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November 27, 2013
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Ms. Valerie Vojnic, Senior Policy Analyst
Policy and Regulation Division
Workers Compensation Board
P.O. Box 5350, Station Terminal
Vancouver, British Columbia V6B 5L5

Dear Ms. Vojnic:

Re: Primary Skin Cancer and Certain Occupational Exposures

Many working and retired members of the BC Building Trades have worked on jobsites where coal tar products and cutting oils are present, and prolonged exposure to ultraviolet ("UV") light takes place. As a result, the Council is concerned about any proposed changes that may negatively impact the existing presumption in *favour* of workers. This, of course, is the issue the Board has raised in its discussion paper.

Currently, the *Workers Compensation Act* Schedule B provides a presumption of employment causation in favour of a worker who has cancer of the skin where there was prolonged contact with coal tar products, arsenic, cutting oils, or prolonged exposure to solar UV light. The inclusion of a disease in *Schedule B* is the highest level of recognition because it affords the claimant a rebuttable presumption that the disease and employment activity are causally related. More specifically, "if a worker develops a disease listed in *Schedule B* and, at or immediately before the date of disablement, was employed in the process or industry described opposite such disease, it is presumed the disease was caused by employment unless the contrary is proved".

The Board commissioned a systematic review and meta-analysis to ascertain whether the descriptions set out in *Schedule B*, as noted, were up to date and scientifically sound.

Given the increasing difficulty of claimants to succeed at the Board when bringing a claim where the balance of probabilities is not heavily weighted in their favour or where the main issues possess a degree of complexity or ambiguity, we will not easily relinquish those all too rare situations where a worker is granted a presumption that supports their claim. *Schedule B*

presumptions are based on solid scientific evidence, not a slight of hand. Consequently, only stronger scientific evidence to the contrary is enough to consider changing the status quo. Fortunately, no such evidence was produced by Dr. Spinelli et al. in their systematic review and meta-analysis.

We need look no further than the Board's own discussion paper which sets out the findings of Dr. Spinelli et al. and the peer reviewers to realize there is insufficient evidence to support changing the status quo.

In the revised systematic review (Appendix B), Dr. Spinelli says "of the four exposures listed in schedule B of the *BC Workers Compensation Act* as being etiological agents for primary skin cancer, only for solar UV exposure is there some evidence to suggest a causal relationship, based on results of 32 studies satisfying our inclusion criteria. However, the study findings were not consistent. For example, the definition of occupational solar UV exposure that was used generally affected the direction of the risk estimates. Positive findings for CMM [cutaneous malignant melanoma], NMSC [non-melanoma skin cancers] and BCC [basal cell carcinoma] tended to occur when crude definitions of 'outdoor versus indoor work' were used".

Then Dr. Spinelli speaks further about these limitations:

Except for solar UV, there were few studies identified in each systematic review which fulfilled the predetermined eligibility criteria. This made it difficult to evaluate exposure-response relationships. Also, the eligible studies often had limitations in study design which may have introduced confounding and biases. In particular, exposure ascertainment was problematic even for the many studies of occupational exposure to solar UV, where definitions of the frequency and extent of exposure varied. This affected the ability to conduct formal meta-analysis of the data to calculate pooled risk estimates.

Given these findings, Dr. Spinelli and his team resolved that a meta-analysis was not warranted. From their perspective, there were simply too few studies included in their systematic review. The Peer Reviewers, however, saw things otherwise. As a result, the Board requested Dr. Spinelli to perform a meta-analysis on solar UVs causal relationship with skin cancer as there were more studies to use than for the other exposures.

Ms. Ng, who performed the meta-analysis, found "that the findings of the three meta-analyses were consistent with the qualitative conclusions arising from the systematic review. Precisely,

in keeping with the systematic review of the causal link between occupational solar UV and the risk of skin cancer, she found that:

- there was epidemiological evidence for a 40% increased risk for occupationally UV-exposed workers to develop squamous cell carcinoma (SCC) compared with non-exposed workers; and
- no significant associations were found between occupational UV exposure and risk for basal cell carcinoma (BCC) or malignant melanoma.

Yet even with respect to this limited UV exposure finding, serious questions have arisen. For example, Reviewer B thinks “that the results pertaining to subgroup analyses by study design and exposure assessment methods should have been tabulated...rather than presented as 2 forest plot”. He goes on to say:

The objective of these sensitivity analyses is after all to identify the sources of variability or heterogeneity between studies and not to calculate a pooled risk estimate (already presented in the first forest plot). Did the authors consider other a priori methodological aspects to be included in subgroup analyses? For example, the level of adjustment for covariates, country, study quality, etc. It would have been particularly interesting to see the results of an additional subgroup analysis according to study quality. The latter would have largely contributed to the evaluation of the strength of evidence.

Given the dearth of solid evidence to support a change to *Schedule B* regarding primary skin cancer and certain occupational exposures, the Building Trades strongly opposes any change to the status quo. In other words, we support Option 1.

Again, thank you for the opportunity to provide the Building Trades perspective on this matter.

Sincerely,



Merrill James O'Donnell, M.A., LL. B.
Workers' Advocate

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Julianne Losito

From: Julianne Losito
Sent: November-27-13 11:06 AM
To: 'policy@worksafebc.com'
Subject: WCB Policy: Skin Care and Certain Occupational Exposures
Attachments: 13-11-27 WCB Policy Paper Skin Cancer and Exposures.pdf

Dear Ms. Valerie Vojnic,

Thank you for the opportunity to comment on the proposed change to the Board's Primary Skin Care and Certain Occupational Exposures Schedule B of the Act Please see attached Policy Paper, and do not hesitate to contact me with any questions or concerns.

Thanks,

Julianne Losito for **MERRILL O'DONNELL, WORKERS' ADVOCATE**
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