

# Ontario Compliance Alert: Part 4: Make 8 Changes to Your Eyewash Station Policy to Comply with New Rules



Proposed [MOL regulatory changes](#) in the pipeline will require at least some Ontario employers to modify their current OHS policies. Although the changes are wide-ranging, this series focuses on the 4 key OHS policies that will be the most directly and immediately impacted by the changes:

- [Vertical fall protection](#);
- [Scaffolds and elevated platforms](#);
- [Traffic safety](#); and
- Emergency eyewash stations for injuries due to biological and chemical hazards.

This installment explains how to revise your eyewash station policy to meet the new requirements and includes a [Model Policy](#) that you can adapt for your own workplace

## Employers Affected

The proposed rule changes affect not all Ontario employers but those subject to the *OHS Regulation for Industrial Establishments* (Reg. 851). This includes factories, offices

and office buildings, retailers, restaurants, warehouses logging operations and foundries.

## **Employers Not Affected**

The changes don't affect worksites subject to another set of Ontario industry-specific OHS regulations, i.e., construction, oil/gas, mining, farming, teaching, window cleaning and diving operations.

## **Purpose of Changes**

More workplaces are covered by Reg. 851 than any other industry-specific OHS regulations; but despite this, Reg. 851 is fairly antiquated and filled with gaps. The MOL's objective is to bring Reg. 851 into line with more developed OHS regulations, especially *Construction Projects Regulation* (Reg. 213/91) and *Mines & Mining Plants* (Reg. 854). In addition to fleshing out current requirements for industrial establishments, the idea is to ensure coordination of standards across industries.

## **The Timeline**

The public consultation period on the proposed changes ended on April 6. The MOL now has to finalize the changes and publish them in the *Ontario Gazette*. As of the date of this writing (first week in May), this hasn't happened yet. But barring unforeseen developments, final regulations will be issued some time in May or June. The key will be the effective date. The 2 possibilities:

- The changes will take effect immediately as of the date of publication in the *Gazette*; or
- The MOL will give employers a grace period to comply which might be in the range of anywhere from 1 to 6 months.

## **The New Emergency Eyewash & Shower Rules**

Under current Reg. 851, where workers are exposed to risk of injury via contact with a biological or chemical substance, the employer must provide:

- An eyewash fountain for flushing eye injuries (Section 124); and/or
- A quick-acting deluge shower in case of skin injuries (Section 125).

The MOL wants to expand and clarify these requirements by incorporating the more developed rules that currently apply to mining sites under (Section 282 of) Reg. 854 by:

- Giving employers the option to use not only eyewash facilities and quick-acting emergency showers but also 'antidotes, flushing fluids or washes';
- Clarifying that eyewash facilities must be located or installed in 'a conspicuous place as near as practicable, and in any case no more than 17 metres (55 feet) from where the substance is used or kept;
- Clarifying that an antidote, flushing fluid or wash must be located in 'a conspicuous place as near as practicable' to where the substance is used or kept;
- Specifying that antidotes, flushing fluids or washes must be labeled and instructions for their use must be kept as nearby as practicable;
- Requiring that workers' access routes to the above facilities and supplies must be kept unimpeded and free of obstructions; and
- Requiring that workers be instructed in the location and use of the facilities and supplies.

### **Proposed Emergency Eyewash & Shower Rules Changes for Industrial Sites**

ISSUE	CURRENT RULE	PROPOSED CHANGE
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Emergency eye or skin injury treatment facilities/equipment required	* Eyewash station for eye injury; and/or *Quick-acting deluge shower for skin injury	* Eyewash station for eye injury; and/or *Quick-acting deluge shower for skin injury; and/or *Antidotes, flushing fluids & washes
Location of eyewash stations & showers	Not specified	A conspicuous place as near as practicable and no more than 17 metres (55 feet) from where substance is used or kept
Location of antidotes, flushing fluids & washes	NA	A conspicuous place as near as practicable to where substance is used or kept
Standards for antidotes, flushing fluids & washes	NA	*Must be labeled; *Use instructions must be kept as close as practicable
Accessibility to emergency facilities & supplies	Not specified	Access routes must be unimpeded & kept free of obstructions
Duty to instruct workers on location and use of emergency facilities & supplies	Implied	Specifically spelled out

## 8 Things to Include in Your Eyewash Station Policy

If your current emergency eyewash station and showers policies is based on the requirements of current Reg. 851, you'll need to revise it comply with the new rules. And because even the revised eyewash and shower requirements are still pretty scant'at least as compared to the OHS rules of other jurisdictions'you should also incorporate safeguards not

expressly required but dictated by best practices. At a minimum, your policy should address 8 things:

### **1. 1. Risk Assessment**

One general change to Reg. 851 that will indirectly affect your eyewash policy is the addition of an express duty of employers to perform risk assessment at industrial sites where 20 or more workers are regularly employed. Of course, risk assessment should already be part of your larger chemical safety policy. But you may want to refer to it in your eyewash policy and specify that risk assessment must be in writing and furnished to the joint health and safety committee (JHSC) or health and safety representative (HSR) for the site'or if there is no JHSC or HSR, communicated to the workers and made available to any worker who requests it [Model Policy, Section 6].

### **2. General Emergency Eye & Skin Injury Facilities**

Spell out that you'll implement appropriate controls to protect workers from risk of eye and skin injury due to contact with chemical or biological substances and list the 3 types of measures the revised Reg. 851 requires you to consider, i.e.:

- Eyewash facilities for eye injuries;
- Quick-acting emergency showers for skin injuries; and/or
- Antidotes, flushing fluids or washes for eye and skin injuries.

[Model Policy, Section 7].

### **3. Location of Eyewash Stations & Emergency Showers**

Your policy should incorporate the new regulatory language requiring eyewash stations and showers to be located or installed in a conspicuous place as near as practicable and no more than 17 metres (55 feet) from where substance posing the risk of eye or skin injury is used or kept [Model Policy,

## Section 8.1.]

### 4. Construction, Design & Performance Standards

Although not expressly required by Reg. 851, it's advisable to spell out the standards for eyewash stations and emergency showers, including with regard to:

- **Construction & Installation:** Eyewash station or emergency showers should be constructed of non-corrosive materials and installed in accordance with manufacturer's instructions [Model Policy, Section 8.2.];
- **Performance:** An eyewash facility should be capable of providing continuous flushing for at least 60 minutes delivering a fluid flow volume and pressure that's great enough to wash away the hazardous agent but not great enough to cause discomfort or injury [Model Policy, Section 8.3.]; and
- **Nozzles** used to dispense flushing fluid should be covered to prevent contamination and designed so that nozzle covers automatically displace once they're activated so as not to hinder flushing [Model Policy, Section 8.6.];
- **Plumbed Eyewashes** should supply potable water that's flushed at least weekly to prevent particulate or microorganism buildup [Model Policy, Section 8.4.]; and
- **Self-Contained Eyewashes** should supply sterile water, preserved buffered saline solution or a commercial solution manufactured for use in eyewash facilities that's used in accordance with manufacturer's instructions [Model Policy, Section 8.5.].

### 5. Location & Labeling of Flushing Fluids

As with eyewash stations and emergency showers, you should include new language tracking the new Reg. 851 requirements for antidotes, flushing fluids or washes, namely that:

- They'll be located in a conspicuous place that's as near as practicable to where the hazardous chemical or biological substance is kept or used;
- The location will be readily accessible to workers without obstructions such as doors or moving partitions, cabinets or other barriers that may be closed or locked or equipment that must be moved for the worker to access them;
- Instructions for their use will be kept as near to that location as practicable; and
- The supplies will be properly labeled.

While not expressly required by Reg. 851, you may want to specify that supplies will be kept at the temperatures and under the conditions recommended by the manufacturer [Model Policy, Section 9].

## **6. Signage**

Your policy should provide for posting clearly visible signs marking the locations of eyewash stations and emergency showers [Model Policy, Section 10].

## **7. Inspection & Maintenance**

Provide for regular inspection and maintenance of eyewash stations, emergency showers and flushing fluids and supplies and the keeping of written records documenting the inspection/maintenance date, finding, work done and name or initials of the person responsible [Model Policy, Section 11].

## **8. Worker Instruction & Training**

Spell out that all workers exposed to chemicals or biological substances posing eye or skin injury hazards will receive appropriate notification of the emergency facilities and supplies in their work area and instructions how to use, inspect and maintain them [Model Policy, Section 12].

