

**WorkSafe Services**

PO Box 160  
Saint John NB E2L 3X9  
Phone 506 632-2200  
Toll free (Claims) 1 800 222-9775  
N.E. Regional Office 1 800 561-2524  
Web www.whscc.nb.ca

**Services de travail sécuritaire**

Case postale 160  
Saint John NB E2L 3X9  
Téléphone 506 632-2200  
Sans frais (Réclamations) 1 800 222-9775  
Bureau de la Région du N.-E. 1 800 561-2524  
Web www.whscc.nb.ca



November 29, 2005

"The Employer"

This letter is in response to the employer's letter dated October 24, 2005, received on November 16, 2005. The Chief Compliance Officer thanks the employer for notification that the employer plans to operate 2 ST-8B Wagner Scooptrams on the 1000m Level in the employer's premises as required under the N. B. Mining Regulations 96-105, Subsection 50(1) and 50(2). Both scooptrams are equipped with 325 H.P. Detroit Diesel Engines.

The employer has also requested a deviation from Subsection 220(3) of General Regulations 91-191 of the *Occupational Health & Safety Act* for the above-mentioned scooptrams. The employer has reviewed mining, mucking and tramping processes to which these vehicles will be repetitively exposed on 1000m level including access ramps. Operations are carried out in drifts where there is minimal grade differences and/or embankments. The employer has stated in the employer's letter that the addition of roll over protective structures on production equipment of this size is not physically possible and there are documented case studies to support this fact. The vehicle design and application of this vehicle within the employer's premises poses no risk to roll over, thus the element of risk from roll over as a result of the mining process or drift design is minimal. The employer has also included a letter signed by the co-chairs of the Joint Health & Safety Committee who support this request.

Based on the information the employer has provided, a deviation from 220(3) is granted.

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff and the JHSC Co-chairs of the decision.

Regards,

Chief Compliance Officer

**WorkSafe • Travail sécuritaire**