

REGULATORY AMENDMENTS TO PARTS 5, 6 AND 26

Submission to the
Workers' Compensation Board
October 2019




Authority

This document is respectfully submitted on behalf of the executive officers of the BC Federation of Labour and represents the views of more than 500,000 affiliated members across the province of British Columbia.

A handwritten signature in black ink, reading "W. Laird Cronk". The signature is fluid and cursive, with the first name "W." and last name "Cronk" clearly legible.

W. Laird Cronk
President

1510-19sub lc submission regulatory amendments parts 5 6 and 26 oct 2019/km 

Regulatory amendments

Part 5: Consultation on proposed occupational exposure limits (OELs) based on the new or revised 2016, 2017, and 2018 American Conference for Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) for Selected Chemical Substances

Part 6: Substance specific requirement for pesticides: Re-entry levels

Part 22: Forestry operations and similar activities: Hauling log securement

Introduction

The BC Federation of Labour (“Federation”, “BCFED”) appreciates the opportunity to provide our submission with respect to the proposed amendments to:

- Part 5: Consultation on proposed occupational exposure limits based on the new or revised 2016, 2017, and 2018 ACGIH TLVs for selected chemical substances;
- Part 6: Substance specific requirement for pesticides: Re-entry levels; and
- Part 22: Forestry operations and similar activities: Hauling log securement.

The Federation represents more than 500,000 members of our affiliated unions, from more than 1,100 locals, working in every aspect of the BC economy. The Federation is recognized by the Workers’ Compensation Board (WCB) and the government as a major stakeholder in advocating for the health and safety of all workers in BC and full compensation for injured workers and their surviving dependents.

The BCFED is pleased with the implementation of the pre-consultation process with stakeholders to discuss the proposed OEL revisions.

This submission was prepared in consultation with our affiliates.

Part 5: Consultation on proposed occupational exposure limits based on the new or revised 2016, 2017, and 2018 ACGIH TLVs for selected chemical substances

Submission

Each year the ACGIH publishes a list of substances for which they have set new and revised Threshold Limit Values (TLVs), retained TLVs or withdrawn TLVs. ACGIH is a scientific organization that publishes guidelines for occupational exposure limits for workplaces.

A TLV is an airborne concentration of a chemical substance where nearly all workers are believed to experience no adverse health effects over a working lifetime.

The BCFED has expressed concern in past submissions regarding the ACGIH's cautionary statements about the use of their list of TLVs by statutory bodies:

- *ACGIH® proposes guidelines known as TLVs® and BEIs® for use by industrial hygienists in making decisions regarding safe levels of exposure to various hazards found in the workplace.*
- *ACGIH® is not a standard setting body.*
- *Regulatory bodies should view TLVs® and BEIs® as an expression of scientific opinion.*
- *TLVs® and BEIs® are not consensus standards.*
- *ACGIH® TLVs® and BEIs® are based solely on health factors; there is no consideration given to economic or technical feasibility. Regulatory agencies should not assume that it is economically or technically feasible to meet established TLVs® or BEIs®.*
- *ACGIH® believes that TLVs® and BEIs® should NOT be adopted as standards without an analysis of other factors necessary to make appropriate risk management decisions.*
- *TLVs® and BEIs® can provide valuable input into the risk characterization process. Regulatory agencies dealing with hazards addressed by a TLV® or BEI® should review the full written documentation for the numerical TLV® or BEI®.¹*

The BCFED continues to be very concerned about the difficulty in finding the ACGIH list of TLVs, many workers will be unaware that the list can be found in the Guidelines. Even more

¹ <https://www.acgih.org/tlv-bei-guidelines/tlv-chemical-substances-introduction>

problematic is accessing the list of excluded chemicals. This list, which has grown to almost 300 exclusions is found in Policy Item R5.48-1.

The ACGIH is referenced throughout Part 5: Chemical Agents and Biological Agents in: Section 5.1 Definitions; Section 5.48 Exposure Limits; Section 5.57 Designated Substances; Section 5.58 Protective Policy but there is no reference in these sections where to find the ACGIH list of TLVs.

The BCFED recommends the addition of a note to Part 5 informing users where to find the ACGIH lists of TLVs in order to provide clarity.

Under Section 225 of the *Workers Compensation Act* (WCA) the WCB Board of Directors (“Board”, “BOD”) reviews the updated ACGIH list of TLVs.

The Board must undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.

[The proposed 2016, 2018 and 2019 new or revised ACGIH TLVs are as follows:](#)

- Boron Trifluoride (8 -hour Time Weighted Average (TWA))
 - Proposal to adopt the revised ACGIH level of 0.1 8-hr TWA to minimize respiratory tract irritation and pneumonitis
 - Current ceiling limit of one ppm is maintained because the ACGIH level of 0.7 ppm is outside of the analytical detection range of the validated measurement methods
- Calcium silicate (Wollastonite)
 - Proposal to adopt the new ACGIH 8-hour TWA of 1mg/m³ to minimize chronic respiratory health effects including pneumoconiosis
 - Chemical is widely used in foods, pharmaceuticals and agricultural pesticides

- Calcium silicate synthetic nonfibrous
 - Proposed withdrawal of the existing OEL to align with the 2016 ACGIH TLV
 - This chemical is still considered to be Particles Not Otherwise Classified (PNOC) therefore the current OELs of 10mg/m³ (total) and 3mg/m³ will apply
- Formaldehyde
 - Proposed to decrease the WCB eight-hour TWA by adopting the ACGIH TLV of 0.1 ppm, adopt the new 15-minute STEL of 0.3 ppm and withdrawing the ceiling limit to minimize potential for upper respiratory cancer and sensory irritation of the eye and upper respiratory system
 - Formaldehyde is designated as IARC 1 a confirmed human carcinogen as well as a dermal and respiratory sensitizer and has wide industrial use
 - Formaldehyde is a designated substance subject to the requirements of Regulation 5.57(1) substitution and 5.58(1) protective policy
- Furfural
 - Proposed to decrease the WCB eight-hour TWA of two ppm by adopting the current ACGIH level of 0.2 ppm to better protect workers from upper respiratory and eye irritation. Noted that this is a big drop.
 - Furfural is a solvent used in petroleum and synthetic rubber production and found in welding emissions
- Liquified Petroleum Gas (L.P.G.)
 - Proposed to remove the WCB 8-hour TLV and the 15-minute STEL and add the ACGIH notation of “Simple Asphyxiant”
 - Part 5 regulations section 5.56 (oxygen deficiency); 5.31 control of airborne gases so workers are not exposed to an oxygen deficient atmosphere and 5.31, control concentration on flammable gas or vapour to lower explosion limit
 - Chronic systemic effects have not been reported from occupational exposures to L.P.G.

- Styrene
 - Proposed to lower the WCB eight-hour TWA and the 15-minute STEL and adopt the ACGIH 8-hour TWA of 20 ppm and STEL of 40 ppm to prevent worker health effects on the central and peripheral nervous systems
 - Styrene is a confirmed human carcinogen
 - Styrene is a designated substance and subject to the requirements to Part 5, Section 5.57(1) to substitute a safer chemical and if this is not possible the employer must implement an exposure control plan

The BCFED supports the adoption of the proposed lower ACGIH OELs. We are pleased the WCB is proposing to adopt of the lower OELs for Formaldehyde and Styrene.

This proposal has been a long time coming. Since 2002 when the ACGIH list of TLVs was first adopted the BCFED has lobbied the WCB to implement the lower levels for Formaldehyde and Styrene. At the time industry threatened to leave BC if they were required to adopt the lower levels, even though in Norway the boat building industry had successfully implemented lower levels of Styrene. Unfortunately, the economic argument won, resulting in worker exposures to higher levels of two very dangerous chemicals for almost 20 years.

[The WCB proposes to retain the existing OELs for the following substances:](#)

- Acetamide
 - The WCB currently has no TLVs for Acetamide
 - IARC designation: 2B carcinogen; exposure can cause liver damage and liver cancer
 - Acetamide is used as a solvent
 - Reason for no OELs is the lack of validated sampling methods for the lower 2017 ACGIH TLV

- **Boron Tribromide**
 - The WCB proposed to maintain the current ceiling limit of 1 ppm and not adopt the ACGIH 0.7ppm TLV
 - Health effects of exposure are potential respiratory tract irritation and pneumonitis
 - Used as catalyst in organic reactions and in the electronics industry
 - Reason for maintaining current TLV is lack of validated sampling methods for the 2016 ACGIH TLV
- **Boron Trichloride**
 - Health effects of exposure are respiratory tract irritation and pneumonitis
 - Currently there are no WCB TLVs for Boron Trichloride
 - Reason for maintaining the lack of TLVs, no validated sampling methods for the 2016 ACGIH TLV of 0.7 ppm for ceiling limit
- **Cadusafos**
 - Currently no WCB TLVs for Cadusafos
 - Health effects of exposure are cholinesterase inhibition
 - ACGIH designation: skin
 - Widely used as an organophosphorus base herbicide and nematocide to control soil insects in a diverse number of food crops
 - Reason for proposal to maintain no WCB TLVs is lack of validated sampling methods for the ACGIH 2017 0.001mg/m³ 8-hour TWA.
- **Captafol**
 - Health effects of exposures are potential liver and kidney damage and dermal sensitization
 - Existing WCB and ACGIH TLV is eight-hour TWA of 0.1 mg/m³
 - Captafol is designated as IARC 2A, a known human carcinogen
 - Used as a fungicide in paints and plastics
 - Reason for proposal to maintain current level is no validated sampling methods for 2017 ACGIH TLV

- Cyanogen
 - Health effects of exposures are eye and upper respiratory tract irritation
 - Cyanogen is used as a fuel gas for welding, rocket and missile propellant and as a fumigant
 - Reason for proposal to maintain current WCB TLV as 10 ppm for eight-hour TWA is no validated sampling methods or laboratory analyses for the 2017 ACGIH TLV of five ppm ceiling limit
- 2,4 Dichlorophenoxyacetic acid (2,4,-D)
 - Health effects of exposures are thyroid effects and kidney damage
 - IARC designation: 2B possible human carcinogen
 - Used as an herbicide and a fungicide on a variety of food crops
 - Reason for proposal to maintain current ACGIH and WCB TLVs of eight-hour 10mg/m³ and 15-minute 20mg/m³ is lack of validated sampling methods for 2017 ACGIH TLV
- Folpet
 - Health effects of exposures are liver damage and body weight effects
 - Designated as a dermal sensitizer
 - Used as an agricultural fungicide and in plastics and paints manufacturing
 - Reason for proposal to maintain current no TLV levels in BC and not adopt the 2017 ACGIH TLV of 1mg/m³ 8-hour TWA is again lack of validated sampling methods
- Furfural alcohol
 - Health effects of exposures are upper respiratory and eye irritations
 - ACGIH designations: skin and IARC: 2B human carcinogen
 - Industrial solvent and used to make resins that are chemical and corrosion resistant
 - Reason for proposal to maintain current WCB TLVs of eight-hour TWA at five ppm and 15-minute at 10 ppm is lack of validated sampling and lab analyses for the new ACGIH TLV of 0.2 ppm for eight-hour TWA

- Phthalic anhydride
 - Health effects of exposures are respiratory sensitivity and asthma
 - ACGIH designation: dermal, respiratory sensitizer and skin
 - Used in manufacture of epoxy resins and dyes
 - Reason for proposal to maintain current WCB eight-hour one ppm and not adopt the new ACGIH TLVs of 0.002 mg/m³ for eight-hour TWA and 0.0005 mg/m³ for 15- minute STEL are the lack of validated sampling for the 2017 ACGIH TLV
- Propoxur
 - Health effects of exposures potential for cholinesterase inhibition
 - Used as an insecticide in agriculture and forestry to control mosquitos and gypsy moths
 - Reason for proposal to maintain existing WCB OELs of 0.5mg/m³ is lack of validated sampling method for 2017 ACGIH TLV
- Simazine
 - Health effects of exposures potential for hematologic (blood) effects
 - Simazine is an herbicide, used in the agricultural and non-agriculture industries and an algaecide used in ponds and aquariums
 - Reason for proposal to maintain current OEL is lack of validated sampling methods for 2016 ACGIH TLV of 0.5 mg/m³
- Toluene diisocyanate, 2,4 or 2,6
 - Health effects of exposures are potential for asthma, reduced pulmonary function and eye irritation
 - IARC designation: 2B human carcinogen, dermal and respiratory sensitizer
 - An isocyanate used widely in manufacturing plastics and foams used in furniture making
 - Toluene 2,4 and 2,6 have been withdrawn and combined by ACGIH as Toluene diisocyanate 2,4 2,6

- Reason for proposal to maintain current WCB TLVs of 0.0005 for eight-hour TWA and 0.01 ppm TLV for Ceiling limit is lack of validated sampling methods for 2016 TLVs of 0.0001 for eight-hour and 0.005 ppm for 15- minute TLV
- Triorthocresyl phosphate
 - Health effects of exposures, potential for neurotoxicity and cholinesterase inhibition
 - ACGIH designation: skin
 - Widely used in industry as a flame retardant, waterproofing agent, and a solvent
 - Reason to maintain the current WCB OEL of 0.1 mg/m³ and not adopting the ACGIH OEL of 0.02 ppm/m³ is lack of validated sampling methods
- Warfarin
 - Health effects of exposures, potential for bleeding and teratogenic effect (disturb the development of the embryo and the fetus)
 - ACGIH designation: Skin
 - Used as an anti-coagulant drug and as a rodenticide
 - Reason for proposal to maintain current WCB OEL of 0.1 mg/m³ for eight-hour TWA and not adopting ACGIH OEL of 0.01mg/m³ is lack of validated sampling methods for 2016 ACGIH TLV

The BCFED does not support the ever-growing list of excluded substances. The rationale for maintaining current WCB OELs is the lack of validated sampling methods and laboratory analysis for the lower ACGIH OELs.

The BCFED believes there are other requirements and practices that should be used to deal with chemicals with no OELs to ensure worker health and safety:

1. Five of the chemicals on the excluded list are either confirmed or suspected human carcinogens and it is unacceptable that workers will continue to be exposed to higher OELs. Carex Canada has released a new report “Burden of Occupational Cancer in Canada” with goal of “describing and identifying occupational exposure and burden estimates by

industry and/or province for the most important cancer risk factors in Canada.”² The report proposes policy recommendations and workplace opportunities for reducing exposures to occupational carcinogens.

2. The BCFED believes adverse health effects from chemical exposures should carry more weight in the WCB’s OEL Review Committee (OELRC) decision-making process, especially when there is a lack of validated sampling methods and lab analysis, and economic and technical feasibility issues.
3. The BCFED recommends the WCB adopt The National Institute of Health and Safety (NIOSH) process for classifying chemicals without OELs called Occupational Exposure Banding (OEB), also known as hazard banding, a process intended to quickly and accurately assign chemicals into specific categories (bands), which correspond to a range of exposure concentrations designed to protect worker health. These bands are assigned based on a chemical’s toxicological potency and the adverse health effects associated with exposure to the chemical [McKernan et al. 2016]³
4. Part 5, Chemical Agents and Biological Agents requirements for designated substances, exposure control plans and controlling exposures by elimination and substitution must be subject to greater WCB enforcement for those chemicals on the excluded list. The WCB 2018 Statistical Report shows a dramatic reduction in the Occupational Hygiene Sampling Activity to 88 samples from 194 in 2017.⁴
5. The “As Low As Reasonable Achievable” (ALARA) principle should be used by the OELRC.
6. The BCFED recommends the WCB use some of the \$2.6B surplus to develop an in-house lab that can perform the analysis on the new limits. The WCB should be also be pushing labs to develop and implement updated methods.
7. The BCFED is pleased the WCB has issued a Request for Proposal for research projects to develop, implement and /or validate analytical sampling methods for ACGIH chemicals that have no validated sampling methods and have Limit of Quantification issues.

² http://www.occupationalcancer.ca/wp-content/uploads/2019/09/OCRC_National-Burden-Report_2019.pdf

³ <https://www.cdc.gov/niosh/topics/oeb/default.html>

⁴ <https://www.worksafebc.com/en/about-us/shared-data/facts-and-figures/statistical-reports> page 79

Priority substances and interests:

- a. Chromium (and its different physical and valence states)
 - b. Diesel exhaust
 - c. Pesticides
 - d. Isocyanates
 - e. Surface sampling (e.g. ACGIH TLV-Surface Limits)
8. The BCFED recommends the implementation of an external working group to annually review the OELs. Such a group was in place from 1992 to 1998 and was made up of the WCB, occupational hygienists, researchers, employers and labour.

The BCFED believes while the WCB's go-to method is to maintain current levels of OELs, changes will not be made by employers, professionals, manufacturers and the WCB, and workers will continue to be exposed to dangerous levels of chemicals.

Part 6: Substance Specific Requirement

Pesticides, Sections 6.70-6.91 Restricted Entry Levels

("REIs")

According to the explanatory notes, the REIs refers to the length of time that must lapse after the application of a pesticide, before an unprotected worker may be authorized to enter the treated area.

The purpose of the proposed amendments is to align the Occupational Health and Safety Regulation ("OHSR") with Canada's *Pest Control Products Act* ("PCPA") and Regulation ("PCRP") as well as the *BC Integrated Pest Management Act* ("IPMA") and Regulations ("IPMR"). The amendments will clarify the conditions under which the REIs would default to the provisions currently outlined in Part 6: Pesticides.

The Regulatory Framework for Pesticides

Federal

Health Canada's Pest Management Regulatory Agency (PMRA), under the authority of the PCPA regulates pesticides in Canada.

Provincial

Provincially, the Ministry of the Environment and Climate Change's (MECCS) *Integrated Pest Management Act* and Regulation regulates the sale, use and handling of pesticides in BC. They rely on the PCPA and the PMRA of Health Canada to evaluate and determine acceptable uses for pesticides registered for sale in BC. MECCS is responsible for the certification of pesticide applicators.

Municipal

Municipalities may establish bylaws for pesticide use on residential and municipal lands. These bylaws apply only to pesticides used to maintain outdoor trees, shrubs, flowers, other ornamental plants and turf. Municipalities do not have the authority to develop bylaws restricting the application of pesticides in the following situations:

- for the management of pests that transmit human diseases;
- on the residential areas of farms;
- to buildings or inside buildings; or
- on land used for agriculture, forestry, transportation, public utilities or pipelines unless the public utility or pipeline is vested in the municipality.

Workers' Compensation Board (WCB)

The WCB OHSR Part 6: Pesticides sets out the requirements for the safe application of pesticides to ensure the health and safety of workers.

Given this multi-jurisdictional framework, the BCFED is in support of the efforts to harmonize the federal requirements with the WCB requirements in the hope this will provide clarity and consistency for employers, workers and WCB officers.

Submission

Part 6 Sections 6.89 and 6.90 contain the requirements for REIs. At the time these sections were developed there was little information on REIs and it was determined that the safest reasonable duration was applied in the OHSR based on the toxicity of the pesticide; 24 hours and 48 hours.

Section 6.70 Definitions

The BCFED supports the new definitions for labels, treated area and toxic. The previously used definition of toxic as “slightly toxic,” “moderately toxic” and “very toxic” has been amended to add the values of Lethal dose 50% or LD50 values to be consistent with the PMRA.

The BCFED would like to have clarification on whether or not the Lethal Dose value is included on the pesticide label.

Section 6.73 Signs for treated materials

The BCFED recommends this section be changed from “placards and signs are provided” to placards and signs must be posted and contain the following information (a-c). This will ensure that workers have improved access to the information.

Section 6.76 Informing workers

The BCFED recommends this section be amended to add (d) the type, or name of the pesticide to be used.

Section 6.77 Mixing, loading and applying pesticides

These are the work activities that account for the greatest risk of exposure to the pesticide.

The BCFED supports the proposed amendment Section 2 (c) adding an assistant applicator within the meaning of the IPMR who uses a pesticide under the direct supervision of a person who holds a certificate described in subsection (1)(b).

The BCFED recommends a further amendment be added to describe the requirements of the supervision to add clarity for workers and supervisors:

- must not be more than 500m from each assistant applicator;
- must maintain continuous visual or auditory contact with each assistant applicator;
- must review the recode kept by the authorization holder for each assistant applicator;
- and
- must not permit an assistant applicator to apply a pesticide unless satisfied that the assistant applicator has completed the course required by the Ministry of Environment and Climate Change.

Section 6.89 Restricted entry intervals

The BCFED is very concerned about the requirements for pesticide labels. As noted in the pre-consultation session there are some gaps: the lethal dose value is not required; some older pesticide labels do not have REIs; and some pesticides will not have the REIs on their label if they have not been evaluated by PMRA. Workers rely on the labels for important information.

Unfortunately, pesticides in Canada are excluded from WHMIS due to a successful lobby by manufacturers and end-use industries. Some countries, including the European Union, Australia and Turkey have adopted the Global Harmonization System (GHS) for pesticides. The advantage of adopting GHS for pesticides will be in standardizing pesticide classification and product labelling. The current GHS model for industrial chemicals will require some modifications especially for labelling such as instructions for use, re-entry intervals and specific first-aid requirements.⁵

⁵ https://www.chemsafetypro.com/Topics/GHS/GHS_for_pesticides.html

The greatest advantage for workers in having a single system for industrial chemicals and pesticides is the clear obligations of the employer under Part 5, Section 5.3 to 5.18, to have a WHMIS program, provide worker education and training, and ensure access to legal SDS.

Although this is not in the mandate of the WCB, the BCFED believes that the WCB has a responsibility to work with the federal government to have pesticides included in WHMIS thereby providing better protection for workers.

Pesticides have Safety Data Sheets (SDS) but employers are not required to provide them to workers as per WHMIS. Health Canada advises they should be made available.

The BCFED strongly agrees the SDS should be available to workers.

Section 6.89 (2)(a) sets out the requirements when the label does not state the REI on the label but the pesticide is listed on Schedule 2 of the IPMR, there is no restricted entry interval.

Section 6.89 2(b) If the label does not state the REI and the pesticide is not listed on Schedule 2 of the IPMR then the REIs are:

- (i) 24 hours if the pesticide is classified as slightly toxic; or
- (ii) 48 hours if the pesticide is classified as moderately or very toxic or is part of a mixture in which a moderately or very toxic pesticide is present.

No information is provided in the Explanatory Notes on how the 24-hour and 48-hour requirements became the default REIs. Indeed, a statement was made at the pre-consultation meeting that “they were pulled out of the sky” and have no scientific basis.

The BCFED is concerned about a scenario in which a pesticide has not been evaluated by PMRA, there is no REI on the label, the 24-hour and 48-hour REIs apply and once the pesticide is evaluated the REI is longer, for example, seven days. In this scenario workers have been exposed to a very toxic pesticide.

The BCFED believes strongly the requirements of Section 6.89(b) do not provide workers with the highest level of protection for REIs and we recommend the WCB review and amend the regulation with REIs that are science-based in order to better protect workers.

The BCFED recommends that Schedule 2 or the IPMR be made available in the guideline G6.89 to ensure ease of access for employers, workers and WCB officers.

Section 6.90 Authorization to enter before restricted entry interval expires

This section sets out the employer's obligations when a worker is authorized to enter a treated area before the restricted entry interval expires and during an emergency before the restricted entry interval expires.

(1) (c) included in the definition of an emergency is a set of circumstances *"that requires a worker to enter a treated area during a restricted entry interval because no alternative practices would prevent or mitigate"*

- (i) injury to persons, or
- (ii) a substantial economic loss due to crop loss or property loss.

The BCFED is concerned about the implications of considering crop and property loss as emergencies. This requirement may increase pressure on workers to respond to a situation that falls into the employer's domain.

The BCFED strongly disagrees with a worker's life being at risk to prevent crop and property loss and recommend this section be amended to remove (ii).

Section 2 (f) Section 6.80 sets out the requirements for rescue when a worker may be incapacitated during the application or prior to the expiry of the REI. "The work must be done in such a manner that a rescue can be effected by another worker equipped and able to do so."

We think these requirements are not prescriptive enough, what does "equipped mean?" There is no link to the first aid requirements as set out in OHSR Part 3, Occupational First Aid, Section

3.14-3.21. Are the workers first aid qualified? Has the employer completed a risk assessment? Are there written procedures? And workers must have the option of calling 911.

The mushroom farm accident comes to mind, where workers were sent by their employer to rescue their co-workers and died or were seriously injured.

The BCFED recommends further amendments be considered for Section 6.80 and Section 6.90 2(f) to, at a minimum, reference the requirements of the Occupational First Aid regulation.

Sections 6.80 2 (b) and (c) require a “qualified person” to assess the hazards to the worker and to evaluate the ventilation of the treated area. In the guideline G.6.90, the pesticide applicator is considered “qualified”:

The qualified person who performs the hazard assessment under section 6.90(1)(a) of the Regulation will need to be able to read, understand, and implement all information and instructions provided on the pesticide label. This includes the hazards involved with entering the area where the pesticide has been applied, first aid, required PPE, and re-entry procedures. A person with a valid pesticide applicator certificate will typically meet this requirement.

The BCFED recommends this section be amended to identify the qualified person as the certified pesticide applicator to provide clarity and consistency.

Section 6.90 (2) (c) requires the treated area to be effectively ventilated using either natural or mechanical means, and

- (i) the atmosphere has been tested, if practicable; or
- (ii) evaluated by a qualified person and declared safe to enter.

The BCFED believes that atmosphere testing and an evaluation must be done prior to a worker being required to go into a treated area before the REI has ended and therefore recommend removal of the word “practicable” and “or.”

Section 6.90.1 (a-c) sets out the requirements for the employer to ensure there is a record completed within 24 hours of a worker entering a treated area before the REI expires. The employer must record if it was an emergency, the date and location, the time the emergency started and ended and the description of the emergency including an estimate of the amount or type of injury that would have occurred without the early re-entry. The name of the worker and the REI that applies under Section 6.89(2) must also be recorded.

The BCFED recommends the name of the pesticide must also be recorded to ensure possible health effects can be identified.

Section 6.90.(2) required the employer to keep records for 10 years.

The BCFED is concerned that keeping records for 10 years does not account for the latency period of some occupational illnesses. For example, the latency period for cancer is defined as the amount of time that elapses between the initial exposure to a carcinogen (cancer-causing substance) and the diagnosis of cancer. Workers may be exposed in their early working years and not develop the cancer until later in life.

The US Occupational Safety and Health Administration recommends that exposure records be kept for a minimum of 30 years.

The BCFED recommends amending Section 6.90(2) to keep records for at least 30 years.

Section 6.91 lists the exemptions from Sections 6.85 to 6.90.1 of structural pesticide application. The employer is exempted if the application is:

- a spot treatment for small amounts of slightly toxic pesticides;
- crack and crevice treatment of moderately toxic pesticides; and
- the handling and distribution of biocides and slimicides.

A qualified person is required to conduct risk assessments to ensure workers are not at risk of exposure when doing a spot treatment; and for a crack and crevice application to notify

persons occupying the treated area before the application of any entry precautions and to inspect the treated area after application.

The BCFED supports the proposed amendments for exemptions.

The BCFED generally supports the amendments to Pesticide Application but encourages the WCB to consider our proposed recommendations in the interest of providing workers with better protections.

[Part 26: Forestry Operations and similar activities: hauling](#)

[Submission](#)

The WCB is proposing to amend Part 26 Hauling to align with the requirements of the Commercial Vehicle and Safety Enforcement (CVSE) and the WCB. Both organizations regulate the securement of logs transported by log transporters. Under the Motor Vehicle Act Regulation (MVSAR), the CVSE requires compliance with the *National Safety Code*, Standard 10 (NSC) when on BC highways.

The BCFED has consulted with the United Steelworkers and generally supports the proposed amendments.

Section 26.1 Definitions

The BCFED supports the amendments to this section to align with the MVAR and the NSC. This will provide consistency and clarity.

Section 26.67 Loading specifications

The BCFED supports the amendments to this section and is pleased the WCB is proposing to keep subsections (d) and (e).

Section 26.68 Wrappers and tiedowns

The BCFED recommends the proposed amendment for subsection (2)(b)(iii) “a qualified person determines,” be amended to identify who is considered qualified. The qualified person is likely to be the operator of the log- transporter but this is unclear.

The risk assessment that is required under subsection (2)(b)(iii) must comply with the requirements of subsection (3) (a-b). This subsection sets out the requirements of the risk assessment, including the physical factors that must be taken into account and the setting out of conditions or requirements on which the assessment is based.

The BCFED supports these requirements for a risk assessment.

Subsection (4) clarifies that a risk assessment prepared before a significant change in circumstances of the log hauling operation is not a current risk assessment. This clarifies the requirement that a risk assessment does not need to be done every time a truck is loaded but only when there is a change in circumstances.

Subsection (12) sets the requirements for a working load limit of at least 10.5 kN (2,370 lbf) for tiedown and wrapper. The BCFED is pleased with the amendment to lower the lbf from 4,000 to 2,730 lbf which allows the use of the industry standard of 5/16’ 7x7x7 wire rope as wrappers/tiedowns. Allowing the use of the lighter wire rope will help to reduce the number of shoulder injuries for workers who are placing and securing the tiedowns and wrappers.

Section 26.69 Removing wrappers and tiedowns and releasing stakes

Subsection 26.69 (2) sets out the activities that require written safe work procedures to be prepared by a qualified person:

- a) removing a wrapper or tiedown installed on a log load;
- b) releasing a stake securing logs on a log transporter; and
- c) using a removal station.

Section 26.69 (3) requires the written safe work procedures to be posted in a conspicuous location and to be effectively communicated to workers and supervisors who are conducting the work.

The BCFED strongly supports the proposed amendment requiring written safe work procedures when removing tiedowns, wrappers and stakes. And we support the posting and communication to workers and supervisors of the safe work procedures.

Conclusion

The BCFED is pleased to provide our recommendations for further amendments to Part 5, OELs, Part 6, Pesticide Application, and Part 26, Log hauling.

We encourage the WCB Board of Directors to seriously consider the recommendations.