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August 31, 2010

"The Employer"

This is in reply to the employer's letter dated August 17, 2010, requesting a deviation from Section 147 (1) and 148 (1) of the General Regulation 91-which states:

147(1) Subject to subsection 148(2), an employer shall ensure that a blasting operation is conducted by a blaster who holds an appropriate certificate of qualification issued under the Apprenticeship and Occupational Certification Act for the work involved.

148(1) No person other than a blaster with the appropriate certificate of qualification shall conduct or supervise a blasting operation.

The employer's request is to perform Geophysical/Seismic Blasts during September 1, 2010 to November 1, 2010.

In rendering a decision, the Chief Compliance Officer has considered the following information:

1. The Province of New Brunswick does not provide training and certification in the field of Perforated Blasting, therefore the supervision and operation of blasting operations involving perforating oil wells is outside the field of expertise of a New Brunswick certified blaster and obtaining such certification would not be of substantial benefit to the employer;
2. The employer has provided the Chief Compliance Officer with a current Enform Oil/Well Blasting Permit/Certificate for three employees which allows them to handle, prepare, load and fire oilwell explosives for the purpose of oil and gas well blasting within the Province of Alberta, British Columbia and Manitoba as well as the Northwest Territories and Yukon with an expiry date of January 18, 2015 for the first employee, with an expiry date of February 28, 2012 for the second employee, with an expiry date of January 18, 2015 for the third employee.

Based on the information the employer has provided, a deviation is granted from Sections 147 (1) and 148 (1) to allow the employer to carry out seismic exploration during the time frame the employer has provided.

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

Yours truly,

Chief Compliance Officer

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