

**Council of Construction Associations**  
**#138 - 5751 Cedarbridge Way, Richmond, B.C. V6X 2A8**  
**Telephone (604) 241-7667 Fax (604) 241-7678**  
**email: grantmcmillan@shaw.ca**  
Grant McMillan, President

December 10, 2009

Ms. Anne Burch  
Director, Policy and Regulation Bureau  
WorkSafeBC  
PO Box 5350 Stn. Terminal  
Vancouver, BC V6B 5L5

Dear Ms. Burch:

Thank you for the opportunity of commenting on the proposed changes to the **Occupational Health and Safety Regulation**. I am responding on behalf of COCA, which represents 16 construction associations, with members from all parts of British Columbia, from every sector and from every size of company. I have set out our comments and recommendations below.

Part 4, General Conditions  
Section 4.18, Notification of utilities

And Part 20, Construction, Excavation and Demolition (linked proposals)

The purpose of this proposed change is to make it clear that the employer must contact the owner of a utility without delay if there is a hit or damage to any utility infrastructure. The current regulation does not make it clear that the reporting requirement includes any underground utility and above ground utilities.

The new definition of a utility service is one that includes a gas or oil pipeline, sanitary sewer line, storm sewer line, water line, electrical cable, telephone line, internet cable, television cable, fibre optic cable and other communication lines or cables.

This change was proposed by the BC Common Ground Alliance and COCA. The change continues to be supported by COCA.

We recommend one additional change: to the above definition, add “steam line”. They represent a potential risk and are found under the streets of Vancouver.

## Part 4, General Conditions

### Section 4.58(4)(b), Specifications for guards and guardrails

The current regulation does not allow the use of fibre or wire rope guardrails without the prior approval of WorkSafeBC. The process of approval involves applying for a Variance and this can take weeks or months; this is not a practical timeline.

The proposal from COCA is that wire rope or similar flexible materials be permitted for use as guardrails without prior WorkSafeBC approval if they meet a standard established by WorkSafeBC.

The use of this standard would be enforced by WorkSafeBC in the same way that other standards and the OHS Regulation itself is enforced.

The standard would require that:

1. The guardrails are installed and used in accordance with the written instructions of a professional engineer. This would provide an equal or better safe installation and streamline the administration from both the contractor and WorkSafeBC point of view. The use of an approval by an engineer will provide a safe system while freeing up WorkSafeBC resources.

And, as an additional point:

2. We strongly recommend one additional change. The Regulation should state that when a commercially available and pre-engineered wire rope guardrail system has been designed and manufactured to meet the standard and has been installed according to the instructions provided by the manufacturer, an engineer's approval or certificate is not required on a site by site basis.
3. Finally, the requirement that the maximum deflection be 4" or less with 200 pounds of horizontal force is not reasonable or workable. In order to achieve this minimal deflection, the wire rope would have to be winched to a very high tension. This could itself be a safety hazard.

Instead, the WorkSafeBC standard should require that the wire rope guardrail system be set back far enough from the edge that an acceptable amount of deflection still keeps the worker well away from the fall hazard. NIOSH and ANSI standards recognize this problem. Alberta safety regulations accept these standards as well. WorkSafeBC should accept the NIOSH and ANSI standards as well.

We recommend the following wording:

The rope guardrail system is maintained at such a tension that:

Under its own weight, the top rope remains between 102 and 112 cm (40-44 in) above the work surface along the entire span. (Where a wall or parapet is in place along the open edge, the height may be measured with reference to a point anywhere between the work surface and the top of the wall, to the top of the top rope.)

When a load of 550 N (125 lb) is applied horizontally at any point along either the top or mid rope, the ropes do not deflect beyond the edge of the building.

The mid rope equally divides the gap between the top rope and the work surface (or toe-board, if applicable -- see section 4.60 of the Regulation)

#### Part 4, General Conditions

##### Section 4.22.1, Late night retail safety procedures and requirements

The current regulation requires retail stores, including gas stations and liquor stores, to take special precautions to protect staff if they remain open between 10:00 pm and 6:00 am. The proposal would amend the hours for this requirement to apply from 11:00 pm to 6:00 am.

COCA supports the proposed change because it allows for increased flexibility for employers.

#### Part 8, Personal Protective Clothing and Equipment

##### Section 8.21 (2) Leg protection

The current regulation contains a WorkSafeBC standard that was established in the 1970s because there was then no standard for leg protection devices for chain saw operators. There also was, at that time, a BC laboratory that tested leg protection.

Since then, international standards have been established. The laboratory is no longer in business.

The proposal would accept the standards of the American Society for Testing Materials, the International Standards Organization and the European Committee for Standardization.

The proposal would provide manufacturers with options for testing and certifying leg protection and provide employers with access to a wider range of acceptable products.

This WorkSafeBC standard would continue to be retained for that portion that specifies the protective material coverage (length and width) and stability (i.e., effectively secured, shrinkage limit, unravelling/fraying prevention) requirements (as distinct from the cut-

resistance testing aspect) because this standard sometimes the coverage/stability requirements either do not exist or are inadequate in the other standards.

COCA supports this proposed change because it provides a practical solution to the need for safety standards for leg protection devices.

## Part 9, Confined Spaces Section 9.22, Alternate procedures

This proposal would fix an unfortunate oversight that took place in 2007 when Regulation 9.22 (Alternate procedures) was changed and Regulation 9.81.1 (Isolation of adjacent piping) was added. This Regulation is highly complex because it deals with complicated workplace situations.

Currently, section 9.22 requires an employer to seek approval for methods of isolating piping that runs through, or close to, confined spaces. There was no distinction made, as is logical, for exempted confined spaces and their isolation. These exemptions are provided for in section 9.18.1. In other words, the language of the two sections leaves both employers and workers with a lack of clarity.

Regulation 9.18.1 does not currently specify that a professional engineer must certify the areas of public water supply and water passageways to be safe before workers enter. The employers who operate these dams are typically able to provide the professional engineer to make this determination.

The suggested changes would make it clear that the alternative procedures in Regulation 9.22 also apply to the isolation of piping that is described in 9.18.1. Where the methods required in section 9.18.1 are not practicable, the employer may implement alternative measures of control or isolation that are acceptable to WorkSafeBC. Prior approval is required.

The proposed changes would also clarify the relationship between Regulations 9.18.1 and 9.18 with respect to blanking, blinding and use of double block and bleed systems for isolated piping that passes through or close to a confined space.

The proposed changes make clear under what conditions a confined space with adjacent piping must be either disconnected, or controlled or isolated by various systems (in the case of high level hazards) or de-energized and locked out (in the case of less than high level hazards.)

The proposed change also corrects the use of the word “alternate” (which means two choices) to “alternative” (which means two or more choices).

*NOTE:*

*"blank"* means a solid plate installed through the cross-section of a pipe, usually at a flanged connection;

*"blanking or blinding"* means the absolute closure of adjacent piping, by fastening across its bore a solid plate or cap that completely covers the bore **and** that is capable of withstanding the maximum pressure of the adjacent piping;

*"double block and bleed"* means the closure of adjacent piping by locking out a drain or vent in the open position in the line between 2 locked out valves in the closed position

COCA supports these changes because they clarify the requirements under which some of our workers may sometimes work.

#### Part 12, Tools, Machinery and Equipment Section 12.80.2, Swing-arm restraints

The proposed change would correct a mistake in the current wording. The Regulation applies to automotive lifts. Currently, the Regulation wording requires that all automotive lifts with swing arms have swing arm restraints. However, automotive lifts that lift the rigid superstructure under the vehicle do not require a swing-arm restraint. The change would specify that only those automotive lifts where the superstructure does not rest on the lift would need a swing-arm restraint.

COCA supports this change because it corrects an impractical regulation.

#### Part 13, Ladders, Scaffolds and Temporary Work Platforms Section 13.32, Work procedures in high risk situations

The proposed change would remove the requirement for prior approval (a variance) from WorkSafeBC for the following situations:

before using a swing stage, boatswain's chair or portable powered platform in any of the following high risk circumstances:

1. One work platform will be used above or below any portion of another platform,
2. A deck or planking will be used to span a gap between two independent work platforms,
3. The work platform will exceed 10 m (32 feet) in length, or
4. The suspension height will exceed 91 metres (300 feet).

The approval process can take weeks and this is an impractical amount of time. The approval process consumes the contractor's time and WorkSafeBC resources.

The proposed change would allow the contractor to proceed as described above provided that a professional engineer has designed or certified the installation and use of the equipment in these high risk situations.

COCA proposed this amendment and supports it.

#### Part 15, Rigging Section 15.30, Standards

The proposed change would update the standard on slings and sling components. The older version of this standard, from 1990 is now outdated. The latest standard is from 2006. The change would make it easier for manufacturers/suppliers and users to comply with safe rigging and safe workplaces. The new standard also recognizes the use of newer components, such as synthetic roundslings.

COCA supports this amendment because it provides a reasonable standard and recognizes new materials.

#### Part 16 Mobile Equipment New section 16.8.1, Warning signal device – extended component

The change would add a requirement for a visual or audible warning signal within the driver's cab for mobile wastes and recyclable material collection, transportation and compaction equipment. The alarm would alert the operator that part of the equipment is in a raised position and therefore at risk of contacting bridges, tunnels and other overhead hazards. A worker died when raised equipment he was driving hit an overpass at highway speed.

COCA supports the amendment because it provides improved safety for workers.

#### Part 19, Electrical Safety Section 19.24, Minimum clearance

The change would add a new provision for alternative minimum clearances for vehicles travelling on industrial or resource roads. The provision would apply when no other work is being done by, on or from the vehicle. The issue arises because vehicle load heights or equipment heights for vehicles that travel on industrial or resource roads often

are higher than that permitted on public roads.

The change was requested by BC Hydro and numerous logging companies.

COCA supports the change because it sets realistic limits of approach.

Part 30, Laboratories  
Section 30.26, Biohazardous materials

The change is an updating of requirements for laboratories that deal with biohazardous material.

COCA does not have involvement with this issue.

Thank you for consulting with us.

Sincerely yours,

Grant McMillan

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**Richmond, B.C. V6X 2A8**  
**Telephone (604) 241-7667**  
**email: grantmcmillan@shaw.ca**  
Grant McMillan, President

March 3, 2010

Mr. Don Schouten, Manager  
Industry & Labour Services - Construction  
Workers and Employer Services Division  
WorkSafeBC

Hi Don,

Thank you for sending me the Draft guideline for the definition of a qualified coordinator for comment. I am responding on behalf of COCA.

There is one part of the definition that we would like to see changed.

The Guideline refers to "supervisor capabilities" rather than "supervisor responsibilities". This seems to suggest that the QC should "typically" be someone who is "capable" of supervising. There may be some confusion caused by this portion of the definition.

In other words, WSBC may be indicating that the QC should be a responsible, thoughtful person who is "capable" of identifying risk and working to inform workers. This is suggested, I think, in the words from 20.3 of the Occupational Health & Safety Regulation:

- (3) The duties of the qualified coordinator appointed under paragraph (2)(a)(i) include
- (a) informing employers and workers of the hazards created, and
  - (b) ensuring that the hazards are addressed throughout the duration of the work activities.

We would like to see further clarity with the Draft definition. COCA does not agree that the qualified coordinator should necessarily be a supervisor. The employer may wish to choose a qualified person who is not a supervisor.

It seems to us that the easiest way of avoiding possible confusion is to delete this sentence from the definition:

“Given that in order to fulfill the duties in s. 20.3(3), the qualified coordinator must work with employers and workers at the workplace, the qualified coordinator should typically have supervisory capabilities.”

The other parts of the definition already define the qualities that we believe are required for the responsibility of being a qualified coordinator.

Thank you for consulting with us. We look forward to your response.

Regards,

Grant