

November 9, 2016

Employer:

I am writing in response to your letter in November, 2016, 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:

- *You are applying for a blanket deviation for the location of your company to substitute confined space rescue requirements based upon CSA Z1006-10, Management of work in Confined Spaces, for those stipulated in Section 266(1)(f) of Regulation 91-191. This deviation is in line with pending changes to the confined space regulations.*
- *This deviation would apply:*
  - *During all unit maintenance outages and similar activities that include multiple confined space entries.*
  - *And where the confined spaces are grouped to allow reasonable response by the rescue staff.*
- *The deviation would not apply where:*
  - *Only a single space is being entered*
  - *The space is in a remote location of the site that would not allow for acceptable response times without rescuers stationed in the vicinity*
  - *The entry is into a space considered to be immediately dangerous to life or health. Such entries are very rare at the location of your company.*
- *To comply with the requirements of CSA Z1006-10:*
  - *A rescue response team of sufficient numbers to adequately respond to an emergency will be on site when the deviation is in effect*
  - *The rescue team will be deployed by the emergency response team leader in such a manner as to provide rapid response to a confined space emergency*
  - *All other confined space work will immediately shut down and the spaces will be vacated while the rescue team is responding to a confined space emergency*
  - *An emergency response team leader will be appointed and trained as required to meet the scope of duties spelled out in section 5.3.3 of Z1006.*
  - *The confined space entry supervisors will be trained on the requirements of Section 5.2.2 of Z1006.*

- *Training records for staff and contractors associated with confined space entries will be retained and available for inspection*
- *Your company will notify WorkSafeNB whenever confined space work is to be performed under the terms of the deviation.*

Based on the information received, the requirements outlines in CSA Z1006-10 with respect to *Management of Work in Confined Spaces*, 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 on the following conditions:

1. In addition to complying to the provisions outlined above, with respect to emergency response matters, it will be a requirement of your company to also meet as required Clauses:
  - a. *6.6.3-Availability of emergency response team* including the requirement for the ERT to be in the immediate area for any work identified by the Entry Supervisor (Competent Person) as being IDLH ;
  - b. *6.6.4-Development of emergency response plan* (which as you know is also a requirement of section 263 (3) (d) of 91-191);
  - c. *7.1.7-Emergency response team leader training, 7.1.10 Rescuer and 7.1.13 Verification of training* (Record Keeping).
2. You are to advise the WorkSafeNB Health and Safety officer, at least two days prior to execution of confined space work affected by this deviation, with the details such as the date and location where the confined space work will be carried out; and
3. Provide upon request by the officer the records listed in Clause 7.1.13 of CSA Z1006-10.

Please note that a breach by your company of any of the conditions listed above could result in a reconsideration of this decision.

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