

**2008/01/29-01**

**THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA**  
**RESOLUTION OF THE BOARD OF DIRECTORS**

**RE: Amendments to requirements of the *Occupational Health and Safety Regulation* (BC Regulation 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:**

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 Part 26 of the *Occupational Health and Safety Regulation* ("*OHSR*");

**AND WHEREAS:**

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to the following Parts of the *OHSR*, and has given notice of the proposed amendments, conducted consultations and held a public hearing on the proposed amendments in accordance with section 226(1) of the *Act*:

- Part 26, with consequential amendments to Parts 1 and 4, relating to forestry operations and similar activities.

**AND WHEREAS:**

Pursuant to section 228 of the *Act*, 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:**

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 regulatory amendments to the *OHSR*, as set out in Appendix A, are approved.
2. The Regulatory Criteria Checklist in Appendix B is approved.
3. The above regulatory amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
4. Sections 1 to 42 and 44 to 56 and 59 and 60 of the above regulatory amendments come into force on May 1, 2008.
5. Section 43 of the above regulatory amendment will come into force on January 1, 2009.

Dated at Richmond, British Columbia, January 29, 2008.

**By the Workers' Compensation Board**

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

## APPENDIX A

### THE BOARD OF DIRECTORS RESOLVES THAT:

1 *Part 26 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by striking out the title and substituting “PART 26 – FORESTRY OPERATIONS AND SIMILAR ACTIVITIES”.*

2 *Section 26.1 is amended*

(a) *by repealing the definition of “binder” and substituting the following:*

“**binder**” means a wire, synthetic rope, chain or other device that is secured by a cinch and placed around logs on a logging truck or trailer to prevent the logs from spilling; ,

(b) *by repealing the definition of “cable clip”,*

(c) *by repealing the definition of “dangerous tree” and substituting the following:*

“**dangerous tree**” means a tree that is a hazard to a worker due to

- (a) its location or lean,
- (b) its physical damage,
- (c) overhead conditions,
- (d) deterioration of its limbs, stem or root system, or
- (e) any combination of the conditions in paragraphs (a) to (d); ,

(d) *in the definition of “faller” by adding “manually” after “who”,*

(e) *in the definition of “high lead” by adding “or on a mobile yarder” after “a lift tree”,*

(f) *by repealing the definition of “landing” and substituting the following:*

“**landing**” means the area to which logs are

- (a) yarded or skidded for sorting, and
- (b) prepared for transportation; ,

(g) *in the definition of “mobile yarder” by striking out “overhead”, and*

(h) *by adding the following definitions:*

“**holding wood**” means the hinge of wood left uncut between the back of the undercut and the backcut;

“**log transporter**” means any of the following used to transport logs on roads:

- (a) a truck;
- (b) a trailer;
- (c) a truck and trailer assembly;

“**multiple-employer workplace**” has the same meaning as in section 118 of the *Workers Compensation Act*;

“**prime contractor**” has the same meaning as in section 118 of the *Workers Compensation Act*;

“**sapling**” means an immature tree that ordinarily would not be harvested; .

## APPENDIX A

### 3 *Part 26 is amended by adding the following sections after the heading “General Requirements”:*

#### **Prime contractor requirements for forestry operations**

**26.1.1** If the owner of a forestry operation enters into an agreement referred to in section 118 (1) of the Act designating a person to be the prime contractor for a workplace, the owner must ensure that

- (a) the person designated
  - (i) is qualified to be the prime contractor in respect of that workplace, and
  - (ii) has the authority necessary to fulfill the responsibilities of prime contractor under the Act, including, without limitation, authority over any employer, worker or other person who may be carrying out the work of the owner at the workplace, and
- (b) not more than one person holds the designation of prime contractor for that workplace at any given time.

#### **Multiple-employer workplace**

- 26.1.2** (1) This section applies to a multiple-employer workplace in a forestry operation.
- (2) Before starting any activity that is likely to create a hazard for an independent operator or a worker of another employer, the person intending to carry out the activity must notify the prime contractor.

### 4 *Section 26.2 is repealed and the following substituted:*

#### **Planning and conducting a forestry operation**

- 26.2** (1) The owner of a forestry operation must ensure that all activities of the forestry operation are both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.
- (2) Every person who has knowledge and control of any particular activity in a forestry operation must ensure that the activity is both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.
- (3) The planning required under this section must
- (a) include identification of any work activities or conditions at the workplace where there is a known or reasonably foreseeable risk to workers,
  - (b) be completed before work commences on the relevant activity, and
  - (c) be documented at the time of planning.
- (4) If, after any planning referred to in subsection (3), there is a change in the workplace circumstances, including the work activities and the conditions of the workplace, and the change poses or creates a known or reasonably foreseeable risk to workers that was not previously identified, then
- (a) the plan must be amended to identify and address the risk and provide for the health and safety of the workers at the workplace, and
  - (b) the amendment must be documented as soon as is practicable.

## APPENDIX A

### 5 *Section 26.3 is amended*

#### *(a) by repealing subsection (1) and substituting the following:*

- (1) Every worker in a forestry operation must receive the training necessary to safely perform the worker's duties.

#### *(b) by repealing subsection (3) and substituting the following:*

- (3) Records must be kept, in a form and manner acceptable to the Board, of the training provided in subsection (1)., *and*

#### *(c) by adding the following subsection:*

- (4) On request of a worker, a copy of the records under subsection (3) that pertain to the worker must be provided to the worker.

### 6 *Part 26 is amended by adding the following section:*

#### **Forestry operation fire fighting**

- 26.3.1** (1) Workers in a forestry operation who fight a forest fire must be
- (a) trained in their fire fighting duties in accordance with a standard acceptable to the Board, and
  - (b) physically capable of performing their duties safely and effectively.
- (2) Training must be provided annually to every worker who is required to fight forest fires and records must be kept of the training provided to each worker.
- (3) Except under emergency conditions, a worker who is fighting a forest fire must wear
- (a) long pants and a long sleeved shirt made of cotton, wool, denim or flame resistant material, or
  - (b) other protective clothing appropriate to the hazards to which the worker may be exposed.

### 7 *Sections 26.4 to 26.7 are repealed and the following substituted:*

#### **Notice of project**

- 26.4** (1) This section
- (a) applies to a workplace in a forestry operation where the work is expected to last more than 5 working days, but
  - (b) does not apply where the work is limited to
    - (i) timber cruising,
    - (ii) forestry road or cutblock layout, or
    - (iii) surveying.
- (2) Not more than 30 days and not fewer than 24 hours before the start of work at a workplace, the owner for whom the work is being done must ensure that a notice of project is provided to the nearest Board office.
- (3) If it is necessary to do immediate work in order to prevent injury to workers or damage to property, work on the project may commence immediately, and the

## APPENDIX A

owner for whom the work is being done must ensure that a notice of project is provided to the nearest Board office at the earliest possible time.

- (4) A notice of project under subsection (2) or (3) must be provided in a form and manner acceptable to the Board.

### Initial safety meeting

- 26.5**
- (1) In this section, “**new work location**” means a work location in a forestry operation where the crew of workers has not previously worked.
  - (2) Before a crew of workers starts work in a new work location, a crew safety meeting must be held to inform the workers of any known or reasonably foreseeable risks in that location and the actions to be taken to eliminate or minimize those risks.
  - (3) If a worker did not attend the crew safety meeting under subsection (2) for a new work location, before starting work in that location, the worker must receive a safety orientation that covers any known or reasonably foreseeable risks in that location and the actions taken to eliminate or minimize those risks.
  - (4) Records must be kept of the crew safety meetings and safety orientations provided under subsections (2) and (3).

### Highly visible clothing

- 26.7**
- (1) Highly visible outer clothing that meets the requirements of Part 8 must be worn by a worker in a forestry operation if
    - (a) the worker may be endangered by any moving equipment or line,
    - (b) the worker’s location must be routinely checked, or
    - (c) the worker is involved in harvesting trees at night.
  - (2) Safety headgear worn by a worker in a forestry operation must be a high visibility colour that contrasts with the background against which the worker is working.

## 8 *Part 26 is amended by adding the following sections:*

### Climbing equipment

- 26.7.1**
- (1) In this section, “**climber**” means a worker who climbs trees or wooden spars at the workplace.
  - (2) Unless a climber uses other equipment acceptable to the Board, a climber must use
    - (a) a safety belt,
    - (b) a climbing rope or strap, and
    - (c) climbing spurs.
  - (3) If a climber must disconnect the climbing rope or strap in order to move by an obstacle, the climber must use a second climbing rope or strap to ensure continuous protection while passing the obstacle.
  - (4) Before a climber begins a climbing activity, a written climber rescue plan must be developed and communicated to all persons associated with the climbing activity.
  - (5) If a climber rescue plan requires another climber,

## APPENDIX A

- (a) a duplicate set of climbing equipment must be available for immediate use at the climbing work site, and
  - (b) the other climber must be available to carry out any required rescue.
- (6) If there is a possibility of a climbing rope or strap being severed in the conditions present at a climbing work site, then
- (a) the rope or strap must be made of material that cannot be severed, or
  - (b) the climber must use a second climbing rope or strap.
- (7) Climbing equipment must be maintained in good order.
- (8) A climber must inspect the climbing equipment before each use to ensure it is in good order.

### Weather conditions

**26.7.2** When weather conditions create a hazard for a worker in a forestry operation, additional precautions must be taken as necessary for the safe conduct of the work.

### *9 Section 26.11 is repealed and the following substituted:*

#### Dangerous trees

- 26.11** (1) If it is known or reasonably foreseeable that work will expose a worker to a dangerous tree,
- (a) the tree must be felled, or
  - (b) a risk assessment of the tree must be undertaken by a person who has completed a training program acceptable to the Board.
- (2) If a risk assessment under subsection (1) determines that a tree poses a risk to a worker, the recommendations made in the risk assessment for eliminating or minimizing the risk must be implemented before the work referred to in that subsection starts.
- (3) Despite subsections (1) and (2), if work in a forestry operation is to be carried out in an area that has more than 500 dangerous trees per hectare, the Board may approve a request to work without felling or assessing all the dangerous trees if, before the work starts,
- (a) a person who has completed a training program acceptable to the Board conducts a risk assessment of a representative sample of the dangerous trees, and
  - (b) any recommendations made in the risk assessment for eliminating or minimizing the risks are implemented.

### *10 Part 26 is amended by adding the following sections:*

#### Equipment Operation

##### Equipment capabilities

**26.12.1**(1) Any equipment designed for a specific function in a forestry operation or adapted for use in a forestry operation must be capable of performing safely the functions for which it is being used.

## APPENDIX A

- (2) The requirements of subsection (1) are met if the equipment is used
  - (a) in accordance with the manufacturer's instructions,
  - (b) as specified by a professional engineer, or
  - (c) in a manner acceptable to the Board.

### Radio controlled equipment

- 26.12.2** In a forestry operation, any equipment that is controlled by a remote control device must be equipped with a "fail safe" or "stop" mechanism that becomes operational if the remote control device fails.

### *11 Section 26.13 is repealed and the following substituted:*

#### Non-slip floors and controls

- 26.13** Foot controls, floors, steps and similar surfaces where workers in a forestry operation walk or stand must be constructed of, or covered with, a non-slip material suitable for the footwear worn.

### *12 Part 26 is amended by adding the following sections:*

#### Equipment operator protections

- 26.13.1**(1) Protective guards must be provided and used on a self-loading log transporter or similar equipment unless
  - (a) it is not practicable to do so, and
  - (b) the absence of guards does not pose a hazard to the equipment operator.
- (2) The heel bar on the operator's side of the loader boom of a self-loading log transporter must be equipped with a deflector shelf and must not be used for heeling logs.
- (3) If pushing or pulling the boom too far on logging equipment could cause the backstop to crush the equipment operator's cab, boom stops must be installed on the equipment.

#### Maintaining operator vision

- 26.13.2** Log handling equipment must not be moved with a load lifted higher than is necessary to provide unobstructed vision for the equipment operator.

#### Mobile yarders

- 26.13.3**(1) A mobile yarder must have a permanently attached, legible and easily visible sign provided by the equipment manufacturer or a professional engineer that includes the following:
  - (a) the name of the manufacturer and the date of manufacture of the yarder, unless this information cannot be determined;
  - (b) the model and serial number of the yarder, unless this information cannot be determined;
  - (c) if the yarder is designed for skyline, slackline or modified slackline systems, the maximum and minimum size of skyline, mainline and haulback that must be used;

## APPENDIX A

- (d) the maximum diameter of the mainline of the yarder;
  - (e) if required for the yarder, the minimum size, number and placement of guylines;
  - (f) if required for the yarder, the placement and number of outriggers;
  - (g) the permissible yarding angles of the yarder;
  - (h) the auxiliary equipment that may be safely attached to the yarder.
- (2) Subsection (1) is satisfied if the information is available at the workplace where the mobile yarder is located.
  - (3) A mobile yarder must be rigged and used in accordance with the information provided under subsection (1) (c) to (h).
  - (4) A mobile yarder must not be moved with the spar or tower in the vertical operating position unless the stability of the equipment can be maintained.
  - (5) Multiple throttle controls on a mobile yarder must be arranged to prevent the simultaneous operation of 2 or more controls.
  - (6) A mobile yarder and its attached equipment must be inspected frequently and at least as often as specified in the equipment manufacturer's instructions.
  - (7) Manufacturer's manuals for a mobile yarder must be available, at the workplace where the yarder is located, to the following persons:
    - (a) the yarder operator;
    - (b) any person maintaining the yarder.

**13 Section 26.14 is repealed.**

**14 Part 26 is amended by adding the following sections:**

### **Hazard area of logging equipment**

- 26.14.1**(1) A hazard area created by the operation of logging equipment must be identified.
- (2) Every hazard area identified under subsection (1) must be communicated to all workers in close proximity to the operating logging equipment and to the hazard area.
- (3) A worker must not enter into or proceed on foot through a hazard area referred to in subsection (1) unless the equipment operator first gives permission to the worker in a clear and unmistakable manner.

### **Designated safe work area**

- 26.14.2**(1) A safe work area must be designated for workers on foot in close proximity to any operating logging equipment.
- (2) The boundaries of a safe work area designated under subsection (1) must be communicated to all workers within and in close proximity to the safe work area.
- (3) No equipment may enter into or proceed through a safe work area unless
  - (a) the equipment operator first obtains permission in a clear and unmistakable manner from all of the workers in that safe work area or from the supervisor of those workers, and

## APPENDIX A

- (b) those workers take a safe position.

### Traffic control

- 26.14.3** If vehicles on a road in a forestry operation are required to drive through a hazard area identified in section 26.14.1 or through a safe work area designated in section 26.14.2, effective traffic control appropriate to the hazard must be implemented.

### *15 Section 26.15 is repealed.*

### *16 Section 26.16 (2) and (3) is repealed and the following substituted:*

- (2) If the manufacturer's maximum slope operating stability limit for logging equipment is known, the equipment must be operated within that limit.
- (3) If the manufacturer's maximum slope operating stability limit for logging equipment is not known, the equipment must be operated within the following limits:
  - (a) a rubber tired skidder must not be operated on a slope which exceeds 35%;
  - (b) a crawler tractor, feller buncher, excavator and other similar equipment must not be operated on a slope which exceeds 40%;
  - (c) any other forestry equipment specifically designed for use on a steep slope must not be operated on a slope which exceeds 50%.
- (4) Despite subsections (2) and (3) but subject to subsection (5), logging equipment may be operated beyond the maximum slope operating stability limits specified in those subsections if
  - (a) a qualified person conducts a risk assessment of that operation, and
  - (b) written safe work practices acceptable to the Board are developed and implemented to ensure the equipment's stability during operation.
- (5) Despite anything in this section, logging equipment must not be operated in a particular location or manner if its stability cannot be assured during that operation.

### *17 Sections 26.17 and 26.19 to 26.23 are repealed and the following substituted:*

### **Manual Falling and Bucking**

#### **Application**

- 26.20.1** Sections 26.21 to 26.29 apply only to manual falling and bucking activities.

#### **Faller qualifications**

- 26.21** (1) A worker must not fall trees or be permitted to fall trees, or conduct or be permitted to conduct bucking activities associated with falling trees, unless
- (a) the worker is qualified to do so to a standard acceptable to the Board, and
  - (b) the work being performed is within the documented and demonstrated capabilities of that worker.

## APPENDIX A

- (2) Subsection (1) (a) does not apply to a worker who is in a falling or bucking training program that is acceptable to the Board.

### Forestry operation faller training

- 26.22** (1) A worker may not work as a faller in a forestry operation unless the worker receives training for falling that is acceptable to the Board and is certified in writing as a competent faller under this section.
- (2) Without limiting subsection (1), faller training must include the following:
- (a) taking basic training in falling trees by working one-on-one with a qualified faller or trainer for a period of not less than 30 days;
  - (b) in the presence of a qualified supervisor or trainer, taking a written or oral examination on falling;
  - (c) after completion of basic training under paragraph (a) and passing the examination under paragraph (b), working as a trainee faller under the close supervision of a qualified faller or trainer for a minimum period specified in subsection (3).
- (3) The required minimum supervision period in subsection (2) (c) is
- (a) 180 days, or
  - (b) a shorter period as determined by a qualified supervisor or trainer, if the supervisor or trainer is satisfied that the worker is competent to perform the tasks of a faller.
- (4) The person supervising a trainee faller under subsection (2) (c) must
- (a) evaluate the trainee's work on a weekly basis,
  - (b) keep records of all evaluations done in respect of the trainee, and
  - (c) if, at the end of the training period, the trainee's falling activity meets a standard acceptable to the Board, verify in writing that the trainee has demonstrated the competence necessary for certification under subsection (5).
- (5) If all of the requirements of subsections (1), (2) and (4) are satisfied in respect of a worker who is a trainee faller, a person acceptable to the Board may certify in writing that the worker is a competent faller.
- (6) A record of the training that is taken under this section must be maintained and kept in a form and manner acceptable to the Board and a copy of that record must be made available to an officer or the trainee to whom the record pertains.
- (7) Subsection (2) does not apply to a worker who satisfies all of the following requirements:
- (a) the worker has performed falling duties regularly for at least 2 years before the evaluation under paragraph (b) of this subsection takes place;
  - (b) the worker's falling activity is evaluated by a qualified supervisor or trainer and it meets a standard acceptable to the Board;
  - (c) in the presence of a qualified supervisor or trainer, the worker passes a written or oral examination on falling;

## APPENDIX A

- (d) the worker is certified in writing as a competent faller by a person acceptable to the Board.
- (8) For the purposes of subsection (7) (b), the qualified supervisor or trainer must
  - (a) keep a record of the evaluation, and
  - (b) verify in writing that the worker has demonstrated the competence necessary for certification under subsection (7) (d).

### Falling supervisors for forestry operations

- 26.22.1** (1) A qualified supervisor must be designated for all falling and associated bucking activities in a forestry operation.
- (2) The supervisor designated under subsection (1) must
    - (a) ensure that the falling and bucking activities are planned and conducted in accordance with this Regulation,
    - (b) inspect the workplace of each faller at time intervals appropriate to the risks, and
    - (c) keep a record of every inspection conducted under paragraph (b).
  - (3) The supervisor designated under subsection (1) must not undertake or be assigned activities which interfere with performance of the supervisor's duties under subsection (2).

### Procedures for falling and bucking

- 26.23** (1) In this section and in section 26.24, "**brushing**" means the striking of a standing tree by a tree being felled if the strike is a direct blow or a glancing blow of sufficient force to cause one or more branches to break at or near the stem of the standing tree.
- (2) Fallers and buckers associated with falling activities must be provided with and follow written safe work practices acceptable to the Board for the type of work activity they perform, including procedures for the following:
    - (a) establishing minimum and maximum distances between fallers and other workers;
    - (b) planning and constructing escape routes;
    - (c) controlling the fall of trees;
    - (d) minimizing unnecessary brushing;
    - (e) dealing with dangerous trees;
    - (f) bucking trees and logs;
    - (g) using mechanical assistance to fall trees;
    - (h) summoning and rendering assistance to manage a falling difficulty or to deal with an emergency;
    - (i) conducting special or innovative harvesting techniques;
    - (j) ensuring the well-being of each faller and buckler at least every half hour and at the end of the work shift.

## APPENDIX A

### 18 Section 26.24 is amended

(a) *by repealing subsections (1) and (2) and substituting the following:*

#### Responsibility for falling and bucking

- (1) Subject to section 26.29 (3), before a tree is felled, all workers must be clear of the area within a 2 tree-length radius of the tree.
- (2) Before falling or bucking starts, all obstructions to the activity must be cleared and a safe escape route to a predetermined safe position must be prepared. ,

(b) *by repealing subsection (5) and substituting the following:*

- (5) The falling of a tree must be conducted in accordance with the following procedures:
  - (a) a sufficient undercut must be used;
  - (b) the undercut must be complete and cleaned out;
  - (c) sufficient holding wood must be maintained;
  - (d) the backcut must be higher than the undercut to provide a step on the stump;
  - (e) wedging tools must be immediately available and, unless the tree has a pronounced favourable lean, wedges must be set.

(c) *by adding the following subsection:*

- (5.1) When a tree is being felled, the tree must not brush standing trees if that can be avoided.

(d) *by repealing subsection (6) and substituting the following:*

- (6) A tree must not be used to cause another partially cut tree to fall in succession unless
  - (a) it is necessary to do so to overcome a specific falling difficulty, and
  - (b) the succession falling is done in accordance with subsection (6.1).
- (6.1) The following apply for the purposes of subsection (6):
  - (a) only one tree may be used to cause another partially cut tree to fall in succession;
  - (b) only those trees necessary to deal with the falling difficulty referred to in subsection (6) are partially cut;
  - (c) a wedge is driven into the backcut of each partially cut tree.

(e) *in subsection (7) by adding “and any other worker present” after “the faller”, and*

(f) *by repealing subsection (8) and substituting the following:*

- (8) All workers must be clear of the hazard area before a tree or log is bucked.

### 19 Section 26.25 is repealed and the following substituted:

#### Dangerous trees and logs

- 26.25** (1) Falling or bucking must not be started if

## APPENDIX A

- (a) a tree or log is in a condition that, if felled or bucked in that condition, the tree or log would pose a reasonably foreseeable risk to a worker, or
  - (b) it appears that the tree cannot be completely felled or the bucking cut cannot be completed, as the case may be.
- (2) If for any reason a partially cut tree cannot be completely felled and must be bypassed or left unattended, then the following apply:
- (a) the tree must be clearly marked;
  - (b) work, other than that necessary to complete the falling of the tree, must stop in the hazard area until the tree is felled;
  - (c) any worker who could enter the hazard area must be alerted to the hazard;
  - (d) the supervisor for that falling activity must be notified.
- (3) The supervisor referred to in subsection (2) (d) must ensure that
- (a) all workers at risk are notified, and
  - (b) the tree is safely felled before other work is undertaken in the hazard area.
- (4) If a bucking cut cannot be completed and the partially bucked log must be bypassed or left unattended, then the following apply:
- (a) if possible, a distinct cross must immediately be cut or marked on the top of each end of the log;
  - (b) the supervisor for the bucking activity must be notified at the end of the work day;
  - (c) the supervisor for the bucking activity must notify all workers at risk.
- (5) Subsections (2) to (4) do not apply if the incomplete falling or bucking is part of a planned process in which safe work practices acceptable to the Board are implemented.

### **20 Section 26.26 is amended**

- (a) *in subsection (3) by striking out “to remove” and substituting “to fall”, and*
- (b) *in subsection (4) by deleting “leaning”.*

### **21 Section 26.27 is repealed and the following substituted:**

#### **Location of fallers**

- 26.27** (1) Fallers and buckers must not work in a location where they or other workers could be endangered by that work.
- (2) If an elevation or steep slope poses a risk to a faller, the faller must be provided with and use an appropriate fall protection system.
- (3) Any fall protection provided under subsection (2) must not impede the ability of the faller to move to a predetermined safe position as required in section 26.24 (7).
- (4) A faller must not work in a location where the faller is supported solely by a lifeline and harness.

## APPENDIX A

### 22 Section 26.29 is amended

*(a) by repealing subsection (1) and substituting the following:*

- (1) Only a worker with duties associated with the falling activity may enter an active falling area. , *and*

*(b) by repealing subsection (3) and substituting the following:*

- (3) A worker, in addition to the faller, may be at the base of a tree being felled if the worker is
- (a) supervising or directing the falling activity,
  - (b) training as a faller, or
  - (c) required to assist the faller to overcome a specific falling difficulty.

### 23 Part 26 is amended by adding the following sections:

#### **Mechanical Falling**

##### **Application**

**26.29.1** Sections 26.29.2 to 26.29.5 apply only to mechanical falling activities.

##### **Limits on use of mechanical harvester**

**26.29.2** A mechanical harvester must not be used to fell a tree if

- (a) the tree is in a condition that, if felled in that condition, it would pose a reasonably foreseeable risk to the harvester operator, or
- (b) the mechanical harvester is not capable of falling the tree safely.

##### **Incomplete falling cuts**

**26.29.3** (1) If a partially cut tree cannot be completely felled by a mechanical harvester and must be bypassed or left unattended, the following apply:

- (a) the tree must be clearly marked;
- (b) work, other than that necessary to complete the falling of the tree, must stop in the hazard area until the tree is felled;
- (c) any worker who could enter the hazard area must be alerted to the hazard;
- (d) the person responsible for the direction and control of the mechanical harvesting activity must be notified.

(2) The person referred to in subsection (1) (d) must ensure that

- (a) all workers at risk are notified, and
- (b) the tree is safely felled before other work is undertaken in the hazard area.

(3) Subsection (1) does not apply if incomplete falling is part of a planned process in which safe work practices acceptable to the Board are implemented.

##### **Hazard area**

**26.29.4** (1) Only a worker with duties associated with a mechanical falling activity may enter the active falling area.

## APPENDIX A

- (2) Before a tree is felled by a mechanical harvester, all workers and equipment, other than the equipment operator and the harvesting equipment, must be clear of the area within a 2 tree-length radius of the tree.

### No additional hazards

- 26.29.5** Mechanical falling activities must be conducted in a manner that does not create any additional hazard for workers conducting subsequent work activities.

### *24 Sections 26.30 to 26.33 are repealed and the following substituted:*

#### Traffic Control for Falling Operations

##### Traffic control

- 26.30** If, in any type of falling activity, a tree being felled may create a hazard to a user of a road, effective traffic control must be used to stop or control approaching traffic.

## Yarding

### Application

- 26.33.1** Sections 26.34 to 26.55 apply only to forestry operations.

### *25 Section 26.34 is amended*

#### *(a) by repealing subsection (6) and substituting the following:*

- (6) If voice signals are being used that cannot be heard by workers who could be endangered by the movement of equipment, the equipment operator must not move the equipment until the operator has given a signal by means understandable to all those workers.
- (6.1) If voice signals are being used to direct the operation of a grapple yarder, the signals specified in Table 26-8 must be used. , **and**

#### *(b) in subsection (12) by striking out “by the Board.” and substituting “by a person acceptable to the Board.”.*

### *26 Sections 26.35 to 26.38 are repealed and the following substituted:*

#### Riding on rigging

- 26.38** (1) Subject to subsection (2), a worker must not be transported on any cable system unless
- (a) the system is authorized for use in a rescue, an emergency, an inspection or maintenance and it is being used for that purpose,
  - (b) all other means for transportation are impracticable, and
  - (c) the system is capable of withstanding the loads and stresses to be placed on it.
- (2) Subsection (1) does not apply if the system is designed
- (a) by a professional engineer, and
  - (b) for the purpose of the transport of workers.

## APPENDIX A

### 27 Section 26.39 is amended

(a) *by repealing subsection (1) and substituting the following:*

#### Safe Location

- (1) A worker must not be positioned within the bight of any running line under tension, nor in a position where the worker could be struck by a line if it were to break or come loose, or be tightened if slack.
- (b) *in subsection (3) by striking out “keep” and substituting “be positioned”, and*
- (c) *by adding the following subsections:*
  - (4) Despite subsection (1), a worker may enter the bight of a slack line to deal with an obstruction or set chokers.
  - (5) If a worker enters the bight of a running line pursuant to subsection (4), the rigging must not be tightened until a clear go-ahead signal has been given by the worker.

### 28 Part 26 is amended by adding the following section:

#### Removal of potential hazards to rigging

- 26.39.1** (1) A tree must be felled if the tree could
- (a) interfere with rig-up or with movement of lines and yarding equipment, or
  - (b) be pushed or pulled into an area where a worker is working.
- (2) Saplings over 6 m (20 ft.) tall that
- (a) are located in an area to be yarded, and
  - (b) constitute a reasonably foreseeable risk to workers
- must be felled before yarding activity begins.
- (3) If it is not practicable to comply with subsection (2), safe work practices acceptable to the Board that eliminate or minimize the risk to workers in the forestry operation may be used if these safe work practices are directed by a supervisor.

### 29 Section 26.40 is amended

(a) *by adding the following subsection:*

- (2.1) An anchor to which a haulback block is attached must have a notch of sufficient depth to retain the strap or must provide equivalent security by other effective means. ,

(b) *by repealing subsections (3) and (4), and*

(c) *by repealing subsections (6) and (7) and substituting the following:*

- (6) Any anchor system not otherwise referred to in this section must be used in accordance with
  - (a) its design specifications and manufacturer’s recommendations, or
  - (b) if those specifications or recommendations are not known, a method acceptable to the Board.

## APPENDIX A

### 30 Section 26.41 is amended

(a) by repealing subsection (1) (b) and substituting the following:

(b) in a manner acceptable to the Board. ,

(b) by adding the following subsections:

- (7) A guyline must be secured to its anchor stump in the following manner:
  - (a) a notch of sufficient depth, or another means of equivalent security, must be used to retain the wrapping lines;
  - (b) sleeve shackles, knob and bell, screwy hooks or line clamps compatible with the guyline size must be used.
- (8) If spikes are used to secure a guyline to an anchor stump, there must be at least
  - (a) 8 spikes in the first wrap, 3 spikes in the second wrap and 8 spikes in the last wrap if the guyline is attached to the yarder, or
  - (b) 3 spikes in the last wrap if the guyline is attached to a back spar.
- (9) If spikes are used to secure a guyline to an anchor stump, there must be a minimum of 2 ½ wraps of the guyline around the anchor stump. , **and**

(c) by repealing Figure 26.1.

### 31 Section 26.43 is repealed and the following substituted:

#### Supporting blocks

**26.43** Straps for supporting blocks must

- (a) be made from wire rope or synthetic fibre material, and
- (b) be of sufficient size and condition to withstand the maximum anticipated loads.

### 32 Section 26.46 (2) (c) is repealed and the following substituted:

(c) a wire rope clip system meeting the requirements of Part 15.

### 33 Section 26.48 (3) is repealed and the following substituted:

- (3) Backspars must be topped unless workers are prohibited from entering the hazard area created when the skyline is loaded.

### 34 Section 26.50 (3) is repealed.

### 35 Sections 26.51 to 26.54 are repealed and the following substituted:

#### Lift trees

**26.51** A lift tree must be topped or guyed unless

- (a) the tree is of adequate strength to withstand the loads that are placed on it during yarding activities,
- (b) the lines run through tail-hold blocks located so as to minimize stress on the tree, and

## APPENDIX A

- (c) tail-holds are rigged and located to prevent a worker from being endangered if the tree is pulled over.

### Skidding

#### Ground skidding operations

- 26.53** Ground based skidding operations must be conducted using safe work practices acceptable to the Board, including, without limitation, the following:
- (a) not winching at an angle that could cause an obstruction to upset the equipment;
  - (b) to avoid obstruction hang-up and rollover, if practicable, winching the turn up tight to the equipment before the equipment is moved;
  - (c) selecting a suitable gear to maintain control of the equipment before climbing or descending grades;
  - (d) dropping the turn to free the log if an unchoked log is picked up with a turn;
  - (e) avoiding abrupt turns of equipment on side hills.

**36** *Sections 26.56 to 26.62 are repealed and the following substituted:*

### Forestry Work Areas

#### Work area arrangement

- 26.56** (1) In this section, “**work area**” includes any area in which any forestry work is done but does not include the travelled portion of a road unless that portion of the road is being used as a landing.
- (2) Work in a work area in a forestry operation must be planned and the work area must be located, constructed, maintained and operated to ensure the following:
- (a) logs can be moved safely in the area;
  - (b) log piles and equipment used to handle the logs do not become unstable or otherwise create a hazard;
  - (c) workers are able to work in locations clear of moving logs and equipment;
  - (d) workers are not exposed to incoming or runaway logs or other debris;
  - (e) the area is kept free from buildup of bark and other debris to the extent that it would pose a risk to workers;
  - (f) an effective method of dust control is used and maintained.
- (3) Log piles must, to the extent practicable, be located on stable and relatively level ground.
- (4) Log piles must not be higher than the safe operating reach of equipment being used to handle the logs.

#### Suspended logs

- 26.59** (1) A log must not be passed over any worker or occupied vehicle or equipment.
- (2) Despite subsection (1), a log may be passed over a vehicle or equipment that is being loaded, if the log

## APPENDIX A

- (a) does not pass over any portion of the vehicle or equipment that is occupied by a person, and
  - (b) does not constitute a hazard for the occupant of the vehicle or equipment.
- (3) A worker must not stand or pass under a suspended log.

### Vehicle movements

- 26.61** (1) Effective means of communication must be used in a forestry operation to control vehicle movements in any location where
- (a) a loader operator is unable to see the loading operation, or
  - (b) trucks are moving at landings, load-out points, water dumps, dry land sorts or railway reloads.
- (2) If, for the purposes of subsection (1), audible signals are used as the means of communication, the signals must meet the requirements of section 26.34 and Table 26.2.

**37** *Section 26.63 is amended by striking out “permitted by” and substituting “permitted by law or by”.*

**38** *Section 26.64 is amended by deleting “danger area” and substituting “hazard area”.*

**39** *Section 26.66 is amended*

*(a) by repealing subsection (3) and substituting the following:*

- (3) Stakes, extensions and stake lines must be installed and maintained to ensure that when the log transporter is loaded
- (a) the angle between the bunks and stakes at the base does not exceed 90°, and
  - (b) the angle between the bunks and the stakes and extensions above the base does not exceed the angle at which the stakes and extensions can safely withstand the maximum anticipated loads. ,

*(b) by adding the following subsections:*

- (4.1) A worker must not go on bunks and trailer assemblies to raise or lower stakes and extensions unless it is impracticable to do otherwise.
- (4.2) If a worker must go on a bunk or trailer assembly to collapse stakes or extensions, the worker must be provided a safe means of getting on and off the bunk or trailer assembly.
- (4.3) Procedures must be developed and implemented for collapsing stakes or extensions during adverse weather conditions.

*(c) by repealing subsection (6),*

*(d) by adding the following subsection:*

- (8.1) A record of all inspections conducted under subsection (8) must be maintained. ,  
*and*

*(e) by repealing subsection (9).*

## APPENDIX A

### 40 Section 26.67 is amended

**(a) by repealing subsection (1) and substituting the following:**

- (1) In order to control the movement of a log transporter while it is being loaded, an effective means of communication must be established between the transporter operator and any worker loading the logs. ,

**(b) by adding the following subsections:**

- (1.1) Logs must not be loaded on a log transporter unless all workers in the vicinity are in a safe location and clear of any moving logs or logs that might move or fall during that operation.
- (1.2) While a log transporter is being loaded, a worker must not stand on the cab platform of the transporter or between the transporter cab and a log being loaded.
- (1.3) Logs must be loaded on a log transporter in a manner that meets all of the following requirements:
  - (a) the load must be stable without the use of binders;
  - (b) the transporter and the load must remain stable while in transit;
  - (c) the strain on the binder units, bunk stake lines or stakes must not exceed the load that the units, lines or stakes are designed to bear;
  - (d) the free and full movement of the transporter must not be impaired. ,

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

- (4) The log length on a log transporter must not exceed the design capacity of the road. , **and**

**(d) by adding the following subsections:**

- (5.1) Hazardous limbs must not be transported on a log transporter.
- (5.2) A worker must not stand on any part of a load of logs on a log transporter.

### 41 Section 26.68 is amended

**(a) by repealing subsection (1) and substituting the following:**

- (1) Unless the centres of all logs lie below the level of the top of the stakes on a log transporter, at least 2 binders must be installed to restrain the logs before the transporter is moved. ,

**(b) by adding the following subsection:**

- (1.1) If the logs are preloaded onto a trailer, the binders required under subsection (1) must be installed immediately after the loading and before the trailer is connected to the tractor of the logging truck. ,

**(c) by repealing subsection (2) and substituting the following:**

- (2) A loaded log transporter may be moved within the loading area without the binders required under subsection (1) if no worker is exposed to the risk of a falling log or other falling debris.,

**(d) in subsection (3) by striking out “truck” and substituting “log transporter”, and**

## APPENDIX A

*(e) by adding the following subsections:*

- (3.1) All binders that must be in place before a load of logs may be transported must be put on
  - (a) as soon as practicable after loading, and
  - (b) in a location in close proximity to the loading area.
- (3.2) Loads or logs must not be moved or shifted while binders are being applied or adjusted.
- (3.3) A binder on a load of logs must be checked and kept tight during transportation of the logs.
- (5.1) Subsection (5) does not apply in a loading area if no worker is exposed to the risk of a falling log or other falling debris.

**42 Sections 26.69 to 26.71 are repealed and the following substituted:**

**Binder removal**

- 26.69** (1) In this section, “**binder removal station**” means a structure that is designed to protect a worker, when releasing binders or stakes, from the maximum anticipated load of falling or sliding logs or log chunks.
- (2) Written safe work procedures acceptable to the Board must be developed for
    - (a) removing binders, and
    - (b) the use of a binder removal station.
  - (3) The written procedures developed under subsection (2) must be
    - (a) posted in a visible location at any place where binders are removed, including a binder removal station, and
    - (b) maintained in a legible condition.
  - (4) Binders must not be removed when a worker is preparing to unload logs from a log transporter unless
    - (a) a binder removal station is being used, or
    - (b) the logs are otherwise restrained to prevent them from falling on the worker who is releasing the binders or stakes.
  - (5) Once binders have been removed from a load of logs, the unrestrained load must not be moved if any worker is exposed to the risk of a falling log or other falling debris.

**Operating procedures**

- 26.71.1** (1) The operator of a log transporter must follow safe operating procedures.
- (2) Without limiting subsection (1), the operator referred to in subsection (1) must
    - (a) not overtake another moving industrial vehicle, except on a signal from the other vehicle operator,
    - (b) use extreme caution when approaching vehicles coming from the opposite direction,

## APPENDIX A

- (c) keep a safe distance when following crew transportation vehicles, having due regard for road and grade conditions and visibility,
- (d) drive at a speed appropriate to the log transporter's capabilities, the road design and condition, the traffic, the visibility and the weather conditions, and
- (e) not operate the log transporter while impaired by
  - (i) fatigue, or
  - (ii) any other cause, substance or matterthat could prevent the operator from operating the log transporter safely.

### Daily log

- 26.71.2**(1) In this section, "**hauling cycle**" means the time allowed for each round trip.
- (2) The operator of a log transporter must maintain a daily log into which must be entered the following information:
- (a) the date of the entry;
  - (b) the printed name of the operator;
  - (c) the truck licence plate or unit number;
  - (d) the odometer reading of the truck at the beginning of the day, if the truck has an odometer;
  - (e) the name of each contractor or employer for whom the operator worked during the day;
  - (f) the start and stop time of each trip the operator makes;
  - (g) the distance driven for each trip the operator makes;
  - (h) the total distance driven by the operator during the day;
  - (i) the total driving hours during the day;
  - (j) the hauling cycle.

**43** *Section 26.69 is amended by adding the following subsection:*

- (6) A binder removal station must not be used unless it is certified by a professional engineer as capable of performing its intended function.

**44** *Section 26.72 is amended by striking out "A logging truck must be equipped with a horn or whistle which" and substituting "A log transporter must be equipped with a horn or whistle which, under normal conditions,"*

**45** *Sections 26.73 to 26.75 are repealed.*

**46** *Section 26.76 (1) is amended by striking out "logging truck" and substituting "log transporter".*

**47** *Section 26.78 is repealed and the following substituted:*

## APPENDIX A

### Transporting workers

- 26.78** An operator of a vehicle transporting workers in a forestry operation on a road must not overtake and pass a moving and loaded log transporter or low bed transport truck, unless
- (a) that operator receives a signal to proceed from the operator of the loaded log transporter or the operator of the low bed transport truck, and
  - (b) the road conditions are suitable for that manoeuvre.
- 48** *Section 26.84 (2) is amended by striking out “logging truck” and substituting “log transporter”.*
- 49** *Section 26.85 (2) (a) is repealed and the following substituted:*
- (a) be reported immediately in writing to the supervisor, and .
- 50** *Section 26.87 (2) is amended by striking out “tow booms” and substituting “tow log booms”.*
- 51** *Section 26.89 is amended by striking out “on the boat.” and substituting “on the boat unless the boat is firmly secured to the log bundles in a manner that allows the operator to get on and off safely.”.*
- 52** *Section 26.92 is repealed.*
- 53** *Section 26.93 is amended*
- (a) *by repealing subsection (1) and substituting the following:*
    - (1) Log booms must be made up and sized with due regard for the size and quality of the available rigging. , *and*
  - (b) *in subsection (3) by striking out “and suitable walkways”.*
- 54** *Sections 26.95 and 26.96 are repealed and the following substituted:*

### Winches

- 26.95** A boat that is used to make up or strip booms must use a winch appropriate to the task that
- (a) is capable of withstanding the maximum stress that could be imposed while moving log bundles, and
  - (b) has a large enough diameter to hold all of the line that is needed to complete the task.

### Manual boom stripping

- 26.96** If boom stripping is done manually, a sufficient number of workers must be available to handle the rigging safely.
- 55** *Sections 26.98 and 26.99 are repealed and the following substituted:*

### Dumping log bundles

## APPENDIX A

**26.98A** log or log bundle must not be dumped into water if there is a known or reasonably foreseeable risk to a worker.

**56** Part 26 is amended by adding the following table:

<b>Table 26-8: Voice commands for grapple yarders</b>		
Item	To instruct operator to:	Signaller says:
1	Grapple log and go ahead	CLOSE AND GO
2	Close grapple but not go ahead	CLOSE
3	Stop rigging	STOP
4	Open grapple	OPEN
5	Move empty grapple ahead	AHEAD
6	Move empty grapple back	BACK
7	Go ahead on strawline	AHEAD ON THE STRAWLINE
8	Slack mainline	MAINLINE
9	Slack haulback	HAULBACK
10	Lower grapple	DOWN
11	Slack strawline	SLACK STRAWLINE
12	Swing to operator's left	SWING LEFT
13	Swing to operator's right	SWING RIGHT
14	Hold haulback and go ahead on mainline	TIGHTLINE

**57** Sections 1 to 42 and 44 to 56 come into force on May 1, 2008.

**58** Section 43 comes into force on January 1, 2009.

*Dated at Richmond, British Columbia, January 29, 2008.*

*By the Workers' Compensation Board*

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

## APPENDIX A

### THE BOARD OF DIRECTORS RESOLVES THAT:

**59** *Section 1.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding the following definition:*

“**hazard area**” means an area in a workplace where a hazard exists, or is created, due to a condition in the area or the activities conducted in it; .

**60** *Section 4.65 is amended*

(a) *in subsection (1) by striking out* “Except as provided in subsections (2) and (3), and in section 4.69,” *and substituting* “Except as otherwise provided in this section and section 4.69,”

(b) *in subsection (1) (a) by adding* “, outside areas” *after* “building exteriors”, *and*

(c) *by adding the following subsection:*

(1.1) Cap lamps or other local sources of illumination acceptable to the Board must be used if the light intensity in a work area is less than 22 lux (2 fc) and it is impracticable to provide illumination by any other means.

**61** *Sections 59 and 60 come into force on May 1, 2008.*

*Dated at Richmond, British Columbia, January 29, 2008.*

*By the Workers’ Compensation Board*

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

## APPENDIX B

# Regulatory Criteria Checklist INCLUDING SMALL BUSINESS LENS

*The purpose of the checklist is to demonstrate that legislative and regulatory changes have been developed according to the regulatory reform policy, while still protecting public health, safety and the environment.*

*Name of authorizing legislation: Workers Compensation Act*

*Name of regulation, if applicable: Occupational Health and Safety Regulation (“OHSR”)*

*Purpose: Amendments to the OHSR to maintain or enhance worker health and safety*

**If the answer is “NO” to any of the below criteria, please attach an explanation.**

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Regulatory Criteria	Criteria Met
<b>1. Reverse Onus: Need is Justified</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"><li>- Has the public policy been defined?</li><li>- Has the scope of the public policy problem been assessed?</li><li>- Is government intervention necessary to address the problem?</li><li>- Can a flexible policy be designed to fit different circumstances?</li><li>- Is there a way compliance can be voluntary? <b>No</b></li></ul>	
<b>2. Cost-Benefit Analysis</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"><li>- Is the benefit to government or external partners worth the increased cost to business and those who must comply?</li><li>- If a formal cost-benefit analysis is not required, have the impacts of the requirements been analyzed?</li></ul>	
<b>3. Competitive Analysis</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"><li>- Has the impact of the requirements on British Columbia’s economic competitiveness been assessed?</li><li>- Have the requirements been compared with other relevant jurisdictions?</li><li>- Have the regulatory requirements been analyzed for compliance with British Columbia’s obligations under the Trade, Investment, and Labour Mobility Agreement?</li></ul>	
<b>4. Streamlined Design</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<ul style="list-style-type: none"><li>- Do the requirements avoid or eliminate duplication or overlap with federal or local government requirements, or those of other ministries?</li><li>- Can they be streamlined, harmonized with or incorporated into existing legislation/regulation/policy?</li><li>- Has business process mapping been undertaken to streamline the requirements and lessen the time needed to comply? <b>No</b></li></ul>	
<b>5. Replacement Principle</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<ul style="list-style-type: none"><li>- Will one regulatory requirement be eliminated for each new regulatory requirement introduced by the legislation or regulation?</li></ul>	

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## APPENDIX B

- 6. Results-Based Design**  YES  NO
- Does the design reflect government's commitment to regulatory requirements that are results-based and use scientific evidence?
  - Have market incentives been considered to achieve compliance and regulatory objectives?
- 7. Transparent Development**  YES  NO
- Are the requirements transparent for ease of access, understanding and compliance?
  - Have interested parties had an opportunity to present their views during the development of the requirements?
  - Have interested parties had the opportunity to see and comment on the proposed requirements?
- 8. Time and Cost of Compliance**  YES  NO
- Has the amount of time needed to comply been reduced?
  - Can compliance occur with existing resources (e.g. no additional staff, accountant, lawyer, is required)?
  - No additional paperwork is required (costing time and money). If additional paperwork results, can this be incorporated into or streamlined with existing paperwork?
  - Can compliance occur without specialized training? If training is needed, is it equally accessible to the rural areas of the province and for persons who do not have access to high speed (broad band) Internet?
  - Have government service standards been set (e.g. response or turnaround time)? **N/A**
  - Have steps been considered to ensure that those who administer the requirements will respond in a timely way to those who are affected by the requirements?
- 9. Plain Language**  YES  NO
- Have the requirements been drafted in a way that is easy to understand and facilitates compliance?
- 10. Simple Communications**  YES  NO
- Will this change be communicated?
  - Can it be described in less than one page?
  - Can it be added to existing small business information sources such as the Small Business BC website?
- 11. Sunset Review/Expiry Principle**  YES  NO
- Has a date been set to review the requirements to ensure continued relevancy, or does the legislation or regulation contain a sunset provision for requirements to expire?

## APPENDIX B

### Net Change by Part:

<b>Part 26, Forestry Operations and Similar Activities</b>	<b>Number of Regulatory Requirements to be added:</b>	<b>135</b>
<b>Part 1, Definitions</b>	<b>Number of Regulatory Requirements to be eliminated:</b>	<b>93</b>
<b>Part 4, General Conditions</b>	<b>NET CHANGE:</b>	<b>42</b>

**January 29, 2008**

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**Responsible Minister or Head of Regulatory Authority**

**Date**

Douglas J. Enns, Chair

Board of Directors

Workers' Compensation Board

**Ministry/Agency and Contact:**

Ross Pallett, Technical Director, Prevention Policy and Regulation Review, Policy and Research Division, WorkSafeBC - WCB, (tel): 604-244-6186

## APPENDIX B

### 1. *Reverse Onus: Need is Justified*

These amendments are necessary to maintain reasonable standards for the protection of worker health and safety.

These amendments to the *OHSR* relate to:

- Part 26, Forestry Operations and Similar Activities

Compliance with the *OHSR* is mandatory.

### 2. *Cost-Benefit Analysis*

These amendments to the *OHSR* do not warrant a formal cost-benefit analysis, however the impacts of the requirements have been analyzed.

### 3. *Competitive Analysis Completed*

The nature of these amendments to the *OHSR* does not warrant a formal competitive analysis. Where possible, the requirements have been compared to other jurisdictions. The *OHSR* is outside of the requirements of the Trade, Investment, and Labour Mobility Agreement.

### 4. *Streamlined Design*

The amendments do not duplicate requirements imposed by another regulatory jurisdiction. Business mapping is not an issue with these regulatory requirements.

### 5. *Replacement Principle Applied*

The amendments result in a net addition of 42 regulatory requirements. These were necessary to incorporate new requirements such as obligations around prime contractor, falling supervisor and log transporter operator. The additional regulatory requirements also dealt with expanded planning responsibilities and such things as language defining hazard areas and safe work areas when working around machinery. Language was expanded in some sections for emphasis or clarity. For example, falling was separated into manual falling and mechanical falling, and critical falling practices were added to the existing list for emphasis. Procedures for dealing with dangerous trees and logs were expanded for clarity.

### 6. *Results-Based Design*

These amendments are a mix of results-based and prescriptive requirements. One of the objectives of the WCB's ongoing regulation review is to strike a reasonable balance between establishing standards or practices for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance. Where appropriate, the amendments allow flexibility for workplaces to determine

## APPENDIX B

appropriate control measures, while maintaining a reasonable standard of protection of worker health and safety.

### 7. *Transparent Development*

Section 226(1) of the *Workers Compensation Act* requires three conditions to be met before making a regulation, as follows:

- 226 (1) Before making a regulation under this Part, the Board
- (a) must give notice of the proposed regulation in the Gazette and in at least 3 newspapers, of which one must be published in the City of Victoria and one in the City of Vancouver,
  - (b) must hold at least one public hearing on the proposed regulation, and
  - (c) may conduct additional consultations with representatives of employers, workers and other persons the Board considers may be affected by the proposed regulation.

The three conditions have been met for the 2007 regulatory amendment process:

a. Notice was published in the Gazette and in the following 10 newspapers:

- Kelowna Capital News
- Kelowna Daily Courier
- Nanaimo Bulletin
- Nanaimo Daily News
- Nelson Daily News
- Prince George Citizen
- Prince George Free Press
- Vancouver Province
- Vancouver Sun
- Victoria Times Colonist

b. A public hearing was conducted pursuant to Resolution #2007/04/25-01. The Hearing Panel was comprised of Roberta Ellis (Chair), Anne Burch (Vice Chair), and Ed Bates (General Counsel).

The public hearing was conducted between May 3, 2007 (date of formal notice) and July 13, 2007 (due date for written submissions). Oral hearings were conducted in five locations, namely Vancouver, Kelowna, Nanaimo, Nelson and Prince George on June 12, 14, 19, 21 and 26, respectively. Two public hearing sessions were scheduled on each of these days, from 3:00 to 5:00 pm, and from 7:00 to 9:00 pm, to ensure maximum accessibility by stakeholders; and

c. A number of avenues were provided for stakeholders to give feedback to the 2007 proposed amendments to the *OHSR* prior to the formal public hearing. The proposed amendments were:

- placed on the WorkSafeBC website and stakeholders advised of the link;
- sent to over 1600 persons via E-news;

## APPENDIX B

- provided to the Policy and Practice Consultative Committee members;
- the focus of 8 consultation sessions with more than 100 people, including:
  - Employers' Forum on January 16, 2007;
  - Stakeholders in general on January 18, 2007;
  - Steelworkers Union on January 30, 2007;
  - Council of Forest Industries on February 7, 2007;
  - Ministry of Forests on February 8, 2007;
  - BC Federation of Labour on February 9, 2007;
  - BC Forest Safety Council on December 15, 2006 and February 14, 2007; and

### 8. *Time and Cost of Compliance*

Amendments to the *OHSR* are intended to keep workers safe from injury, illness or/and disease. The amount of time required to comply has not been reduced. Compliance with most of the regulations can occur with existing resources; government standards are not applicable; once regulation becomes effective all employers are expected to comply with the new regulations.

### 9. *Plain Language*

The amendments are drafted in plain language.

### 10. *Simple Communication*

Changes to regulations must be deposited with the Registrar of Regulations pursuant to the *Regulations Act* and may come into force no sooner than 90 days after their deposit, pursuant to section 227 of the *Workers Compensation Act*. To ensure successful implementation of the new requirements, the amended regulations will be effective June 1, 2008, with the exception of section 26.69(6) which will be effective February 1, 2009.

The amended regulation will be posted on the WorkSafeBC website on the day the changes come into force. The Policy and Practice Consultative Committee, an advisory committee comprised of representatives from employers and workers, will be advised. An E-news notification will be sent to over 1600 stakeholders. A communications strategy has been developed to ensure workplace parties are aware of the changes. There may be guidelines drafted as deemed necessary to provide additional clarity on the new requirements and to assist with implementation and compliance.

### 11. *Sunset Review and Expiry Provisions*

Sunset review and expiry provisions are not required. Section 228 of the *Workers Compensation Act* requires the WCB to undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace

## **APPENDIX B**

practices, technological advances and other changes affecting occupational health and safety and occupational environment.