

# **Terms of Reference: Review of Occupational Exposure Limits in Schedule 1, Table 2 of the Occupational Health and Safety Code**

## **Introduction**

Section 16 of the Alberta Occupational Health and Safety (OHS) Code requires employers to ensure worker exposure to a substance does not exceed its occupational exposure limit (OEL) listed in Schedule 1, Table 2. There are currently approximately 800 substances with OELs listed in Schedule 1, Table 2. The majority of the OELs in the OHS Code are based on Threshold Limit Values (TLVs) developed by the American Conference of Governmental Industrial Hygienists (ACGIH).

Each year, ACGIH reviews a number of TLVs and makes revisions based on current science and knowledge regarding the health effects of exposure to the substance. In Alberta, the OHS legislation does not automatically adopt the most current version of the TLVs; rather a process of review and consultation is followed to ensure the OELs are appropriate for Alberta workplaces. The current OELs in the OHS Code are based on the 2006 TLVs. As a result, Alberta Jobs, Economy, Trade and Immigration (JETI) is initiating a review of OELs in accordance with the published OHS Code review plan.

The technical working group (TWG) will make recommendations for government consideration. Once the TWG meetings are complete, the Government will publicly consult on changes under consideration, and will amend the OHS Code accordingly.

## **Goals and Objectives**

The goal of this review is to propose updates to OELs to ensure workers exposed to airborne chemical substances on Alberta work sites are protected. The TWG must consider the following factors when making their recommendations to government to ensure OELs are protective, applicable to Alberta work sites and enforceable:

- Available scientific documentation and rationale,
- Availability of validated analytical methods for monitoring exposure in the workplace, including laboratory detection limits,
- OELs established in other Canadian jurisdictions and opportunities for harmonization,
- Existing and potential compliance issues (e.g., availability of controls).
- Applicability to Alberta specific conditions, and
- Other relevant factors such as potential economic impact of changes.

## **Technical Working Group Mandate and Scope**

The mandate of the technical working group (TWG) is to:

- Respond to technical questions provided by JETI with recommendations for approach,
- Review substances in a short list recommended by JETI for more detailed review and provide recommendations on whether to adopt the OEL,
- Suggest other substances, with rationale, that should be added to the short list for detailed review by the TWG, and
- Throughout the review:
  - Consider information from the stakeholders they represent with respect to OELs,
  - Provide information on the impact to their industry sector, including technical and economic impact, of changes to OELs, where applicable, and
  - Provide rationale for proposing that an Alberta OEL be different from the ACGIH TLV.

The substances in the short list for detailed review were identified by JETI because they met one or more of the following criteria:

- The benchmark year TLV is different from the current OEL,
- The benchmark year TLV is new (no corresponding Alberta OEL),
- An alternative OEL was recommended as part of an earlier technical review, or Alberta currently deviates from the TLVs,
- There is no TLV but an Alberta specific OEL exists,
- There is no TLV and no Alberta specific OEL, but there may be a need for an Alberta specific OEL,
- Stakeholders previously identified concerns related to an existing OEL, even if the TLV has not changed, and/or
- An OEL is identified as part of an interprovincial agreement for harmonization.

It is important to note:

- A change to a TLV will not automatically trigger a detailed technical review of the OEL, and
- Proposed TLVs on ACGIH's "notice of intended changes" list will not be considered because substances on this list do not always lead to a change in a TLV.

The TWG review will be a consensus-based process. The TWG will strive to achieve consensus on recommendations for changes to the OELs. Consensus means unanimous consensus among the members. Where consensus is not achieved, non-consensus items will be noted. JETI will make final decisions on recommendations that will proceed to government where consensus is not achieved based on its responsibility to reflect public policy and ensure the protection of workers.

## Review Process

It is proposed, in the absence of detailed review for a substance, to adopt the 2024 ACGIH TLVs to replace the current OELs in the OHS Code.

The review process will encompass the following steps:

1. JETI will provide the TWG with a list of questions including a preliminary short-list of substances that may require a more in depth technical review.
2. The TWG will review general questions provided by JETI and provide feedback.

3. TWG will review the short-listed OELs for detailed review and determine whether substances need to be added or removed from the list.
4. The detailed review will be conducted and the TWG will make recommendations for changes to OELs with rationale, considering the factors noted above.
5. JETI will compile the recommendations and consider them to propose amendments to the OHS Code.
6. Proposed changes will undergo public consultation before government makes amendments to the OHS Code.

Key milestones and timelines are summarized in Appendix A.

## Membership

The TWG will include representatives from industry, labour and the government and will be chaired by a representative from JETI. Membership will be chosen to ensure a range of sectors impacted by OELs are included, as well as ensuring members have knowledge of activities, hazards and substances used in their sector, as well as the ability of members to represent the technical concerns of their sector in the review process.

Members from industry (employers and workers) will be invited to provide one representative and one alternate. Only one representative from the organization will attend each meeting and organizations will not be permitted to send observers unless invited to do so by the Chair. Where there are a number of associations representing a sector, the individual associations can nominate one individual/organization to represent them, where this is practical, and there is an overlap of impact/issues.

The review process may include additional stakeholder participation at various stages, as appropriate. For example, where a particular OEL is relevant to a specific sector only.

## Roles and responsibilities

### Chair

The Chair for the TWG will be from JETI. The Chair is responsible for:

- Facilitating group discussions.
- Providing a neutral voice on the TWG.
- Ensuring meeting minutes are maintained and disseminated to the group.
- Coordinating meetings.
- Disseminating information to the TWG.

### Note Taker

The Note Taker will be designated by JETI. The note taker is responsible for:

- Taking minutes at each meeting.
- Providing a draft of the meeting minutes to the Chair following a meeting.

### Members

Members will be designated by the organizations; each will designate one member and one alternate who will be responsible for:

- Committing to participate regularly in meetings and designate an alternate representative if unable to attend a meeting.
- Committing to develop and circulate written submissions as needed to inform discussion.
- Consulting with their member association and represent the technical concerns of that group. Members of the TWG must have decision-making authority for the purpose of consensus making on behalf of their organizations.

## Appendix A: Proposed Timelines

| Activity                                                                                                                                                                                                                                | Lead            | Proposed timeline         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------|
| Send out invitations and confirm TWG members.                                                                                                                                                                                           |                 | Early July 2025           |
| Provide the TWG overall questions and a short-list of OELs that may require TWG input and review.                                                                                                                                       | JETI            | Mid July 2025             |
| TWG provides feedback on the questions and short-list of substances for detailed review.                                                                                                                                                | TWG             | Mid August 2025           |
| TWG meetings to conduct a review of the short-listed OELs and other topics, as identified by the TWG.                                                                                                                                   | TWG, JETI       | September - December 2025 |
| Provide recommendations<br>a) TWG provides recommendations along with rationale to JETI on OELs.<br>b) JETI to review and finalize recommendations for proposed changes and rationale on adoption of OELs and size selective notations. | TWG<br><br>JETI | January 2026              |