

February 19, 2009

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email dated February 3, 2009 requesting a deviation from Section 49(3)(c)(ii) of Regulation 91-191 which states:

49(3) *An individual fall-arresting system shall*

...

(c) *conform to one of the following standards:*

...

(ii) *CSA standard Z259.2-M1979, "Fall-Arresting Devices, Personnel Lowering Devices, and Life Lines";*

The employer indicates in the employer's request that the employer is starting the perlite phase on the project and the employer has a request regarding the Boson chair. The items the contractor brought over were certified in France. The employer has had the systems CSA approved however the boson chair that they want to use is not CSA approved. It is the employer's opinion that the boson chair from France is a better chair that the employer uses for this particular operation, than what is available here, and the employer would like to use that chair. The motor and equipment for the chair are all now CSA approved however the chair itself is still inspected in France. The employer has attached the information regarding test loads from the CSA standard Z259.2-MI1979 and the test load from France. The CSA test is 220lbs dropped 10 feet and in France they performed the test with 660 lbs from 6 feet. The CSA has a nominal load of 220lbs while France is set at 265 lbs. The hoist they are using has been CSA approved and the Retractable Lanyard is CSA approved but the chair is not.

On February 12, 2009, the employer had provided the Chief Compliance Officer with documentation confirming that the load testing made by the CECA on the suspended seat is equivalent to that required by CSA standard Z259.2-M1979.

Based on the information the employer has provided and as discussed with the employer by telephone on February 13, 2009 a deviation is granted.

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

Yours truly,

Chief Compliance Officer