

June 1, 2017

Employer:

I am writing in response to your letter dated May 17, 2017, in which you indicate that you are requesting a deviation from Section 266(1)(f) of Regulation 91-191, which states:

266(1) An employer shall ensure that

....

(f) an employee who is trained in the emergency procedures referred to in subsection 263(3) and who is fully informed of the hazards in the confined space is in the immediate vicinity of the confined space to assist in the event of an accident or other emergency.

In your letter you indicate the following:

- *The deviation requested is to have a roving rescue crew oversee rescue operations in more than one confined space simultaneously;*
- *A rescue plan has been developed for each individual confined space in the two areas in which the deviation is being requested.*
- *The rescue team will be stationed in the immediate vicinity with visual contact of the confined spaces and no obstacles in the rescue path. The bin is located at that place of employment with no visual contact and the only obstacle in the rescue path being the doorway to enter the area;*
- *The rescue team will have radio contact with the hole watch of the areas. In the case of a rescue, the rescue team will notify all of the hole watches by radio to evacuate the workers from the confined spaces;*
- *The rescue team will then proceed with the rescue at the designated confined space. Work may only resume once the rescue team has cleared and the hole watches have been notified that it is safe to resume work. The rescue team for the machine will be responsible for a maximum of 3 confined spaces at one time, and are within 30 seconds of each location;*
- *The second area in which the deviation is being requested is in the Basement Floor. The work included in the Basement is to enter the variety of chests and tanks;*
- *The rescue team will be stationed in the close vicinity of the confined spaces;*
- *The rescue team will have radio contact with the hole watch of each confined space. In the case of a rescue, the same procedure outline in the Machine area will be followed;*
- *The rescue team for the Basement Area will be responsible for a maximum of 4 confined spaces at one time, and are within 45 seconds of each location;*
- *A schedule which outlines the confined space work that will be occurring and how many areas the rescue teams will be responsible for at a given time;*
- *Pictures of the areas were included.*

In addition, on June 1, 2017 you provided me with emergency rescue information from the Company, the consultant firm hired by the company to provide services.

Based on the information received and as provided by the authority of Section 3(3)(b) of the *Occupational Health and Safety Act*, a deviation from Section 266(1)(f) is granted provided that:

1. That the conditions outlined in the March 16, 2017 letter from President of Operations are adhered to throughout the shutdown;
2. In the event of a rescue operation in one of the confined spaces, that the remaining confined space work ceases immediately and the staff evacuated.

By copy of this letter, I have advised WorkSafeNB of my decision. Please do not hesitate to contact me at 738-4107 should you have any questions regarding this decision

Yours truly,

Chief Compliance Officer