

July 17, 2009

"The Employer"

The Chief Compliance Officer is writing in response to an email from the employer dated January 22, 2009 requesting a deviation in relation to Personal Flotation Devices.

In the employer's email the employer indicates that the employer asked some follow up questions of the manufacturer about the standard they quoted which the employer thought would be relevant. The employer provided the Chief Compliance Officer with the questions and the responses.

The employer added one point of clarification that the employer is not looking to have the standard from the existing variance removed, only to have the option of the inflatable PFD's available to employees on patrol. The existing standard meets the needs of staff in all other situations, and employees working from motor boats in the spring still require the ability to wear cold water survival suits

The employer advises that the employer took it upon itself to weight the employer's duty belt and body armour with two sets of scales used by the employer's staff. The total weight of the equipment (sidearm, ammunition, baton, pepper spray, handcuffs, mini mag and mag flash lights, radio on the belt, and body armour) was 18lbs on 1 scale and 20 lbs on the second. By the employer's math the inflatable PFD's seem to allow for a similar amount of buoyancy as would be found with a regular PFD and no duty gear, and in the employer's opinion seems preferable to the regular PFD when wearing duty gear.

The employer is requesting that a deviation be granted for the employer to allow staff to wear inflatable PFD's that meet or exceed the standard - UL1180 with the Canadian Addendum.

As the employer is aware, the General Regulation 91-191 (Section 51 (5)) requires that employees wear a life jacket or buoyancy device when being transported in a boat that conforms to *CGSB standard CAN/CGSB-65.7-M88, "Life Jackets, Inherently Buoyant Type"* and does not make reference to life jackets or buoyancy devices that conform with UL1180 with Canadian Addendum.

As a result, in order to consider the use of different equipment from different standards, a deviation from the regulation is required.

After reviewing the information the employer has provided, other CGSB Standards and UL Standards that approve inflatable PFD's, the Chief Compliance Officer is prepared to grant the employer a deviation from Section 51 (5) of 91-191 provided that:

1. The inflatable PFD's shall conform to the standard UL1180, "Fully Inflatable Recreational Personal Flotation Devices", with Canadian Addendum,
2. The inflatable PFD's shall incorporate manually activated inflators with automatic inflation back up.
3. The inflatable PFD's must be maintained as per Manufacturers' recommendations.
4. The inflatable PFD's provide a minimum of 158 Newton (35 lbs) of buoyancy
5. Employees do not work alone; and
6. There are sufficient resources to execute an effective rescue.

The reason for the conditions above is that life-jackets that conform with the *CGSB standard CAN/CGSB-65.7-M88, "Life Jackets, Inherently Buoyant Type"* are designed to prevent persons who wear them to remain face down (roll persons unto their back) while in the water, a safety feature that would be essential should persons who fall in water be unconscious. Inflatable PFD's do not have this feature. The requirement for automatic inflation would be essential should persons who fall in water be unconscious. The requirement for manual inflation is to ensure that should the automatic inflation fail, a person would be able to manually inflate the device. The requirement to follow manufacturers recommendations for maintenance is to insure that the possibility of malfunction of the unit is minimized. Finally, the increase buoyancy requirement is to ensure that the PFD's will accommodate the increase in weight due to sidearm, ammunition, baton, pepper spray, handcuffs, mini mag and mag flash lights, radio on the belt, and body armour.

The Chief Compliance Officer will consider other equipment, such as Damage Tolerant Life Preserver, provided that the employer can demonstrate that they are equivalent to or better than those that conform with the *CGSB Standard CAN/CGSB-65.11-M88 "Personal Floatation Devices"*.

By copy of this letter the Chief Compliance Officer has advised the employer's JHSC of the decision

Yours truly,

Chief Compliance Officer