

Mark your calendar for these Regulation changes coming May 1

By Jesse Marchand

Fourteen changes to the Regulation have been finalized following public consultations and hearings. Everyone should review the changes carefully, as there are many that apply to a broad range of industries.

Amendments to the Occupational Health and Safety Regulation will become effective on May 1, 2017. Generally, they include overall changes to streamline, clarify, and update existing policies, but some sections, such as the one relating to rock dust, are being expanded. While full details can be found on worksafebc.com, the list below should give you the highlights.

What's changing?

The following sections of the Regulation are being amended:

Combustible and flammable liquids

The definitions of combustible and flammable liquids will be updated under section 1.1 to remove outdated WHMIS 1988 terms. The flashpoint temperature criteria will remain the same and continue to be consistent with BC Fire Code definitions.

Area guards and handrails

Those that work at heights should take note of the regulations surrounding guards and handrails. Section 4.56 is getting a new subsection that makes it easier to have compliant movable work platforms and scaffolds that align with applicable CSA and ANSI standards.



Environmental tobacco smoke and e-cigarette vapour

Sections 4.80.1, 4.81, 4.82, and 28.9 are getting updated to include e-cigarette vapour. The changes follow the recent B.C. Ministry of Health amendments to the *Tobacco Control Act* and the *Tobacco Control Regulation* to include e-cigarettes and e-cigarette vapour.

Employers and workers should be aware that the B.C. Ministry of Health amendments have prohibited the use of e-cigarettes in many workplaces. There were also changes to tobacco use laws which include a non-smoking buffer zone increase from three to six metres. These new laws have been effective since September 1, 2016, and changes to the Regulation are meant to align with them.

Combustible or flammable air contaminants

If you work with combustible or flammable materials, you should take note of the changes to section 5.71 (2) under Chemical Agents and Biological Agents. The revised Regulation adds combustible air contaminants to section 5.71 (2) and ensures compliance with the BC Electrical Code for related equipment contacting the air stream of a ventilation system.

Inventory of asbestos-containing materials

Who is ultimately responsible for preparing and keeping a current inventory of asbestos-containing materials in the workplace? Changes to the Regulation make it clear that both the owner of the worksite and the employer are responsible. The amendments to sections 6.4 to 6.66 and 6.32 under Substance

Specific Requirements add obligations for the owner to ensure asbestos inventories are completed, and to clarify what information must be included in the inventory and the retention of records associated with the inventory.

Lead

Sections 6.58 to 6.69 are being expanded with the goal of providing clearer and more detailed instructions on the handling of lead-containing products and prevention of worker exposure. One of the changes that may benefit employers: the revised regulation will allow a qualified person to determine whether peer-reviewed research exposure data, or previous exposure monitoring data, may be used to estimate worker exposure during equivalent work operations — either to evaluate the effectiveness of existing controls or to develop effective controls.

Rock dust and silica

Several sections in Part 6 of the Regulation pertaining to rock dust are being updated. Part 6 of the Regulation will have a new heading, indicating the provisions apply to respirable crystalline silica (RCS) and rock dust. Sections 6.110 to 6.112 of the Regulation are being repealed and replaced with new provisions that are designed to protect workers from the risks of RCS. Sections 6.113 to 6.115 will be maintained with minor edits.

Similar to the lead provisions, the changes will allow a qualified person to determine whether peer-reviewed research exposure data, or previous exposure monitoring data, may be used to estimate worker exposure during equivalent work operations — either to evaluate the effectiveness of existing controls or to develop effective controls.

Chassis dynamometer

The purpose of the amendments is to incorporate the safeguarding requirements for the testing of motor vehicles on chassis dynamometers into the Regulation under section 12.83.1.

Scaffolds

Some types of hoists, such as certain kinds of light-duty portable material hoists, are mounted onto and supported by scaffolds. These scaffolds need to have engineering oversight in order to ensure that the attachment to the scaffold is adequate to support the hoist and the loads delivered. A new subsection has

been added to 13.11 to require scaffolds that support powered hoists or cranes be constructed, installed, and used according to a professional engineer's instructions.

Cranes and hoists

If you work with cranes and hoists, it's a good time to review Part 14 of the Regulation. There are some minor changes to remove unnecessary definitions in section 14.1, and the addition of one line of text to 14.2(8) to exclude light duty portable material hoists from the requirement to meet the CSA Standard cited there. While both changes seem minor, their goal is to ensure requirements regarding cranes and hoists are consistent and remove impractical restrictions on light-duty, unsophisticated hoists. Employers who wish to understand more about what constitutes a light-duty portable material hoist should consult the Regulation and Guidelines.

Changes to sections 14.5 and 14.11 also further clarify the rated capacity of cranes, hoists, and monorail cranes. And, changes to section 14.81 incorporate the *Prevention Manual* policy on how testing should be performed for limit and warning devices on tower cranes.

Notice of Project for Construction

Various sections of the Regulation require employers, owners, or prime contractors to notify WorkSafeBC in writing about the undertaking of certain projects. The Notice of Project (NOP) form is completed and submitted to WorkSafeBC prior to the project starting. One of the purposes of the NOP is to notify WorkSafeBC of certain hazardous work so WorkSafeBC officers may contact the parties involved or plan a visit to the site.

Currently, only owners or prime contractors are required to ensure an NOP is submitted before starting construction projects involving asbestos, lead, and other similar work activities, which may expose workers to a significant risk of occupational disease. The amendments expand the scope of the NOP submission responsibility to also include employers performing these projects. The notice period to submit an NOP to WorkSafeBC has increased from 24 to 48 hours before the work activity begins at the worksite. The amendments also require that the information be resubmitted to WorkSafeBC as soon as possible if any of the information in the NOP changes significantly.

Underground supervisors

If you've been confused about underground supervisors, you aren't alone. Section 22.12 (1) and (2) is being completely revised. These revisions bring clarity to what the role of the underground supervisor is, as well as how to be considered qualified for the job. As these changes are extensive, employers are encouraged to read through the amendment document fully.

Saw chain shot


If you've worked with a hydraulic saw chain for cutting trees and logs, then you are probably aware of the dangerous issue of saw chain breakage. When a saw chain breaks it can separate into fragments and generate projectiles moving at ballistic speeds at the operators cab. New section 26.13.4 provides details on safety controls for saw chain shot. Anyone who works with related mobile forestry equipment should make themselves fully aware of these changes.

Why were these changes made?

Many of these changes are the result of several stages of consultation and feedback. Before most amendments to the Regulation are released for public consultation, WorkSafeBC staff meets with a group of subject matter experts, from both worker and employer communities, as well as other groups. The purpose of these pre-consultations is to give external experts an opportunity to identify issues related to the area under review, and provide WorkSafeBC staff with an opportunity to clarify issues.

Draft amendments are then made public through consultations — a hearing process where stakeholders can review and provide feedback on the proposed changes. Finally, the changes are approved by the WorkSafeBC Board of Directors.

Where can I get more information?

Full descriptions of the changes can be found on www.worksafebc.com/law-policy/public-hearings-consultations/closed-public-hearings-and-consultations/bod-approves-amendments-ohsr. 



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