



May 31, 2017

Crystal Baldwin
A/Executive Director
Workplace Safety and Health
Manitoba Growth, Enterprise & Trade
200 – 401 York Avenue
Winnipeg, MB R3C 0P8

Dear Ms Baldwin:

I am writing on behalf of the Mining Association of Manitoba to provide recommendations to the Advisory Council on Workplace Safety and Health ('the Advisory Council') regarding **the establishment of Occupational Exposure Limits (OEL) in Manitoba**. I also put forward these recommendations as an Employer Representative on the Advisory Council, appointed by the Manitoba Employers Council.

The current process is a source of administrative problems for Workplace Safety and Health and creates compliance issues for employers. We support an approach that will be effective and efficient for all stakeholders and therefore make the following suggestions.

Robust stakeholder consultation

Good practice dictates that the Province of Manitoba conducts broad consultation of public and private stakeholders who could potentially be affected by any new OEL regime. The automatic adoption of the ACGIH American Conference of Government Industrial Hygienists (ACGIH) OEL presents a number of concerns and is increasingly problematic to both the industry and government. For stakeholders to have sufficient time to provide feedback, consultation should commence *at least five years* before any changes to OELs are implemented.

Broader consideration of alternative regimes

The American Conference of Government Industrial Hygienists (ACGIH) is but one of many organizations that provide guidelines for evaluation and control of workplace exposures. It should not be the only organization referenced when setting standards and it is unadvisable to continue to use ACGIH Threshold Limit Values (TLV) for establishing OELs. The mining industry supports the need to give careful consideration to a broad variety of systems and regimes before proposing implementation of one specific set of guideline from a single organization.

Expert sub-committee composition

To ensure that recommendations made to the Council and subsequently to the Minister are unbiased, additional unaffiliated technical experts from *outside* the Advisory Committee should be appointed to a sub-committee. This sub-committee would review stakeholder feedback and other relevant information to inform the recommendations that the Council on the whole will make to the Minister. There should be equal representation from all stakeholder groups; Industry and Labour should be able to select their own technical experts.



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Exemptions

Substances requiring further review should be placed on an exemption list while available research and the implications of any changes are assessed. The exemption list should be reviewed every five years. NO₂ and SO₂ should *immediately* be added for review.

Sufficient notice period

Changes to OELs have *significant* implications for organizations' budgets and procurement processes and cannot be implemented overnight. When a new OEL has been established, an appropriate notice period of up to five years will allow sufficient time for practical implementation and capital planning.

Establishment of evaluation criteria

Criteria to evaluate any proposed OEL changes would include the following:

- Manitoba-specific information about health effects of the proposed substance change;
- ensuring adequate protection for the safety and health of workers;
- scientific documentation and rationale (not only from ACGIH);
- availability of established and standardized sampling and analytical methods for monitoring airborne exposures in the workplace;
- occupational exposure limits established in other jurisdictions;
- current and future potential compliance issues; and
- economic feasibility and effects on competitiveness.

We are encouraged by the Advisory Council's work on this very important file and welcome the opportunity to discuss our recommendations with you further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Cooper', written over a horizontal line.

Ian Cooper
Manager, Health & Safety, Hubyay
Director, Mining Association of Manitoba Inc.

cc: Advisory Council on Workplace Safety and Health Employer Representatives
Manitoba Employers Council