

**WorkSafe Services**

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**Services de travail sécuritaire**

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May 30, 2007

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated May 2, 2007 and the meeting on May 8, 2007, in which the employer indicates the following:

The employer's company is in the process of bringing the Plant Electrical into compliance with NFPA70-E. The employer states that the only individual performing the work can place or remove their lock. NFPA70-E states that to cross the limited approach boundary into the restricted approach boundary requires proper "PPE" (Arc Rate clothing) and the person must be "qualified" and that these two statements contradict each other.

As not all staff are qualified, nor do they have the proper PPE to perform the task, only qualified electricians wearing proper PPE should perform this task.

The employer has been, and will continue to install local disconnect switches to avoid this situation, however there are many local disconnects that remain to be done. The employer will continue to pursue this as the employer's preferred method of dealing with this situation.

With the introduction of the employer's Arc Flash Program, the employer is now faced with a contradiction of methods. Is it safe to have a non-electrical staff member install a lock in a cabinet with exposed electrical parts with the assistance of a qualified electrician? The employer believes the answer is "NO" because of the "approach boundaries" for un-skilled workers and the clothing/PPE requirements and that it is not practical or safe to allow this practice to continue.

The employer has proposed, as a solution and is seeking permission to adopt a code of practice, that would allow the qualified electrician to place/remove locks for individuals when they would be required to enter electrical cabinets to place their personal locks. The individual requesting the lockout must be present to witness the qualified electrician install/remove their lock. The individual must witness this lock placement/removal by standing outside the "limited approach boundary" for the equipment being locked out. Standing outside the "limited approach boundary" will allow the staff member to witness the placement/removal of their lock without the need for arc flash clothing, face-shield and voltage rated gloves. The employer feels that this is the best approach until all the areas of concern are addressed with the local disconnects or other lockout methods.

On May 8, 2007 the Chief Compliance Officer met with the JHSC Employee Co-Chair and the employer to review the employer's request.

Based on the information the employer has provided, and the discussions at the meeting, what is being proposed by the employer meets the intent of S.239(4) (b)(i)&(ii), provided that once the electrician has de-energized the panel and placed the lock on the panel, that the key to the lock is given to the person carrying out the work until such time as the work is completed. In addition, it will also be necessary to ensure compliance with all of the other provisions of S.239 including S.239(5), as outlined below:

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**239(5)** *No employee shall clean, maintain, adjust or repair a machine until the employee verifies that paragraphs 4(a) and (b) have been complied with and verifies by testing that the machine is inoperative.*

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff of the decision.

Yours truly,

Chief Compliance Officer