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January 28, 2004

"The Employer"

This is in reply to the employer's letter dated November 26, 2003 where the employer has requested a deviation from the General Regulations Section 211(2)(e)(f) which states:

*Section 211 (2) An operator of a hoisting apparatus shall
(e) not carry a load over any person,
(f) not leave a suspended load unattended if a person may be in the area under the load*

In the employer's letter, the employer describes the situation as follows. In the process of installing the Absorber Recirc Piping there is a situation where the piping (in two separate locations but on the same elevation) requires to be suspended over platforms, which are used by employees for access into an area at elevation 72 inches in the Building. In addition, the employer mentions that the spool piece weight is approximately 4.3 tons.

On Monday December 8, 2003 the Chief Compliance Officer visited the area affected by the deviation to observe the employer's proposed system. Outlined below is a summary of the Chief Compliance Officer's site visit and subsequent conversation on this issue. Some of the information is also highlighted in the engineer drawings that was sent:

1. Each spool piece weight is suspended with four (4) chain falls capable of suspending five (5) tons each;
2. In addition, as in indicated in the employer's letter, the lashing plan is complete with softeners and 5/8 inch wire rope basket capable of withstanding 7.2 tons in a single wrap thus providing a secondary suspension system capable of holding the load should the chain fall system fail.
3. With the 5 ton capacity of each chain fall and the 7.2 ton capacity of the softeners and 5/8 inch wire rope basket collectively suspending a maximum load of 4.3 tons, the employer's proposed system provides a safety factor well in excess of 5 times. As a Professional Engineer, the employer has certified the system's rated capacity.
4. This deviation is only required for a maximum of three months to allow sufficient time for work to be completed.
5. Other alternatives to restrict having employees walk and work under the suspended load have been considered but none were found to be practical or feasible to allow the work to continue.
6. While the Chief Compliance Officer had requested the documentation for each crane confirming that it had undergone an annual inspection certification, the Chief Compliance Officer was advised that all of the cranes were new (purchased in August 2003) and were not up for annual inspection at this time.

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Based on the information the employer has provided, a deviation from Section 211 (2) (e) and (f) is granted with following conditions:

1. Daily inspections of each system must also be conducted and records of those inspections kept as required by 211 (2) (a) and 210 (3) of 91-191. Documentation indicating the daily inspections for the cranes was provided on January 25, 2004.
2. While an annual inspection as required by Section 210.01(1) is not required at this time, Section 210 (2)(a) requires that an employer ensures that a competent person thoroughly inspects and tests the hoisting apparatus before it is first put into use. Documentation indicating that the crane was tested and inspected before leaving the factory was provided on January 16, 2004.
3. This deviation expires on April 28, 2004. If more time is required, the employer will have to submit another application for the Chief Compliance Officer's consideration.

A guide prepared by WHSCC "Hoisting Apparatus Inspections Guidelines" is attached as a guide for conducting the required inspections.

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff, the owner and the contractor's JHSC of the decision.

Yours truly,

Chief Compliance Officer