

April 30, 2010

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter requesting a two year extension to the deviation granted on May 30, 2007 and extended on April 9, 2008 from Section 278(1) and 278(2) of the General Regulation 91-191 under the *Occupational Health and Safety Act*, which state:

*278(1) Where a container or pipe, or any pipe, valve or fitting connected to the container or pipe, holds or may have held an explosive or flammable substance, an employer shall ensure that the container or pipe and the pipe, valve or fitting connected to the container or pipe are completely drained, cleaned and ventilated in accordance with subsection (2) before any process involving the application of heat is undertaken.*

*278(2) To drain, clean and ventilate as required by subsection (1), an employer shall ensure that*

*(a) inlet pipes are disconnected and blocked off or moved out of alignment or the inlet valves are locked in the closed position;*

*(b) where residual liquid remains, it is removed by an employee without going inside the container or pipe;*

*(c) where steam is available, all openings except the vent pipe and steam inlet are closed and the steam is blown into the container or pipe and any pipe, valve or fitting connected to the container or pipe for a period of time suitable for the conditions and the nature of the explosive or flammable substance, with the lids and manhole plates opened during the last one-fifth time of the steaming period;*

*(d) where steam is not available, the container or pipe and any pipe, valve or fitting connected to the container or pipe is kept filled with running water for a period of at least twenty-four hours;*

*(e) after cleaning, the container or pipe and any pipe, valve or fitting connected to the container or pipe is thoroughly ventilated with forced or induced draft air for a minimum period of two hours;*

*(f) after ventilation, a competent person examines the interior of the container or pipe and any pipe, valve or fitting connected to the container or pipe to see that it is free from residue and tests air samples to ascertain that all explosive or flammable vapours have been removed;*

*(g) a record is made of the procedures and the tests required by paragraph (f) and is dated and signed by the person taking the tests;*

*(h) the person who takes the tests required by paragraph (f) certifies that work involving the application of heat can be safely undertaken on the container or pipe and any pipe, valve or fitting connected to the container or pipe; and*

*(i) where the tests required by paragraph (f) indicate the presence of explosive or flammable substances, the steaming or flooding, ventilating and testing operations are repeated.*

The employer has indicated in an email dated March 10, 2010, that the employees listed are not necessarily the employees who will be performing the hot tapping, but that the employees will have the same qualifications as the ones currently listed. The employer also indicates in the employer's request that the employer has performed several hot taps mostly within the owner's premises with great success. The employer has also requested a standing deviation rather than re-apply every two years.

First, regarding the employer's request for an extension to the employer's deviation that was granted on May 30, 2007, the Chief Compliance Officer's records indicate that the employer has met all of the conditions set out in the previous decision and as a result a two year extension is granted provided that all of the conditions set out in the May 30, 2007 letter continue to be met for any welder required to perform hot taps.

Regarding the employer's request for a deviation to allow hot tapping and bolting on energized pipes, the employer had previously provided the Chief Compliance Officer with the following information for consideration.

1. Safe Job Procedure developed by the employer;
2. Hot Bolting Procedure;
3. Description of the hot bolting process extracted from a publication prepared by Contractors Unlimited, an organization out of the United Kingdom;

Based on the procedures and information the employer had previously provided, a standing deviation from Section 279 (1) is granted provided that:

1. Employees carrying out the work are trained in the procedures;
2. The employer advises the WorkSafeNB when hot tapping and hot bolting work will be conducted by contacting the Chief Compliance Officer.
3. Each time hot bolting work is being performed, the employer will provide the Chief Compliance Officer with the names of the qualified welders as well as copies of their Steamfitter/Pipefitter licenses.

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

Yours truly,

Chief Compliance Officer