

SUBMISSION

to the

POLICY AND REGULATION DEVELOPMENT BUREAU OF THE WORKERS' COMPENSATION BOARD

regarding

OCCUPATIONAL EXPOSURE LIMITS AND DESIGNATIONS

Introduction

The Pulp, Paper and Woodworkers of Canada represent 5,200 members are directly involved in their every day work environment to exposures of workplace chemicals and biological substances. The Occupational Exposure Limits and Designations is the first line of defence to control exposures within those limits, requiring constant monitoring, engineering controls, safe work practices and PPE.

Over the years many of our members have become ill and died due to exposure to various chemicals used in the forest, pulp and paper industries. The worst of all being asbestos that has only in recent years have seen the OEL's being changed to reflect lower levels and designated as an ALARA substance for all asbestos materials.

The evaluation of hazardous chemicals and biological substances used to minimize the risk of exposures must not be compromised.

Issues

Section 228 of the Workers Compensation Act does allow ongoing review on its regulation.

The Workers' Compensation Act does not include in that review, cutting the regulation by one-third if it affects the occupational health and safety and occupational environment of workers and the general public.

Nowhere in the discussion paper does it say that any changes to the regulations must not compromise the safety or increase the risk to the workers and public's health and safety.

The harmonization with other jurisdictions and national standards is clearly an excuse to bring the TLV's designations to a lower standard, thus relieving employers the cost of implementing more stringent methods to control exposure levels through engineering controls, monitoring, training, PPE and reporting, etc.

The question posed in the discussion paper by the Bureau:

Should the Workers' Compensation Board consider adopting the 2002 Threshold Limit Levels ("TLV's") for chemical and biological substances recommended by the American Conference of Governmental Industrial Hygienist ("ACGIH") in place the *Occupational Health & Safety Regulations*?

Our answer to this question is **NO**.

There is nothing wrong with the present Table 5-4 in the Occupational Health and Safety Regulations and the scientific review process that is in place now.

When new research shows the need to make changes to the OEL's the Standing Committee can make recommendations to change it in the Occupational Health and Safety Regulations Table 5-4 Occupational Exposure Limits.

Under the Workers' Compensation Act, public hearings are to be held on the proposed changes to have public input before being adopted. That opportunity will go when the ACGIH tables are part of the regulation and will only change when the ACGIH make the changes with no public hearings.

The adoption of the ACGIH 2002 TLV's will still have 100 substances with different exposure limits as presently regulated in Table 5-4. The "Bureau" has not listed those 100 substances and the differences between the ACGIH Table and Table 5-4. This makes it hard to make a judgment on what system is best when looking at the levels of exposure.

The four substances: wood dust, formaldehyde, styrene and gluteraldehyde still need further review that will require the same process that the adoption of the ACGIH tables was suppose to eliminate.

As pointed out in the discussion document by the "Bureau" many jurisdictions adopt whole or in part ACGIH TLV's, so will the proposed changes

be adopted for all or some ACGIH TLV's other than the four substances needing further review?

Will the ACGIH TLV's be published and updated in the regulation book or will workers have to purchase that information from the ACGIH?

Table 5-4 is already consistent with Federal WHMIS legislation, if it exceeds WHMIS TLV's, then it gives the worker the extra protection in lowering the risk of exposure.

In the "Bureau discussion paper "4.5.2 Disadvantages of Adopting the 2002 ACGIH TLV's" it shows that:

1. Documentation is not "peer – reviewed" and authorship is not revealed,
2. Feasibility is not considered,
3. Differences such as notations, particles size collection and sample collection techniques would require some adjustment to current enforcement protocols.

There are no suggestions from the "Bureau" to address these issues and it seems there is a hidden agenda and timetable to push this set of regulations through.

It seems the "Bureau" is going to make the changes anyway, adopting the ACGIH TLV's and figure out the problems it may cause later after the public hearings, without any public and worker input in fixing those problems.

Conclusion

We feel there would be no advantage to change the present Table 5-4 regulation as it is working well now. Adopting the ACGIH TLV's will complicate changing over from Table 5-4 and mean more research and new protocols being put in place to make them work.

There are regulations that could be reviewed and better time spent making them understandable, simple and eliminating duplication and still meets the mandate of reducing the regulatory burden by one-third.

**Submitted on Behalf of the
Pulp Paper & Woodworkers of Canada by:**

Ken Jupe
Occupational Health and Safety Officer