



Western Forest Products Inc.

Worksafe BC
PO Box 5350 Stn Terminal
Vancouver, BC
V6B 5L5

July 16, 2007

Attn: George Matheson, Senior Policy Analyst
Ross Pallet, Technical Director

Dear Sir:

Thank you for the opportunity to provide input on proposed revisions to the Occupational Health and Safety Regulation, draft dated April 25, 2007.

Please find attached Western Forest Products Ltd. (WFP) response to the proposed April 2007 amendments to the above-noted Regulation. As members of the Coast Forest Products Association, we support their July 13, 2007 submission but feel we also need to specifically comment on one section of the proposed April 2007 amendments. This section is:

- Sections 20.78 / 20.81 Excavations

Re: Section 20.78 / 20.81– Excavations

WFP strongly supports the Association of British Columbia Professional Foresters (ABC FP) recommendations put forth by the ABCFP regarding section 20.78 / 20.81 in their original February 27, 2007 submission to Worksafe BC (attached). Through the Joint Practices Board (JPB), two individual submissions re sections 20.78 / 20.81 were submitted on behalf of the Association of British Columbia Forest Professionals (ABC FP) and the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC).

WFP believes the 'performance' type language developed by ABCFP in contrast to the 'prescriptive' based approach supported by APEGBC is the best solution to address worker safety in and around road and bank cut excavations. Performance base language will direct employers and professionals to 'identify' criteria particular to their area of operation and hence, focus the concept of written instructions where most applicable, which we believe is the intent of written instructions.

Specific to forest operations, WFP believes the existing general prescriptive approach by APEGBC is not the best approach to address worker safety. The criteria utilized in the existing regulation and adopted and supported by APEGBC has set the bar 'too low' regarding when written instructions are to be applied. Specifically criteria 20.78 (1)(e) where *"the ground slopes away from the edge of the excavation at an angle steeper than 3 horizontal to 1 vertical"* will result in written instructions to be issued on the majority of forest roads on the coast. We believe this will lead to a general approach to written instructions and roadcut areas or situations that may be hazardous to a worker could be overlooked. In addition, by setting the bar too low, employer obligations to exceed this requirement will be at their discretion.

WESTERN FOREST PRODUCTS INC.
West Island Timberlands, PO Box 2001, Port Alberni, BC V9Y 7N3
Telephone: (250) 720-4200 · Fax: (250) 720-4252



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An important concept of ABCFP new section is it has limited excavation work in forestry operation to road and bank cut excavations. Larger or more specialized excavations for the installation of structures such as trenches which require more specialized knowledge of engineering and geoscience, would continue to be covered under the general provisions in 20.78 / 20. 81 (non-forestry operations).

Government has also moved towards the concept of professional reliance and WFP believes this direction fits well with what Worksafe BC is trying to achieve. WFP professional employees (ABCFP members) have not only the education and experience for excavation and construction works but they are also legislatively professional accountable to ensure their plans are safe. WFP believes that moving away from the general province wide approach and focusing in on area specific concerns will improve worker safety.

Please feel free to contact the undersign if you wish to discuss any of our comments or recommendations as per forth.

Your truly,

A handwritten signature in black ink, appearing to read 'Justin Kumagai', written over a large, stylized, looping flourish.

Justin Kumagai, RPF
Western Forest Products Inc.