

## **Overview of proposed amendments to**

### **Part 1: Definition**

### **Part 26: Forestry operations**

### **Section 26.11, Dangerous trees**

The term “hazard area” is currently used in various parts of the *Occupational Health and Safety Regulation* but is not a defined term. The proposed definition of “hazard area” under Part 1 will add clarity wherever the term “hazard area” is used.

The primary intent of the regulatory amendment was to make section 26.11 regarding dangerous trees consistent with the training material approved by the Workers’ Compensation Board and recognized by the BC Wildlife Tree Committee.

Sections 26.11 (6) (b) and 26.11 (7) (c) prohibit work being done within reach of a dangerous tree if wind speeds exceed 20km/h. These sections are inconsistent with the wording in the Wildlife/Danger Tree Assessors’ (“WDTA”) training course which refers to a wind speed of 40km/h. The proposed amendment is to increase the wind speed to 40km/h, provided the tree has been assessed and deemed safe to be left standing for wildlife habitat.

It is also proposed that 26.11 (6) (b) and 26.11 (7) (c) be made consistent with the terminology used in the WTDA course and with existing practices, that no work will be done within “the hazard area of a dangerous tree”, instead of “within reach of the tree”.



**PROPOSED AMENDMENTS FOR PART 1: DEFINITIONS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

**PART 1: DEFINITIONS**

**1.1** In this Occupational Health and Safety Regulation:

<i>"administrative controls"</i>	means the provision, use and scheduling of work activities and resources in the workplace, including planning, organizing, staffing and coordinating, for the purpose of controlling risk;
<i>"Board"</i>	means the Workers' Compensation Board;
<i>"combustible liquid"</i>	means a substance which meets the criteria for WHMIS Class B Division 3 combustible liquid (a flash point of 37.8°C (100°F) or more but less than 93.3°C (200°F));
<i>"contaminant"</i>	means a harmful or irritant material, or nuisance dust, foreign to the normal composition of a substance, or a material that varies the normal proportions of components in a mixture such as air;
<i>"controlled product"</i>	means a product, material or substance specified by regulations made pursuant to section 15(1)(a) of the <i>Hazardous Products Act</i> (Canada) as products, materials and substances included in any of the classes listed in Schedule II of that Act;
<i>"engineering controls"</i>	means the physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk;
<i>"flammable liquid"</i>	means a substance which meets the criterion for WHMIS Class B Division 2 flammable liquid (a flash point less than 37.8°C (100°F));
<i>"hazard"</i>	means a thing or condition that may expose a person to a risk of injury or occupational disease;
<b>"hazard area"</b>	<b>means a zone where a worker would be exposed to a hazard;</b>
<i>"HEPA"</i>	means, in reference to air filtration, a high efficiency particulate air filter meeting the specifications of a nuclear grade filter, providing a 99.97% filtration efficiency at a 0.3 micrometre particle size;
<i>"IDLH atmosphere"</i>	means an atmosphere containing a substance at a concentration which is immediately dangerous to life or health (IDLH) because the concentration is greater than that from which one could escape without any escape-impairing symptoms or irreversible health effects, and includes an atmosphere with an unknown concentration with the potential to be immediately dangerous to life or health;
<i>"incident"</i>	includes an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease; [Amended by B.C. Reg. 185/99.]
<i>"material safety data sheet" or "MSDS"</i>	means a document disclosing the information referred to in section 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada) and section 12(1) to (3) of the Controlled Products Regulations (Canada);
<i>"mg/m<sup>3</sup>"</i>	means milligrams of a substance per cubic metre of air; [Amended by B.C. Reg. 315/2003.]
<i>"oxygen deficient"</i>	means, in relation to air, a condition in which there is less than 19.5% oxygen by volume, or the partial pressure of oxygen is less than 16.3 kPa (122 mm Hg);

**PROPOSED AMENDMENTS FOR PART 1: DEFINITIONS  
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"ppm"	means parts of a vapour or a gas per million parts of contaminated air by volume at a temperature of 25 degrees Celsius and an atmospheric pressure of 760 millimetres of mercury; [Amended by B.C. Reg. 315/2003.]
"practicable"	means that which is reasonably capable of being done;
"professional engineer"	means a person who is registered or licensed to practice engineering under the provisions of the <i>Engineers and Geoscientists Act</i> ;
"qualified"	means 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;
"rated capacity" or "rated load"	means the load that machinery or a piece of equipment is, in accordance with its design, rated to bear under section 4.8; [Amended by B.C. Reg. 312/2003.]
"risk"	means a chance of injury or occupational disease;
"sensitizer"	means a substance that has been shown to elicit an allergenic type of response in humans after an initial exposure, resulting in development of symptoms upon subsequent exposure at much lower concentrations;
"supervisor"	means a person who instructs, directs and controls workers in the performance of their duties;
"working load limit" or "WLL"	means the maximum load which a product is authorized by the manufacturer to support in a particular service.

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**Explanatory note**

The term "hazard area" is currently used in various Parts of the *Occupational Health and Safety Regulation* ("OHSR") but is not defined anywhere. The proposed definition of "hazard area" under Part 1 of the *OHSR* will add clarity wherever the term "hazard area" is used.

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## Part 26: FORESTRY OPERATIONS

### GENERAL REQUIREMENTS

- Dangerous trees**      **26.11**
- (1) If work in a forestry operation will expose a worker to a dangerous tree, the tree must be removed.
  - (2) Trees that will interfere with rig-up, the movement of lines and equipment, or that could be pushed or pulled into the work area must be removed.
  - (3) Saplings over 6 m (20 ft) tall, in an area where cable logging is being done, must be removed before yarding commences.
  - (4) If it is not practicable to comply with subsection (3), such as during partial cutting operations, alternative work methods or procedures which minimize the risk to workers may be used, and the work must be directed by a supervisor who has, as far as practicable, controlled the danger to any worker.
  - (5) Any dangerous tree, regardless of height, located within an active hand falling or cable logging operation must not interfere with safe falling or yarding practices, and if it does interfere, it must be removed.
  - (6) A dangerous tree in a forestry operation may be left standing during operations other than construction or harvesting if
    - (a) no significant ground vibrations are likely to be produced,
    - (b) no work will be done within ~~reach~~ **the hazard area** of the **dangerous** tree when wind speed exceeds ~~20~~**40** km/h (~~42~~**24** mph), and
    - (c) a tree assessor who has completed a training program acceptable to the Board determines that the tree will not be dangerous to workers during the planned activity.
  - (7) If tree planting is to be done in an area that has more than 500 dangerous trees per hectare, the Board may approve a request to work without removing all the dangerous trees if, before work commences,
    - (a) a representative sample of the dangerous trees is assessed by a tree assessor who has completed a training program acceptable to the Board,
    - (b) any findings of the assessment as to the removal of dangerous trees or other trees are implemented, and
    - (c) no silviculture is done within ~~reach~~ **the hazard area of the** dangerous trees when wind speed exceeds ~~20~~**40** km/h (~~42~~**24** mph).

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#### Explanatory note

Sections 26.11 (6) (b) and 26.11 (7) (c) mandate that no work will be done within reach of a dangerous tree if wind speeds exceed 20km/h. These sections are proposed to be amended to refer to a wind speed of 40km/h as stated in the Wildlife/Danger Tree Assessors' ("WDTA") training course which is approved by the Workers' Compensation Board and recognized by the BC Wildlife Tree Committee. It is also proposed that 26.11 (6) (b) and 26.11 (7) (c) be made consistent with existing practices, that no work will be done within "the hazard area of a dangerous tree", instead of "within reach of the tree".

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**PROPOSED AMENDMENTS FOR PART 1: DEFINITIONS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

**PART 1: DEFINITIONS**

**1.1** In this Occupational Health and Safety Regulation:

<i>"administrative controls"</i>	means the provision, use and scheduling of work activities and resources in the workplace, including planning, organizing, staffing and coordinating, for the purpose of controlling risk;
<i>"Board"</i>	means the Workers' Compensation Board;
<i>"combustible liquid"</i>	means a substance which meets the criteria for WHMIS Class B Division 3 combustible liquid (a flash point of 37.8°C (100°F) or more but less than 93.3°C (200°F));
<i>"contaminant"</i>	means a harmful or irritant material, or nuisance dust, foreign to the normal composition of a substance, or a material that varies the normal proportions of components in a mixture such as air;
<i>"controlled product"</i>	means a product, material or substance specified by regulations made pursuant to section 15(1)(a) of the <i>Hazardous Products Act</i> (Canada) as products, materials and substances included in any of the classes listed in Schedule II of that Act;
<i>"engineering controls"</i>	means the physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk;
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<i>"hazard"</i>	means a thing or condition that may expose a person to a risk of injury or occupational disease;
<i>"hazard area"</i>	means a zone where a worker would be exposed to a hazard;
<i>"HEPA"</i>	means, in reference to air filtration, a high efficiency particulate air filter meeting the specifications of a nuclear grade filter, providing a 99.97% filtration efficiency at a 0.3 micrometre particle size;
<i>"IDLH atmosphere"</i>	means an atmosphere containing a substance at a concentration which is immediately dangerous to life or health (IDLH) because the concentration is greater than that from which one could escape without any escape-impairing symptoms or irreversible health effects, and includes an atmosphere with an unknown concentration with the potential to be immediately dangerous to life or health;
<i>"incident"</i>	includes an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease; [Amended by B.C. Reg. 185/99.]
<i>"material safety data sheet" or "MSDS"</i>	means a document disclosing the information referred to in section 13(a)(i) to (v) of the <i>Hazardous Products Act</i> (Canada) and section 12(1) to (3) of the Controlled Products Regulations (Canada);
<i>"mg/m<sup>3</sup>"</i>	means milligrams of a substance per cubic metre of air; [Amended by B.C. Reg. 315/2003.]
<i>"oxygen deficient"</i>	means, in relation to air, a condition in which there is less than 19.5% oxygen by volume, or the partial pressure of oxygen is less than 16.3 kPa (122 mm Hg);

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<i>"practicable"</i>	means that which is reasonably capable of being done;
<i>"professional engineer"</i>	means a person who is registered or licensed to practice engineering under the provisions of the <i>Engineers and Geoscientists Act</i> ;
<i>"qualified"</i>	means 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;
<i>"rated capacity" or "rated load"</i>	means the load that machinery or a piece of equipment is, in accordance with its design, rated to bear under section 4.8; [Amended by B.C. Reg. 312/2003.]
<i>"risk"</i>	means a chance of injury or occupational disease;
<i>"sensitizer"</i>	means a substance that has been shown to elicit an allergenic type of response in humans after an initial exposure, resulting in development of symptoms upon subsequent exposure at much lower concentrations;
<i>"supervisor"</i>	means a person who instructs, directs and controls workers in the performance of their duties;
<i>"working load limit" or "WLL"</i>	means the maximum load which a product is authorized by the manufacturer to support in a particular service.

**Note:**

The amendment to section 1.1 is the inclusion of the proposed definition of "hazard area". The remaining definitions of section 1.1 are included for reading convenience only.

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**Part 26: FORESTRY OPERATIONS**

**GENERAL REQUIREMENTS**

**Dangerous trees**

**26.11**

- (1) If work in a forestry operation will expose a worker to a dangerous tree, the tree must be removed.
- (2) Trees that will interfere with rig-up, the movement of lines and equipment, or that could be pushed or pulled into the work area must be removed.
- (3) Saplings over 6 m (20 ft) tall, in an area where cable logging is being done, must be removed before yarding commences.
- (4) If it is not practicable to comply with subsection (3), such as during partial cutting operations, alternative work methods or procedures which minimize the risk to workers may be used, and the work must be directed by a supervisor who has, as far as practicable, controlled the danger to any worker.
- (5) Any dangerous tree, regardless of height, located within an active hand falling or cable logging operation must not interfere with safe falling or yarding practices, and if it does interfere, it must be removed.
- (6) A dangerous tree in a forestry operation may be left standing during operations other than construction or harvesting if
  - (a) no significant ground vibrations are likely to be produced,
  - (b) no work will be done within the hazard area of the dangerous tree when wind speed exceeds 40 km/h (24 mph), and
  - (c) a tree assessor who has completed a training program acceptable to the Board determines that the tree will not be dangerous to workers during the planned activity.
- (7) If tree planting is to be done in an area that has more than 500 dangerous trees per hectare, the Board may approve a request to work without removing all the dangerous trees if, before work commences,
  - (a) a representative sample of the dangerous trees is assessed by a tree assessor who has completed a training program acceptable to the Board,
  - (b) any findings of the assessment as to the removal of dangerous trees or other trees are implemented, and
  - (c) no silviculture is done within the hazard area of the dangerous tree when wind speed exceeds 40 km/h (24 mph).