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WorkSafeBC
Workers' Compensation Board of British Columbia
Prevention Policy & Regulation Review Department
Policy and Research Division

Re: Proposed Regulations Under Part 20

I am writing on behalf of the Asphalt Technical Advisory Committee (ATAC) to express our strong opposition to proposed regulations 20.14.1 -20.14.2 concerning fills and stockpiles. The requirement to perform terrain stability assessments before work commences will greatly impact industry. Many companies have multiple sites that utilize fills and stockpiles. According to regulations 20.14.1 and 20.14.2 companies will be required to obtain a professional engineer or geoscientist to develop safe work instructions for all fills and stockpiles that may pose a hazard. We are calling on the Board of Directors to instruct staff to remove these draft regulations from consideration as it impractical for industry.

The companies that participate on the Asphalt Technical Advisory Committee are deeply concerned by these proposed regulations as our operations will be affected. A common operation is the recycling of asphalt and construction materials via crushing. Stockpiles that are created are continuously changing as the stockpiled material is eaten and then re-added.

Impracticality of Regulations

Regardless of the consistency of the materials, the stability of a stockpile will change continuously. Movement of equipment on top of stockpiles is not the only factor affecting stability, but weather conditions will have an impact as well. The requirement for professional engineers to provide written instructions is impractical as the documentation created on the first day of a project will not reflect the situation on day two.

Lack of Supporting Data

WorkSafe BC has not shown any evidence that the stability of fills stockpiles needs to be regulated. The explanatory notes for sections 20.14.1 and 20.14.2 outline that these regulations arose out of a serious injury suffered by a worker operating an excavator on a road fill for a forestry operation; however, the draft regulation that was distributed did not include a critical analysis providing evidence that the regulation of this situation will in fact have an impact in decreasing the occurrence of injuries and accidents within construction.

The Asphalt Technical Advisory Committee is not opposed to regulation; however, we believe that regulations can be a benefit to industry if they address industry's concerns. ATAC suggests developing a transition period in which industry can work with engineers or geoscientists to establish a system of workable protocols in creating standard stockpiles. We strongly urge WorkSafeBC to withdraw the draft regulations 20.14.1 -20.14.2 concerning fills and stockpiles in favor of a more positive partnership approach.

Sincerely,



Bill Denault CHSC, Chair ATAC