

**NEW BRUNSWICK
REGULATION 91-191**

under the

**OCCUPATIONAL HEALTH AND SAFETY ACT
(O.C. 91-1035)**

**PART XIII
EXCAVATIONS AND TRENCHES**

180(1) Before beginning an excavation or trench, an employer shall ensure that the location of any underground utility line or piping is determined.

180(2) Where employees are working within 600 mm of underground utility line or piping, an employer shall ensure that

- (a) the authority operating the utility line or piping has been notified of the operation,
- (b) the utility line has been de-energized, and
- (c) an adequate operating procedure is used by the employees.

180(3) An employer shall ensure that utility poles, posts and similar structures are supported or removed if they are within 3 m of an excavation or trench that is more than 1.2 m deep.

181(1) An employer shall ensure that the walls of an excavation or trench are supported by shoring, bracing or caging except when the excavation or trench

- (a) is less than 1.2 m deep,
- (b) subject to subsection (2), is cut in solid rock,
- (c) is sloped or benched to within 1.2 m of the bottom of the excavation or trench with the slope or bench not exceeding 1 m of vertical rise to each 1 m of horizontal run, or
- (d) is one that an employee is not required to enter.

181(2) Where the walls or crests of an excavation or trench are cut in solid rock and are not stable, an employer shall ensure that the walls and crests are adequately supported by rock bolts, wire mesh, shoring or a method that provides equivalent support.

181(3) Where powered mobile equipment or a mobile crane is used near the edge of an excavation or trench, an employer shall ensure that any shoring, bracing or caging for the excavation or trench is adequate to support the increased pressure.

181(4) An employer shall ensure that shoring, bracing or caging for an excavation or trench is certified as adequate by an engineer and shall make the proof of the certification available to an officer on request.

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182(1) An employer shall ensure that an employee does not, and no employee shall, enter an excavation or trench 1.2 m or more in depth unless

(a) the walls of the excavation or trench are supported by shoring, bracing or caging, the excavation or trench is cut in solid rock or the excavation or trench is sloped or benched to within 1.2 m of the bottom of the excavation or trench with the slope not exceeding 1 m of vertical rise to each 1 m of horizontal run,

(b) subsections 181(2), (3) and (4) have been complied with,

(c) loose material that may fall into the excavation or trench has been removed, and

(d) a ladder that extends at least 1 m above the excavation or trench is installed no more than 15 m from where the employee is working or some other safe means of access and egress is provided.

182(2) Notwithstanding subsection (1), an employee may enter an excavation 1.2 m or more in depth to install bracing if the employee remains a distance from the face of the excavation equal to or greater than the depth of the excavation.

182(3) Notwithstanding subsection (1), an employer shall ensure that an employee does not, and no employee shall, enter an excavation or trench 1.2 m or more in depth to install or remove shoring or caging from a position inside an excavation or a trench.

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183(1) Subject to subsection (2), an employer shall ensure that excavated material is kept at least 1.2 m away from the edge of an excavation or trench.

183(2) Where an excavation or trench is more than 1.8 m deep in rock, an employer shall ensure that

(a) excavated material is located back from the face of the excavation or trench a distance equal to at least the height of the excavated material, or

(b) a fence that is adequate to support the excavated material is erected at a minimum distance of 1 m from the face of the excavation or trench.

184(1) An employer shall ensure that an excavation or trench in which an employee works is kept reasonably free of water.

184(2) Where an employee may be exposed to a hazardous gas or to an oxygen deficient or oxygen rich atmosphere in an excavation or trench, an employer shall ensure that testing is carried out in accordance with section 263 before the employee enters the excavation or trench.

184(3) An employer shall ensure that no hazardous substance is stored in an excavation or trench.

184(4) An employer shall ensure that precautions are taken to prevent the accumulation of hazardous gases in an excavation or trench and that adequate ventilation is provided in the excavation or trench.

185 Where an employee is working in an excavation or trench, an employer shall ensure that there is an employee working on the surface who is able to observe the employee working in the excavation or trench.

186 An employer shall ensure that an operator of powered mobile equipment or a mobile crane does not lower material into an excavation or trench, and no such operator shall lower material into an excavation or trench, unless

(a) the operator has unrestricted visibility, or

(b) a signaller is used to direct the movement of the material.

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187 An employee shall not move under or stay under any material being lowered into an excavation or trench.

188(1) An employer shall ensure that an excavation or trench is adequately illuminated

(a) when work is being carried out in or near the excavation or trench, and

(b) by warning lights or reflective materials to prevent inadvertent entry.

188(2) An employer shall ensure that an adequate barrier is set up around the excavation or trench so as to protect employees working in the excavation or trench from vehicular traffic.

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