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**COCA UPDATE ON WORKSAFEBC ACTIVITIES #578 - FEBRUARY 14, 2014**

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***RESPIRABLE CRYSTALLINE SILICA (RCS) AND ROCK DUST DRAFT REGULATIONS - UPDATE***

On February 7, 2014, WorkSafeBC held a second pre-consultation meeting in order to better understand stakeholder concerns in regards to the proposed Draft Regulation on ‘Respirable Crystalline Silica (RCS) and Rock Dust’ commonly know as the ‘Silica Regulation’. In the interest of clarity and consistency, the proposed draft language was amended to include feedback from the initial meeting that was held on March 18, 2013.

The primary concern raised in the February meeting was how to realistically address monitoring programs and silica sampling required by the draft regulation. It was suggested that rather than highly detailed and technical requirements which would not be understood by employers or workers, why not focus on proactively protecting the worker?

It was also suggested that the regulation could be reworded to include the requirement that Safe Work Practices be put in place with a reference to the resources available online at WorkSafeBC (see the WorkSafeBC document “Developing a silica dust exposure control plan”.) This is a very useful document and would assist employers and workers. The development of other practical resources for industry would also be helpful. The proposed regulation on silica still focuses too much on testing methods and not nearly enough on prevention.

There is a tendency among Occupational Hygienists to develop regulations that reflect their highly technical field of expertise. This kind of regulation, however, does not serve the purpose of clearly and concisely describing the risks and requirements for working safely with silica. Workers and employers who are not trained as Occupational Hygienists must be able to understand and implement the safe work requirements. We believe that what is required is a greatly simplified risk assessment process.

Of major concern to industry is clarification of the application of the regulations, particularly in terms of guidelines and practical tools to encourage compliance. From an industry standpoint, practical tools are essential to help employers and workers understand how to comply with the regulations. This is particularly germane given that the new acceptable standard of silica dust is microscopic and can no longer be identified as a simple dust cloud.

A compounded issue related to this new standard is that the existing mitigation procedures may no longer be adequate. For example, a wet saw produces enough residual dust at a microscopic level as to be non-compliant. This means, in addition to employing a wet saw employers would likely have to require mandatory

PPE (a mask and respirator). This is extremely difficult to implement in practical terms, as it represents a radical departure from past practice and will require an industry-wide cultural shift. From an employer's perspective, this may be extremely difficult to implement in a short period of time.

The draft regulation also appeared redundant to various other sections within the regulations (i.e. Section 5 OHS Regulation). WorkSafeBC rationalized the redundancy by explaining that it was done intentionally so that the Silica regulation repeated the necessary information for compliance from other sections and would add additional guidance components as needed. Upon review however, this approach actually creates confusion and ambiguity and is cumbersome. The reader is also left making a judgment call as to which section takes priority.

In terms of outcomes, WorkSafeBC agreed to explore the development of guidance notes and other industry tools to support the regulation. Industry made the point that without these pieces in place it was difficult to judge/ review the regulation properly. WorkSafeBC has agreed to process the industry feedback and take the proposed changes into consideration. They have also agreed to another pre-consultation meeting (a third round). This will provide industry with yet another opportunity to ensure the draft best addresses industry's concerns.