



DATE: July 13, 2007
TO: WorkSafeBC
FROM : BC Forest Safety Council
RE: Proposed Amendments to ss. 26.20.1 to 26.29 of Part 26:
Forestry Operations in the *Occupational Health and Safety Regulation*

Attached are the BC Forest Safety Council's comments on the noted sections of the Occupational Health and Safety Regulation.

The BC Forest Safety Council has facilitated the review and discussion of WorkSafeBC's proposed revisions to Part 26 among its members, including convening several meetings between members and WSBC and meetings among members to discuss general and specific topics related to the proposed revisions. The results of these activities have been provided to the Council's member organizations and they will incorporate the information into their individual submissions as they deem appropriate.

As the certifying agency for forestry fallers in British Columbia, our Board of Directors approved staff to develop a submission on faller-specific sections for WorkSafeBC's consideration.

The attached submission incorporates input from several sources:

- Council staff;
- Input and views expressed by Council members during discussion; and
- Some comments put forward by other organizations (i.e. ABCFP/APEGB) that are relevant to safety issues.

As you well know from the other verbal and written submissions you have received, there are wide and varied views on some items within the regulation. Although we have attempted to incorporate comments and suggestions from various sources, this submission does not represent the official position of the BC Forest Safety Council or its member organizations.

The Council and its member organizations remain committed to the belief that all fatalities and injuries are preventable and are focused on the goal of eliminating fatalities and serious injuries in the forest sector. We support a clear, effective regulatory instrument as part of an overall system that also includes good information, training for everyone involved in the industry and a commitment to safety that extends through all parts of forestry organizations.



BC **Forest Safety** Council

Unsafe is Unacceptable

The Council would be pleased to participate or facilitate any further discussion that might be useful as WorkSafeBC continues its work in finalizing the proposed revisions to Part 26 of the Occupational Health and Safety Regulation.

Yours Sincerely,

Tanner Elton
For the BC Forest Safety Council
Unsafe is Unacceptable

General language and other comments:

The terms “risk” and “hazard” are used interchangeably throughout the Part. A hazard means a thing or condition that may expose a person to a risk of injury or occupational disease or other loss. Risk means the chance (likelihood) of injury or occupational disease or loss.

The separation of “worker” and “worker in a forestry operation” is a good idea, but it is not applied consistently throughout the Part. We have noted some occasions in this document, but a thorough review on this issue alone would be beneficial.

Section by section comments:

Name	Section	Comments
Application	26.20.1	No comment
Faller qualifications	26.21	<p>Although 26.20.1 states that this section applies to manual falling and bucking activities, this is not clear in this section. We understand the distinction that the Board has attempted to make between bucking activities associated with production falling, and bucking that might take place on a landing or other less hazardous location.</p> <p>Suggested new language to clarify this distinction throughout this part would be “A worker must not fall trees, or be permitted to fall trees or conduct bucking activities associated with falling trees unless...”</p>
Faller training (see final page of this note for a re-drafted s 26.22, containing our suggested changes)	26.22	<p>There are several points to make in this section. First there is a problem with the steps outlined in this section. Basically, it sets out a process where a trainee faller’s supervisor ends up being the one who certifies the trainee as a competent faller. We would like this responsibility to be left to the “qualified supervisor or trainer” which is a somewhat higher standard. Second, in order to preserve the consistency of training for fallers in the province, we believe the language permitting a “person acceptable to the Board” to issue certificates for fallers is too broad. This activity should be restricted to entities which have been explicitly designated by the Board as capable of doing this task.</p> <p>The edits below set out suggested language changes that reflect these comments.</p> <p>26.22(4)(b) certify in writing that the trainee has demonstrated the competency necessary for certification.</p> <p>26.22(4.1) training may only be considered complete once the requirements of subsections (1) through (4) have been met and</p> <ul style="list-style-type: none"> i. the trainee has been evaluated against a standard acceptable to the Board by a qualified supervisor or trainer. ii. the trainee is issued a certificate as a competent faller by a certifying entity approved by the Board.

Name	Section	Comments
		<p>26.22(5) the activities required under subsections (1) through (4) must be recorded...</p> <p>26.22(6) subsections (2) through (5) do not apply...</p> <p>26.22(6) (d) the worker is issued a certificate as a competent faller by a certifying entity approved by the Board.</p> <p>Finally, there is a gap in the current regulation relating to the requirement to issue a certificate as a competent faller. A question comes up: if a certified faller is no longer competent to fall, who has the right to “de-certify” that faller? The obvious answer is that the agency who certifies should also have the right and responsibility to de-certify and WorkSafeBC as the owner of the Standard and the regulator should have a similar authority.</p> <p>However, in the absence of a regulatory requirement for re-certification at regular intervals (which we are not proposing) there is a challenge in learning who should be considered and/or evaluated as possibly no longer being competent. One way of determining this is through a broad non-specific risk assessment approach (age, experience etc). However, a key element in this sort of system would be an awareness of incidents, injuries or regulatory violations by the faller. Knowing that a faller has had two injuries in two years, or has been found to have committed a serious violation, for example, might lead a certifying agency to consider a spot audit, or to request a written report from a supervisor to determine if the faller is still competent.</p> <p>This type of criteria is already informally in use by WSBC, who have requested the BC Forest Safety Council “re-certify” some fallers after a serious injury or injuries. However, at present this system is not clearly or consistently used.</p> <p>With this in mind, we request that the Board include an associated regulatory change that:</p> <ol style="list-style-type: none"> 1) Requires the certifying agency to share with WSBC identifying information for certified fallers; and 2) Requires WSBC to share information with the certifying agency to allow them to assess decertification or re-certification requirements based on WSBC interactions. <p>Finally, we believe that the ability to de-certify or require recertification should be clearly spelled out (and limited) in this section. We propose language:</p> <p>26.22(7) only WorkSafeBC and the certifying agency under 26.22(4.1) or 26.22(6) are permitted to revoke a certificate or require re-certification.</p>
Falling supervisor	26.22.1	<p>We suggest a language change to reflect the language in General Requirements of the OHS Reg s.3.5. Suggested language:</p> <p>26.22.1 (b) inspect the faller’s workplace, including work area, tools, equipment, machinery, work methods and practices at intervals that will</p>

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Name	Section	Comments
		prevent the development of unsafe working conditions.
Procedures for falling and bucking	26.23	No comment
Responsibility for falling and bucking	26.24	<p>Trees sometimes travel a considerable distance after the falling process and the hazard area becomes greater than two tree lengths. The faller and associated workers should be required to consider this possibility.</p> <p>Suggested new language “Subject to section 26.29(3), before a tree is felled, all workers must be clear of the area within a 2 tree length radius of the tree being felled and must take into consideration the potential for runaways and chain reactions of the felled timber.”</p>
Dangerous trees and logs	26.25	No comment
Falling dangerous trees	26.26	No comment
Location of fallers	26.27	No comment
Summoning assistance	26.28	No comment
Entry to falling area	26.29	No comment

Proposed Redrafted Version of s. 26.22 – including Council’s suggested changes

Faller training 26.22

- (1) Before starting work as a faller in a forestry operation, a worker must receive training for falling that is acceptable to the Board
- (2) For purposes of subsection (1), a faller’s training must include the following:
 - (a) taking basic training in falling trees by working one-on-one with a qualified faller or trainer for a period of not less than 30 days;
 - (b) taking a written or oral examination on falling in the presence of a qualified trainer;
 - (c) after passing the examination under paragraph (b), working as a trainee faller under the close supervision of a qualified faller or trainer for a period specified in subsection (3).
- (3) The required training period in subsection (2) (c) is
 - (a) 180 days, or
 - (b) a shorter time as determined by the supervising faller or trainer when satisfied that the worker is competent to perform the tasks of a faller.
- (4) The person supervising the faller trainee must
 - (a) keep weekly records of the trainee's progress, and
 - (b) certify in writing that the trainee has demonstrated the competency necessary for certification.
- (4.1) Training may only be considered complete once the requirements of subsections (1) through (4) have been met and
 - (a) the trainee has been evaluated against a standard acceptable to the Board by a qualified supervisor or trainer;
 - (b) the trainee is issued a certificate as a competent faller by a certifying entity approved by the Board.
- (5) The activities required under subsections (1) through (4) must be recorded in a manner acceptable to the Board, and on request a copy of the record must be made available to the trainee or to an officer.
- (6) Subsections (2) through (5) do not apply to a worker who satisfies all of the following requirements:
 - (a) the worker has performed falling duties regularly for at least 2 years before the evaluation under paragraph (c) takes place;
 - (b) the worker passes a written or oral examination on falling in the presence of a qualified trainer;
 - (c) the worker’s falling activity is evaluated against a standard acceptable to the Board by a qualified supervisor or trainer;
 - (d) the worker is issued a certificate as a competent faller by a certifying entity approved by the Board
- (7) Only WorkSafeBC and the certifying agency under 26.22(4.1) or 26.22(6) are permitted to revoke a certificate or require re-certification.