

Policy, Regulation and Research Division (“PRRD”)**2017 - 2019 Regulatory Amendment Workplan**

The 2017 - 2019 Regulatory Amendment Workplan (“Workplan”) consists of 15 proposed amendment projects¹ and three additional projects² requiring preliminary work.

1. Part 4 General Conditions, new section – Hazard identification and risk assessment

The proposal is to introduce a new requirement for employers to identify hazards and assess risks in all workplaces. Certain existing sections of the *OHSR* do require employers to conduct these activities, but these are specific to certain high risk workplace situations or activities.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

2. Part 4 General Conditions, sections 4.81 and 4.82 – Electronic cigarettes (“e-cigarettes”)

The BC Ministry of Health recently amended the *Tobacco Control Act* and *Tobacco Control Regulation* to address the use of e-cigarettes. Sections 4.81 and 4.82 of the *OHSR* have provisions for controlling exposure to environmental tobacco smoke but do not address exposure to emissions from the use of e-cigarettes. The proposed amendments will harmonize the *OHSR* with the workplace relevant tobacco and e-cigarette vapour requirements in the *Tobacco Control Act* and *Tobacco Control Regulation*.

Work is currently underway on this project. The PRRD anticipates amendments will be taken to public hearing in 2018.

3. Part 5 Chemical Agents and Biological Agents, Part 23 Oil and Gas, and Part 29 Aircraft Operations, sections 5.27(3), 23.63(6), and 29.16(2) – Principal/prime contractor

Sections 5.27(3), 23.63(6), and 29.12(2) of the *OHSR* use the term “principal contractor” whereas the rest of the *OHSR* and the *Workers Compensation Act* (“*Act*”) use the term “prime contractor”. The proposed amendments will replace the term “principal contractor” with “prime contractor” to ensure the terminology used in the *OHSR* is internally consistent and consistent with the *Act*.

¹ Items 1 to 15.

² Items 16 to 18. These items require preliminary work to fully scope issues and develop options for addressing these issues.

The PRRD anticipates proposed amendments will be taken to public hearing in 2018.

4. Part 6 Substance Specific Requirements, sections 6.42-6.58 – Cytotoxic drugs

The current requirements for cytotoxic drugs in the *OHSR* were developed 20 years ago. Since then, the use of cytotoxic drugs has evolved. Cytotoxic drugs are being used in an increasing number of non-traditional health care settings, such as home and community based care facilities, resulting in potentially significant increases in worker exposure. The requirements on cytotoxic drugs set out in sections 6.42 to 6.58 of the *OHSR* require updating to reflect their current use.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

5. Part 6 Substance Specific Requirements, sections 6.89 and 6.90 – Restricted entry intervals (“REIs”)

Recently, the Health Canada Pest Management Regulatory Agency and industry, through the BC Greenhouse Growers Association, identified differences in the length of the REIs in the *OHSR* and the REIs currently prescribed on pesticide labels. REIs refer to the minimum amount of time required between the time a pesticide is applied to an area or crop and the time people can enter the area without protective clothing and equipment. The purpose of the proposed amendments is to create consistency between the REIs in the *OHSR* and the REIs specified on pesticide labels.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

6. Part 8 Personal Protective Clothing and Equipment, section 8.11 – Safety headgear

Section 8.11 of the *OHSR* stipulates safety headgear must be worn by a worker in any work area where there is a danger of head injury from falling, flying or thrown objects. Section 8.11(2) lists the standards the safety headgear must meet. As there have been a number of revisions to the standards, the standards referenced in section 8.11(2) are out-of-date. The proposed amendments will update the references to the standards and ensure safety headgear worn in BC workplaces complies with the most recent performance standard.

Work has commenced on this project, and the PRRD anticipates proposed amendments will be taken to public hearing in 2018.

7. Part 8 Personal Protective Clothing and Equipment, sections 8.14-8.18 – Eye and face protection

The CSA and ANSI standards referenced in sections 8.14 to 8.18 of the *OHSR* for eye and face protection are outdated, difficult to understand, and may need to be revised. There have been calls from stakeholders (workers, safety suppliers, optometrists, etc.) expressing confusion regarding the intent, the applicable standards, and their specific obligations under these provisions. The purposes of the proposed amendments are to update the referenced standards to their current version, to clarify and clearly identify the applicable standards and stakeholders' obligations, and to remove redundancies and provide consistency with other sections in Part 8.

Work has commenced on this project, and the PRRD anticipates proposed amendments will be taken to public hearing in 2018.

8. Part 8 Personal Protective Clothing and Equipment and Part 18 Traffic Control, sections 8.24 and 18.9(b) – High visibility apparel

Sections 8.24 and 18.9 of the *OHSR* address the use of high visibility apparel in various circumstances. Both make reference to a WorkSafeBC standard³. This WorkSafeBC standard was developed before CSA issued CSA Z96-02 on High Visibility Apparel. The purpose of the proposed amendment is to create consistency between sections 8.24 and 18.9(b) of the *OHSR*. Section 8.24 would be amended to reflect acceptance of WCB PPE 2-1997 as well as the latest edition of the CSA standard (CSA Z96-15). Section 18.9(b) would be amended to harmonize with the requirements of the Ministry of Transportation's 2015 Interim Traffic Management Manual for Work on Roadways, as well as the latest CSA standard.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

9. Part 12 Tools, Machinery and Equipment, multiple sections – Safeguarding

The safeguarding sections of Part 12 have not been revised since the *OHSR* was adopted in 1998. Currently, there is no clearly defined obligation in Part 12 to base the selection of safeguarding solutions on an assessment of the associated risks. Section 12.3 requires safeguards to meet the requirements of CSA Z432-94, but the risk assessment described by this standard is crafted to apply primarily to manufacturers and designers of machinery. More recent editions of CSA Z432 provide for a comprehensive risk assessment approach to select safeguarding devices, directed towards both manufacturers and end users. The purpose of the proposed amendments is to revise Part 12 to require the selection of safeguarding based on a comprehensive

³ WCB Standard Personal Protective Equipment Standard 2-1997, High Visibility Garment ("WCB PPE 2-1997").

risk assessment, possibly by adopting the most recent version of CSA Z432 or relevant portions of the standard.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

10. Part 16 Mobile Equipment – Full review

The purpose of the proposed amendments is to review all of Part 16 to ensure it is consistent with current workplace practices, technological advances and other changes affecting occupational health and safety.

Work commenced on this project in 2011. The PRRD anticipates proposed amendments will be taken to public hearing in 2018.

11. Part 18 Traffic Control, multiple sections – Traffic Control Manual

Section 18.3 of the *OHSR* requires employers to comply with the latest edition of the Ministry of Transportation's, *Traffic Control Manual for Work on Roadways*. The latest edition of this manual was released in 1999 ("1999 Manual"). In early 2016, the Ministry of Transportation released the *2015 Interim Traffic Management Manual for Work on Roadways* ("Interim Manual"). The Ministry will phase in the Interim Manual over the course of three years, with the Interim Manual replacing the 1999 Manual in 2019. The purpose of the proposed amendments is to harmonize the requirements in Part 18 of the *OHSR* with the Interim Manual.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

12. Part 20 Construction, Excavation and Demolition, sections 20.17-20.26 – Concrete formwork

The purpose of the proposed amendments is to ensure safe erection, use and dismantling of concrete formwork, falsework and reshoring. Overall, the proposed amendments intend to clarify the responsibilities of employers and professional engineers.

Work has commenced on this project. The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

13. Part 21 Blasting Operations, multiple sections – Blasting equipment and practices

A number of sections in Part 21 are out of date and require amendments to keep in step with industries which use explosives. The proposed amendments will ensure Part 21 addresses current blasting equipment and associated safe work practices. The

proposed amendments will also address conflicts between the *OHSR* and the federal *Explosives Act* and *Explosives Regulations*.

Work has commenced on this project. The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

14. Part 24 Diving, Fishing and Other Marine Operations, new section – Personal flotation devices

Under the generally applicable buoyancy equipment provisions of Part 8 of the *OHSR*, crewmembers of commercial fishing vessels are not required to wear personal flotation devices (“PFDs”) or lifejackets on fishing vessels with guardrails. The purpose of the proposed amendment is to develop a new provision in Part 24 to require crewmembers of commercial fishing vessels to wear PFDs or lifejackets when they are working on deck. Unlike the current section 8.26(3), PFDs or lifejackets would be required to be worn by crewmembers whenever there is a risk of drowning on fishing vessels, even if there are guardrails, a personal fall protection system, or a safety net.

Work is currently underway on this project. The PRRD anticipates proposed amendments will be taken to public hearing in 2018.

15. Part 26 Forestry Operations and Similar Activities, multiple sections – Arboriculture

Part 26 of the *OHSR* does not clearly cover the range of work activities undertaken by arborists. These regulatory gaps need to be addressed to improve health and safety in this industry. The proposed amendments would incorporate best practices from the ANSI Z133-2012 Standard for Safety Requirements in Arboricultural Operations.

The PRRD anticipates proposed amendments will be taken to public hearing in 2019.

16. Part 5 Chemical Agents and Biological Agents – Combustible dust

Part 5 of the *OHSR* has been identified as requiring review with respect to requirements for combustible dust or particulate solids and for dust collectors.

The PRRD will undertake a project to fully review the combustible dust requirements to identify and address issues. If regulatory amendments are necessary, this item will be taken to a future public hearing.

17. Part 9 Confined Spaces – Full review

At issue is a review of Part 9 of the *OHSR* to address challenges faced by the municipal sector in meeting the current regulations for confined spaces. Stakeholders have

indicated the regulations are overly restrictive and may not be appropriate for every circumstance.

The PRRD will conduct a review of Part 9 to identify issues with the current regulations and determine the best course of action to address them. If regulatory amendments are necessary, this item will be taken to a future public hearing.

18. Part 20 Construction, Excavation and Demolition – Training for concrete pump operators

The BC Ready-Mixed Concrete Association has requested the *OHSR* be revised to require training for concrete pump operators to a specific standard including an assessment of competency.

The PRRD will commence work with industry to develop options for ensuring the safety and competency of concrete pump operators. If regulatory amendments are necessary, this item will be taken to a future public hearing.