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"The Employer"

This is in reply to the employer's letter of January 20, 2009 requesting a deviation to section 220(1) of Regulation 91-191 from the requirements of ROPS on side booms.

The employer indicates the following in the employer's letter:

Side Booms are designed specifically for pipeline work in which the employer specializes in as a contractor. The Side Boom tractors have a low center of gravity that makes an upset unlikely, as well as a large boom on the machine that has a counterweight on the opposite side of the boom in order to maintain a steady equilibrium.

The Caterpillar 561 Boom was designed for use without a Rollover Protection Structure (ROPS) due to the design of the machine, the addition of the ROPS will inhibit the visibility of mainline and hoisting block and therefore may place the operator and rigging personnel in unnecessary danger.

With a four foot boom overhang the CAT 561 can lift a maximum forty thousand pounds, and at a maximum of eighteen foot boom overhang (boom almost parallel with surface) the Cat 561 has a lifting capacity of nine thousand pounds, which will be more than sufficient for the requirements of the job.

The employer believes that the use of the CAT 561 Side Boom without Rollover Protective Structures promotes a safe working environment, as it allows the operator of the equipment to continuously monitor the load, the hoist block and the mainline at all times. This will give the operator the opportunity to react quickly to change and reduce the risk of an incident. Although the likelihood of a rollover incident is very slim, the possibility does exist if the operator of the machine fails to obey safe operating practice.

The employer has provided the Chief Compliance Officer with specifications for a 561 MMC Hydraulic Conversion Kit.

As a result, a deviation is granted from Section 220 (1) on the condition that the equipment is operated and supervised by employees that are trained on the safe operating parameters of the CAT 561 Side Boom.

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

Yours truly,

Chief Compliance Officer

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