

Prevention Services Division

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Division des services de prévention

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April 30, 2004

"The Employer"

Re: Code of Practice

This is in reply to the employer's letter dated February 19, 2004 and the employer's follow-up fax dated March 15, 2004 providing the Chief Compliance Officer with three copies of Codes of Practice on Confined Space for a maintenance shutdown originally scheduled for April 18 to May 1 but rescheduled to May 2 to May 15.

In the employer's letter, the employer indicates that, "the first code of Practice (Recovery Boiler Lock-out Code of Practice-Spring 2004 Shutdown) was modified and will require that the Contractor affix one lock to a Lock Box (which isolates the recovery Boiler) followed by each contractor employee working on the equipment to affix their personal locks to contractor Lock Box at the job site. It is the Chief Compliance Officer's understanding that this proposed modification to the employer's procedure is intended to meet the requirements of Section 239 (4) of the General Regulation 91-191 (Lockout Section).

To ensure that all safety measures are in place and being followed, the employer will audit this equipment lockout once per shift for the duration of the shutdown.

The confined Space Code of Practice covers two main areas of the employer's premises, the Recovery Department and the Fibre-Line. The variation from the employer's standard practice is that the tank-watch person (which is normally a person trained and certified in First Aid and CPR) may not be qualified to perform that task. Instead, the employer proposes to assign Emergency Response Team Members to each of the two main areas where they will be in radio contact with each tank-watch.

In the employer's fax dated March 15, 2004 the employer indicates that the Emergency Response Team members will be trained First Responders and assigned to the department for rescue purposes only. This as the employer has correctly pointed out requires a deviation from Section 266 (1) (c) which requires that "*a competent employee trained in the procedures referred to in subsection 263(3) is... in attendance outside the confined space (tank-watch as per employer's code of practice) and this person holds a valid standard-level first aid certificate issued by the Canadian Red Cross Society or St. John Ambulance, and is trained in artificial respiration and cardiopulmonary resuscitation*".

Regarding the proposed changes to Recovery Boiler Lockout procedure, the Chief Compliance Officer confirms that the proposed changes meet with the intent of the provisions outlined in Section 239 (4). The Chief Compliance Officer asks the employer to note that any audit performed by the employer (on the compliance review of the procedure) will be made available to a (WHSCC) Health and Safety Officer upon request.

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The employer's request for a deviation from Section 266 (1) (c) is granted provided that the Emergency Response Team members (which are trained First Responders and CPR) remain in the "immediate vicinity" of the confined space and trained in the emergency procedures and are fully informed of the hazards in the confined space as required by Section 266 (1) (f) of 91-191. Please be aware that "immediate vicinity" is interpreted by the WHSCC as persons being "visible (in sight) and shouting distance of the confined space to which they have been assigned to and not in radio contact. Finally, this decision applies to the employer's Spring 2004 Shutdown only.

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff of the decision. The Chief Compliance Officer asks the employer to provide a copy of this decision to the Co-Chairs of the employer's Joint Health and Safety Committee and representatives of the contractor.

Yours truly,

Chief Compliance Officer