 MR. WASHER: Thank you.

17 THE CHAIR: Thanks very much.

18 PRESENTATION BY MR. DOUG WASHER ON BEHALF OF THE BC

19 COMMERCIAL SNOWMOBILE OPERATORS ASSOCIATION:

20 MR. WASHER: Well, good afternoon, and thank you for the
21 opportunity.

22 I just wanted to go over a few points with
23 regards to the BCCSOA, which is the Commercial
24 Snowmobile Operators Association, and who they are
25 and what they do, because I think there's been some

1 confusion historically around that particular
2 industry's function in a mountainous environment
3 versus the ski industry, for example.

4 THE CHAIR: Yeah.

5 MR. WASHER: The Commercial Snowmobile Association formed
6 in 2004, and it's made up of about 16 backcountry
7 tour operators that provide tours into mountainous
8 environments of BC. We got together because our
9 industry is relatively new as far as an organized
10 association, and yet some of the operators have
11 been around for 20, 25 years. So the goal was to
12 try to bring some guidelines and some initiatives
13 together that would streamline and create some
14 consistency. We've got training and risk
15 management policies and practices, which makes the
16 avalanche initiative very timely, because it's
17 right along the lines of what we're attempting to
18 do already.

19 However, to go into a little bit about what the
20 tours look like, most of the tours operate two to
21 three, four hours in duration, the majority of
22 which follow forest service roads. They tend to go
23 to destinations like cabins, lakes, and meadows,
24 and that's for a number of reasons. Primarily, the
25 people that take these tours have a limited amount

1 of time available to them, and they need to have a
2 guide, and they lack the skill --

3 THE CHAIR: Yeah.

4 MR. WASHER: -- that the public snowmobiler, per se, has
5 to access the larger mountainous terrain.

6 So the other thing that's really very different
7 between the snowmobile tour industry and the ski
8 industry is we're not a gravity-reliant activity.
9 So essentially what that means is we are not
10 accessing our terrain from the top down, which is
11 to say from the avalanche start zones down the
12 mountain. We don't follow a single path, which is
13 the fall line, following the gravity, and we're not
14 using helicopters, snowcats, and lifts to access
15 that terrain. We tend to start from the valley and
16 work our way up. There are limiting factors in
17 what allows us to get further up the mountain. It
18 can be snow depth and visibility and customers'
19 skill abilities and, of course, tour times.

20 So all of that to basically get to the point
21 that we utilize our terrain very differently than
22 does the ski industry in particular.

23 I've covered some of the key things there.

24 Some of the priorities that we have right now
25 with implementing our best practices policies and

1 challenges that we have doing that is time is
2 always short. There are a lot of new training
3 programs that are going on. And one of the
4 challenges we have with the new initiative, as far
5 as its implementation timeline, is it conflicts
6 somewhat with the initiatives we already have
7 underway.

8 So when it comes to time frames and why we're
9 looking to delay, to some extent, the
10 implementation of the avalanche policy is because
11 it does just that: It conflicts with other
12 initiatives we have underway. So there's been a
13 lot of time and money and effort put into these new
14 training guidelines and standards for the industry.
15 We just have a really hard time trying to achieve
16 it all at the same -- within the same time frames.
17 So that's one of our critical challenges there.

18 One of the proposals to help bring us back into
19 a decent time frame would be the creation of some
20 templates to administer and to effectively put
21 these avalanche plans into place. Some of our
22 concerns with the development of those templates is
23 that they really need to be sector-specific. We're
24 a little concerned that that template that's
25 essentially designed for the ski industry again,

1 which has varying types of terrain available to
2 them, even less so -- or more so than we do.

3 And I think if you look to the last page -- let
4 me have a look here -- there's an "Avalanche
5 Terrain Exposure Scale." Now, if you're not
6 familiar with that terminology, just -- there's
7 simple, challenging, and complex.

8 THE CHAIR: Yeah.

9 MR. WASHER: We tend not to operate in complex terrain.

10 So our concern with the templates as they get
11 produced is that a lot of the experts, quite
12 frankly, in the industry come from the ski industry
13 and the professional forestry industry and
14 highways, et cetera. They're quite used to dealing
15 with that type of terrain. And we're a little bit
16 worried that the plans would be overprescribed for
17 our needs and therefore be a little more
18 convoluted; costly; and, quite frankly, require
19 more time to put together if they aren't
20 sector-specific. So that was one of the key points
21 I wanted to make there.

22 You'll notice on the page prior to that we have
23 an "Avalanche Terrain Exposure by Snowmobile Tour
24 Operators in BC," and what this essentially does is
25 breaks out the type of terrain that the majority of

1 the operators utilize. And what it doesn't
2 accurately represent is the amount of time that we
3 spend in that terrain. And so while we have here
4 67 percent is "Non Avalanche Terrain," 90,
5 95 percent of the time is spent in that terrain.
6 So that's something we need to do and clarify a
7 little bit more specifically there.

8 So the amount of exposure that our industry has
9 from avalanche hazards is far less than, I think,
10 is often perceived, and again, that's because of
11 the confusion, I think, between what goes on in the
12 private sector of the snowmobile world and the ski
13 industry itself.

14 THE CHAIR: Okay.

15 MR. WASHER: Just different uses of terrain.

16 Essentially, what we're looking at achieving is
17 an extension in time, and that's just basically
18 based on the fact that we don't have enough time to
19 achieve everything we need to do. So what we're
20 looking ideally to do is to implement in a pilot
21 project, if you will, with a sector-specific
22 template this season and actually try to accomplish
23 a full-fledged management plan to deal with the
24 avalanche scenarios. Meanwhile, the majority of
25 the other operators can start to gather the

1 information.

2 The problem we have when putting a plan like
3 this together is the vast terrain that we tend to
4 utilize. And we tend not to utilize just one area,
5 but several. Access is difficult. And these
6 plans, from our opinion, need to be put together in
7 the wintertime, and we need to access those areas
8 by snowmobile so the plans can be put together. So
9 just, quite frankly, in order to be able to
10 document and put together the atlas required for
11 each of the areas that a tenured operator would
12 have purely takes time. So we're looking at trying
13 to gather as much of that as we can -- information
14 as we can this year; run it through the process, if
15 you will; and then take the reviewed and renewed
16 and the better template and then allow all the
17 operators to compile their information with that.

18 That brings us, basically, into the year 2010.
19 By the time we get to 2011, we'll have all of the
20 operators on board.

21 The other challenge we have in achieving the
22 present timelines is there just purely aren't
23 enough people out there with the required
24 recommended qualifications to put these plans
25 together. And the next few years would give us

1 more time as an industry to take the more senior
2 people and continue to put them through
3 professional development and avalanche courses and
4 get the skill level up to the level it needs to be
5 at to be able to effectively put these plans
6 together; moreover, to be able to manage the plans.
7 It's one thing to come along and prescribe
8 something; it's an entirely different set of
9 circumstances to be able to manage it on a daily
10 basis. So having the plan without the ability to
11 manage it becomes somewhat redundant.

12 THE CHAIR: So, Doug, can I just ask you a quick question.

13 MR. WASHER: Yeah.

14 THE CHAIR: Just because I want to confirm that the BCCSOA
15 is working with the Canadian Avalanche Association
16 on these issues. Because you had said you're a
17 newer organization, and I just want to make sure
18 you are.

19 MR. WASHER: Yeah, we're working with them. We have --
20 I'm not sure if we've provided it, but it will be
21 coming. And there's a matrix --

22 THE CHAIR: Right.

23 MR. WASHER: -- if you will, that's been established --

24 THE CHAIR: Yeah.

25 MR. WASHER: -- of recommended minimum qualifications.

1 And one of the key differences of opinion, from our
2 perspective, is the years of experience that we
3 feel those minimum qualifications should have.

4 THE CHAIR: Okay. I only mention it, because we do
5 acknowledge that some of this is contingent on a
6 qualified avalanche planner qualification, if you
7 like, or designation --

8 MR. WASHER: Right.

9 THE CHAIR: -- being developed in conjunction with the
10 CAA, and so we're very keen to see that happen.

11 MR. WASHER: And we agree with what they're putting
12 forward from the perspective of the ski industry.

13 THE CHAIR: Okay.

14 MR. WASHER: But we feel from our perspective, given the
15 terrain types that we utilize and what we do
16 specifically, the key point, really, is we have
17 seasons' experience as an avalanche operation -- as
18 an avalanche operator. And what's been proposed
19 for the snowmobile wilderness guiding from CAA is
20 that -- given the types of terrain is in simple to
21 challenging terrain -- they're proposing eight
22 years, and we're proposing five.

23 THE CHAIR: Okay.

24 MR. WASHER: There's a distinction there too. They tend
25 to put simple and challenging terrain together and

1 then complex terrain on its own, in its own
2 category; whereas we tend to leave simple terrain,
3 because that's what we use moreover than
4 challenging and complex. So we tend to put the
5 challenging and complex terrain categories together
6 and segregate the simple terrain.

7 THE CHAIR: Okay.

8 MR. WASHER: From the complex and challenging terrain
9 categories, they have proposed 15 years, and we're
10 proposing 8 years.

11 THE CHAIR: Okay.

12 MR. WASHER: Part of that is because years of experience
13 is a little bit of an arbitrary means of
14 determining level of actual skill and experience.
15 Someone who operates as a ski patroller, if you
16 will, in the interior of BC may not gather or gain
17 the same level of experience that -- in a year that
18 someone operating Whistler Blackcomb would, per se.
19 So we want to try to steer away a little from the
20 years of experience and try to come up with actual
21 experience.

22 So if there are some means that can be arrived
23 at where someone with five, eight years can
24 challenge an exam and/or a process in terms of the
25 knowledge and skill levels there, we feel that

1 would be beneficial.

2 I'm just going over my notes here, because I
3 jumped around a little bit.

4 Now, the other sort of key factor in putting
5 plans together and managing these types of risks --
6 and the other reason for a request for an extension
7 timeline is a, rather, rationale for trying to
8 bring people up from within our own industry. So
9 this goes to the last page, "Sector Specific
10 Planners and Consultants" -- is to ensure that
11 someone who is putting a plan together actually
12 understands how the operations function.

13 Our tenures may, in fact, have complex or
14 challenging terrain in them. It doesn't
15 necessarily mean we can access it or that we travel
16 there --

17 THE CHAIR: Okay.

18 MR. WASHER: -- or we utilize it. So, again, that comes
19 back to the concept of if we don't have the
20 appropriate people from within the industry who
21 understand the operations, are we then
22 overprescribing what's required?

23 And so those are our critical points.

24 There are other aspects of what a lot of the
25 operators tend to do, which seems to fall into a

1 bit of a grey area. They work a lot with the
2 Provincial Emergency Program, which -- those
3 volunteers are covered by WorkSafeBC, yet sometimes
4 there's some grey area when a tour operator will
5 provide services there.

6 Also, working in the film industry -- that was
7 my background for many years as well -- and so a
8 lot of the operators get called upon to provide
9 transportation or consultation and logistics
10 coordinating and transportation for the film
11 industry, and we're a little uncertain where that's
12 going to lead as well down the road and how that
13 may apply to us.

14 THE CHAIR: Well, just to reassure you, Doug, that in any
15 attempt to develop a regulation, WorkSafeBC's
16 normal operating practice -- and I just mention it
17 because you said your organization was a little
18 newer than some others -- is where we develop
19 standards, but industries need a bit more
20 illumination from us with them as to what that
21 means.

22 MR. WASHER: Yeah.

23 THE CHAIR: We have a practice of developing guidelines,
24 and some of those guidelines can be tailored for
25 specific industrial work operations. So, I mean, I

1 think that is something that you should be aware
2 of --

3 MR. WASHER: Yes. We are.

4 THE CHAIR: -- as we develop the standard.

5 MR. WASHER: Yeah. That's great.

6 Any other questions?

7 THE CHAIR: No.

8 MR. WASHER: No?

9 THE CHAIR: Thank you very much.

10 MR. WASHER: Okay.

11 THE CHAIR: And I do want to acknowledge and thank you for
12 being here today. You had mentioned, I think, to
13 staff also that your organization was a developing
14 one, so I just want to compliment you for your
15 material, and thank you very much for presenting.

16 MR. WASHER: Thank you.

17 THE CHAIR: Thank you very much.

18 Ben Williams from the Canadian Auto Workers
19 Union?

20 Good afternoon, Ben, and I understand that you
21 wanted to speak to Part 5, the designation of
22 substances?

23 MR. WILLIAMS: That is correct.

24 THE CHAIR: Thanks so much.

25 MR. WILLIAMS: Yeah.

1 PRESENTATION BY MR. BEN WILLIAMS ON BEHALF OF THE CANADIAN
2 AUTO WORKERS UNION, LOCAL 333:

3 MR. WILLIAMS: Good afternoon. I'm Ben Williams with
4 Local 333 of the Canadian Auto Workers. I am here
5 today to represent the 642 members of the
6 Canadian Auto Workers Local 333. Our members work
7 for BC Transit, Medi-Van, and HandiDART. They are
8 operators, mechanics, and utility workers. We are
9 pleased that WCB is holding a public hearing in
10 Victoria and that we have the opportunity to
11 respond to the proposed regulation amendments for
12 2008. It is important to us that we have this
13 opportunity available in our community.

14 I am here in response to Part 5 of the chemical
15 agents and biological agents relating to distinct
16 [sic] substances.

17 Section 5.57(b)(c), Designated Substances: The
18 Canadian Auto Workers Local 333 are very concerned
19 about the proposed amendments to Part 5, which
20 allow for the continued use of the ACGIH list as
21 the only resource available to the workers and
22 employers as a recognized reference for the
23 distinction of chemicals that are reproductive
24 toxins and sensitizers.

25 This amendment is flawed because the ACGIH will

1 no longer reference these distinctions in their
2 lists unless they are the basis for the threshold
3 limit value. They have admitted they do not have
4 the resources available to keep these distinctions
5 up to date and current.

6 Our members are employed as bus drivers,
7 mechanics, and utility workers. The drivers are
8 exposed to diesel fumes and have experienced health
9 effects such as nausea and headaches. The diesel
10 fumes come from different suppliers. Workers can
11 experience different symptoms when the supplier is
12 changed.

13 Our mechanics work in shops and are exposed to
14 solvents and brake cleaners, paint, fibreglass and
15 welding fumes. These products contain both
16 reproductive toxins and sensitizers. The
17 regulations of the exposure to these chemicals and
18 how they must be identified in a clear, transparent
19 manner is of great importance to our members and
20 to -- therefore to Local 333.

21 Continued reliance upon the ACGIH list of
22 distinctions, a source of information which is
23 limited and therefore provides minimal protection
24 to our members, is unacceptable. Reproductive
25 toxins are the -- or the reproductive ability of

1 men and women -- exposures can result in sterility,
2 testicular damage, fetal abnormalities,
3 miscarriages, and cancers of reproductive organs.

4 Workers have a fundamental right to be provided
5 with the best protection against exposures.

6 Obviously, reproductive toxins have the greatest
7 potential for those effects on young workers who
8 are of reproductive age, an estimated 20 percent of
9 workers in BC, and these effects are insidious;
10 workers will not know that they have been affected
11 until they discover they are unable to conceive or
12 they have children with birth defects. These
13 effects may affect multiple generations.

14 Sensitizers are those chemicals which may not
15 cause immediate health effects, but after repeated
16 exposure, workers will develop an allergic
17 reaction. The range of hypersensitivity is broad
18 and includes skin effects, occupational asthma,
19 lung disease, and compromised immune systems. They
20 usually have life-long effects and have the
21 potential for being fatal. They involve such
22 products as paints, fibreglass, and solvents.

23 Both of these classes of chemical distinctions
24 have serious, life-altering health effects to
25 workers for -- and the WCB must provide workers

1 with the strongest regulatory requirements in order
2 to fulfill their obligation to protect workers.
3 Workers have a right to know about the chemicals
4 that they are working with.

5 In the pre-consultation meeting held with WCB,
6 labour and employer stakeholders, both parties were
7 prepared to extend greater protection to workers by
8 agreeing on recommendations to the revision of 5.57
9 to add to (e) read,

10 Classification W -- WHMIS HPA CPR 53 or 55
11 as development or reproductive toxins,
12 Subdivision A or Division 2 of Class D,
13 poisonous and infectious material.

14 Workplace Hazardous Materials Information
15 System, known as "WHMIS," is a recognized system in
16 Canada and establishes a legal requirement for the
17 identification of hazardous substances used in the
18 workplace. Due to the requirements of MSDS,
19 Material Safety Data Sheet, the WHMIS list of
20 chemical distinctions must be kept up to date.
21 Therefore, WHMIS is a much more reliable source of
22 information on reproductive toxins and sensitizers.

23 Adopting the WHMIS list of reproductive toxins
24 and sensitizers will provide consistency and avoid
25 confusion at the workplace when employers and

1 workers may notice a discrepancy in the ACGIH list
2 and the required WHMIS MSDS reference.

3 In the explanatory notes, the WCB states that
4 the proposed amendment,

5 "...is an interim measure until such time
6 it is appropriate to consider other
7 identification systems that address
8 workplace exposures to reproductive toxins
9 and sensitizers."

10 This is unacceptable. This regulation is an
11 amendment first proposed in the summer of 2007, and
12 pre-consultation meetings took place in early
13 September 2007. If WCB had taken serious
14 recommendations of the stakeholders, they could
15 have undertaken investigations of other lists.

16 The WHMIS list is -- must be included in
17 Section 5.57. In order for the requirements of the
18 section to be substituted, a safer product to
19 provide an exposure control plan be applied.

20 Our recommendation is that the WCB Board [sic]
21 of Directors revise 5.57 to add Section (e) to
22 read,

23 Classifications under WHMIS CPR 53 or 55 as
24 development or reproductive toxins,
25 Subdivisions A or Subdivisions 2 or

1 Class D, poisonous and infectious
2 materials.

3 Thank you, and I urge WCB to make this revision.

4 THE CHAIR: Thanks very much, Mr. Williams. Thank you.

5 And, again, if you want to leave anything with us,
6 you're more than --

7 MR. WILLIAMS: Yeah. I have --

8 THE CHAIR: -- welcome to.

9 MR. WILLIAMS: -- a copy right here that I brought.

10 THE CHAIR: Thanks so much. Thanks very much. Thank you.

11 I'm going to ask Mr. Al Unger and Mr. Brian
12 Scullion to come forward. Mr. Unger and
13 Mr. Scullion are representing Winroc and are going
14 to present on Part 14, cranes and hoists.

15 Thanks, gentlemen. Anytime you're ready.

16 PRESENTATION BY MR. ALFRED UNGER AND MR. BRIAN SCULLION ON
17 BEHALF OF WINROC:

18 MR. UNGER: I'm just -- for the record, I'm Al Unger, and
19 I'm Corporate Safety Advisor to Winroc for Western
20 Canada, and my cohort here is the Operations
21 Manager here in Victoria for Winroc,
22 Brian Scullion.

23 First of all, we would like to again express our
24 appreciation for being able to speak into the
25 process of the legislated revisions regarding

1 Part 14 of the Occupational Health and Safety
2 Regulation.

3 As you're aware, Winroc is a leading supplier of
4 the building products to the wall and ceiling
5 industry in North America. And in that capacity,
6 we operate a fairly substantial fleet of
7 articulating boom cranes. And as we've stated
8 before, familiarity with and adherence to crane
9 safety regulations is of prime importance to us and
10 is one of the governing principles that we follow
11 in our day-to-day business.

12 We understand that the background to these
13 proposed changes lies in the recommendation of a
14 coroner's report to address the hazards associated
15 with suspended loads on cranes and hoists. And
16 certainly anytime a workplace fatality or, for that
17 matter, a serious injury occurs, the contributing
18 factors have to be closely examined, and
19 appropriate action has to be taken.

20 We fully support the work that has been done in
21 this regard to this point, and we have also spoken
22 into this procedure on previous occasion. We wish
23 to do so once again.

24 Our comments tie into the concepts that were
25 identified in the variance application that has

1 been with WorkSafeBC since June 15th of last year
2 with respect to Section 14. And hopefully we can
3 once again offer some constructive and sound input
4 on these revisions.

5 Specifically, we would like to address the
6 intention of Section 14.37(1) as it contrasts with
7 Section 16.37(1). And I'll read some of those.
8 These two sections of the OHSR both pertain to the
9 safe operation of the articulating boom cranes that
10 operate throughout the province. In
11 Section 14.37(1), the proposed section reads,

12 "Operators Duties: The operator of a crane,
13 hoist or boom truck must have full control
14 of the equipment controls whenever the
15 hoisting equipment is in use, and engaged
16 in no other duties while operating the
17 equipment."

18 The explanation clarifies the intent of this
19 clause. It reads in part,

20 "WorkSafeBC proposes adding a new clause
21 restricting the duties that may be assigned
22 to or undertaken by a crane operator
23 similar to Section 20.52 of the OHSR which
24 sets out 'Operator's duties' for the
25 operator of a concrete pump and placing

1 boom or mast...."

2 So it's bringing that together. The explanation
3 concludes with the statement,

4 "In {the} proposed {new} Section...'in use'
5 is intended to include equipment set up and
6 take down as well as any time the equipment
7 is being {used to position a lift or a
8 load} -- is being positioned to lift a load
9 or is supporting a load."

10 Okay. So first of all, we wish to go on record
11 as being in full support of the concept that a
12 suspended load has to be controlled and the
13 operator not be distracted with other duties while
14 he's operating the boom or the crane. So we think
15 that's a good thing. This is consistent with the
16 regulations applied to the operator of a concrete
17 pump and placing boom or mast.

18 However, the new regulations we feel must also
19 remain consistent with Section 16. Section 16.1
20 and 16.7(a) clearly identify that articulating boom
21 cranes are included in the mobile equipment
22 classification. Then Section 16.37 clearly directs
23 an operator to ensure that a suspended load must be
24 immobilized and secured against inadvertent
25 movement before being left unattended. And it

1 states, just for the record,
2 "...Securing elevated loads: An operator
3 must not leave unattended any elevated
4 load, part, extension or machine, unless it
5 has been immobilized and secured against
6 inadvertent movement."

7 So in terms of resolving those two, the proposed
8 sections we believe can coexist without any
9 conflict, provided the interpretation allows for
10 immobilizing and securing the load against
11 inadvertent movement -- that's really what we're
12 looking for here -- whereby once it's secured, the
13 unit would no longer be considered to be "in use,"
14 but rather immobilized and secured. And the key is
15 going to be in how that is accomplished.

16 We believe that with current technology and
17 appropriate safe operating procedures, including
18 comprehensive lockout strategies, this security can
19 be achieved. This process is outlined in detail in
20 the variance application as well, which we referred
21 to and request that it be considered in your
22 deliberations regarding the interpretation of this
23 clause.

24 THE CHAIR: Yeah.

25 MR. UNGER: I'll turn it over to Brian just for a comment

1 about how this is actually working out.

2 MR. SCULLION: Sure. Thanks, Al.

3 Winroc -- we've been using the practice and the
4 procedures as outlined in the variance application
5 for over a year now, and as you're aware, we have a
6 seven-step process that we go through to complete a
7 crane lockout -- a crane -- on-site crane lockout
8 procedure -- control procedure. We've been doing
9 that for a year now. We have had zero critical
10 errors or accidents, no near misses resulting from
11 their use. The procedures set out are an efficient
12 way to do business and are good for the employee,
13 the company, and most importantly, for the safe
14 operation and the safe delivery of the materials we
15 handle.

16 This work practice is used in conjunction with a
17 job site hazard assessment and a critical lift plan
18 that are completed for every delivery. Since that
19 critical lift plan came out, Winroc treats every
20 list -- every lift as a critical lift, and we think
21 that works just fine.

22 We have copies of both the job site hazard
23 assessment and the critical lift that we will
24 submit as well. This ensures that the hazards of
25 each site are individually addressed, identifying

1 the hazards and the corrective actions needed to
2 resolve any issues. These documents are signed by
3 all crew members indicating that all employees
4 involved on the site have been informed of the
5 hazards and the corrective actions taken.

6 On several occasions during the past year, a
7 WorkSafeBC officer has visited our worksites, and
8 confirmation has been given that this process does
9 work effectively. And considering -- consider the
10 following two statements:

11 "{It's a} Routine inspection by WorkSafeBC
12 officer Norm Pelletier: {It's} Inspection
13 report # 2007111110432 dated December 12,
14 2007 in Nanaimo. Norm Pelletier notes: 'A
15 letter confirming a risk assessment was
16 conducted and safe operating procedures
17 were implemented to allow the operator to
18 temporarily leave the controls without
19 jeopardizing the crane operation.'

20 {A} Routine inspection by {WorkSafe}
21 officer Doug Younger: Inspection Report
22 # 2007160580053 dated December 4, 2007 in
23 Richmond. Doug Younger wrote: 'The Crane
24 operator and swamper were delivering
25 drywall board to the second floor window of

1 this residential home with a HIAB boom
2 truck. This was a random routine
3 inspection, no orders {were} written, and
4 the board officer noted that all systems
5 were in place and working.'" "

6 I'll hand it back to Alfred here.

7 MR. UNGER: So we wish to stress again that we really
8 believe that the proposed regulation can coexist
9 with the current regulation of 16.37(1) without any
10 conflict, providing that interpretation allows for
11 the immobilization and securing a load against
12 inadvertent movement.

13 Failure, on the other hand, to recognize these
14 kind of forward-thinking strategies places a
15 significant burden on the industry. It would
16 require even more new operators than the 10,000
17 that are currently registered for crane
18 certification with the BC Crane Safety Association
19 [sic], as each crane or hoist would need a
20 dedicated operator even when the load is secure.
21 In fact, in reviewing past history, crane accidents
22 have happened either while an operator was at the
23 controls or when a load was not secured against
24 movement. So keeping an operator at the controls
25 at all times may actually increase the risk of

1 human error. The key lies in adequately securing
2 the elevated load to ensure that no movement will
3 occur, which we believe was proven; it is possible,
4 even though it's a little bit of a complex and
5 comprehensive program in order to be able to do
6 that.

7 We trust these comments provide a valuable
8 perspective for ongoing consideration as these
9 regulations move from drafts to final
10 documentation. And thank you again for the
11 opportunity to be a part of this.

12 THE CHAIR: Well, I just want to say thank you. It is
13 actually always a pleasure to hear from people who
14 are doing the work, so . . .

15 MR. UNGER: Great. Thank you.

16 THE CHAIR: Thanks very much.

17 MR. SCULLION: Thank you very much.

18 THE CHAIR: And you'll be sure to leave all of your
19 information with us.

20 MR. UNGER: Absolutely we will.

21 THE CHAIR: And before you leave, I'm just confirming
22 whether you also -- you didn't speak to the
23 withdrawn section, but you are also in support of
24 that?

25 MR. SCULLION: Yes.

1 MR. UNGER: Absolutely yes.

2 THE CHAIR: Yeah. Thanks, gentlemen.

3 MR. SCULLION: Thank you.

4 THE CHAIR: I was also pleased to see Mr. George Zeeman on
5 the list.

6 MR. ZEEMAN: Yeah.

7 THE CHAIR: Mr. Zeeman?

8 Mr. Zeeman represents Campbell Construction, and
9 Mr. Zeeman is also speaking to Part 14, cranes and
10 hoists.

11 Thank you, sir.

12 PRESENTATION BY MR. GEORGE ZEEMAN ON BEHALF OF
13 CAMPBELL CONSTRUCTION:

14 MR. ZEEMAN: Good afternoon.

15 THE CHAIR: Thank you.

16 MR. ZEEMAN: I'm here speaking on behalf of our company
17 and my boss, who sits on the Council of
18 Construction Associations and was not able to be
19 here. So I'm speaking, essentially, on his behalf.

20 THE CHAIR: Thank you.

21 MR. ZEEMAN: And I'm here, really, to comment on the
22 regulation that was proposed and subsequently
23 withdrawn, which is 14.6, 3.1, where,
24 "A mobile crane must have two brake systems
25 on each hoist drum operated with friction

1 controls."

2 And I understand that that came about as a
3 result of an incident that happened on the
4 Canada Line.

5 THE CHAIR: Yeah.

6 MR. ZEEMAN: And it was a jury recommendation, and when it
7 was subsequently investigated, there was no
8 determination that there was an equipment failure;
9 that it was pretty well determined to be an
10 operator error. And when it was really looked into
11 carefully on how this would be implemented and, you
12 know, crane operators were contacted and consulted,
13 it didn't seem a practical solution. You know,
14 it -- because the incident happened as an operator
15 error and not an equipment failure, that to put a
16 second braking system on a crane when it's operator
17 error, you could just as easily not set the second
18 braking system as the first braking system. It
19 seemed a very awkward way to deal with an issue
20 that was perceived -- but, in fact, not
21 determined -- to be the case.

22 And further to that, with the complications of
23 dealing with a manufactured piece of equipment
24 that's under warranty and that's -- you know,
25 that's been designed with specific functions in

1 mind, it would have been a very difficult thing in
2 terms of liability issues, should any further
3 accidents happen. There are many mobile crane
4 manufacturers, and to implement this on equipment
5 that's already on the road and equipment that's in
6 the process of being manufactured would have been
7 extremely difficult, particularly when there's
8 really no basis -- proven basis to see that it
9 would have been an improvement in any safety
10 concerns.

11 So, really, we just want to express our
12 appreciation for having considered the
13 documentation that was forwarded by the Council of
14 Construction Associations and having seen that this
15 proposed regulation was withdrawn. So I just want
16 to express our appreciation for that.

17 THE CHAIR: Thanks very much, Mr. Zeeman. As you noted,
18 there was a recommendation from the coroner's
19 service. They're not binding on us, but we take
20 them very seriously --

21 MR. ZEEMAN: Sure.

22 THE CHAIR: -- and we want to share them with industry and
23 make sure that we're airing them well. So I just
24 want to say thank you for all the constructive
25 comments and good advice we heard back from right

THE CHAIR
(General Remarks)

1 across the board, so thank you very much.

2 MR. ZEEMAN: Okay. Very good.

3 THE CHAIR: Thanks very much, Mr. Zeeman.

4 MR. ZEEMAN: Okay. Thanks for coming to listen to me.

5 THE CHAIR: Thank you.

6 So the hour being ten after four, I'm just going
7 to note that there are no other individuals or
8 organizations who have registered to speak, but
9 we're here, and we're going to stay here for a
10 little while longer. And I just want to, before I
11 actually call a recess, see if there is anybody
12 else who wants to make some remarks to the Panel
13 this afternoon. You don't have to decide this
14 minute.

15 Okay, Heidi. So we're going to go off the
16 record, and I'm going to adjourn for a few minutes,
17 and then we'll make a determination about the rest
18 of the proceedings. Thanks very much, ladies and
19 gentlemen. We're off the record.

20 (PROCEEDINGS ADJOURNED AT 4:11 P.M.)

21 (PROCEEDINGS RESUMED AT 4:28 P.M.)

22 THE CHAIR: So the hour being 4:30, I am going to conclude
23 the afternoon session of the public hearings into
24 proposed amendments to the Occupational Health and
25 Safety Regulation. So we are off the record.

THE CHAIR
(Introductory Remarks)

1 Thank you very much.

2 (PROCEEDINGS ADJOURNED AT 4:28 P.M.)

3 (PROCEEDINGS RESUMED AT 7:04 P.M.)

4 THE CHAIR: So what I'm going to do is just begin with my
5 opening comments and introduce myself:
6 Roberta Ellis, Chair, and Vice-President of the
7 Policy & Research Division; my colleague
8 Anne Burch, who is the Vice-Chair of the Panel and
9 Director of Prevention Policy & Regulation Review;
10 Mr. Ed Bates, who is our General Counsel and
11 Secretary to WorkSafeBC.

12 I'm also introducing Heidi Archer, who is our
13 Court Reporter, and she'll be taking verbatim notes
14 of the public hearing. The record assists the
15 Board of Directors of WorkSafeBC in their
16 decision-making process, and the recorded notes are
17 made public after the Board of Directors makes
18 decisions regarding these proposed regulatory
19 amendments.

20 The purpose of the public hearing is to provide
21 an opportunity to comment on proposed amendments to
22 the Occupational Health and Safety Regulation. And
23 I'm going to read these into the record:

24 Part 1, Definitions: and Part 4, General
25 Conditions, relating to avalanches;

THE CHAIR
(Introductory Remarks)

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

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

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

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

10 Part 20, Construction, Excavation, and
11 Demolition; and Part 22, Underground Workings,
12 fills, stockpiles, and professional certifications;

13 Part 22, Underground Workings, relating to
14 tunnel boring and cut-and-cover excavation methods;

15 And Part 23, Oil and Gas, relating to snubbing,
16 emergency escape systems, riding hoisting
17 equipment, and some miscellaneous items.

18 Also, for the record, the proposed amendments to
19 parts 1 and 4 relating to avalanches and to
20 parts 20 and 22 relating to fills and stockpiles
21 were taken to the 2007 public hearings.

22 Stakeholders asked for more consultation, and I do
23 want to thank everybody who took time to work with
24 us on these important issues. These amendments
25 were revised and are now being returned to this

1 public hearing.

2 Stakeholders have been advised of the 2008
3 proposed amendments and notes, and the changes have
4 been placed on WorkSafeBC's website, sent to over
5 3,500 stakeholders via E-News, advertised in the
6 BC Gazette and 17 newspapers, and we've also
7 contacted representatives of industry associations
8 and interest groups to encourage their response.

9 The only other thing I want to note is that oral
10 and written submissions form part of the public
11 hearing record, and the deadline for written
12 materials is 4:30 p.m. on Friday, June 13th.

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

20 And so I have a great deal of pleasure in asking
21 Gordon Piper, who is with CAW TCA Canada, to be our
22 presenter this evening. Welcome, Gordon.

23 PRESENTATION BY MR. GORDON PIPER ON BEHALF OF THE CANADIAN
24 AUTO WORKERS UNION, LOCAL 114:

25 MR. PIPER: Thank you very much. I do feel somewhat

1 isolated, but I suppose that can be a good thing.

2 I am working on the Island. I used to live in
3 Vancouver. I moved to the Island a year ago last
4 December, and I am working as a Local
5 representative for my Local 114 CAW, and my beat,
6 if you will, consists of all of our -- all of the
7 Local 114 facilities on Vancouver Island and a
8 transit company in Kamloops, which -- I haven't
9 quite figured that out, but anyway . . .

10 In addition, I should say, I guess, that my
11 Local represents -- it's an amalgamated local, and
12 it represents a relatively large cross section of
13 industry of various sorts in BC. Currently, we are
14 at somewhere between 5,500 and 6,000 members in
15 size; everything from hospitality, manufacturing,
16 transportation, everything in between. And one of
17 our large components currently, actually, is
18 aerospace. We have Viking Air over here in
19 Victoria and Cascade Aerospace in Abbotsford. They
20 were, I think, organized about three years ago.

21 So amongst -- in my spare time, I also do all of
22 the occupational health and safety for my Local and
23 all of the WCB claims. And tonight I was
24 interested, actually, in discussing your proposed
25 amendments to Part 5. And I have grave concerns

1 over the apparent deletion of the WHMIS
2 designations and classification system from the
3 regulation. And I'm sure that a lot of people have
4 waxed much more poetically than I can, but the real
5 problem that I see is that my people -- and I've
6 been in this Union for 28 years now -- are used to
7 WHMIS. They know what WHMIS is. They know what
8 WHMIS means. They know what the designations are.
9 And the ACGIH is going to be Greek to them.

10 The other thing that is very good with WHMIS
11 is -- and I might point out that since I do claims,
12 I have access to some of this stuff. This
13 two-and-a-half-inch stack, that's 2006 for
14 Cascade Aerospace. That is their MSDS sheets. It
15 would be impossible for me, you, or anybody else to
16 translate that into ACGIH. It would not work,
17 because there may be chemicals in here that they
18 have never seen.

19 And it -- and ACGIH is not going to deal with
20 the issues around latency. We have people that
21 have been exposed to chemicals all their working
22 life, and the ACGIH may be able to, on a go-forward
23 basis, deal with traumatic issues, but they are not
24 going to be able to deal with chronic.

25 It is not readily available. It's copyrighted.

1 And they have already told us that they are not
2 going to be able to maintain the information
3 database on reproductive toxins, carcinogens,
4 et cetera.

5 Not only that, their system is confusing,
6 because if it is not a primary cause of a TLV, or a
7 threshold limit, it won't show up on their listing.
8 They -- you get an asterisk or a 1 or a 2 or a B or
9 a C or whatever. And then you have to do the
10 research to find out what the complications are
11 with the chemical.

12 I have no qualms about you putting ACGIH into
13 the system, but I implore you to maintain WHMIS,
14 because we know what it means, and it's useful to
15 us.

16 Currently, I have got, I think, eight multiple
17 chemical sensitivity clients in various places in
18 the appeals system from Cascade. And these
19 chemicals run the gamut from, you know, paint
20 strippers, solvents, everything, to even spray
21 clean, for God's sake. Some of those chemicals
22 have changed over time, but the only way that we
23 can track their symptom is to go back, and the only
24 way we can do it is with the WHMIS designations.

25 My greatest fear with the Board currently is

1 that there is a grassy knoll, and the grassy knoll
2 at the Board is a policy bureau. My greatest fear
3 is that as soon as WHMIS disappears from this
4 regulation, the policy bureau will come and say
5 that it doesn't mean anything anymore as far as the
6 Board is concerned, and it will impact claims.

7 And it will -- and the other question that I
8 have -- although you say that you're going to put
9 the ACGIH in there -- what happens for the
10 training? Are you planning on training everybody
11 in ACGIH? Have you given any thought to the
12 enormity of that task; changing all of those
13 designations, what they mean? And who is going to
14 buy all these copies of this copyrighted document?
15 How is this going to work? It doesn't make sense
16 to me.

17 THE CHAIR: So I will set your mind at ease on that,
18 Gordon, because I know that would be of
19 considerable concern to you. So I can assure you
20 that there is no intention to disturb the existing
21 arrangements with WHMIS. As you well know, it's a
22 federal regulation, which --

23 MR. PIPER: Right.

24 THE CHAIR: -- by Memorandum of Understanding, the
25 provinces implement. So if that is a concern that

1 this proposal has provoked, I can certainly assure
2 you that there is no intent to disturb the existing
3 WHMIS relationship. And we've heard loud and clear
4 from other presenters --

5 MR. PIPER: Mm-hmm.

6 THE CHAIR: -- that while there is an understanding that
7 we have proposed this in order to maintain
8 protection, the concern is that the arrangements
9 may not go as far as WHMIS would suggest we should
10 go and that we should explore that and look at it
11 before we dismiss it. But I would not want to
12 leave you with the impression that we were walking
13 away from our WHMIS obligations.

14 MR. PIPER: Okay. I mean, my -- I wasn't sure if that was
15 possible --

16 THE CHAIR: Right.

17 MR. PIPER: -- because I don't --

18 THE CHAIR: It's a concern.

19 MR. PIPER: -- travel in your circle, so --

20 THE CHAIR: Yeah. Yeah.

21 MR. PIPER: -- I don't know whether somebody was looking
22 at taking it away, because -- WHMIS away, because
23 CAW had a very large role --

24 THE CHAIR: Right.

25 MR. PIPER: -- to have the -- getting the WHMIS

1 legislation put in place in --

2 THE CHAIR: Exactly.

3 MR. PIPER: -- the first place.

4 THE CHAIR: Yeah.

5 MR. PIPER: I would say that I think that the reasons that
6 it was put in place still exist --

7 THE CHAIR: Yes.

8 MR. PIPER: -- and they are still valid.

9 THE CHAIR: Yes.

10 MR. PIPER: My concern down the road on the claims' side
11 is the ability to be able to research exposures,
12 and with the WHMIS thing going here, I don't know
13 if down the road on the claims' side they're going
14 to want an ACGIH reference solely or whether
15 they're going to try and say that the WHMIS stuff
16 doesn't matter.

17 THE CHAIR: No. I think we -- just to put your mind at
18 rest, I can certainly assure you that in moving to
19 maintain a protection -- that because of a change
20 in ACGIH reporting methodology, the concern was we
21 were in grave danger of losing protection for
22 workers, that -- I can certainly set your mind to
23 rest that the Board was not looking to walk away
24 from the existing WHMIS standards or our obligation
25 via Memorandum of Understanding to ensure that

1 those MSDSs continue to exist in workplaces. But I
2 actually just want to acknowledge your concern,
3 because I think when this regulatory language is
4 proposed, it can lead to a lot of concern.

5 MR. PIPER: Just because I'm paranoid doesn't mean I'm
6 wrong.

7 THE CHAIR: And, Gordon, I have never once suggested that.

8 And I -- but just because I -- obviously, that's
9 of grave concern, and I do recognize CAW's
10 considerable efforts in that regard, with regard to
11 the original introduction of WHMIS. I wouldn't
12 want to leave you with the impression that we were
13 disturbing that. The question is more responding
14 to the request to look at, as well as these
15 standards, the other protection that the WHMIS
16 lists would offer.

17 MR. PIPER: Okay.

18 I guess the other question that I have, then,
19 is, How do you propose to deal with the ACGIH
20 shortfalls?

21 THE CHAIR: And on that front, WorkSafeBC moved to look to
22 an independent body that we could turn to for this
23 kind of information. Clearly, we have heard from a
24 number of stakeholders -- predominantly labour
25 stakeholders, but a number of stakeholders -- that

1 there is not a great deal of confidence in ACGIH,
2 and we have received recommendations that we look
3 more broadly at the kinds of organizations from
4 which we could derive that kind of information.
5 And on that point, I can certainly assure you that
6 we're receptive to that recommendation, and staff
7 have begun to look at what organizations beyond
8 ACGIH exist in order to receive the kind of
9 information that we need when we're setting
10 protective standards.

11 MR. PIPER: Wasn't that one of the original mandates of
12 CCOHS?

13 THE CHAIR: No. But that is another organization that you
14 can turn to, especially with the listings they have
15 with --

16 MR. PIPER: Mm-hmm.

17 THE CHAIR: -- on chemicals for that kind of information.

18 MR. PIPER: Okay.

19 So, I mean, those were my main concerns around
20 the Part 5.

21 THE CHAIR: Right.

22 MR. PIPER: And I feel somewhat relieved to hear that
23 you're not going to deep-six WHMIS.

24 I'm still curious to see what kind of -- are
25 you -- what kind of proposals you're going to have

1 around training using the ACGIH --

2 THE CHAIR: Right.

3 MR. PIPER: -- because, of course, nobody's familiar with
4 it. And I have seen HRDC -- or I have heard of
5 HRDC officers proudly walking around with their
6 shiny new ACGIH handbooks, but they don't help me
7 much if I'm going to try and explain what's going
8 on to safety committees.

9 THE CHAIR: Yeah.

10 MR. PIPER: And I am also a WorkSafe partner --

11 THE CHAIR: Right.

12 MR. PIPER: -- trainer.

13 THE CHAIR: Yes.

14 MR. PIPER: So where does that leave me?

15 THE CHAIR: Yeah. And good questions. And I'm happy to
16 take them offline, too, to try to answer. For the
17 purposes of this regulatory amendment, I just do
18 want to not make sure that I -- I would in no way
19 want to mislead you. The proposals arose from a
20 concern that was identified to us because ACGIH was
21 not continuing to record these chemicals.

22 MR. PIPER: Right. Yeah.

23 THE CHAIR: So we want to maintain the existing
24 protection, but clearly the issue that has been put
25 before us as a Panel is, Is that sufficient, and

THE CHAIR
(Closing Remarks)

1 should we, in fact, be looking at the WHMIS lists
2 to identify other sensitizers and toxins?

3 MR. PIPER: Is there a mechanism to submit chemicals to
4 ACGIH to get them rated?

5 THE CHAIR: There probably is. The challenge for us is to
6 make sure that -- and to the point that you have
7 raised, Gordon -- is that the standards that we set
8 are relevant.

9 MR. PIPER: Mm-hmm.

10 THE CHAIR: Yeah.

11 MR. PIPER: Okay.

12 THE CHAIR: Thank you.

13 MR. PIPER: All right. I think that just about does it
14 for me.

15 THE CHAIR: Thank you very much.

16 And, Gordon, can I just remind you that the date
17 for written submissions is Friday, June 13th, 2008.

18 MR. PIPER: Yeah.

19 THE CHAIR: Rest assured that anything that you have put
20 on the record is on the record, but should you wish
21 to further follow up with a written submission, as
22 you know, we're always happy to receive it.

23 MR. PIPER: Thank you.

24 THE CHAIR: Thanks very much. Thank you. Thank you very
25 much.

THE CHAIR
(Closing Remarks)

1 MR. PIPER: Now you guys can all run.

2 THE CHAIR: Oh, no. Not yet.

3 So Mr. Piper is, in fact, the only individual
4 who registered for the evening session. And I'm
5 going to follow our normal procedure. I'm going to
6 adjourn the proceedings for some time. We're here.
7 We want to make sure anybody who wants to be heard
8 can be heard, and we'll make a determination about
9 whether or not we have to recommence shortly.

10 So we're off the record.

11 (PROCEEDINGS ADJOURNED AT 7:21 P.M.)

12 (PROCEEDINGS RESUMED AT 7:46 P.M.)

13 THE CHAIR: I'm going to resume on the record for the
14 purposes of the public hearings and to proposed
15 amendments to the Occupational Health and Safety
16 Regulation.

17 There being no further presenters who have
18 registered to present this evening, I am going to
19 conclude this session of the public hearings here
20 in Victoria with thanks to all of the presenters.

21 We're off the record.

22 (PROCEEDINGS ADJOURNED AT 7:46 P.M.)

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REPORTER'S CERTIFICATE

I, Heidi Archer, Official Reporter
in the Province of British Columbia, Canada, do
hereby certify:

That the proceedings were taken down
by me in shorthand at the time and place therein
set forth and thereafter transcribed, and the same
is a true and correct and complete transcript of
said proceedings to the best of my skill and
ability.

IN WITNESS WHEREOF, I have hereunto
subscribed my name this day of , 20 .

_____.

Heidi Archer, CSR(A), RPR
Official Reporter