

6.9

Council of Construction Associations
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Ms. Anne Burch
Director, Policy and Review Division
WorkSafeBC
BY email: anne.burch1@worksafebc.com

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Dear Ms. Burch:

Thank you for the opportunity to comment on the proposed changes to the OHS Regulation.

COCA supports the increased flexibility and clarity provided by the Draft proposals, with the exception of the items noted below.

6.33 to 6.41 Infectious Agents and Materials

The material in this section appears to have been written with the health care industry in mind. The material is highly technical and largely focused on patient care environments. However, the regulation, as written would apply to all employers. What is required is a simple straightforward explanation and process that employers can use to safeguard their workers in the event that a pandemic is declared.

We also have a concern with respect to these regulations because they could potentially have a significant impact on construction -- mould and fungi can also be placed into these categories.

There has been legislation in other jurisdictions where such material is deemed hazardous waste and as such requires extensive documentation when sending it away. There was also some concern in B.C. because of the way that the environmental legislation tied in to federal legislation. This may

not be the intent of the regulation but it could be interpreted as such down the road.

There are basic steps that an employer can put in place that would prevent the spread of disease: proper and frequent hand washing, sneezing or coughing into the elbow instead of the hand and making it clear that people who are infected should stay home.

These precautions should be published in various simplified handout forms and widely distributed. Spokane Regional Health District has an excellent on-line publication:

<http://www.srhd.org/health/disease/pandemic.asp>

6.39 We request clarification on these sections:

(1) An employer must offer vaccination against hepatitis B virus to all workers who have or who may have occupational exposure to that virus.

(2) After a risk assessment of the appropriateness of a particular vaccination for an infectious agent, an employer must offer the vaccination to all workers who have or who may have occupational exposure to that infectious agent.

These sections would have applicability in construction when workers are working with sewage lines or in other areas where workers have or may have occupational exposure to the Hepatitis B virus.

How would the employer who is affected satisfy these requirements? Would the information form part of the orientation? Would the worker's sign off be proof that the worker has been advised?

9.18 We support the change to recognize the special needs of lockout within the public water supply system.

13.30

We note that the limitation “only for infrequent, short duration work” has been deleted.

Lift truck (forklift) mounted work platforms

13.30 (1) A work platform supported by the forks of a lift truck may be used to support ~~workers~~ people only if other conventional means of access for the task, such as ladders, scaffolds and elevating work platforms, are not practicable ~~only for infrequent, short duration work.~~

However, the Explanatory Note that accompanies the Draft reads, in part that:

The employer would still be obligated to use a lift truck-mounted work platform only when other equipment designed specifically to position people to do tasks at height is either not reasonably available due to the infrequent or emergent nature of a short duration task, or not suitable due to the reach and lifting capacity needed for the task.

This explains that “short duration” is a factor. We would appreciate clarification of this item.

14. We have concerns about whether the definition of a “critical lift” accurately reflects the practical requirements for a safe workplace. This definition determines some important additional requirements.

14.2 We request that WorkSafeBC ensure that the standards from CSA, ANSI, etc. be checked to ensure that they are current and appropriate.

14.14

We do not believe that the following requirement is practical. These records are normally kept in the office, not with the machine or the operator, because they can be damaged or lost.

Inspection and maintenance records

14.14 Records of inspection and maintenance meeting the requirements of Part 4

(General Conditions) must be kept by the equipment operator and other persons inspecting and maintaining the equipment for

(a) a crane or hoist with a rated capacity of 900 kg (2 000 lbs) or more,

(b) a crane or hoist used to support a worker,

(c) a tower crane,

(d) a mobile crane, boom truck or aerial ladder crane,

(e) a side boom tractor or pipe layer,

(f) a construction material hoist,

(g) a chimney hoist, and

(g.1) a log truck trailer reload hoist,

(h) any other type of hoisting equipment specified by the Board.

14.17

We request clarification of the following sections with respect to safe access and egress. We would like to have more information about when and how it applies.

14.17

Access and egress 14.17 (1 A crane or hoist must have a safe means of access to and egress from

(a) the operator's position, and

(b) all maintenance and inspection locations on the crane and hoist.

(2) If the normal safe means of egress is not always available to the operator during crane operations, an alternative safe means must be provided for the operator to get from the operating position to a safe area in the event of a power failure or other emergency.

14.36

We wish further discussion on this item.

We would like to discuss the issue of communication and responsibility with respect to the equipment operator and the rigger.

We view the overload prevention system as a reference guide and not a replacement for safe lifting practices.

14.36

Load weight 14.36 (1) The weight of each load to be hoisted by a crane or hoist must be determined and communicated to the equipment operator and to any person rigging the load

(2) If the weight of a load to be lifted cannot be determined, the crane or hoist to be used for the lift must have a load weight indicator, or overload prevention system.

14.38

We have two issues here. 14.38(3); we wish to discuss because the use of a tag line could create a hazard under certain circumstances.

Safe lifting 14.38.

- (1) The rated capacity of a crane or hoist must not be exceeded.
- (2) The operator of a crane or hoist must not move a load unless the operator is satisfied that the load can be handled safely.
- (3) A load must be secured during a lift to ensure that all or any part of the load cannot be dislodged.
- (4) A load line on a crane or hoist must not contact anything other than the load block or hook and the sheaves and hoist drum.
- (5) Tag lines or other effective means must be used to control hazardous movement of a load or to assist with positioning a load.

(6) If a crane or hoist is being operated at the same time and in the same location as other work activity, the employer or the prime contractor must provide effective supervision of any persons who are not involved in that operation to ensure that the operation can be carried out safely.

14.42.1

We wish to discuss these requirements in the context of the definition of what is a "critical lift". DO WE NOW SUPPORT THESE CHANGES? WorkSafeBC Has modified the regulation after comments from Industry.

14.42.1 (1) A written lift plan must be prepared for every critical lift and must

be available at the worksite during the lift.

(2) The written lift plan required in subsection (1) must include the following:

- (a) rigging details;
- (b) wind speed limitations;
- (c) maximum hoist line speed;
- (d) maximum crane travel speed, if applicable;
- (e) load distribution;
- (f) the need for and position of signallers.

(3) At a pre-job meeting held immediately before commencing hoisting operations for a critical lift, the lift plan required in subsection (1) must be communicated to all people involved and the supervisor must document the meeting.

(4) The pre-job meeting required under subsection (3) must be repeated whenever there is a change in the people or equipment involved in the critical lift.

(5) Effective communication must be established and maintained between all people involved in a critical lift.

14.48 to 14.49

We wish to discuss the radio requirements to ensure their clarity and practicality.

Alternative to hand signals

14.48 (1) Two-way radio or other audio or video systems acceptable to the Board must be used if distance, atmospheric conditions or other circumstances make the use of hand signals hazardous or impracticable.

(2) Audio and video communication systems used in a hoisting operation must be designed, installed, operated and maintained according to a standard acceptable to the Board.

Dedicated radio system

Section 14.48(3) says that only UHF radios are acceptable. One company has reported that It has used VHF dedicated (company) frequencies for over 20 years and find it very reliable, if fact have never had a problem. What is the rationale there?

Is Industry Canada behind this as a way to clear their VHF frequencies?

14.49

(1) A two-way radio system used to direct crane or hoist movement must operate on an ultra-high frequency, and at a transmitter power assigned and coordinated by the Board or by a person acceptable to the Board.

(2) Multi-channel radios are not permitted for use to direct crane or hoist movement.

(3) Only the operator of the crane or hoist and the riggers required to work with the operator may have the capability to transmit on the radio frequency assigned under subsection (1).

Communication between equipment operators

14.49.1

If, during the operation of a crane or hoist, another piece of equipment is operating in the vicinity and has the reach to interfere with the movement of the crane or hoist, or the load being handled,

(a) each operator must have effective voice communication with every other operator, and

(b) written procedures must be developed and implemented to ensure coordination of the operation of the equipment to prevent any physical contact.

Section 14.49(2) says you cannot use multi channel radios. If operators, riggers or supervisors are to have communication with the outside world,

they will require at least 2 radios then. Our experience with situations where we use 2 different radios (our own and either RCMP, BC Hydro, Tugboats on marine VHF, et al) is a challenging situation at best as you spend more time concentrating on which microphone you are using than on the task at hand, often confusion will occur.

14.75 We would like clarification of responsibilities of all parties at a multi-employer workplace --there is a confusing number of players involved these days.

14.79 We would like clarification of the section which respect to Responsibilities

14.81 Does this section eliminate the need for a variance?

14.84 When the regulation requires a clear view of the counter jib -- does this mean rear view mirrors?

This draft regulation does not appear to cover the potential overlap of Tower Cranes and Mobile Cranes.

We look forward to your response on these important issues.

Sincerely Yours

Grant McMillan