

## LEGISLATIVE INTERPRETATIONS

Topic: Biological, Physical and Chemical Agents – Definition and Reporting Requirements	Issued by: V.P. WorkSafe Services
Statute: <i>Occupational Health and Safety Act</i>	Date Issued: January 10, 2006
Paragraph, sections and subsection: 9(2)(b), 13, 42, 43(4)	Date Revised: March 23, 2012

9(2) Without limiting the generality of the duties under subsection (1), every employer shall

(b) acquaint an employee with any hazard in connection with the use, handling, storage, disposal and transport of any tool, equipment, machine, device or **biological, chemical or physical agent**;

13 Every supplier shall

(a) take every reasonable precaution to ensure that any tool, equipment, machine or device or any **biological, chemical or physical agent** supplied by him

i) is reasonably safe when used as directed by the supplier or in accordance with the directions supplied by the supplier, and

ii) complies with this Act and regulations;

(b) provide directions respecting the safe use of any tool, equipment, machine or device or any **biological, chemical or physical agent** obtained by an employer to be used at a place of employment by employees; and

(c) ensure that any **biological, chemical or physical agent** supplied by him is labelled in accordance with the applicable federal and provincial regulations.

42(1) Every employer at a place of employment shall prepare a list, in co-operation with the committee at the place of employment, if one exists, of all **biological, chemical or physical agents** used, handled, produced or otherwise present at the place of employment which may be hazardous to the health or safety of employees or which are suspected by the employees of being hazardous.

42(2) For every **biological, chemical or physical agent** listed under subsection (1), other than a controlled product, the employer shall take all reasonable steps to ascertain from suppliers or otherwise and shall record

- (a) the ingredients thereof and their common or generic name or names;
- (b) the composition and the properties thereof;
- (c) the toxicological effect thereof;
- (d) the effect of exposure thereto whether by contact, inhalation or ingestion;
- (e) the protective measures used or to be used in respect thereof;
- (f) the emergency measures used or to be used to deal with exposure in respect thereof;  
and
- (g) the effect of the use, transport, storage and disposal thereof.

**42(4)** Where the employer is unable to ascertain the ingredients or composition of any **biological, chemical or physical** agent listed under subsection (1), other than a controlled product, he shall promptly provide the Commission with the trade name, and the name and address of the manufacturer of the substance.

**43(4)** Where an accidental explosion or an accidental exposure to a biological, chemical or physical agent occurs at a place of employment, whether or not a person is injured, the employer shall notify the Chief Compliance Officer within a period of twenty-four hours after its occurrence.

### **Question**

What is the difference between biological, chemical and physical agents and what exposure do I need to report under subsection 43(3) of the *OHS Act*?

### **Response**

Biological agent is a term used to describe microorganisms that are biological in nature and origin, to which exposure in sufficient quantities and duration may result in illness or injury to human health. Biological agents include bacteria, viruses, chlamydia, fungi and parasites or parts thereof or products they generate. *Reporting exposures to common agents such as cold and common influenza is not required.*

Chemical agent is a term used to describe all chemical elements and compounds in a natural state or in a processed state and their byproducts, the exposure to which in sufficient quantities and duration may result in illness or injury to human health.

Physical agent is a term used to describe energies, the exposures to which in sufficient quantities and duration may result in illness or injury to human health. Physical agents include noise, ionizing or non-ionizing radiation, extremes in temperature and pressure, vibration, electric and magnetic fields.

Reporting accidental exposures to biological, chemical or physical agents needs to take into account:

- The seriousness of the health hazard.
- The nature of work and circumstances:
  - whether the exposures are anticipated and control measures are in place and
  - whether the exposure was a result of failure of such measures.
- The physical state and/or quantity of the agent to which the employee was exposed.
- For biological agents:
  - whether the agent can result in an infection and
  - whether the etiology of the agent is fully known or understood.