



WORKING TO MAKE A DIFFERENCE

BOARD OF DIRECTORS
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2006/07/25-03

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

DEPOSITED
AUG 29 2006
REG. 243/2006

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Amendments to the *Occupational Health and Safety Regulation* (B.C. Reg. 296/97, as amended)

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("Act"), the Workers' Compensation Board ("WCB") may make regulations it considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

Sections 1.1, 4.3, 5.49, 9.11, 9.18, 9.22, 13.23, 13.33, 14.34, 14.91, 20.4, 23.14, 24.93, 24.104, 24.106, and 26.11 of the *Occupational Health and Safety Regulation* ("OHSR") contain requirements to address occupational health and safety issues;

AND WHEREAS:

The Board of Directors accepted the review of Part 26 in its entirety, as well as any Part 1 consequential amendments, as part of the 2007 regulatory workplan;

AND WHEREAS:

A review of these sections was undertaken as part of the WCB's ongoing regulation review to ensure that regulation requirements are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment;

AND WHEREAS:

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to these requirements in the *OHSR* and has given notice of,

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and held a public hearing on, the proposed amendments in accordance with section 226(1) of the *Act*;

AND WHEREAS:

The Board of Directors, after due consideration of all presentations to the WCB, considers it necessary and advisable in accordance with the WCB's mandate under the *Act* in relation to occupational health and safety and occupational environment, to approve the proposed amendments to the listed sections of the *OHSR*;

AND WHEREAS:

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the Board of Directors has evaluated the proposed regulatory amendments according to the established regulatory criteria;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The amendments to the *OHSR*, as set out in Appendix A are approved.
2. The proposed amendments to sections 1.1 and 26.11 are not approved.
3. The Regulatory Criteria Checklist in Appendix B is approved.
4. The above regulatory amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
5. The above amendments come into force January 1, 2007.

DATED at Richmond, British Columbia, July 25, 2006.

By the Workers' Compensation Board



**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 *Section 4.3 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended in subsections (1) (b) (i) and (4) (a) by striking out “recommendations and”.*
- 2 *Section 5.49 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by striking out “has an 8-hour TWA limit,” and substituting “is provided only with an 8-hour TWA limit.”.*
- 3 *Section 9.11 (2) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*
 - (a) *in paragraph (a) by striking out “or registered occupational hygienist (ROH)” and substituting “, registered occupational hygienist (ROH), certified safety professional (CSP), Canadian registered safety professional (CRSP) or professional engineer (P. Eng.), provided that the holders of these qualifications have experience in the recognition, evaluation and control of confined space hazards, or”, and*
 - (b) *by repealing paragraph (b).*
- 4 *Section 9.18 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*
 - (a) *in subsection (1) by striking out “subsections (2) and (3),” and substituting “subsection (2),”.*
 - (b) *in subsection (2) by striking out “at a pressure exceeding 100 kPa gauge (15 psig)”.*
 - (c) *in subsection (2)*
 - (i) *by striking out “or” at the end of paragraph (a),*
 - (ii) *by striking out “the line.” at the end of paragraph (b) and substituting “the line, or”, and*
 - (iii) *by adding the following paragraph:*
 - (c) *by other effective means., and*
 - (d) *by repealing subsection (3).*
- 5 *Section 9.22 (1) is amended by striking out “is not possible,” and substituting “is not practicable,” and by striking out “, if acceptable to the Board, which ensure equivalent protection to all workers exposed to the hazard.” and substituting “acceptable to the Board.”.*
- 6 *Section 13.23 (5) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed.*
- 7 *Section 13.33 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*
 - (a) *in subsection (1) by striking out “a boom-supported elevating work platform” and substituting “an elevating work platform”.*
 - (b) *by adding the following subsection:*
 - (1.1) *Despite subsection (1), a worker on a scissor lift, or on an elevating work platform with similar characteristics to a scissor lift, that is on a firm level surface with no irregularities to cause platform instability, is exempt from wearing a personal fall arrest system, provided that all manufacturer’s guardrails and chains are in place., and*

(c) *by repealing subsection (4) (b) and substituting the following:*

- (b) an anchor attached to the platform and designated for that purpose by the manufacturer or a professional engineer, provided that the platform has a safety strap that will prevent the platform from falling more than 15 cm (6 in) if the platform becomes dislodged from the hook.

8 *Section 14.34 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*

- (a) *in subsection (2) by striking out “A worker” and substituting “A person”, and*
- (b) *by repealing subsection (3).*

9 *The following section is added:*

Operator certification

14.34.1 On and after July 1, 2007, a mobile crane, tower crane or boom truck must be operated only

- (a) by a person with a valid operator’s certificate issued by a person acceptable to the Board, and
- (b) in accordance with any conditions stipulated on the certificate.

10 *Section 14.91 (1) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:*

14.91(1) A rotation resistant hoisting rope on a tower crane must be shortened by the removal of 3 m (10 ft) of rope at the dead end after every 500 hours of use unless

- (a) otherwise specified by the rope manufacturer,
- (b) the rope has 14 or more outer strands, or
- (c) the rope has a plastic coated inner core.

11 *Section 20.4 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is renumbered as section 20.4 (1) and the following subsection is added:*

- (2) There must be suitable access for the safe delivery of equipment and materials to locations in the workplace where they will be used.

12 *Section 23.14 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*

- (a) *in subsection (4) by striking out “A pressure relief device” and substituting “Except for a pumping wellhead, a pressure relief device”, and*

(b) *by adding the following subsection:*

- (5) For a wellhead utilizing a down-hole positive displacement pump, the employer must implement measures to prevent the pump from causing pressures that exceed the pressure rating of the system.

13 *Section 24.93 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding the following subsection:*

- (5) The owner must ensure that an audible marine grade carbon monoxide sensor, connected to an alarm system where practicable, is installed in crew quarters.

14 *Section 24.104 (a) is amended by adding “the net” after “for picking up”.*

15 *Section 24.106 is repealed and the following substituted:*

Work areas and safeguarding

24.106(1) Work areas on herring skiffs and punts must be arranged to prevent contact with moving equipment such as beaters and live rollers.

- (2) The owner of a herring gillnet vessel must ensure that drums are fitted with
- (a) an effective ratchet device for picking up the net under heavy strain and an effective brake to maintain control when setting out the net, and
 - (b) a hold-to-run control or other equally effective safeguard to stop the drums if a worker becomes entangled in the net or lines being wound in by the drum.

16 *The above amendment comes into force January 1, 2007.*

Dated at Richmond,, British Columbia, July 25, 2006.

By the Workers' Compensation Board



**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**