

So, you think you have a combustible dust. What's next?

Manufacturing Safety Alliance of BC

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Historical example: 2008 Imperial Sugar (Georgia)




Historical examples: 2012 (A really bad year in BC)



Current state of the regulatory requirements

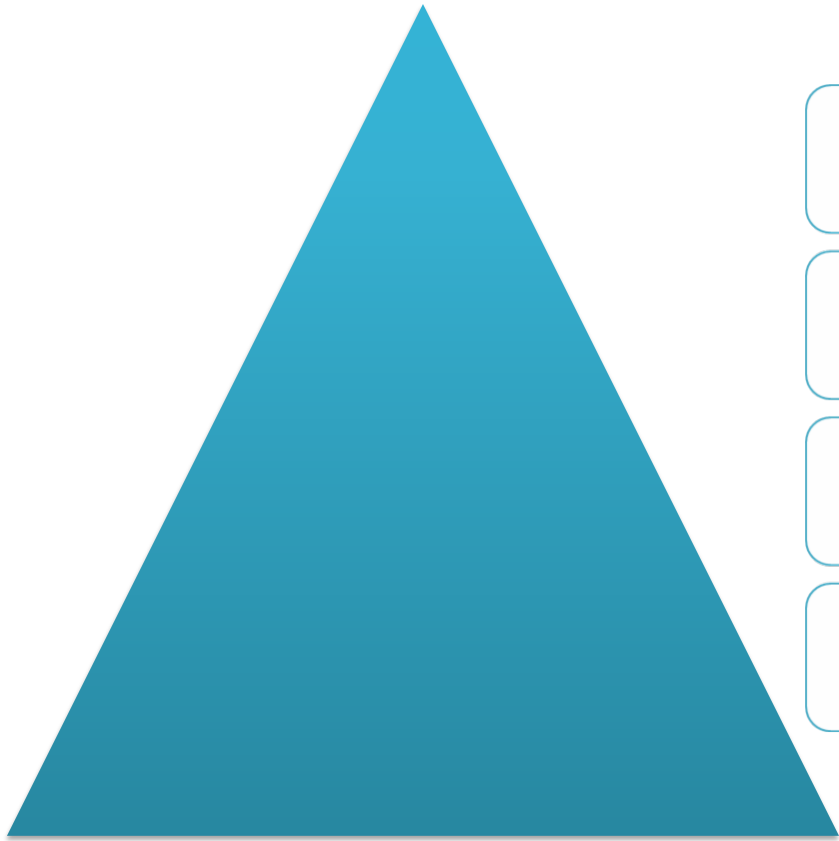
- Regulates dust in two ways:
 - Health hazard
 - Fire and explosion hazard
 - The health hazard is covered in OHSR Part 5
 - No new changes from proposed regulation.
 - Current WCA policies:
 - P2-21-1 – General duties of employers – wood dust mitigation and control
 - P2-21-2 – General duties of workers – wood dust mitigation and control
 - P221-3 – General duties of supervisors – wood dust mitigation and control
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Why a new regulation?

- The 2012 sawmill explosions brought combustible dust into the public interest.
 - Existing regulation has limited language related to combustible dust.
 - Replace existing WCA Policies relating to Wood Dust Mitigation and Control (P2-21-3, P2-22-2, P2-23-3)
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Regulatory Development

Legislation - Hierarchy



Act


Regulation

Policies

Guidelines

Regulatory Development and Consultation

Authority

- The *Workers Compensation Act* (the “WCA”) grants WorkSafeBC the authority to develop OHS regulations in BC:
 - **Section 111** – Authority to make regulations
 - **Section 115** – Requirement for ongoing review of regulations
 - **Section 113** – Requirements before making regulation
 - **Section 114** – When a regulation comes into force
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Regulatory Development and Consultation

Overview



REGULATORY AGENDA

- Requests for amendments
- Prioritization in PRRD – feedback to submitter for justification
- OHS committee and PPCC feedback



BOD WORKPLAN APPROVAL



INTERNAL WORKING GROUP

- SMEs from each regulatory area
- Analyzes issues and propose draft strike-through



LEGISLATIVE COUNSEL

- Draft language for changes
- Circulated to working group for review



PRE-CONSULTATION


- External stakeholders (employer and worker) who have subject matter expertise
- Nominated by PPCC
- Relevant feedback incorporated

Regulatory Development and Consultation


Overview (cont'd)




What's covered by the proposed regulation?

- Any dust that is handled or generated in a workplace.
 - This includes, wood dust, metal dust, agricultural dust, plastic dust, manufactured powders, and lint.
 - Dust that is in sealed commercial packaging is excluded.
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- **Note: The proposed regulation is still undergoing consultation in its draft format and is subject to change.**
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What's noteworthy about the proposed regulation?

- Provides a balance of performance and prescriptive elements.
 - Expands focus to all combustible dusts, not just wood.
 - Expands requirements for:
 - Risk assessment
 - CD management program
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The “Road Map”

- General provisions underlying the regulatory framework.
 1. Assumption (or testing and analysis)
 2. Risk assessment
 3. CD management program
 4. Specific risk controls
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Assumption

- If your workplace handles or generates a dust, you must assume it's ignitable and deflagrable, unless:
 - a) A test following a prescribed method shows the dust is not combustible,
OR
 - b) Objective data derived from a prescribed testing method shows the dust is not combustible.
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Risk assessment

- Employer must conduct a risk assessment in consultation with a qualified person.
 - The regulation outlines:
 - the risk assessment process.
 - when the assessment must be reviewed and updated.
 - “*Qualified*” – as defined in OHSR section 1.1
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Combustible dust management program

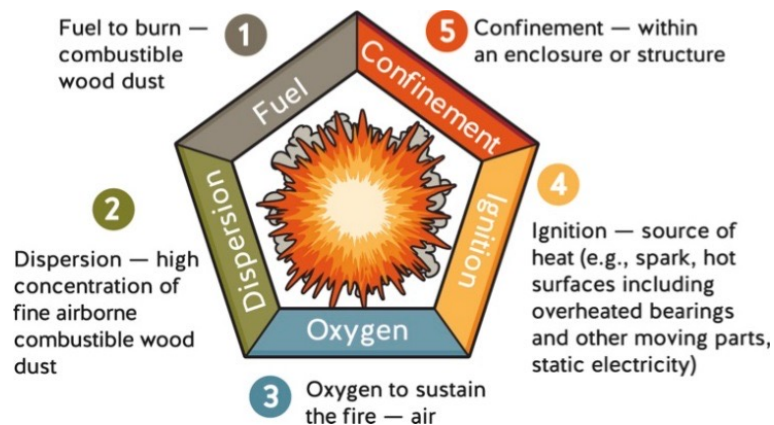
- Once the risk assessment has been conducted, a CD management program must be developed and implemented.
 - The program is to be developed by the employer, under consultation with a qualified person.
 - The regulation outlines the elements of a combustible dust management program.
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What is a “qualified” person?

- OHSR 1.1 defines qualified as:
 - *“Being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof.”*
 - Can be a single person or a team.
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Specific requirements

- The regulation outlines specific requirements depending on:
 - the type of dust,
 - the workplace circumstances, and
 - the machinery and equipment involved.
- The risk assessment is informed by the explosion pentagon.




What to expect when an Officer arrives


- A CD inspection will typically encompass:
 - A review of available documentation
 - Risk assessment
 - CD Management program
 - A site tour
 - Talking with workers and supervisors




Where are we in the regulation development?

- **Public consultation** – concluded in June 2023
 - PRRD – reviewed stakeholder written feedback
 - Revisions made to the proposed regulation
 - **Public hearing** – conducted May 14, 2024
 - Stakeholders attended virtually and provided oral feedback, or made written submissions.
 - PRRD – currently reviewing stakeholder feedback to consider further revisions
 - Any revisions to the proposed regulation to be subsequently made with involvement of Legislative Counsel
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Next steps

- PRRD review of all Public Hearing feedback regarding the updated proposed regulation
 - Finalize the proposed regulatory amendments with Legislative Counsel
 - Depending on the nature of subsequent revisions, WorkSafeBC's BOD then decides to approve the proposed regulation
 - 90 days after the proposed regulation is deposited, it comes into force
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How will the new CD regulation be supported?

- CD companion manual under development.
 - WorkSafe Officers will be trained and can be a resource.
 - Information available at www.worksafebc.com
 - WorkSafeBC Guidelines are likely for select provisions or topics.
 - Industry associations
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Questions