

REGULATORY REQUIREMENTS FOR DESIGNATED SUBSTANCES

In order to assist in Giffin Koerth's ongoing promotion of the health & safety of our own staff and our clients, the following key regulatory and legislative references are provided regarding the need for designated substance surveys as part of demolition, restoration & construction projects:

Why are Designated Substance Surveys required as part of Demolition, Restoration & Construction Projects in Ontario?

In accordance with Section 30 of the Ontario Occupational Health and Safety Act, Designated Substances and other potentially hazardous building materials must be identified prior to construction or demolition that may disturb such materials. The Designated Substances are specifically regulated under O.Reg. 490/09 (as amended) and include:

Asbestos	Benzene
Lead	Acrylonitrile
Mercury	Coke Oven Emissions
Silica	Arsenic
Isocyanates	Ethylene Oxide
Vinyl Chloride	

A Designated Substances report is completed to fulfil the Owner's requirements under Section 30 of the Ontario Occupational Health and Safety Act. A copy of the report must be provided to the general contractor *in advance* of the initiation of the subject work, who in turn must submit the report to *all* subcontractors prior to the commencement of any demolition, construction or renovation work (as defined in the Act).

Although not listed as a Designated Substance, the scope of this survey commonly includes the identification of PCBs, which are subject to separate and distinct Ontario Ministry of Environment regulations. Ontario Regulation 362 (as amended), Waste Management-PCBs, made under the Environmental Protection Act, controls the waste management and transfer of PCBs.

Specific regulatory requirements guide the most rigorously controlled Designated Substance: Asbestos. Ministry of Labour Regulation O. Reg. 278/05, controls the disturbance of asbestos materials on construction projects. Ministry of Environment Regulation 347 (as amended), controls the disposal of asbestos waste.

There are no specific Ministry of Labour regulations for control of the other Designated Substances on construction projects. However, the Ministry of Labour actively enforces the *general duty* clause of the Health and Safety Act which protects workers and provides guidance on exposure monitoring, permissible exposure levels, medical monitoring, etc. for all Designated Substances in an industrial setting.