

ASBESTOS LICENSING & CERTIFICATION

BC Building Trades submission on proposed amendments to Part 6,
Substance Specific Requirements, section 6.1-6.2.3



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BC BUILDING TRADES

Asbestos Licensing & Certification

Submission to the Policy, Regulation and Research Department on proposed amendments to Part 6, Substance Specific Requirements, sections 6.1–6.2.3, of the Occupational Health and Safety Regulation.

AUTHORITY

This submission is respectfully submitted on behalf of the 25 local craft construction unions that represent more than 40,000 highly skilled unionized construction workers in B.C.



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The BC Building Trades provides coordination and support to affiliated construction unions.

By working together, organized construction workers achieve a powerful voice in government, in bargaining, and in their communities.

INTRODUCTION

The BC Building Trades welcomes the opportunity to provide feedback to the Policy, Regulation and Research Division on proposed amendments to Part 6, Substance Specific Requirements, sections 6.1–6.2.3, of the Occupational Health and Safety Regulation.

We support the requirement that workers, employers and contractors working with asbestos be licensed and certified. WorkSafeBC has an important opportunity in the development of this framework to create a regime that sets the highest standards for training and safety. Eliminating, not limiting, asbestos exposure has to be the driving purpose behind the framework WorkSafeBC is developing.

This licensing and certification framework is much more than just teaching workers how to identify asbestos. We are training workers how to safely spend a career abating asbestos. The quality of that training will not only affect those workers, but the workers around them and the general public who will occupy these spaces after abatement has taken place.

Recommendations

1. Require independent operators be licensed.
2. Training must include in-person components.
3. Employers should not be able to train and assess workers to meet certification requirements.
4. Each core competency should have a minimum training duration assigned in the certification standards being developed.
5. Assessment should clearly test each of the core competencies required in the training in specific detail.
6. Additional training be developed for all construction workers.
7. A rigorous enforcement program be put in place to monitor compliance.

CONTEXT

Asbestos is widely present in our residential and public buildings. It was commonly used in construction until the mid-1980s but could still be found in construction materials into the mid-1990s. It was finally banned in Canada in 2018.

Asbestos is the leading cause of workplace fatalities in British Columbia. According to the Workers Compensation Board 2021 statistical report, in the ten-year period from 2012 to 2021, 594 workers died from asbestos exposure related diseases.

Training and proper safety procedures are required in the safe handling, removal and disposal of asbestos. In the absence of licensing and certification requirements, many workers lack appropriate training and many contractors operated unsafely in the industry.

Asbestos abatement is not just a workplace issue – it's a community issue. Every day, contractors in every community are performing alterations, retrofits, renovations and demolitions that disturb hazardous substances in homes, buildings and other structures. These are areas that not only workers access, but the public as well.

REQUIRE INDEPENDENT CONTRACTORS BE LICENSED

We are deeply concerned that independent asbestos abatement operators are not required to have a license. This omission is concerning for its potential uses by legitimate independent operators and vulnerable misclassified workers.

Legitimately independent operators will have the ability to fly under the radar, less likely to be inspected and free of consequences related to penalties contractors will now face in regards to WorkSafeBC's ability to refuse, suspend or cancel licenses.

Asbestos abatement is an industry rife with misclassified workers already. In 2022, the BC Building Trades released a report from Prism Economics that analyzed the scope of the underground economy in BC's construction industry. The report found unscrupulous contractors were able to save 20% on labour costs by misclassifying workers as independent operators. The International Union of Painters and Allied Trades, District Council 38 goes into detail in their submission to this consultation on the practice of misclassification in the asbestos abatement industry specifically. This loophole will only serve to provide further incentives to engage vulnerable workers and misclassify them as independent operators to abate asbestos.

We submit that the absence of language specifically extending licensing requirements to independent operators in *Bill 5: Workers Compensation Amendment Act 2022* does not prevent WorkSafeBC from making that requirement in the regulations.

CERTIFICATION RECOMMENDATIONS

We would also like to take this opportunity to provide feedback on the proposed asbestos abatement certification framework WorkSafeBC has circulated.

We believe it is critical that a high standard is set for certification. We have several concerns related to the certification training being developed that we outline below:

Delivery format for training

WorkSafeBC has indicated potential trainers can deliver both knowledge-based and skills-based competencies online in their training programs. In the draft framework, it appears only assessment of skills-based competencies will be required to be "in a practical, hands-on environment". These distinctions fall far short of our expectations on delivery format.

In-person practical components to training are vital. This is essential for training workers on appropriate donning and doffing of personal protective equipment, including demonstrating the safe and proper use of respiratory protection devices, and proper installation and maintenance of secure enclosures for abatement.

All core components need in person instruction. This helps ensure competency, awareness, and full participation. Online instruction creates many opportunities to avoid the time and resources needed to participate and deprives workers of knowledge from fellow workers.

WorkSafeBC approved training providers: Employer role in training & assessment

We are strongly opposed to employers providing the training and assessment for certification. This removes the necessary independent oversight, quality assurance and evaluation that should be in place for certification.

Duration of training

While there has not been an anticipated duration for training circulated in the draft documents, we feel it is important to convey our thoughts here. The IUPAT DC38 has been training asbestos abatement workers for over 30 years. Their skilled instructors have broken down the core competencies that need to be covered in the asbestos abatement workers certification and created a training matrix. They estimate the training time required to meet the core competencies practical and theoretical components would take a minimum of eight days. They will be providing more detail in their submissions to WorkSafeBC.

Each core competency should have a minimum training duration assigned in the certification standards being developed. This will assist program designers and ensure continuity between the programs being developed. The BC Building Trades is of the opinion that anything less than eight (8) full days of training will not be enough to train workers to safely handle, abate, and dispose of hazardous asbestos materials as well as ensure the wider public is fully protected.

Strengthening assessment criteria

In addition to our concerns above about online training and employer role in assessment, we feel strongly that the assessment should clearly test the core competencies required in the training. Assessment should include the worker demonstrating the following competencies as set out by WorkSafeBC:

1. Don and doff PPE: include respirator fit in assessment
2. Build a containment enclosure: have assessment include specific requirements and dimensions
3. Safely performing abatement: include specific abatement equipment in assessment
4. Installing viewing windows, as required
5. Install negative air units, as required
6. Follow practical work methods and processes for abatement
7. Conduct wetting and misting during removal
8. Follow the required abatement process (i.e., sequencing of activities)
9. Safely install and operate abatement equipment and associated tools
10. Follow safe use and maintenance practices as per the equipment manufacturer's instructions
11. Apply encapsulant and label the asbestos-containing material appropriately
12. Conduct a glove-bag abatement procedure
13. Conduct appropriate bagging activities for asbestos waste, including sealing, cleaning, and proper use of wrapping, bin liners, super sacks, and bags

Equivalency

Of the existing programs, we are aware of only one that exceeds the training and assessment regime that is currently in development by WorkSafeBC. IUPAT District Council 38 has been training and assessing workers in the safe abatement of asbestos for over 30 years. Their program is unique as it includes multiple levels of training, mentorship and assessment.

Considering that the training and assessment regime is not yet fully developed we cannot support a general equivalency for the industry at this time.

Course Fees

Fees should not be a barrier for workers or independent operators to take the training. We recommend WorkSafeBC provide the funding for the first 5 years of the program to cover the training for workers and/or independent operators whose tuition is not covered by their employer. Such a fund should also include compensation for training time as well as tuition.

SCOPE OF TRAINING

The current framework being proposed is a significant step forward for the asbestos abatement industry. We feel strongly that more accessible training should be required for all workers employed in the construction industry; as well as more advanced, through the development of an apprenticeship model.

We believe a mandatory asbestos awareness course should be delivered to all workers employed in the construction industry. This course, at minimum, should cover identification, health hazards and steps taken if a worker is concerned that they are working with or in the vicinity of asbestos or asbestos containing materials.

We also support the development of an apprenticeship model of training for workers who are working directly with asbestos or asbestos containing materials.

IN CONCLUSION

Licensing and training are important parts of preventing asbestos exposure and occupational disease. However, these new regulations require a robust enforced system that is comprehensive and well-resourced to appropriately ensure compliance.

We welcome the opportunity to work with WorkSafeBC on this important initiative.