

July 11, 2007

Ms. Roberta Ellis
WorkSafeBC
Workers' Compensation Board of British Columbia
Prevention Policy & Regulation Review Department
Policy and Research Division
P.O. Box 5350 Station Terminal
Vancouver BC V6B 5L5

Dear Ms. Ellis:

RE: 2007 Proposed Amendments to the Occupational Health and Safety Regulations

This letter contains the Association of BC Forest Professionals' (ABCFP's) response to the draft amendments to the Occupational Health Safety (OH&S) regulations. We would like to thank WorkSafeBC for the opportunity to respond to the amendments to these important regulations.

The Joint Practice Board, a group made up of members from both the ABCFP and the Association of Professional Engineers and Geoscientists, has already sent comments to WorkSafeBC. While the Joint Practice Board response may represent specific changes that ensure compliance between the *Foresters Act* and OH&S regulations, the ABCFP believes more could be done to improve the regulations to make them even more effective.

Recently the ABCFP was provided with a copy of the response being put together by the Council of Forest Industries, Coast Forest Products Association, the Interior Lumber Manufacturers' Association and Tolko Industries Ltd. Within their response, they propose four principles against which the Operational Health and Safety regulations should be assessed. The ABCFP supports these principles as a way to assess the OH&S regulations. The principles are:

1. clear and certain;
2. risk-based, practicable and flexible;
3. consistent but not redundant; and,
4. of value.

These principles demonstrate how the current regulations fall short. Rather than relying on a heavily prescriptive set of regulations that attempts to cover every potential safety concern, we suggest allowing the professions to rule themselves. The OH&S regulations should set out the end goals – safe workplaces – and each profession can guide its members in the best way to achieve those goals.

For example, the current regulations are not consistent with the *Foresters Act*. Section 20.78 of the regulations includes only professional engineers, when in order to be consistent with the current laws of BC, it should include professional engineers, professional geoscientists, professional foresters and registered forest technologists. However, there is also the risk that a professional act may change and make the regulation out of step with it yet again.

The solution is already in place. The BC Government has spelled out which practices are restricted to specific professionals. Government has legislated that these professions have sole responsibility to enforce their respective acts. Placing specific professions into the regulations is redundant and runs the risk of being inconsistent with other legislation should changes occur in the future. The ABCFP supports removing specific references to professions and using a generic term such as qualified registered professional instead.

The use of generic terms is not unprecedented. The *Forest and Range Practices Act* is almost completely silent on the use of professionals because the legislation is based upon a professional reliance model. Government relies on the professionals involved to guide themselves through the *Foresters Act*.

Another example of where the proposed principles would be useful is in regards to slope stability issues. The proposed regulations, especially 20.78(e), would require written instructions on virtually every metre of road in coastal forestry operations and the majority of the roads in the interior of BC, whether or not there is a safety concern.

Through the *Foresters Act*, every road built in the forest section must be signed off by a forest professional. It is up to the forest professional to determine the degree of difficulty and safety the implementation of his or her plan will be. This includes excavation, slope stability and other factors.

The ABCFP is currently working on guidelines for our members that will assist them in developing models for slope stability assessments. The ABCFP council will also be considering the adoption of the same slope stability guidelines currently used by the Association of Professional Engineers and Geoscientists' members. The ABCFP is also working through the Joint Practice Board to produce guidelines for our members on producing safe work entry documents and guidance related to forest roads.

These guidelines address all aspects of these issues including safety. The terrain stability models will help members determine when to do a terrain stability assessment and how to carry it out. Changing the regulations so that it is left up to professionals to locate particular areas of concern and then develop a way to safely implement their plans is a more effective way to go.

It is important to understand that the Association of BC Forest Professionals enforces the *Foresters Act*. To try and duplicate this duty in the OH&S regulations will lead to conflicts. The Association of BC Forest Professionals would welcome the chance to work with you to ensure a product that is clear and certain, risk-based, practicable and flexible, consistent but not redundant and of value, is produced.

Yours truly,

A handwritten signature in black ink, appearing to read "Brian Robinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Robinson, RPF
Acting Director of Professional Practice and Forest Stewardship
Association of BC Forest Professionals