

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE  
*OCCUPATIONAL HEALTH AND SAFETY REGULATION*

JUNE 26, 2007

PRINCE GEORGE, BC

**PUBLIC HEARING PANEL:**

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PRINCE GEORGE, BC

CHAIRPERSON: Good afternoon everyone. My first order of business is to welcome you to the Public Hearing on Proposed Amendments to the *Occupational Health and Safety Regulation*. I'd also like to take the opportunity to introduce us, so that you know who we are. My name's Roberta Ellis and I'm the Chair of the Panel. I'm the Vice Chair of Policy and Research at WorkSafeBC. And on my right is Anne Burch. Anne is the Vice Chair of our Panel and she is the Director of Prevention Policy and Regulation Review. And this is Ed Bates, who is our General Counsel and Secretary to WorkSafeBC.

I also want to introduce you to Nicole, Nicole Le Blanc, who is the court reporter today who is taking verbatim notes of this public hearing. This record assists the Board of Directors of WorkSafeBC in the decision making process, and the recorded notes are made public after the Board of Directors makes a decision regarding these proposed regulatory amendments.

I want to let you know that the media is

welcome to attend public hearings. This means that what is said at the public hearings, including any of your comments may be recorded by the media, including television and radio reporters.

The purpose of this public hearing is to provide you with an opportunity to comment on proposed amendments to the *Occupational Health and Safety Regulations* as follows:

Part 3, Rights and Responsibilities,  
relating to occupational first aid;

Part 4, General Conditions (with consequential amendments to Part 1, Definitions; Part 20, Construction, Excavation and Demolition; and Part 22, Underground Workings), relating to terrain stability and avalanche assessments, fills, and stockpiles;

Part 5, General Conditions, relating to working alone or in isolation;

Part 6, Substance Specific Requirements (with consequential amendments to Part 5, Chemical and Biological Substances), relating to biohazardous material;

Part 9, Confined Spaces, relating to isolation procedures in confined spaces;

Part 11, fall protection, relating to fall protection for stunt workers;

Part 13, Ladders, Scaffolds and Temporary Work Platforms, relating to work platforms and fall protection;

Part 14, Cranes and Hoists, in its entirety (with consequential amendments to part 16, Mobile Employment);

Part 26, Forestry Operations, in its entirety (with consequential amendments to part 1, Definitions; and Part 4, General Conditions); and;

Part 30, Laboratories, relating to fume hoods.

By way of background on the proposed amendments to Part 4, relating to working alone or in isolation, last year the Minister of Labour and Citizens' Services requested the Board of Directors, under section 229 of the *Workers' Compensation Act*, to address the issue of pre-payment for gasoline at service stations in urban areas during late-night and early-morning hours.

Proposed amendments were drafted and taken to public hearings last November. As some of

you will recollect, there was severe snow storms across the province, so we had to postpone the hearing into January to complete them in January.

After considering feedback received from those public hearings, the Board of Directors requested that the proposed amendments be revised to apply province wide and be in effect 24 hours per day. As these revisions represent a material change to those originally proposed, it is necessary to take them to a second public hearing.

Stakeholders have been advised of these proposed amendments and associated explanatory notes, as they have been placed on the WorkSafeBC website and sent to over 1600 stakeholders via E-news. Copies of the proposed amendments are also available at the front desk.

So, we are here to listen to your remarks. To ensure that we proceed in a timely manner, we ask that you keep your presentation to the time that you have been assigned.

If you have written material to leave with us, please do so at the sign-in desk. Both oral and written submissions will form part of the

public hearing record. The deadline for receipt of any written materials is 4:30 p.m. on Friday, June 29, 2007. We are going to be posting a note on our website to indicate that we are prepared to given an additional two weeks. We have had a request for a little more time, and again in the interests of the issues everybody's heard, we're going to extend another two weeks to get your material in to us.

The public hearings represent the formal consultation process. Once the hearing process is complete, the written and oral submissions will be analyzed. The Board of Directors is the decision-making body at WorkSafeBC, and will have access to all of the submissions prior to making their final decision on each proposal.

This is your opportunity to be heard on these issues and thank you for your interest and involvement. We look forward to hearing your views.

And we really are delighted that you have taken the time on this lovely afternoon to spend some time with us, and it's a pleasure to introduce Wayne Peppard. Wayne Peppard is with the BC and Yukon Territory Building and

Construction Council.

So, Mr. Peppard, welcome and I hand it over to you.

WAYNE PEPPARD: Thank you very much and I really do welcome the opportunity to be here before you as well. I'd like to open up just by saying the building trades themselves are in affiliation with Council, affiliation which represents approximately 20, or thereabouts, local unions in the construction industry and we represent all through the province and into the Yukon.

The BCYT-BCTC supports most of the proposed regulation amendments proposed in this latest update from the Regulation and Policy Branch. We applaud the move back to specific "prescriptive" regulations from performance based guidelines. It has taken three years of unnecessary suffering by workers killed or injured on the job for the Board to admit that the performance based model for preventive regulations has been a failure.

A focus of this submission is on the lesson that must be learned from the failed experiment with deregulation. At the conclusion of this submission we argue for a broader regulation

review that will revisit other regulation cuts from the deregulation era (2003-2004) that are not covered by the current review.

Unquestionably, one of the most important reasons for the return to prescriptive regulations is the order from the Coroner's Inquest into fatalities in the Forestry Sector and the death of Ted Gramlich. Recommendations 16 through 22, to Douglas Enns, Chair of the Workers' Compensation Board, are clear directives to reinstate regulations that were cut in 2004. A copy of the Coroner's verdict is attached.

BC had some of the best OH and S prevention regulations in North America. The regulations were the product of a methodical tri-partied consultation process involving employers, labour and the government. In many cases our regulations were written as a direct response to specific accidents to correct and improve workplaces to prevent accident repetition. It can truthfully be said that many of our regulations were literally written in the blood of workers killed or injured on the job. Of course, regulations alone will never prevent an

accident from taking place. Irrespective of this, the significant difference between regulations and guidelines is that regulations are enforceable. Guidelines are little more than suggested best practice.

The move to eliminate over one third of workplace prevention regulations and replace them with guidelines was reckless and driven by an ideological agenda. We are glad that the Board has recognized the errors of the past and is now beginning to reinstate regulations that had been cut.

We conclude these opening remarks by thanking the Board for specifically spelling out requirements under the U.S. Occupational Safety and Health Agency ("OSHA") standards which are used as a reference by WorkSafeBC. Previously WorkSafeBC would simply refer to OSHA and ANSI/AIHA standards. It would then be up to contractors and WCB clients to purchase a copy of the standards. The Explanatory Notes that accompany the proposed changes have provided clear, precise information on the requirements of the new regulations.

And then I'll go down to Part 3: Rights

and Responsibilities. Comparing proposed amendments under Part 3 with previously deregulated regulations under the old Industrial Health and Safety Regulations provides a clear example of the return to prescriptive regulations. Our response to Part 3 directs readers to the submission Appendix. The Appendix provides copies of lined-out regulation cuts that took effect in 2004. Corresponding to each of the new proposed amendments are copies of the regulations that were cut. This section demonstrates the magnitude of the return back to specific regulations. Complete pages of the regulation cuts, as they were imposed in 2003, are provided after the cut and paste comparisons. Below we provide a guide to that the comparison found in the Appendix.

I know we have a binder three inches thick of those regulations that were cut and I won't go through all of them, I'll move quickly down to the correction of unsafe conditions.

The Building Trades support the direction the Board is taking back towards clear and specific prescriptive regulations.

We are concerned however, about the minimum

levels of certificates for First Aid attendants as outlined in the tables in Schedule 3-A. It appears as though the Board is focussing on "head counts" of workers in determining the workplace hazard. Suppliers of safety equipment and levels of first aid certificates should not depend on the number of workers per shift. Less than five workers per shift does not make a workplace any less hazardous than if there were more workers per shift. The level of certificate for First Aid Attendants should correspond to the level of workplace hazard, even if there is only one worker on the shift.

Table 3 in the proposed regulation amendment sends the message that a single worker in a remote community who is more than 20 minutes surface travel time away from a hospital is at a lower risk than 16-50 workers in the same situation. This is ludicrous. It doesn't matter if there is just one worker, the first aid attendant should have a minimum Level 3 certification and all of the necessary supplies, employment, and facilities that Table 3 stipulates for a work site with more than 16 workers.

Part 4.1.1, Terrain Stability. We support the amendments proposed for avalanche assessment.

Part 20, Construction, Excavation and Demolition. For construction excavation we support requirements to ensure that qualified professional engineers and/or professional geoscientists design measures for soil stabilization and fill, stock piles and forestry roads.

Part 22, Underground Workings. We support the addition of professional geoscientists as experts with the qualifications to produce reports on the hazards and to develop work plans to account with these hazards.

And Part 4, in particular, is an important one to speak to today.

The Building Trades support the expansion of this part to deal with the very important issue of late-night retail workers. Physical separation from the public, pre-payment and training for workers are all positive advances for workplace safety.

Construction workers may also be impacted by these regulation amendments. We should not

be forgotten. Floorlayers, Plumbers and Electricians can be called-out to do repairs and renovations on residences that are occupied by at risk groups or located in high risk environments. Requiring employers to identify the risk, plan the safest form of service delivery and adequate training and preparation for workers can minimize the risk.

The low bid ruthless nature of the residential construction industry could factor into ignorance of worker rights or exercising the right to refuse an unsafe situation. As an example, unclogging a toilet in a crack house. Our concern is for the non-union construction employee who may not be aware of their rights and how to exercise those rights without fear of retribution from their employer.

And I'd just like to make a comment to the side to this as well, given the situation that developed in the recent unfortunate situation in Langley. That it's about changing the culture in the industry and it means that safety has to become a value to the employer and the worker in our industry, rather than a task to be met or a course to be taken. That that culture has to

change. And I speak specifically to the construction industry. But I think province wide I think it has to become a value that's instilled. And I really want to commend the board for the recent young or new worker safety regulations that are brought into that effect, and I think that that's one of the main places we should be teaching, in high schools. We should be teaching those very values of safety, no matter where you work or who you work for. And I think that's an important initiative. It's just not a course that the employer gives or that the employee is required to take.

Part 5, Chemical and Biological Substances and Part 6, Substance Specific Requirements. The Board should be commended for improving these regulations for healthcare workers. The shortcoming is that Building Trades workers have been forgotten. We call for broadened language to include workers from other sectors who may come into contact with hazardous materials. Parking lot attendants, construction and maintenance workers are sometimes called on to clear away toxic materials that have been left behind.

Training should be provided for all workers who may come in contact with chemicals or toxic biological substances hazardous to health and safety. In fact, construction workers pose a unique risk to public health. Our industry requires us to come and go from one workplace to the next, potentially exposing a wider group of people to infectious disease. The risk of pandemic caused by itinerant workers should be recognized in these amendments.

Part 9, Confined Spaces. The Building Trades recognize that BC Municipalities may not comply with lock-out and blanking practice for sewage, water and grey water piping. As long as a professional engineer approves an alternate standard we support variances to this regulation. We recognize the need for flexibility, as long as employers and the Board recognize the budget for the extra cost of flexibility.

Part 11, Fall Protection. Here again is an example of a return to prescriptive regulations. Proposed Section 11.10(1) was previously in the Occupational Health and Safety Regulation 11.32(2). See the appendix for the comparison.

While the proposed amendments are directed specifically to fatalities in the entertainment industry we support all measures to lighten up on fall protection. In this instance, the entertainment industry has the expertise to comment on the proposed amendments. We defer to their assessment.

Part 13, Ladders, Scaffolds and Temporary Work Platforms. We support amendments that ensure that only those rolling platforms that are designed for this purpose be authorized for use in the workplace.

And if I could just off the side say, in my own experience of 37 years in the construction industry, that I've seen it all. And I've been asked to perform the tasks that I've had to do on very seriously, I would say, less than acceptable conditions and refused. And I go back to connecting this to how you instill the values of a worker entering into any industry about what their rights and responsibilities are and how to refuse -- the right to refuse and how important that is.

Too often construction workers have seen makeshift and inappropriate systems patched

together. This is unacceptable. We approve of the Board's support for engineered integral systems that will prohibit makeshift platforms.

Part 14, Cranes and Hoists. In this section we defer to the expertise of the Operating Engineers who've negotiated, through the Crane Certification Process, the BC Association for Crane Safety -- and I would make comment that that is a tri-partied, everybody was brought to the table and that it -- appears to be going to a successful conclusion and we would -- I would offer that up as a precedent for moving forward in terms of the rest of our industry.

Part 30, Laboratories. Laboratory work sometime falls into the jurisdiction of the construction industry sector. In industrial settings construction workers install hoods, ventilations and draws. Acid baths in chrome shops are a good example of a situation where construction trades workers could be impacted by these proposed amendments.

We support the proposed regulation changes.

And in conclusion, we commend the Board for taking the first steps back from the performance

based model. The return to specific "prescriptive" regulations is a positive step that will improve work site safety for small and large employers alike. Small employers need specific regulations to guide their safety strategy. Unlike large employers, small employers don't have the time or resources to design an adequate "custom made" safety plan. In the project by project world of the construction industry, contractors need to know the minute safety requirements required from jobsite to jobsite.

And I want to stress that. That there are safety issues that are jobsite specific that employers deliver, but there are larger safety values that we have to instill and ensure that each and every employee understand.

We encourage policy analysts at the Board to revisit and review the submission we made to the Board at the time of the deregulation cuts, April 2004. That paper focussed on the challenge of performance regulations for small contractors. A copy of that submission is attached to this paper.

We call on the Board to continue to update

regulation changes. Hundreds of regulations remain to be reinstated from the deregulation era.

We also encourage the board to return to the tri-partied stakeholder consultation process in the design, draft and proposal of regulation amendments. Together industry, labour and government can improve and develop the best prevention regulations to meet the daily changes and challenges inherent in the construction industry.

Thank you very much.

CHAIRPERSON: Since we have you here, I wonder if I could just ask you a couple of questions because I just want to make sure of something.

With regard to Part 3, which is Rights and Responsibilities, the first aid part there. You're right. What we have done is taken those tables that delineate the prescribed level of service, returned them to the regulation from the guidelines. And we've heard about this issue of numbers of workers. And so, in fact, I guess the question I want to maybe call you on is this: This is a return of the regulation as it existed, so nothing has changed there, but

we've certainly been very interested to hear some of the debate around, even though we've reinstated that as it was, that there may be the need for some further discussion about the old principles that underpinned those tables, and that's what you're saying. You're not suggesting that we suspend this return of the tables, you're simply identifying for further review that there may be aspects of the old tables that are still worthy of some discussion?

WAYNE PEPPARD: Absolutely, yes.

CHAIRPERSON: All right. I wanted to be very clear on that because that would be a substantive change, but there may be some further discussion to be had about that issue as it pertains to first aid regulations?

WAYNE PEPPARD: Exactly. And, you know, our industry changes, and that's why I appreciate a regular review of the regulations and the policy.

On the job site right now, you know, having had the experience that I've had, where there was one person on the job site that had a level three, now there are more and more and more. It's not a requirement, but it's a good thing. It's a good thing to instill in the industry

that we get those levels of safety training through all of our trades. So, it's just not the responsibility of one person on the job site, but we're instilling that value of safety --

THE CHAIRPERSON: I just wanted to make sure that technically I understood you.

The other thing I want to make sure we're clear about, with regard to the working alone provisions, and I heard your comments about -- from a few members or workers of the construction industry. Just to be clear, 4.21 will apply to all workers, so it will also apply to construction and any other worker.

WAYNE PEPPARD: I think what we're highlighting here is that we haven't been a part of those discussions and therefore we need to understand how it's going to affect us. And so do you, as well. We have to have those discussions.

CHAIRPERSON: Because when I looked at the notes, while the regulation -- other than the retail, late-night retail specific, as I looked at the examples, this came up in another hearing, because for example home-care workers saw themselves in the example. But the first part of that regulation

will apply to all workers, including construction workers.

And the same with biohazards, I appreciate your point on that. The regulations, as constructed, are to apply to all workers. So, whether that's a taxi cab driver finding something in his cab or it's a construction worker doing repair work in a place where he or she might be exposed to a biohazard contaminate, it will apply. But I take your point.

As we move to implementation, it will be most important in the explanatory notes, the guidelines, to make sure everybody understands how that will apply to them.

WAYNE PEPPARD: Exactly. And I think we need to have those discussions so that we can understand what the limitations are for us and then we can work with you.

CHAIRPERSON: Thanks very much. I appreciate your presentation and the material.

WAYNE PEPPARD: Thank you very much.

CHAIRPERSON: Thank you. Could I ask if Mr. Jamie Cox is here.

JAMIE COX: Yeah.

CHAIRPERSON: Mr. Cox represents Canada West Ski Areas

Association. And I'm going to hazard a guess you're going to speak to avalanche assessment?

JAMIE COX: Yes. Good afternoon. My name is Jamie Cox, and I am the Director of Resort Operations For Ski and Ride Smithers, located on Hudson Bay Mountain in the Town of Smithers.

First, on behalf of the Canada West Ski Areas Association, I would like to thank the Board for giving me the time to express the association's concerns regarding the proposed amendments to Part 4, General Conditions.

BC ski areas, a total of 43 members of the CWSAA, all operate on tenured Crown Land. These recreational areas are developed under strict guidelines of the BC Commercial Alpine ski Policy, with all parts of the facility falling in a defined CRA, or Controlled Recreational Area.

Every operator in British Columbia is committed to a contractual agreement with the Province, called a Master Development Agreement. Under Article V11 of the Master Development Agreement, the Operator has the legal right, authority and obligation to control, regulate and direct the movement of activities of skiers and all other persons within the CRA. The

intent of this provision is to ensure the safe and orderly use of the CRA.

The Master Development Agreement or MDA includes a detailed Master Plan, or MP. This MP has to be signed off by the Government, prior to any operation or development occurring. The MP encompasses full details of terrain development, ski trails, base facilities and all other all structures.

The MP contains all mapping detail, and in particular, avalanche start zones, slide paths and deposit zones.

Operators are closely monitored by many organized groups, though there are three highly educated, up to date regulating bodies;

The first group is the British Columbia Safety Authority, or BCSA. A standalone body looking after the safety of all BC citizens and visitors.

The individual insurers, whom require detailed operational plans and procedures annually, prior to writing a policy. Also the insurers perform regular site and operational inspections, in an ever changing and advancing industry such as the

Ski Industry.

And third is the Canada West Ski Areas Association, whom I represent today.

Regarding the proposed amendments to Part 4, specifically avalanche assessment, the CWSAA and its members work closely with the Canadian Avalanche Association, monitoring the activity 24/7 across the country.

The association and industry places a high priority on the safety of its workers and the participating recreating public, as our record shows, and pays the greatest attention to safety and the management of risk. Reviewing procedures frequently, and specific review during in-depth industry safety and Risk Management seminars held annually.

Operators have Risk Management departments, with highly trained individuals made up of the professional Patrol Teams. This is the Team that administers the working procedures within the CRA, including, though not limited, to Standing Operating Procedures giving the fullest details of avalanche assessment, activity and control efforts. These are daily procedures and no ski area is allowed to open

until the threat of an avalanche has been eliminated. During the period that professional ski patrol teams are dealing with any avalanche threat, no other members of the staff or public can enter the area.

It is extremely difficult to reconcile the contents of sub section 4.1.1 (1)(2) and (3) within the confines of a ski area regulated and operating under the strict guidelines of the Canadian Alpine Ski Policy, by trained and qualified teams who assess and eliminate those dangers which the sub-section refers.

Our question to WorkSafeBC during the consideration period of these regulation changes is "How many QRP's are there in BC that are available to assess and give opinion on avalanche hazards and control that exist in BC Ski Areas?" The same question is posed regarding HeliSnowcat operational terrain, BC Highways, BC Forests and the Mining sector of BC, because the sum total overall requirements must be outrageously beyond the Human Resource.

"A personal view of the kind of expertise in our region is the fact that our avalanche forecaster is regularly

contracted to these other industry, because of his skill, his certification with the CAA and he is the only one in the area."

In view of this, come October 2007, and we find the task of assessing BC ski areas Alpine terrain is incomplete due to Human Resource shortage, is WorkSafeBC going to disallow ski areas to open?

This would be a matter of grave concern to the industry and the Province from the Premier downwards, because the loss of revenue to the Government would be significant, and jeopardize the Premier's mandate to double our numbers in the next ten years.

An immediate solution would be to change the definition of a QRP to include a qualified avalanche professional ski patroller, certified by the Canadian Avalanche Association. In reality the process of avalanche hazard assessment and procedures to prevent or eliminate the hazard, is what he or she is trained and experienced to do and has been doing successfully for a great number of years.

In conclusion, WSBBC should be aware of the financial support for many years by the BC Ski

Industry for an Avalanche Research Programme under the direction of Dr. Bruce Jamieson of the U of C. The results are published annually and circulated to all areas and Patrol Directors. This assists patrollers and management to keep informed of the current avalanche assessment work and procedures.

Finally I would like to note:

"The number of skier visits to British Columbia this past season 2006-2007 is 5.5 million, with numbers still coming in."

Again, thank you for the opportunity to say hi.

CHAIRPERSON: Just to say, I'll say this because the panel has heard some just excellent presentations from the industry around the -- not around the concern that the intent of the regulation is to make sure that these things are done safely, but obviously the key concern is so they will -- the qualified avalanche professional, the on-the-ground practical folks who are part of the Canadian Avalanche Association, need to be included in this.

JAMIE COX: Exactly. We've got my forecaster, he's the second number two, level two forecasting, and basically he's -- I farm him out to the mining

sector, foresting sector all over Northern BC.

CHAIRPERSON: We've heard a very consistent message from right across the industry, you can rest assured we've heard the concern.

JAMIE COX: Fantastic.

CHAIRPERSON: Thank you. Jan Mastromatto is with the Prince George District Labour Council. I understand you intend to speak to Part 4, working alone, but you should feel certainly free to speak to any of these parts.

JAN MASTROMATTO: Thank you. I don't think I have time or the expertise to speak to all, so ...

My name is Jan Mastromatto and I thank you for giving me the opportunity to speak to you today. I am here on behalf of the Prince George and District Labour Council and I will be speaking on the proposed changes to the working alone or in isolation.

As an individual, I am fortunate that these rules could not affect me in my workplace. As a college instructor, although I often work alone in my office at night, I can feel secure with the safety precautions put in place, like 24 hour security personnel, emergency phones in parking lots, and a Safe Walk programme. Yet

these rules are crucial to so many workers across both the public and the private sectors. For so many British Columbians the potential for both physical violence at work as well as the psychological and emotional repercussions of either actual or potential violence on the job is a stark reality.

On behalf of the PG and District Labour Council I would like to focus the following presentation to two central concerns. The first is our support for the regulation that will require customers to pay before they pump their gas, on a 24-hour basis, and the second is support for the requirements that have had employers lock doors between 10:00 p.m. and 6:00 a.m. as well as having a minimum of two workers on during a late-night shift. I also want to begin by acknowledging the work that WorkSafeBC has done in the area of gas station inspections and stepping up enforcement.

Last year when WCB brought forward Grants Law, many concerns were raised about the situation of late-night workers and the apprehensions that the pre-payment of gas from 10:00 p.m. to 6:00 a.m. did not address a number

of concerns. I would like to thank the WCB for moving forward with the feedback from stakeholders and introducing this regulation to provide greater protection for workers who work alone, especially late-night workers.

I would like to begin with the 24-hour pre-payment requirement for all gas stations in all regions of the province.

Many incidents of gas-and-dash occur during the day. The transaction occurs when individuals put petroleum into their vehicles and then instead of purchasing the goods, they leave without payment.

When a gas-and-dash occurs, there are repercussions such as workers feeling responsible for the loss, not wanting to see the company suffer a loss, or fearing that they will be perceived as bad workers for allowing it to happen. Although some employers may have a "no chase" policy, they are not always clear on this and it leads workers to put themselves on the line to recover the cost.

This proposed regulation is designed to prevent gas-and-dashes from occurring. The result of requiring pre-payment will take away

any illegal requirement that employers will put on workers to chase after the customers who commit theft.

Requiring a worker to pay for the loss of income to the employer is a clear violation of the ***Employment Standards Act*** and it also puts workers at risk. When workers are held responsible for covering the cost of theft, this leads to them into vulnerable situations such as pursuing customers for payment.

While we support the regulation that requires 24-hour pre-payment, and agree that it is an important addition to this regulation, I am pleased that there have been additions made. Pre-payment is an important step towards creating a safer workplace at gas stations, but it does not address all of the reasons that workers face violence and fear in the workplace, especially late at night.

In a WCB publication "Preventing Violence, Robbery and Theft" it is stated that out of 1200 workers surveyed by the retail association, 21 percent had been subject to violence or aggressive acts. The BC Federation of Labour has also conducted three surveys that found that

the number of workers who experienced violence doubled when they only spoke with workers who worked late at night.

This proposed regulation addresses the significant challenges that late-night workers face and gives clear direction on how to ensure that these workers have some protection while working alone.

As in all sectors, working alone puts workers at risk of violence, among other things. Check-in procedures will only let people know of incidents after something has already occurred.

The current regulation only requires employers to do risk assessments if the worker is at risk of violence. Once the assessment is done, the employer is to eliminate, and when that is not possible, they are to reduce the risk. This also leaves the employers to determine what steps need to be taken and in many instances, they vary.

In July 2006, WorkSafeBC inspected 366 gas stations and it was discovered that most of the stations did not follow the current regulations as they stand. It was stated in the media release that "the pilot phase of this initiative

has resulted in virtually every inspection documenting violations and issuing orders."

This shows that the current regulations that are in place to protect workers who work in gas stations and convenience stores are not being followed.

WorkSafeBC inspections show that most employers have not:

Evaluated the risk involved in doing the job, nor developed a working alone procedure to check on the workers who are working alone.

Considering the results of these inspections, there needs to be more done than changing the pre-pay rules to ensure safety, as it may be one step to reducing risk, it does not do enough to eliminate the risk.

The current regulation allows the employer to decide on the steps that need to be taken to lessen the risk. The regulation assumes that the employer will take the responsibility to do so, yet it has been proven by the inspections by WorkSafeBC that this is an unfair assumption.

The measures that are defined in the proposed regulation in section 4.20.2 will

assist by stating clearly that the employer must do both a risk assessment and eliminate or minimize the risk.

In order to deal with the rising occurrences of theft and violence there needs to be prescriptive regulations that clearly state what the employer needs to do in order to ensure the risks are eliminated.

Section 4.22.1 highlights the late-night requirements placed upon employers and is an excellent addition to the regulation. It specifies what an employer must do in the event that they choose to stay open late at night.

The proposed regulation brings forward two options for employers, both of which would be preventive measures to protect late-night retail workers, such as requiring that they have two people on or a barrier to provide protection for the worker. The ideal situation would be to see both of these measures put in place in order to ensure the greatest level of safety for the workers.

Having two people on shift at all times would lessen the risk to the workers by serving as a deterrent as well as having a second person

with the worker if something were to happen. While some late-night retail operations may have a check-in procedure based on time intervals, it does not let people know that the worker is in danger until after an incident has happened. Regulations that are in place to only protect workers after an incident has happened are really not protecting the worker.

As we now see in many gas stations, the ability to lock the door, or be secure from physical contact with customers, is a possibility. Limiting customer access to the workers reduces the potential of violent acts as a preventative measure. Most of us are well aware of this; we lock our doors at home to protect us from this possibility. It is important that we not only protect workers from violence, but also ensure that they are able to work free of the fear of violence.

I would also like to note that these changes are a clear indication that WCB has recognized the risk that late-night workers face, but they will only be effective if there is the enforcement to ensure that the employer complies with the regulations. It is clear from

the initial gas station blitz that WCB did last year that employers are not complying with the most basic regulations.

Ultimately, we need to consider the workers who are at risk of violence every time they go to work. According to a 1998 ILO study, the effects of violence have a greater cost than any of the systems that would be required by this regulation. Workers who have experienced violence are at risk of physical injury, post traumatic stress, loss of sleep, depression, self-blame and many other symptoms that are a result of the incident. In other words, the long-term benefits of prevention far outweigh short-term fiscal costs.

The cost to the employer should also be considered. Workers who have experienced violence, lose trust in their employer, are likely to find other employment after the incident, productivity is reduced and the worker is likely to require increased time off.

In closing, I want to point out that the gas-and-dash phenomenon, working alone, the heightened risk for workers in work sites like retail gas outlets and convenience stores are

not just urban problems. A scan of police reports locally, in our local newspaper, confirms that this is not an urban phenomenon in terms of theft and robbery in places like convenience stores and retail gas outlets.

And if you'll allow me, just briefly, to highlight some of the headlines after scanning police reports over the past few months. We're certainly not, unfortunately, unlike other areas of BC. The first note I make is an April report in the local press, the *Prince George Citizen*, about two suspects Robbing a gas station -- a retail gas station on South Kelly Road, here in Prince George, escaping with \$50. But nonetheless, the level of violence is much more significant than the amount of money involved.

Another one, this one again in -- within a year's period, actually last September. 21 year old man, here in Prince George, was arrested for holding up the Mohawk Service Station, here at 1st Avenue and George Street in Prince George, with a syringe. So, an added problem in terms of the kind of weaponry available to persons that are committing these kinds of criminal acts.

Another gas station robbery here, December 8th, 2006. A Super Save Gas here on Continental Way here in Prince George. And this time a male brandishing a knife entered the store and demanded money and cigarettes.

And finally the last example, this is September 12th, the suspect in this case robbed a Mohawk, another Mohawk gas station, and there's a brief overview of the interview with the local constable.

So, not to go into details, I merely wanted to point out that we're not alone. Thank you very much for this opportunity.

CHAIRPERSON: Ms. Mastromatto, that was an excellent presentation. I know we had a few technical sound difficulties, but be assured, we had no trouble hearing you.

We had a Mr. Rick Publicover who had registered, but he is actually attending an inquest and can't come now, so we're going to hear him later this evening. Perhaps if I could ask if Mr. John Hurren is with us?

Thanks, Mr. Hurren. And maybe, just so that you know, I understand he's having a few problems with the sound, but we have no

difficulty hearing you and I don't believe the rest of the room does either, so I think we're fine.

JOHN HURREN: Yes. My name is John Hurren and I want to address the working alone or in isolation in the proposed regulations.

Before doing that, I want to thank the Board for bringing back Part 3 of the regulation of the First Aid and Occupational Health and Safety. That's a very important rule and I think the labour movement appreciates that.

Just by way of introduction, I'm a retired union representative and I've spent almost all of my adult working life as a union rep. I follow with some interest with what happens with working people. And it's a shame, in my mind, that Grant De Patie had to die to bring this issue to the forefront. Same could be said with farm workers, they have to die in accidents on the freeway in order to bring the plight of farm workers to the forefront.

First of all, I want to say that I support the submissions made by the BC Federation of Labour and also the Prince George and District Labour Council. Particularly, I want to speak

about the 24-hour pay-before-you-pump. And secondly, the requirement employers have to lock doors between 10:00 p.m. and 6:00 a.m. or provide workers with a bullet-proof physical barrier or have two people on shift during late-night shifts.

I'd also like to acknowledge what WorkSafeBC has done with the transportation and inspection since this situation has come to light.

But Grant's Law is only part of the problem. That did not resolve the issue that we're dealing with now. The WCB has clearly decided they have to move forward with these regulations and hopefully they will go through at the end of the day.

The 24 hour pre-payment issue is something that benefits both the employees and the employers. Employees won't feel obligated to chase cars; employers, on the other hand, are going to receive the benefit of being paid for their products when sold. The gas-and-dash; that should be the end of that issue.

The current regulations are insufficient to protect the workers there. Workers in this

industry are not unionized. I think that's something the Board has to keep in mind; that these workers don't have people to speak up for them on a daily basis and the regulations that you've put in effect to protect them is the only thing they have. And it's important that you do that. You can't assume that an employer's going to enforce the regulations themselves, and that's where the enforcement part becomes very important after the regulations are adopted. I think we've seen that already and employers aren't simply going to do that; your own surveys have shown that.

It's the second part of the regulations that I have bit of a concern about, from locking the doors from 10:00 to 6:00 or the bullet proof shields or two workers on shift. Having both of those provisions in effect, as was just suggested by the previous speaker, would be the greatest protections for working people and that's what they're entitled to.

But my concern is what submissions you're going to receive from employers, whether it's verbal submissions, as here today, or in written submissions, that we won't see, that oppose

those privileges.

Clearly what the WCB is saying is that you've recognized the risk is there; there has to be a solution.

So, some employers may come before you as to the costs, "The costs are too expensive." And I suggest to you, then, that you ask those employers, "What is the cost of a human life?" "What was Grant De Patie's life worth?" "What is the cost of a worker working in comfort as compared to going to work in fear every shift of their life?" And "What is the cost of the anxiety after violence has occurred in the workplace."

Similarly, employers will argue that the duty to accommodate is expensive. The duty to accommodate is a big issue in the workplace in the last decade and it's being accepted now, as this will be accepted as the regulations are passed.

The best solution is that there is no violence in the workplace, but the cost to implementing these regulations is going to be very small compared to the cost to the health care system after violence has occurred. It's

going to be very minor to the anxiety and the suffering and the depression the working people have after they've suffered violence in the workplace. And in the end it will cost less, whether you have two workers on the job or if you have to install barriers in order to protect the workers that are there. The best solution is having two people on the job and having protection from violent customers.

The Board has stated the status quo, as it is now, is not acceptable. And I urge the Board to implement these regulations as you present them and on behalf of the people that work late at night in gas bars and convenience stores, I want to, on their behalf, ask you to protect them. Thank you for the opportunity to make this submission.

CHAIRPERSON: Thanks very much, Mr. Hurren, that's much appreciated.

So, ladies and gentlemen, I just want to check my notes here. Mr. Hurren is the last speaker who's registered for this session. And I just want to canvass to see if there is anybody else here who would like to make some comments or make a presentation and then I'll

explain what I usually do.

So, just because we always like to err on the side of caution, we publicize these hearings and we make every effort to accommodate everybody who wants to speak. What I'm going to do is recess our hearing just to see if anybody else has indicated that they want to present this afternoon. If there are no other individuals who want to present, then we'll adjourn this portion of the public hearing and reconvene at 7:00 p.m. this evening. With that explanation, we'll stand down for the next ten or fifteen minutes.

**(PROCEEDINGS RECESSED AT 4:05 P.M.)**

**(PROCEEDINGS RESUMED AT 4:15 P.M. )**

CHAIRPERSON: So, there being no other presenters who are registered. I've checked with the administration, and we'll be back on the record at seven o'clock this evening, so thank you everyone.

**(PROCEEDINGS RECESSED AT 4:20 P.M.)**

**(PROCEEDINGS RESUMED AT 6:58 P.M.)**

CHAIRPERSON: Good evening everyone. My first order of business is to welcome you to the Public Hearing on Proposed Amendments to the *Occupational*

*Health and Safety Regulation.* I'd also like to take the opportunity to introduce us, so that you know who we are. My name's Roberta Ellis and I'm the Chair of the Panel. I'm the Vice Chair of Policy and Research at WorkSafeBC. And on my right is Anne Burch. Anne is the Vice Chair of our Panel and she is the Director of Prevention Policy and Regulation Review. And this is Ed Bates, who is our General Counsel and Secretary to WorkSafeBC.

I also want to introduce you to Nicole, Nicole Le Blanc, who is the court reporter today who is taking verbatim notes of this public hearing. This record assists the Board of Directors of WorkSafeBC in the decision making process, and the recorded notes are made public after the Board of Directors makes a decision regarding these proposed regulatory amendments.

I want to let you know that the media is welcome to attend public hearings. This means that what is said at the public hearings, including any of your comments, may be recorded by the media, including television and radio reporters.

The purpose of this public hearing is to

provide you with an opportunity to comment on proposed amendments to the *Occupational Health and Safety Regulations* as follows:

Part 3, Rights and Responsibilities,  
relating to occupational first aid;

Part 4, General Conditions (with consequential amendments to Part 1, Definitions; Part 20, Construction, Excavation and Demolition; and Part 22, Underground Workings), relating to terrain stability and avalanche assessments, fills, and stockpiles;

Part 5, General Conditions, relating to working alone or in isolation;

Part 6, Substance Specific Requirements (with consequential amendments to Part 5, Chemical and Biological Substances), relating to biohazardous material;

Part 9, Confined Spaces, relating to isolation procedures in confined spaces;

Part 11, fall protection, relating to fall protection for stunt workers;

Part 13, Ladders, Scaffolds and Temporary Work Platforms, relating to work platforms and fall protection;

Part 14, Cranes and Hoists, in its

entirety (with consequential amendments to part 16, Mobile Employment);

Part 26, Forestry Operations, in its entirety (with consequential amendments to part 1, Definitions; and Part 4, General Conditions); and;

Part 30, Laboratories, relating to fume hoods.

By way of background on the proposed amendments to Part 4 relating to working alone or in isolation, last year the Minister of Labour and Citizens' Services requested the Board of Directors, under section 229 of the *Workers' Compensation Act*, to address the issue of pre-payment for gasoline at service stations in urban areas during late-night and early-morning hours.

Proposed amendments were drafted and taken to public hearings last November. As some of you will recollect, there was severe snow storms across the province, so we had to postpone the hearing into January to complete them in January.

After considering feedback received from those public hearings, the Board of Directors

requested that the proposed amendments be revised to apply province wide and be in effect 24 hours per day. As these revisions represent a material change to those originally proposed, it is necessary to take them to a second public hearing.

Stakeholders have been advised of these proposed amendments and associated explanatory notes, as they have been placed on the WorkSafeBC website and sent to over 1600 stakeholders via E-news. Copies of the proposed amendments are also available at the front desk.

So, we are here to listen to your remarks. To ensure that we proceed in a timely manner, we ask that you keep your presentation to the time that you have been assigned.

If you have written material to leave with us, please do so at the sign-in desk. Both oral and written submissions will form part of the public hearing record. The deadline for receipt of any written materials is 4:30 p.m. on Friday, June 29, 2007. We are going to be posting a note on our website to indicate that we are prepared to give an additional two weeks. We have had a request for a little more time, and

again in the interests of the issues everybody's heard, we're going to extend another two weeks to get your material in to us.

The public hearings represent the formal consultation process. Once the hearing process is complete, the written and oral submissions will be analyzed. The Board of Directors is the decision-making body at WorkSafeBC and will have access to all of the submissions prior to making their final decision on each proposal.

This is your opportunity to be heard on these issues and thank you for your interest and involvement. We look forward to hearing your views.

And I believe, Mr. Rick Publicover, who's with the Central Interior Logging Association is here to speak to us. We're delighted to have you here this evening, Mr. Publicover. So, by all means, come forward and I believe that you're speaking to Part 26 of the Forestry Operations?

RICK PUBLICOVER: That's correct. Good evening. Thanks very much for the opportunity to speak to the regulations. And I thank you for the extension, as I've just taken on the role of Executive

Director, so this is a welcomed extension.

I'm just going to talk about some of the principles tonight. We do -- we are going through the regulations, in detail, and we'll be spending a little more time in detail on them.

Again, we welcome the opportunity to provide input to the WorkSafe regulation changes. We appreciate the new process that you implemented in terms of the consultation, going back and forth. In terms of major changes, it's important that there's that kind of energy in terms of dialogue back and forth to make those changes and I think that's a great process.

Safety is, of course, critical to our industry and we look forward to working with WorkSafeBC to improve the "safety of the woods" through clarifying roles and responsibilities for owners, employers, supervisors and workers, and implementing progressive regulations to meet the common goal of eliminating unsafe practices that result in injuries.

We encourage WorkSafeBC to implement a regulatory framework, that is focused on an approach to creating safer workplaces for all, that can be measured for effectiveness.

Just as a brief note about our membership; we represent logging and trucking contractors and suppliers. Geographically, our membership extends from 100 Mile up to the Northwest Territories and from the Alberta border east to the Hazeltons. We represent over 190 members; 66 percent are logging and hauling contractors and the remaining 34 percent are suppliers, such as, equipment and the service industry suppliers.

I understand the principles that you're looking at are shared responsibilities, expanding protection, coordinating safety and innovation and flexibility.

Some of the issues I'd like to just touch on but will, as I mentioned, present in more details in the written submission.

Some of the issues arising from the principles are uncertainty in terms of application, uncertainty in terms of obligations, redundant and inconsistent obligations, impracticable obligations, inconsistent application of obligations and no provisions for transitions. As I mentioned, those we'll be dealing with on a written basis.

But I'd like to talk about, just in terms of the general shared responsibility, the concept of everyone being responsible for every obligation could increase, rather than reduce, confusion about responsibility and make compliance more difficult by requiring participants to establish due diligence systems that may not be easy to coordinate.

We definitely support maintaining the terminology of protection of "workers" as opposed to "persons", as defined "persons" is too broad and not clear as to whom "persons" may include. So, we were pleased to see that change back.

In terms of coordinating safety, we endorse the concept of coordinating safety and clearly establishing the coordinating role of owners, employers, supervisors and workers.

Multiple employer worksites need to be addressed in an effective manner and roads need to be addressed separately due to the complexity of that issue, and we expect to make more comments in our written submission.

In terms of innovation and flexibility, we'd like to see regulations that encourage

innovation and flexibility to (A) address changes to techniques and equipment to date, and we see those in some of the regulations; (B) to develop new collaborative approaches by employers, supervisors and employees to safeguard all workers; and (C) to allow for results based, or methodology approach, options but not have results based where they were prescribed methodology.

And where I'm looking at there, is some people are very innovative in terms of implementing programmes, "Tell me what I need to achieve and I'll get there." Where some people require a prescriptive approach to meet safety obligations.

If we look at the principles defining sound regulatory schemes; first, I've got a list of them, of about fifteen, so if you bear with me, then I have a couple comments.

CHAIRPERSON: Just take your time, you don't have to rush.

RICK PUBLICOVER: Okay. Good.

First of all, it's Within the Authority of the Regulator to Make, and, of course, you have the authority to do so.

Reflects Policy Objectives: Regulations

must reflect the policy objectives as it's intended to address. And I think as you go forward, there needs to be some type of mechanism that allows the approach to be measured. So, you've got to figure out, how are these regulations meeting the objectives, something you can quantify.

Consistent With Other Law: A regulatory scheme must be consistent with the legislation that enables it and to avoid a situation where a regulated person either cannot comply with all applicable laws or compliance with one law undermines the benefits intended to be provided by another law. A regulatory scheme must be also consistent with the other applicable law.

Four, Consistent Application to Regulated Persons and Circumstances: Unless there is authority and a sound policy reason for discriminatory provisions, a regulatory scheme should apply consistently across groups of regulated persons, situations, and circumstances.

Next one is Clear and Certain: So, first of all, in terms of Certainty of Application; the scheme is clear regarding the situations in

which it is intended to apply, so, make sure they're very clear on that.

Also needs to be Certainty of Obligations and Rights: So, the scheme must establish clear obligations and rights so everybody knows what their obligation is and what their rights and responsibilities are.

Certainty of Responsibility: The scheme must be clear regarding the person or persons on whom obligations are being imposed or rights are being conferred to.

Number six, Imposes Only Practical Obligations: To ensure that compliance can be maximized and law is not ignored by either the regulator or the regulated, a regulatory scheme should impose only obligations that are practicable.

No Redundancy: A regulatory scheme should avoid redundant, duplicative, provisions that have already been addressed in the same or other regulatory schemes.

No Overlapping Results or Methods: So that the regulated persons are not both required to achieve a result and carry out a specified method; i.e. prescriptive approach in respect to

the same obligation, a regulatory scheme should avoid overlapping results and methods provisions talked about.

Functional Rules of Hierarchy: Where a regulatory scheme includes potentially overlapping obligations or powers to make decisions, it must provide rules of hierarchy that prevent duplicative or conflicting requirements or decisions and resolve conflict if it arises.

In terms of Appropriate Criteria Governing Exercise of Discretion: Where a regulatory scheme creates a discretionary power, typically to be exercised by the regulator, there should be transparent and binding substantive and procedural criteria governing the exercise of that power so it's clear in terms of any discretion.

And also there needs to be a Reasonable Opportunity For Variances: A regulatory scheme should include opportunities to obtain variances as most such schemes cannot fully anticipate whether or not all obligations imposed can be reasonably applied in all situations that may arise.

Reasonable Availability of Defenses: A regulatory scheme must include reasonable defences, avoiding imposition of absolute liability, except in cases where the impact of the governed conduct is so significant that the mere failure to achieve that conduct should impose liability.

In terms of Effective Transition: It's always important from a training perspective for people to get comfortable with what's coming down the pipe in terms of new regulations. It's important, and in particular this case where there's really whole-scale changes to Section 26 in terms of reorganization, as well as regulation, there needs to be a transition period.

Reflective of Rules of Statutory Construction, in terms of interpretation: A regulatory scheme must reflect rules of statutory interpretation established by legislation and the courts.

And 15, Consistent with Drafting Conventions: It should be consistent with the universal drafting but effective and easy to read.

So, in terms of -- I just want to touch on a couple issues and as I mentioned, the remainder of the issues will be summarized in written comments.

In terms of safety responsibilities to be specific and clearly identified. To increase certainty and alleviate confusion, each regulation must clearly state specific worker, supervisor, and/or employer or owner responsibility so that the regulated workers, supervisors or employers understand who is subject to which obligation. The obligations are imposed on persons who can reasonably be expected to carry them out and achieve compliance with the regulation. And thirdly, the regulatory scheme allocates responsibility among regulated persons in a manner that enables each to meet the responsibilities allocated to them.

The context of shared responsibility, this will ensure that everyone has a part to play and requires that each person must do their part.

Part 3 of the Act recognizes the hierarchy of responsibilities from owners, employers, supervisors, workers and others. It is

important therefore, that each organizational level's safety responsibility within a company is clearly defined and where multiple or joint responsibilities occur, that these be clearly stated in the regulations.

I do want to just touch on the regulations pertaining to roads. As indicated in the WorkSafe regulation review, the Ministry of Forests and Range, in conjunction with other ministries, is developing legislation aimed at consolidating relevant legislation and harmonizing the administration of resource roads.

We recommend that all regulations pertaining to roads be held in abeyance until the Resource Road Act is brought forward in legislation by the government and passed into law. This will permit the alignment of road safety regulations with principles outlined in the Resource Road Act. This will reduce retraining requirements and eliminate any inconsistencies with Resource Road Act provisions and safety responsibilities.

CHAIRPERSON: Thanks, Rick. I have a couple questions for clarification; it would be very helpful for me

to just get your view. I appreciate that presentation and I appreciated your comments about the need for clarity around roles and responsibilities and also good regulatory practice. And I wonder, we've obviously modified some of the original proposals that are in the consult process.

RICK PUBLICOVER: Yes.

CHAIRPERSON: The intent of some of that passive language was, in workplace scenarios the parties themselves may have some confusion, and that was certainly one of the observations in the coroner's inquest, the confusion about who is responsible. I'd like to hear your point of view as to whether you think that spelling out specific accountabilities is actually going to work when there may very well be some confusion about who's responsible for what. And I'm just very interested in your view about that.

RICK PUBLICOVER: If you don't have clear responsibilities, then somebody else thinks it's somebody else's job.

CHAIRPERSON: That's what we heard in consultation.

RICK PUBLICOVER: Or somebody over there. So, I think you need -- in terms of -- if you look at the

hierarchy, in terms of the owners, the employers, the supervisors and worker, so everyone knows where they fit in terms of their roles and responsibilities. I think that -- in terms of those kind of categories, it needs to be clearly identified so that everybody knows what part they play.

CHAIRPERSON: And then the other question I had, so I'm clear what you're recommending, with regard to transition periods where new provisions are being introduced; so, we should take from your comment that you're recommending that the decisions of the Board of Directors, with regard to this regulation, requires some transition timeframe for industry to understand what's being asked of it and -- and you haven't made a specific -- are you going to address a specific timeframe or are you making a general recommendation?

RICK PUBLICOVER: I'm making the general recommendation now. I haven't thought about what the timeframe would be. I know in previous implementation of regulations there has been a transition period.

CHAIRPERSON: There's a legal requirement that we have and that's just something I wanted to make sure

you're suggesting.

RICK PUBLICOVER: I think when you go for whole-scale changes across the whole regulations, I think it's important that people get an understanding -- an awareness campaign through the media, through seminars. I just attended one that was put on by the Employers Advisory Service and found that very beneficial. And I think that those type of seminars enable people to get comfortable with regulations and know what their obligations and responsibilities are.

CHAIRPERSON: And I just want to clear the question with regard to your comments about the potential legislative intervention of the Resources Road Act.

RICK PUBLICOVER: Yes.

CHAIRPERSON: Just because we, also in consultation, obviously heard about that. I'm wondering if you had any sense of a timeframe for that? Do you have any notion of when that potentially may happen?

RICK PUBLICOVER: Good question. My understanding is that the legislation has been drafted, but I'm not sure what -- so --

CHAIRPERSON: What the timeframe is?

RICK PUBLICOVER: Yeah. And, yes, I don't --

CHAIRPERSON: So, you don't know. So, we can look into that too. I was curious as to whether or not that was something you had a sense of timeframe on, so we're interested.

RICK PUBLICOVER: Yes. No, I don't have any information on that.

CHAIRPERSON: Thank you very much. I understand you were very busy earlier today so you couldn't be here; we do appreciate you rescheduling to give us an opportunity to hear you tonight. And as I mentioned, we pushed the date back by a couple weeks; Anne knows the exact date.

ANNE BURCH: Friday July 13, and we'll be posting that on the website. Thank you Rick.

RICK PUBLICOVER: Thank you very much.

CHAIRPERSON: Congratulations, by the way.

Is there anybody else with us who would like to present to the panel this evening? I'm going to follow our normal practice and err on the side of caution, so what I'm going to do is recess for ten or fifteen minutes because I'd like to check with Leley to see if anyone has asked to present and I'll make a decision about whether we're adjourning the public hearings or,

whatever, after we've done that. So, recess for ten to fifteen minutes.

**(PROCEEDINGS RECESSED AT 7:25 P.M.)**

**(PROCEEDINGS RESUMED AT 7:31 P.M.)**

CHAIRPERSON: So, ladies and gentlemen, I checked with our administrator, no one has registered to speak tonight. I am going to formally adjourn the hearing. I do want to thank all the people who took the time to come out this evening. Thank you very much; we're adjourned.

**(PROCEEDINGS ADJOURNED AT 7:32 P.M.)**