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Division des services de prévention

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May 8, 2006

"The Employer"

Re: New Brunswick *Occupational Health and Safety Act* 91-191 subsection 220(3), Requirements for Rollover Protection and regulations 96-105 and Regulation 91-191, subsection 50(1) and 50(2) Notification to Use Diesel Engines Underground

This is in response to the employer's letter dated April 7, 2006, informing that the employer plans to operate a MEM 928 mechanized scissor bolting unit in the employer's premises. This scissor bolter will be equipped with a 147 HP Mercedes OM904 engine model. Exhaust condition is a model NETT N70 C catalytic purifier. Engine certification for this particular engine model is through MSHA 7E-BO98-0, which is accredited to the Daimler Chrysler Corporation.

The employer is requesting a deviation to subsection 220(3) of regulations 91-191, *Occupational Health and Safety Act* for this mechanized scissor-bolting unit. The employer indicates that the main function of these units will be for securing walls and backs in new development drifts and sill areas, with occasional use on rehabilitation projects and that the employer's application ensures that the vehicle will continually be on flat ground for both tramming and set-up operations. During actual bolting operations, it will be stabilized by the vehicle's outriggers.

The employer states, in the employer's request, that the employer has similar automated bolting machines in the underground operation, some of which began operating in 1995, with no incidents of rollover to date. Based on the proposed operating process and the employer's past experience with vehicles of this design, the employer is requesting this deviation. The employer has attached diesel equipment specification sheet and a copy of the Joint Health and Safety Committee's recommendation. This letter is signed by the joint co-chairs and indicates that the Joint Health and Safety Committee agrees with the deviation request and acknowledges the operating conditions and limitations in which this vehicle will be applied.

Based on the information the employer has provided, and as the Chief Compliance Officer indicated to the employer verbally on May 4, 2006, 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.

Yours truly,

Chief Compliance Officer

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