



August 12, 2016

Mr. Michael Chappell  
Provincial Coordinator, Construction Health and Safety Program  
Ministry of Labour  
505 University Ave  
19<sup>th</sup> Floor  
Toronto, ON M7A 1T7

Dear Mr. Chappell,

I am writing on behalf of the Scaffold Industry Association of Canada (“SIAC”) in follow-up to our meeting on August 9, 2016 with Ministry of Labour (MOL) officials Mr. Elie Nassif and Mr. Medhat Abskharoun. The purpose of the meeting to discuss impact of the recent regulatory change that occurred earlier this year, and took effect on July 1, 2016, which amended Regulation 213/91 to now reference the new CSA Standard CAN/CSA Z259.2.5-12.

The SIAC places the safety of its employees and all Ontarians as its utmost priority and supports the new regulation as further improving safety standards in the construction and scaffolding industry. While we welcome this new regulation, as discussed with your staff, the result of this change is that virtually all vertical lifelines and lanyards currently being used today on construction sites throughout Ontario are now out of compliance. A recent Stop Work Order issued by MOL investigators in the GTA underscores that fact.

Unfortunately, there has been no communication to the construction or scaffolding industries to advise them about this change and provide an appropriate phase-in period for this new regulation. As such, should the MOL continue to enforce this regulation in the short term, these industries would not be able to comply because of existing equipment and supply issues, and would result in the shutdown of most construction projects in the province.

The SIAC looks forward to working with the MOL to implement this new regulation in a way that ensures construction workers across this province continue to be safe and the construction and scaffolding industries can replace their existing inventory in a professional manner. As requested by Mr. Nassif, below please find our recommended approach to transition to this new regulation.



### Transitional Period

We recommend the MOL implement a transition period that begins immediately, and lasts until January 1, 2017. During this time, companies would be allowed to use vertical lifelines that do not have manufactured terminations or certification labels, but otherwise comply with the new CAN/CSA Z259.2.5-12 Standard.

Companies and employers would be responsible for having at each construction site, copies of a letter that manufacturers would provide, certifying the equipment meets these requirements to ensure continued verification and compliance by MOL.

As construction projects end over the course of the transition period, companies would replace their existing equipment with new equipment that is fully compliant with the Z259.2.5-12 Standard.

We recommend this transition period commence with an alert from the MOL and the Infrastructure Health and Safety Association (IHSA) to notify industry of this change and that a transition period that has been established. The SIAC would be happy to participate in this communications campaign.

### Further Clarification around Z259.2.5-12

In addition to the implementation matter above, the SIAC seeks a further clarification regarding how the MOL intends to enforce one element of the new Regulation. Specifically, can you confirm whether it is the MOL's intention to require all lifelines to be designed by a P.Eng as referenced in the regulation. Or instead, if the lifeline has a label attached as required by the CSA standard, will that be sufficient documentation for the MOL inspectors.

We greatly appreciate your attention to this matter, and look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Marsland", is displayed on a light grey rectangular background.

Roger Marsland  
President