# Preventing Confined Space Injuries and Liability

- During a coffee break, ship workers notice that one of their colleagues is missing. He was last seen inside the hull of a barge making repairs. A worker enters the confined space to check on him. When he doesn't come back, a third worker goes in to rescue them both. Then a fourth and a fifth. Before it's all done, four workers are dead. The company is fined $130,000 for not protecting workers against confined space hazards [Westminster Marine Services].
- A worker is spray painting the interior walls of a water tank. Combustible vapors are building up inside the tank. Suddenly, the worker's troubleshooting light goes out. When he tries to relight it, a spark causes the vapors to ignite. The worker suffers burns over 90 percent of his body. The director of the company he works for is fined $10,000 [ v. Raglan Industries Inc.].
- Two paper mill workers are sent to clean up a sulphuric acid spill inside a containment tank. The soda ash they're using to clean the spill reacts with the acid and emits carbon dioxide vapors. One of the workers passes out and falls face first into the acid. He suffers severe facial burns and loses an eye. The mill is fined $12,000 for failing to adequately train and equip the worker to work safely in a confined space [ v. Pine Falls Paper Co. Ltd.].

If you're ever unfortunate enough to have a serious or fatal accident at your workplace, it's a pretty good bet that it will happen inside a confined space. That's because confined spaces are one of if not the most dangerous part of any workplace. The three cases above drive home this point. They also show that companies run the risk of liability when injuries occur inside confined spaces.

Confined spaces regulation is a very complex topic. This article zeroes in on one aspect: The use of entry permits to limit who can

get into a confined space. This article will explain what the law says about entry permits and how to comply with the requirements.

**The Law of Confined Spaces**

OSHA and Canadian OHS regulations require employers to use a combination of engineering measures (such as atmospheric testing), safe work practices (such as mandatory buddy systems) and administrative controls (such as training) to protect workers against confined space hazards.

**U.S. OSHA** standards impose an additional administrative requirement: Employers must use entry permits to limit workers' access to certain kinds of confined spaces. The permit lists critical safety information such as the workers' qualifications and the protective equipment required for the work. The worker isn't allowed into the space unless and until a supervisor reviews the permit to verify that it's complete and accurate.

**In Canada,** Alberta, BC, Nova Scotia and Ontario are among the provinces that follow the U.S. OSHA example and require employers to establish an entry permit system. In AB, BC and ON, the permit gets issued before the worker enters the confined space and is posted at the entry during the work. NS uses a variation of the permit system in which a "competent person" issues a general certificate stating that conditions in the confined space have been tested and found safe for the particular type of work for a particular period of time. Somebody then reviews the permit before the confined space work begins to ensure that it's current.

**How to Create an Entry Permit**

Once you decide to implement a permit system, you must create the right kind of permit form to use. The important thing is making sure that your permit includes all of the information you need to review to determine if the proposed entry into the confined space is safe and all hazards have been addressed. The regulations list the information a permit must list. These typically include:

- Location of the confined space;
- Name of each worker who enters the space;

- Reason for entry (AB)/work activities covered (BC)/description of work to be performed (ON);
- Period for which permit is valid;
- Precautions necessary
- Name of the attendant watching over the confined space;
- When each worker entered and exited;
- List of equipment required for entry and rescue;
- Verification that equipment is in good working order; and
- Results of atmospheric testing, if any.

**Conclusion: The Training Challenge**

Safety training plays a critical role in protecting workers from confined space dangers. First and foremost, the supervisor must familiarize workers with the dangers of confined spaces. The Safety Talks and other materials you find in SSOL can make this job much easier.

The second part of the training challenge is to familiarize workers with the company’s confined space practices, policies and procedures, including the use of permits. The Model Permit below can be adapted to meet the circumstances of your own workplaces.