



Governance and Priorities Committee Report

December 3, 2015

To: Governance and Priorities Committee **Date:** November 27, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Development Services
Subject: Potential Amendment to the 2015 – 2018 Strategic Priorities: Motion – Asbestos Control.

RECOMMENDATION

That Council direct staff to:

1. Review existing policy, legislation and current procedures related to worker protections from asbestos exposure.
2. Report on any anticipated benefits and drawbacks associated with improved compliance with WorkSafeBC and OHS Regulation related to asbestos exposure in Q1 of 2016.

PURPOSE

The purpose of this report is to provide Council with information regarding the implications of directing staff to:

- a. report on options for increasing protections for workers in the building trades through the use of asbestos and building trades through the prohibition of the use of asbestos and building products containing asbestos in construction activities authorized by building permit in the City of Victoria;
- b. include advice from the Fire Chief on the advisability of prohibiting the use of asbestos and building products containing asbestos in construction activities in the City of Victoria;
- c. include advice on the resource implications and advisability of including municipal buildings, facilities and maritime vessels in National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos.

Jurisdictional authority has been reviewed and municipalities do not have clear authority to ban products for trade or use. Where the sale of a product may be banned through licensing, those products would be available for sale elsewhere and a municipality does not have the authority to restrict the use of a material that would be permitted otherwise. Furthermore, there is no current way to certify a building product as being asbestos free. Development of such a system would be needed.

Staff does not possess the knowledge and expertise to provide further direction and advice using the prohibition of a product as an alternative to current legislation and standards of practice to control a worker's exposure to asbestos. Likewise, it is not possible to prepare an assessment and advice to adding buildings and vessels to a registry that does not currently exist.

Workers are protected from exposure to asbestos through provincial legislation. WorkSafeBC is the authority in this case and the *Workers Compensation Act* and *Occupational Health and Safety Regulation* (OHS Regulation) are the legislation used by WorkSafeBC to protect workers from exposure to asbestos.

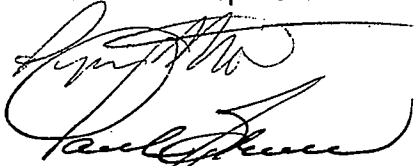
At this time and within existing work plans, staff can review existing policy and legislation and report back to Council on an improved plan for compliance and the anticipated benefits and drawbacks associated with this approach.

CONCLUSIONS

Legislation exists that protects workers from exposure to hazardous materials such as asbestos. Where future ambition may be to prohibit the use of asbestos in construction, there is an existing ability to support existing legislation to protect workers. Review and support of this existing ability is the most immediate means to support the protection of workers.

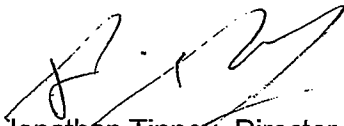
Respectfully submitted,

Ryan Morhart, Manager
Permits and Inspections



Paul Bruce, Fire Chief
Fire Department

Report accepted and recommended by the City Manager



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Date: December 2, 2015