



Global Scan

August, 2008

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Halifax Firefighters Exercise Right to Refuse

Halifax Firefighters have exercised their right to refuse dangerous work as a result of a dispute over the number of firefighters to be dispatched to a fire. The refusals, which began on June 24, 2008, affect approximately 15 fire stations in suburban and rural areas of the Halifax Regional Municipality (HRM).

A June 4, 2008 decision by the Nova Scotia Occupational Health and Safety Appeal Panel ordered the Halifax Regional Fire and Emergency Services to dispatch at least four firefighters to respond to internal structural fires. However, National Fire Protection Association standard 1500: “Standard on Fire Department Occupational Safety and Health Program” (which HRM says they follow) allows an exception for a crew of less than four. This exception states that: “...if, on arrival at the emergency scene, initial attack personnel find an imminent life-threatening situation where immediate action could prevent the loss of life or serious injury, such action shall be permitted with less than four personnel [provided team members can adequately communicate with each other]”. The firefighters union claim "exceptional circumstances" have, in fact, "become normal practice".

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NS Requires Warning Signs of Higher Fines in Highway Construction Areas

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Several jurisdictions have higher fines for speeding in a road construction area. Nova Scotia has taken a step forward in requiring explicit signs at all road construction sites warning drivers of the fines.

The signs, that say “Speed Fines Double in Work Areas”, are required 50 to 150 m before the first orange warning sign.

See [Bill 150](#) that contains the requirement

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NS Government Releases Radon Test Results

The Nova Scotia Government has completed the second round of radon tests on nearly 600 public buildings, as part of a five-year program. More than 5,000 radon tests were completed in public housing, schools, health-care facilities and provincial buildings.

The national guideline recommends that radon in the indoor air of buildings and homes not exceed 200 becquerels per cubic metre. Rooms in 109 buildings exceeded the national guideline. Rooms where radon exceeded the guideline will be re-tested and, depending on the results, appropriate remediation will be done to reduce radon gas. Building owners should remediate within two years if levels are between 200 and 600 becquerels. If the levels are more than 600 becquerels, building owners should remediate within one year.

See a [summary of test results](#) .

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NS Court of Appeal Rules That High Seas Fishing Is Provincial Jurisdiction

In a unanimous decision, the Nova Scotia Court of Appeal (the highest court in Nova Scotia) has ruled that high seas fishing - occasionally as far away as Greenland - is provincially regulated. In the case of [R. v. Mersey Seafoods Ltd., 2008 NSCA 67](#), the court rejected the argument that the fishing vessels were federally regulated because of the federal jurisdiction over navigation and shipping.

According to the court: “Mersey Seafoods’ provincially based fishing operation does not become a federal undertaking just because its vessel fishes outside the boundary of Nova Scotia. That its vessel navigates does not convert Mersey Seafoods to a federal undertaking . . . Nova Scotia’s OHS Act applies to Mersey Seafoods under s. 92(13) [of the Canadian Constitution Act], as an aspect of labour relations or management of an undertaking, and does not offend the exclusive federal legislative jurisdiction over navigation and shipping under . . . Any impact of the OHS Act on navigation and shipping is incidental. That Mersey Seafoods also is subject to federal legislation governing navigation and shipping is the double aspect doctrine at work under our system of cooperative federalism”.

The court reinstated 8 charges that had previously been dismissed and sent the case back to the Provincial Court for retrial.

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Ontario Mandating Speed Limiters on Large Trucks

Ontario has passed a bill mandating speed limiters on most large trucks to cap speeds at 105 kilometres per hour. The aim is to reduce pollution and improve road safety (in Ontario, transportation accounts for more than 30 per cent of the province's total greenhouse gas emissions). The use of speed limiters could be implemented as early as fall 2008, followed by a 6 to 12 month

education period.

See the [Bill 41 - Highway Traffic Amendment Act \(Speed-limiting Systems\), 2008](#).

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Alberta Makes Construction Supervisors Responsible for Safety

Alberta has made supervisors on construction sites legally responsible for safety. Under the new law, anyone who supervises a construction crew with respect to a construction project or maintenance for an industrial plant or pipeline must, among other things:

- maintain a safe worksite and comply with worksite-specific safety policies;
- manage construction crew meetings;
- supervise the crew, assess crew members' skills and arrange for training of crew members.

The law came into force on June 1, 2008.

See the [Industrial Construction Crew Supervisor Occupation Regulation \(Alberta Regulation 33/2008\)](#) under the Apprenticeship and Industry Training Act.

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Federal Government Tightens Explosives Security

New regulations will require that anyone who sells ammonium nitrate or any of 8 other chemicals be registered with the Explosives Regulatory Division of Natural Resources Canada and comply with security measures for storage, record keeping and customer identification.

The nine chemicals to be controlled under the new regulations currently have a wide range of legitimate uses, such as ammonium nitrate, which is commonly used in agriculture as fertilizer. The chemicals are:

- ammonium nitrate;
- nitric acid;
- nitromethane;
- hydrogen peroxide;
- potassium nitrate;
- sodium nitrate;
- potassium chlorate;
- sodium chlorate;
- potassium perchlorate.

The regulations took effect for ammonium nitrate on June 1, 2008, and will come into effect for the 8 other restricted chemicals on March 1, 2009.

The new regulations are said to be consistent with the direction being taken in the United States, Australia and the European Union.

See the [backgrounder](#).

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Ergonomic Issues Ranked as Number One

In a recently released analysis, Liberty Mutual has ranked ergonomics issues - like overexertion, bodily reaction and repetitive motion - as the number one cause of disabling injuries in the United States (using data for 2005). Together, they make up more than 33% of workplace injuries resulting in 6 or more lost work days. In second place was falls (same level and lower level), which accounted

for 24% of the cost of disabling injuries.
See the [Liberty Mutual Workplace Safety Index](#).
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ANSI Refuses to Withdraw Ergonomics Standard

According to the American Society of Safety Engineers, on July 17, 2008, the American National Standards Institute (ANSI) Appeals Board Panel dismissed the last appeal brought by the Construction Industry Employer Coalition (a coalition of 5 trade associations of U.S. construction interests) to withdraw the adoption of the approved voluntary consensus standard ANSI/ASSE A10.40-2007: "Reduction of Musculoskeletal Problems in Construction". This was the last appeal allowable under the ANSI appeals process.

The standard was first approved in late 2006 by the ANSI/ASSE A10 Accredited Standards Committee (ASC) on Construction and Demolition Operations. It has been in the appeal process ever since. The appeal claimed that the ASC:

- failed to obtain a consensus of materially affected interests with respect to the A10.40 Standard
- was unbalanced or dominated by one interest group
- failed adequately to respond to comments.

See the [ASSE press release](#).
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MSHA Lowers Asbestos Limit

The US Mine Safety and Health Administration (MSHA) has revised its existing health standards for asbestos exposure at metal and nonmetal mines, surface coal mines and surface areas of underground coal mines. The final rule lowers MSHA's Permissible Exposure Limit (PEL) for asbestos from 2 fibres per cubic centimetre (f/cc) to 0.1 f/cc, which is the same as that applied in industrial workplaces; and lowers the excursion limit for brief exposures to higher levels from 10 f/cc (for 15 minutes) to 1.0 f/cc (for 30 minutes), which is the same as OSHA's.

Exposure to asbestos has been associated with lung cancer, mesothelioma and other cancers, as well as asbestosis and other nonmalignant respiratory diseases.

There are no operating asbestos mines in the United States, and a few operating mines currently have asbestos in the ore. MSHA sampling data show that only 5 metal and nonmetal mines (out of a total of 207 mines sampled since 2000) have had an asbestos exposure over the final rule's limit.

See the [press release](#).
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Third Annual Drug-Free Work Week to be Held October 20 to 26, 2008

From October 20 to 26, 2008, the U.S. Department of Labor (DOL) will stage its third annual Drug-Free Work Week, dedicated to communicating the importance of working drug-free in positive, proactive ways. Drug-Free Work Week is sponsored by DOL's [Working Partners for an Alcohol- and Drug-Free Workplace](#) program.

For resources and ideas about participation, see the [Drug-Free Work Week Web site](#).
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British Study Finds Some Weakness in Safety Attitudes

In 2 surveys of a total of 4140 British adults, the Institution of Occupational Safety and Health has found that, while workplace safety is important to most, there is a significant minority who may disagree. Surveying the opinions of workers, the Institute found:

- 7 per cent of bosses view making sure employees are not getting hurt at or being made ill by work as most important (80 percent were a combination of client satisfaction, on-time work and profitability)
- 67 percent agreed with the statement “Is it important to my boss that my work does not make me ill or injured?”. On the other side, 11 percent disagreed
- 65 percent saw OH&S as avoiding injuries and saving lives; 28 percent of workers saw it as red tape and silly laws
- 67 percent agreed that health and safety at work was important; 8 percent disagreed.

See the [survey results](#).

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UK Report Reviews HSE Operations

The Select Committee on Work and Pensions of the United Kingdom Parliament has released a review of the operations of the Health and Safety Executive (HSE). The third report on “[The role of the Health and Safety Commission and the Health and Safety Executive in regulating workplace health and safety](#)” makes a series of conclusions and recommendations, including:

- the Health and Safety at Work Act 1974 is proportionate. However, some employers, particularly small and medium enterprises can find it difficult to understand and apply
- “over-interpretation of health and safety legislation” is a problem leading to unnecessary costs. The committee is “particularly concerned that the health and safety consultancy profession is currently unregulated.” The committee recommended accreditation for health and safety consultants and advisers, with appropriate sanctions for malpractice
- concern over the recent decline in HSE inspections and prosecutions
- the HSE will not achieve its goal of a 60:40 ratio in its proactive: reactive caseload due to an increase in reactive cases
- the average fines for health and safety offences are too low and the HSE should re-visit whether innovative penalties could be incorporated into its enforcement policy document
- the HSE targets from 2004 to reduce the incidence rate of work-related ill health by 6% and the number of working days lost due to work-related injury by 9% are neither realistic nor appropriate as many of the factors affecting its achievement are outside the HSE’s control
- that HSE is currently spreading itself too thinly. The HSE needs to concentrate on its core responsibilities and measures to extend its responsibilities into other areas places an excessive strain on its resources and risks diverting its focus.

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HSE Produces Calculator and Conversion Pages

The United Kingdom Health and Safety Executive (HSE) has produced a series of [Internet calculators](#) for conversions, averages, volume flow, air change rate, air density and air velocity. The programs are specifically designed for those involved in local exhaust ventilation design and operation, but are useful in the more general indoor air quality field as well.

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Australia Compiles List of OH&S Reviews

Australia is reviewing its national OH&S laws in an effort to increase harmonization across the various states. As part of the process, they have compiled a [collection of reports on OH&S issues](#) from Australia (mostly) and around the world. Most of the reports are from the last 6 years.

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