

October 31, 2017

Employer:

This is in reply to your letter dated October 24, 2017 requesting a deviation from Section 147 (1) of the General Regulation 91-191 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.*

- *Reasons for the request for deviation to the above noted regulation is as follows:*
 - *To your knowledge there is currently no qualified blaster with explosive demolition expertise within the province.*
 - *The blasting operation of the service headframe is a complex and unique operation, as the supporting structural steel columns are reinforced with concrete.*
 - *The company's expertise is required due to the complexity of the project.*

In rendering my decision I have considered the following information:

- *The program developers from Post-Secondary Education, Training and Labour have indicated that they have not put on a blaster training course since 2015 and they do not intend to do so in the future due to the low demand for the course.*
- *The above agency has also indicated that a blaster from out of province could write an exam to obtain their Class 1 certification but that they would have to write for all 3 classifications starting with a class 3 in order to obtain a class 1 certificate.*
- *The process could take up to 5 months to complete.*
- *It's unlikely that the class 1 certificate would address or prepare a blaster for a specialized blasting such as implosion demolition.*
- *Other jurisdictions consider blasting to demolish an above-ground building, stack or similar structure as a specialized blasting operation. The province has also proposed such an amendment.*
- *The company has retained the services of specialized demolition blasting through a company located in Tulsa Oklahoma has worked directly with him, a licensed Canadian demolition blaster, since 2005 on numerous Canadian demolition projects.*
- *The Worker currently holds valid blasting licenses in the jurisdictions of British Columbia, Alberta, North West Territories, Yukon, and Nunavut. He has been involved in the Explosive Industry since 1989 and has been specifically involved with demolition blasting operations since 2005 together with him and independently.*
- *In addition to blasting, he also teaches several certified blasting operation courses, recognized and approved through the Alberta OHS.*

Based on the information above and as provided by the authority of Section 3(3)(b) of the *Occupational Health and Safety Act*, a deviation has been granted from Section 147(1) for the implosion demolition project provided that he agrees to supervise the blasting operation to ensure the health and safety of all involved including ensuring compliance with all of the applicable blasting provisions of the General Regulation 91-191.

By copy of this letter, I have advised WorkSafeNB staff of my decision. Please contact me at (506) 738-4107 if you have any questions.

Yours truly,

Chief Compliance Officer