

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

## Make It Safe

## (Manufacturing Safety Alliance of BC)

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# Outline for today:

1. Current *Occupational Health and Safety Regulation* (OHSR) requirements for CD
2. OHSR regulatory amendment process in BC
3. Proposed CD amendment project – General framework & key elements
4. Current status of the proposed amendments
5. Resources to support the proposed amendments

# Historical example: 2008 Imperial Sugar (Georgia)



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

- Babine Forest Products – Jan. 2012
- Lakeland Mills Ltd. – Apr. 2012



# Current state of the regulatory requirements

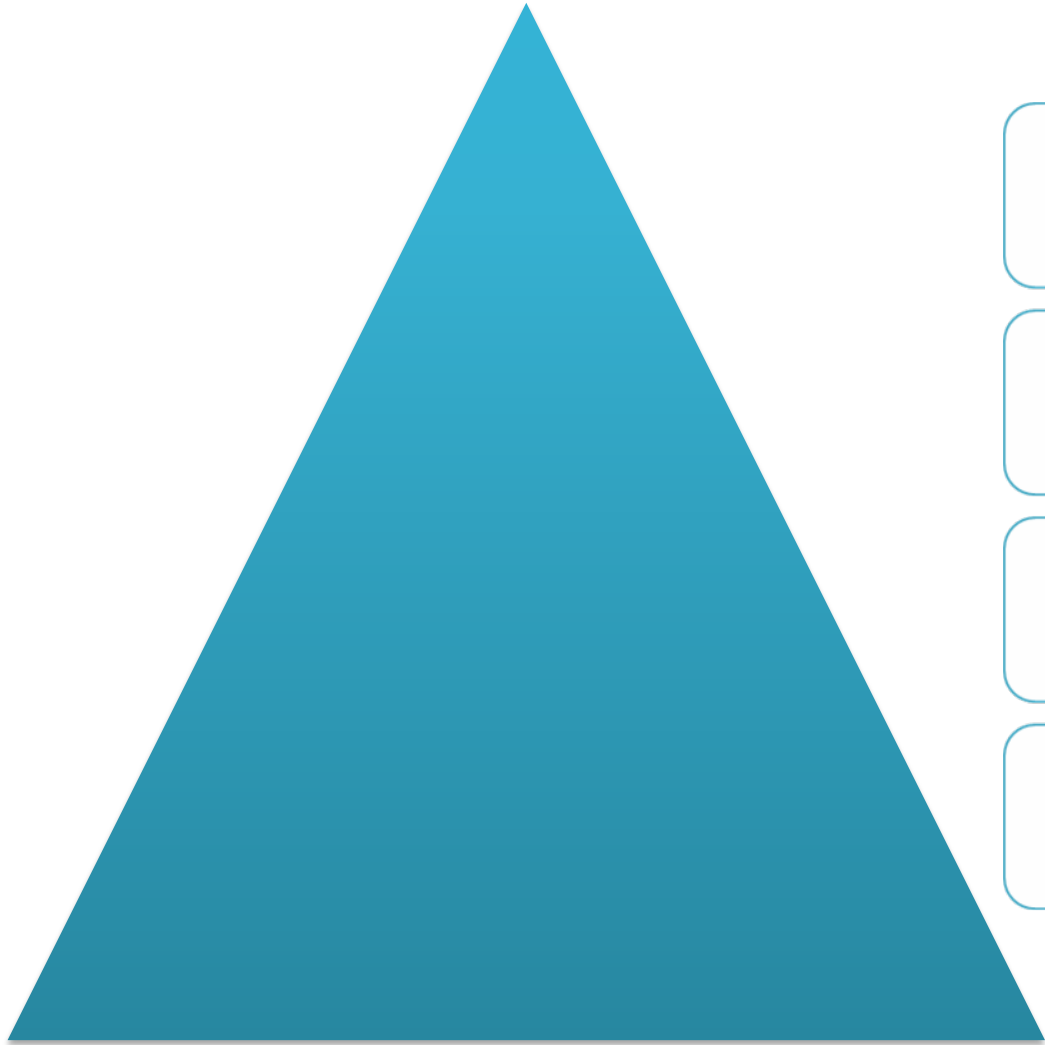
- Regulates dust in two ways:
  - Health hazard (occupational disease)
  - Fire and explosion hazard
- The health hazard is covered in OHSR Part 5
  - No new changes from proposed regulation.
- Current WCA policies:
  - P2-21-1 – General duties of employers – wood dust mitigation and control
  - P2-21-2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

# 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)

# 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



# 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)



### **PUBLIC CONSULTATION**

- Draft amendments made public
- Stakeholders provide written comments
- Amendments revised, if necessary



### **PUBLIC HEARING**

- Revised draft amendments made public
- Amendments revised – minor only
- Substantive changes require another public hearing



### **BOARD OF DIRECTORS' DECISION**

- BOD decision regarding amendments



### **NOTIFICATION**

- Stakeholders notified of BOD decision



### **DEPOSIT OF REGULATION**

- Regulations deposited with Office of the Registrar of Regulations, Ministry of the Attorney General
- 90 days until effective

# What's covered by the proposed regulation?

- 2 aspects:
  - i. Dust that is a product, byproduct or waste of a work process; and
  - ii. Dust that is generated or handled at a workplace.
- This includes, wood dust, metal dust, agricultural dust, plastic dust, manufactured powders, and lint.
- An exclusion – Dust that is in sealed commercial packaging.
- **Note: *The draft regulations are still in development and subject to change.***

# The “Road Map”

- General provisions underlying the regulatory framework.
  1. Identifying CD – assumption; or testing & analysis
  2. Risk assessment
  3. CD management program:
    - Specific risk controls – determine and implement
  4. Provide instruction and training

# 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.

# 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

# 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.

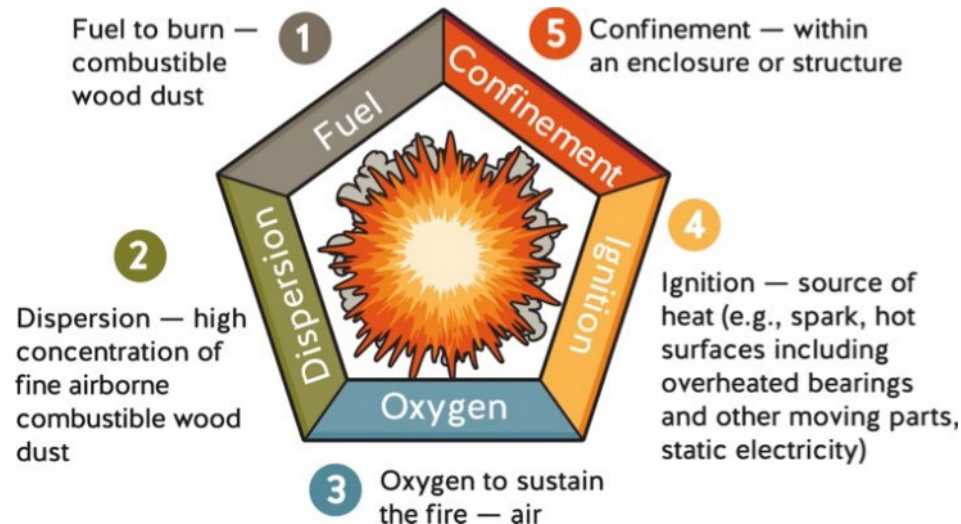
# What is a “qualified” person?

- 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.



# 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?

- 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 decides whether to approve the proposed regulation.
- Proposed regulation comes into force a minimum of 90 days after deposit at the Office of the Registrar

# 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](http://www.worksafebc.com)
- WorkSafeBC Guidelines are likely for select provisions or topics.
- Industry associations

# Questions

**Where can I get more information?**

[www.worksafebc.com](http://www.worksafebc.com)

Thank you!