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The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

A revised version of the *Workers Compensation Act* took effect on April 6, 2020. The B.C. government's revisions aim to make the Act easier to read and understand, and to reorganize the numbering to make laws easier to find. The revisions make no changes to B.C.'s laws concerning workers' compensation, occupational health and safety, and employers' assessment premiums. Please be aware there may be a transitional period where correspondence from WorkSafeBC may include references to either the previous Act or the revised Act. For more information, visit www.worksafebc.com/WCA2019 or call the Prevention Information Line at 604.276.3100, or toll free within BC at 1.888.621.7233 (SAFE).

Inspection Report #202118282052A

Employer Name	Jobsite Inspected	Scope of Inspection
SIMON FRASER UNIVERSITY	8888 University Drive West Burnaby BC V5A 1S6	Asbestos-Containing Material Incident

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Dec 07, 2021	Dec 07, 2021	Dec 14, 2021	Email

THERE ARE TWO (2) ORDERS OR OTHER ITEMS OUTSTANDING**ACTION REQUIRED****Summary of Orders or other Items**

See "Orders/Items – Full Details" section of this Inspection Report for orders/items cited

Order/Item No.1 <input type="checkbox"/>	Status: Outstanding	Cited: WCA24(1)
Notice of Compliance Report Required.		
Order/Item No.2 <input type="checkbox"/>	Status: Outstanding	Cited: OHS6.3(1)
Notice of Compliance Report Required.		

ORDER STATUS LEGEND

Order Status	Description
Outstanding	Order Outstanding - Action Required to Achieve Compliance
Complied	Compliance Achieved - No Further Action Required
Closed	Order is Closed
Rescinded	Order has been cancelled - No Further Action Required

INSPECTION NOTES

On October 22, 2021, WorkSafeBC Prevention Officer D. Janke and I conducted a partial inspection at the workplace located at 8888 University Drive, Burnaby, BC. This inspection was initiated to review the circumstances of an incident that occurred on September 17, 2021 that involved improper handling of an asbestos-containing material. See Inspection Report ("IR") 202118282049A for the background information.

On October 30, 2021, in follow-up to the site site inspection conducted on October 22, 2021, an employer representative provided electronic copies of documents related to the incident. Of the documents provided, the following were reviewed:

- "Asbestos Management Survey Lorne Davies Complex" (May 2019)
- "Simon Fraser University Asbestos Exposure Control Plan" (November 2020)
- "Pre-Renovation Building Materials Investigation Lorne Davies Complex & West Mall Centre - Service Tunnel Energy Mains, Reference: ENV-03984 " (September 15, 2021)
- "Pre-Renovation Building Materials Investigation West Mall Centre & Transportation Centre - Service Tunnel Energy Mains, Reference: ENV-03984 " (September 17, 2021)
- "Notice of Project: 902420"
- "Enviro-Vac Exposure Control Plan Risk Assessment Amendment" (October 1, 2021)
- "Enviro-Vac Exposure Control Plan Risk Assessment Amendment" (September 30, 2021)
- "Enviro-Vac Site Specific Risk Assessment Form Asbestos Exposure Control Plan" (September 23, 2021)
- "Air Monitoring & Final Visual Inspection Report - Amended Transportation Centre/West Mall Centre Breezeway DES Mains, Reference: ENV-03984" (October 26, 2021 (Revised))
- Excerpts from the "SFU Burnaby - Contractor Safety Orientation" related to hazardous building materials
- "2020-2021 SFU Contractor Safety Orientation - Ainsworth (Lathams)"
- "Latham's together with Simon Fraser University Health and Safety Information Manual" (March 2018) - Reviewed section related to general responsibilities and hazardous materials
- "Simon Fraser University Facilities Services Short Form Construction Contract, Contract No. 308842/FM-818687" (September 9, 2021)
- " Simon Fraser University Facilities Services Change Order Form, Project No. P306942/FM-819587" (September 29, 2021)
- "Latham's an Ainsworth Company Mechanical Tender Form, Project: SFU- LDC Thermal Expansion" (September 15, 2021)
- Email correspondences related to this incident (within Simon Fraser University and between Simon Fraser University and Ainsworth Inc.)
- Pictures

On December 7, 2021, WorkSafeBC Prevention Officer V. Singh and I met virtually with representatives of Simon Fraser University to discuss the contents of the documents provided ("this inspection").

DISCUSSIONS

Scope of Work

The owner of this workplace is Simon Fraser University ("SFU"). SFU retained a third-party contractor (Ainsworth Inc.) to conduct the following renovation at the workplace noted above:

- Install two isolation valves in the district energy main supply (HWTS) and return (HWTR) lines located on the south side of a service tunnel ("phase 1").
- Replace an expansion joint and weld in hard piping in the district energy main supply (HWTS) and return (HWTR) lines located on the north side of the service tunnel ("phase 2").

An employer representative identified SFU as the prime contractor for this renovation. Facility Services coordinated this work on behalf of SFU.

Timeline of Events & Incident

Based on the information provided by the employer representatives as well as a review of the above referenced documents, the following is a timeline of events:

- The inventory of ACM ("Asbestos Management Survey Lorne Davies Complex", May 2019) identified that pipe insulation with aluminum insulation jacketing, such as the pipe insulation present on the HWTS and HWTR lines in the service tunnel, was asbestos-containing. This inventory further notes that no asbestos labels or stencils were present on the aluminum pipe wrap to indicate the presence of ACM. An employer representative stated that the pipe insulation was not identified by labels or other means to contain asbestos. See References section of this IR.
- An employer representative stated in early 2021, representatives of SFU met with representatives of Ainsworth Inc. to discuss the scope of the renovation. Reportedly, it was discussed that testing for hazardous materials would need to be conducted.
- On August 30, 2021, an employer representative sent an email to representatives of Ainsworth Inc. to start the renovation despite a hazardous materials inspection not being conducted. Work did not begin at this time.
- On September 14, 2021, an employer representative engaged a third-party consultant (Les Evaluations Marc Bourret Appraisals Inc dba Sure Hazmat and Testing) to conduct a hazardous materials inspection for Phase 1 and Phase 2 of the renovation.
- On September 15, 2021, an employer representative provided an electronic copy of the hazardous materials inspection report for phase 1 of the work ("Pre-Renovation Building Materials Investigation Lorne Davies Complex & West Mall Centre - Service Tunnel Energy Mains", dated September 15, 2021) to representatives of Ainsworth Inc. by email. This hazardous materials inspection report states that the pipe insulation on the HWTS and HWTR lines located on the south side of the service tunnel do not contain asbestos.
- On September 17, 2021, a worker of Ainsworth Inc. removed pipe insulation from the south side and north side of the service tunnel, despite Ainsworth Inc. not having a hazardous materials inspection report addressing the north side of the service tunnel. SFU was not aware that Ainsworth Inc. commenced the renovation. See References section of this IR.
- An employer representative stated that the renovation work began before workers of Ainsworth Inc. (worker removing the pipe insulation and supervisor) had completed SFU's contractor safety orientation.
- SFU did not provide evidence that a project-specific contractor safety checklist was completed. Furthermore, an employer representative stated that a project specific safety orientation was not held with Ainsworth prior to the start of the renovation.
- On September 22, 2021, Sure Hazmat and Testing informed an employer representative that they had observed that the asbestos-containing pipe insulation on the north side of the service tunnel was removed. The area was immediately closed off. The employer representative informed Facility Services as well as a representative of Ainsworth that the pipe insulation that was removed from the HWTS and HWTR lines on the north side of the service tunnel likely had asbestos and the area had been cross contaminated. See References section of this IR.
- SFU retained a third-party abatement contractor, who performed emergency cleanup of the area on September 23, 2021, under the supervision of Sure Hazmat and Testing. The third-party abatement contractor identified in their site specific risk assessment form ("Enviro-Vac Site Specific Risk Assessment Form Asbestos Exposure Control Plan", September 23, 2021) that residual pipe insulation was left on the concrete floor in the area.
- On September 23, 2021, an employer representative provided an electronic copy of the hazardous materials inspection report for phase 2 of the work ("Pre-Renovation Building Materials Investigation West Mall Centre & Transportation Centre - Service Tunnel Energy Mains". dated September 17, 2021) to a representative of Ainsworth Inc. This report identifies that on the north side of the service tunnel, the pipe insulation on the HWTS and HWTR lines contains asbestos (amosite, 5-10%), the parging on the pipe elbows contains asbestos (chrysotile, 5-10% and amosite, 3-5%), and the gaskets are suspected to contain asbestos.

Approximately 18 feet of asbestos-containing pipe insulation (amosite, 5-10%) was removed from the HWTS and HWTR lines on

the north side of the service tunnel was removed without knowledge of the presence of this asbestos hazard and without appropriate controls to protect the worker doing the work from exposure to asbestos. This area was cross-contaminated and remained that way for several days, putting other workers, including workers of SFU, at risk of exposure to asbestos.

Based on the above, I determined the following:

- SFU did not ensure coordination of health and safety activities and implement a system or process to ensure compliance with the *Workers' Compensation Act (WCA)* and *Occupational Health and Safety (OHS) Regulation*. See order #1.
- SFU did not implement their asbestos exposure control plan. See order #2.

Policy Item P2-95-1 and P2-95-2 state that an administrative penalty must be considered when a violation occurs that has resulted in a high risk of serious injury, serious illness or death. Causing work disturbing material containing asbestos, or potentially containing asbestos, to be performed without necessary precautions to protect workers is a designated high risk violation.

I informed representatives of SFU that due to the nature of the high risk violations cited in this inspection report, I am required by policy to assess whether to recommend an administrative penalty. I discussed that SFU will be provided an opportunity to provide evidence of due diligence, which may impact on whether I recommend an administrative penalty.

CONTACT INFORMATION

If you have any questions or require additional information regarding this report, please contact me via the following:

Ajla Duranovic, M.Sc.A.
Occupational Hygiene Officer
Prevention Field Services
E-mail: ajla.duranovic@worksafebc.com

Mailing address: PO Box 5350 Stn Terminal, Vancouver BC V6B 5L5
worksafebc.com | P 604.232.5965 | F 604.232.5950
Call Centre 1.888.621.7233

To report a serious accident/incident or a major chemical release, please call:

604.276.3100 in the Lower Mainland
1.888.621.7233 within BC (toll-free)

To report after hours health and safety emergencies, please call:

1.866.922.4357 within BC (toll-free)

Additional information regarding health and safety, including the Workers Compensation Act and Occupational Health and Safety Regulation, may be found at the WorkSafeBC website (www.worksafebc.com).

ORDERS/ITEMS

An employer who fails to comply with Occupational Health and Safety ("OHS") provisions of the *Workers Compensation Act*, the Occupational Health & Safety Regulation, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full DetailsOrder/Item No.1 Status: **Outstanding**Cited: **WCA24(1)**

Simon Fraser University (SFU), the owner of this workplace, retained a third-party contractor (Ainsworth Inc.) to conduct renovation in the service tunnel located on Level 00 between the Lorne Davies Complex and West Mall Centre at 8888 University Drive, Burnaby, BC. This service tunnel as well as the satellite shops and mechanical rooms within the service tunnel are used by workers of SFU as well as workers of other employers.

The employer representative did not provide evidence that another employer entered into a written agreement with SFU to be the prime contractor for this renovation and identified SFU as the prime contractor for this renovation.

I determined that SFU has not ensured that the activities of employers and workers at this workplace are coordinated and done everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations, as evidenced by (but not limited to) the following:

- SFU does not have a system to ensure that all workers complete SFU's Contractor Safety Orientation. Workers of Ainsworth Inc. did not complete the orientation, which addresses hazardous materials.
- SFU did not ensure that Ainsworth Inc. developed and implemented an asbestos exposure control plan.
- SFU did hold or participate in a project specific safety orientation with Ainsworth Inc. to communicate all known hazards and ensure coordination of work.
- SFU does not have an effective system to manage and track contractors. On September 17, 2021, a worker from Ainsworth Inc. removed pipe insulation from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel. An employer representative stated that SFU was not aware that Ainsworth was present and conducting work at the workplace.
- SFU did not provide evidence that regular inspections were held to ensure compliance with the *Workers' Compensation Act* and *Occupational Health and Safety Regulation*. On September 17, 2021, Ainsworth Inc. removed asbestos-containing pipe insulation (amosite, 5-10%) from the HWTS and HWTR lines on the north side of the service tunnel without appropriate controls for the asbestos hazard, resulting in cross contamination of the area. The improper removal of the asbestos-containing pipe insulation was not discovered until September 22, 2021, by a third-party consultant.

Consequently, a worker from Ainsworth Inc. removed asbestos-containing pipe insulation (amosite, 5-10%) from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel without knowing that this material contains asbestos and without implementing appropriate controls to protect themselves and other workers in the area from exposure to asbestos.

This is in contravention of the Workers Compensation Act Section 24 (1).

The prime contractor of a multiple-employer workplace must:

- (a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and
- (b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the OHS provisions and the regulations in respect of the workplace.

Measures to Ensure Compliance:

Pursuant to section 88 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 88 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than **January 14, 2022**.

Orders/Items - Full Details

Order/Item No.2 <input type="checkbox"/>	Status: Outstanding	Cited: OHS6.3(1)
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An employer representative provided an electronic copy of the employer's asbestos exposure control plan ("Simon Fraser University Asbestos Exposure Control Plan", November 2020). I determined that the employer has not fully implemented the asbestos exposure control plan ("AECP"), as evidenced by (but not limited to):

- A formal inspection program to monitor the condition of asbestos-containing materials has not been developed and implemented, as per section 4.1.2.1 and 4.3.2 of the above referenced AECP.
- The employer representative did not provide evidence that Project Managers monitor authorized project work performed by contracted trades to ensure that their work activities are not disturbing asbestos-containing materials, as per section 4.1.2.2. of the above referenced AECP.
- Asbestos-containing materials, which are practicable to identify by labels, have not been labeled (e.g., pipe insulation in the service tunnel on Level 00 between Lorne Davies Complex and West Mall Centre), as per section 4.2 of the above referenced AECP and 6.5 of the *Occupational Health and Safety (OHS) Regulation*.
- An employer representative stated that SFU relies on contractors to inform their workers of the presence of asbestos-containing materials, rather than directly informing all contract workers of the presence, as per section 4.6 of the above referenced AECP.

These factors contributed to a worker from a third-party contractor removing asbestos-containing pipe insulation (amosite, 5-10%) from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel without knowing that this material contains asbestos and without implementing appropriate controls to protect themselves and other workers in the area from exposure to asbestos.

This is in contravention of the Occupational Health and Safety Regulation Section 6.3 (1).

If a worker is or may be exposed to potentially harmful levels of asbestos, the employer must develop and implement an exposure control plan meeting the requirements of section 5.54.

Measures to Ensure Compliance:

The employer must review the employer's asbestos exposure control plan (AECP) and revise it, as needed. The employer provide this Officer a copy of the revised AECP and an action plan outlining when any actions will be implemented.

Pursuant to section 88 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 88 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than **January 14, 2022**.

REFERENCES

In addition to any orders, or other items, and the information provided in the Inspection Notes section in this Inspection Report, the officer may discuss other health and safety issues with the employer arising out of the inspection. The information below sets out the health and safety requirements discussed with the employer, and unless otherwise noted, violations of these requirements were not observed.

Reference	Details Discussed
<p>OHS6.5</p> <p>The employer and the owner must ensure that all asbestos-containing materials present in the workplace are identified by signs, labels or, when these are not practicable, other effective means.</p>	<p>I discussed that asbestos-containing materials must be identified by signs or labels. If signs and labels are not practicable, other effective means could include colour or letter encryption coding, floor plan mapping, or signage placed behind access ways (provided that workers are not placed at risk upon entering the restricted areas).</p> <p>Whatever the means of identification, it must be coupled with effective training and education of all affected workers. Refer to section 6.11 (Instruction and training). The guiding principle should be that the less information that is presented on signs or labels, the more education and training that will be required to communicate the hazards of and precautions for handling and working around asbestos.</p>
<p>OHS20.112(4)(a)</p> <p>All employers responsible for work being carried out on the worksite where the demolition or salvage of the machinery, equipment, building or structure, or the renovation of the building or structure is taking place, and the owner, must ensure that the following information is available at the worksite: (a) a report made under subsection (3) (e);</p>	<p>I discussed this employer's responsibility to ensure that a hazardous materials inspection report is available at the worksite.</p>
<p>WCA88(1)</p> <p>This Inspection Report contains one or more orders requiring you to submit a Notice of Compliance report. This report must be prepared in accordance with section 88(2) of the Workers Compensation Act.</p>	<p>Requirement to submit Notice of Compliance Report set out in applicable order.</p>
<p>WCA88(2)</p> <p>The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies: (a) what has been done to comply with the order, and (b) if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved.</p>	<p>Requirement to submit Notice of Compliance Report set out in applicable order.</p>

Employer #	Mailing Address	Classification Unit #	Operating Location
112786	8888 UNIVERSITY DR BURNABY BC V5A 1S6	765010	001

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		4	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Tajinder Aujja	Tajinder Aujja	Not Applicable	Poly Party Collective Agreement

WorkSafeBC Officer Conducting Inspection
Ajla Duranovic

*Inspection Time	*Travel Time
15.50 hrs	0.00 hrs

*The time recorded above reflects the inspection time and travel time associated with this inspection report and includes time spent on pre and post-inspection activities. Additional time may be added for subsequent activity.

Request a Review

Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers Office at 1-800-925-2233.

To submit a request online, visit <https://www.worksafebc.com/en/review-appeal/submit-request>

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.