2007/03/20-03

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

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

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 6.33 and 6.36 of Part 6 of the *Occupational Health and Safety Regulation* (*"OHSR"*) contain substance specific requirements for biohazardous materials;

AND WHEREAS:

Following public hearings held in May 2006, the Board of Directors ("BOD") in July 2006 approved amendments to Part 6, sections 6.33 and 6.36 of the *OHSR* requiring hollow bore needles used intravascularly or intravenously to be safety-engineered;

AND WHEREAS:

The BOD approved an additional public hearing as part of the 2006 regulatory process, to consider expanding the scope of sections 6.33 and 6.36 to include all hollow bore needles and other medical sharps as new technologies become available, and to include a provision that the safety-engineered devices used provide the highest level of protection available;

AND WHEREAS:

The WCB has given notice of the proposed amendments to sections 6.33 and 6.36 of Part 6 of the *OHSR* and has held public hearings on the proposed amendments in accordance with section 226(1) of the *Act*;

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AND WHEREAS:

The BOD, 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 amend sections 6.33 and 6.36 of Part 6 of the *OHSR*;

AND WHEREAS:

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

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The amendments to sections 6.33 and 6.36 of the *OHSR*, as set out in Appendix A, are approved.

2. The Regulatory Criteria Checklist in Appendix B is approved.

3. The above amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.

4. The above amendments will come into force 90 days after deposit with the Registrar of Regulations. July 26, 2007

DATED at Richmond, British Columbia, March 20, 2007.

By the Workers' Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

APPENDIX A

THE BOARD OF DIRECTORS RESOLVES THAT:

1 *Section 6.33 of the Occupational Health and Safety Regulation, B. C. Reg. 296/97 is amended*

(a) by repealing the definition of "biohazardous material" and substituting the following:

"biohazardous material" means a pathogenic organism, including a bloodborne pathogen, as determined by the World Health Organization, Health Canada, or other agency acceptable to the Board, which is known or reasonably believed to cause disease in humans; *, and*

(b) by adding the following definitions:

"medical sharp" means a needle device, scalpel, lancet or any other medical device that can reasonably be expected to make parenteral contact;

"parenteral contact" means piercing of mucous membranes or the skin;

"safety-engineered medical sharp" means a medical sharp with a built-in safety feature or mechanism that eliminates or minimizes the risk of accidental parenteral contact while or after the sharp is used; .

2 *Section 6.36 (1.1), as enacted by B.C. Reg. 241/2006, is repealed and the following substituted:*

(1.1) On and after January 1, 2008, a needleless device or safety-engineered hollow bore needle must be used for the following procedures performed to care for or treat a person:

(a) withdrawal of body fluids;

(b) accessing a vein or artery;

(c) administration of medications or fluids;

(d) any other procedure involving the potential for an exposure to accidental parenteral contact for which a needleless system or safety-engineered hollow bore needle system is available.

3 *Section 6.36 is amended by adding the following subsections:*

(1.2) On and after October 1, 2008, any medical sharp used to care for or treat a person must be a safety-engineered medical sharp.

(1.3) Subsections (1.1) and (1.2) do not apply if

(a) use of the required device, needle or sharp is not clinically appropriate in the particular circumstances, or

(b) the required device, needle or sharp is not available in commercial markets.

(1.4) If more than one type of safety-engineered hollow bore needle or safety-engineered medical sharp is available in commercial markets, the needle or sharp that provides the highest level of protection from accidental parenteral contact must be used.

(1.5) For purposes of subsection (1.4), an employer must make a determination of the highest level of protection available based on information provided by

manufacturers, independent testing agencies, objective product evaluation, or other reliable sources.

(1.6) Safe work procedures and practices relating to the use of safety-engineered hollow bore needles and safety-engineered medical sharps must be developed and implemented before use of these devices.

4 ***The above amendments come into force 90 days after their deposit under the Regulations Act.*** JULY 26, 2007

Dated at Richmond, British Columbia, March 20, 2007.

By the Workers' Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS