

**WorkSafe Services**

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**Services de travail sécuritaire**

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November 29, 2005

"The Employer"

*Re: New Brunswick Mining Regulations 96-105, under the Occupational Health & Safety Act 91-191, notification to use diesel engines underground, subsection 50(1) of 96-105, and roll over protection requirements, subsection 220(3) of 91-191.*

This letter is in reply to the employer's letter dated August 25, 2005, received November 4, 2005, informing the Chief Compliance Officer that the employer plans to operate an LP 15AR Emulsion Truck in the employer's premises. The vehicle is equipped with a 152 horsepower Deutz Diesel engine. The exhaust conditioner for this engine is a DCL DC8. Engine certification for this specific engine is MSHA. The front portion of the chassis, engine and operators compartment of this vehicle was originally used at the employer's premises as a Block Hole Jumbo. This Block Hole Jumbo has operated safely without incident since June 1998.

The use of this chassis with modifications to adapt an emulsion loading device changes the physical height of the vehicle to a maximum height of 2.53 meters (99.5 inches). In order to operate this vehicle within the employer's premises with the emulsion tank on the vehicle, the operator must stand, subsequently raising the overall highest point of the vehicle to 2.23 meters (100 inches). The employer is requesting a deviation from subsection 220(3) of the General Regulations 91-191 for this vehicle.

As the employer has stated, the designed height is already 2.23 meters (100 inches) from the floor to the top of the ROP structure. The addition of 0.30 meters (12 inches) to meet subsection 34(3) of 96-105 makes the overall minimum height of 2.54 meters (112 inches). This Emulsion truck will be operating through the employer's premises with a primary function of production stope blasting. This will be a second production vehicle of this type, both of which must access new workings in the upper part of the employer's premises. In order to access these workings, they must tram through drift sections that were developed during the late 1970's and the early 1980's. Back heights were being excavated by design to 3.35 meters (132 inches) for ST-5 Scooptram and 26 tone Teletrams. A recent study conducted by the employer's Equipment Captain/Supervisor indicated several points where back heights measured less than the minimum requirement 2.54 meters (112 inches), of these points the lowest was 2.61 meters (103 inches). Physically, the proposed with a roll over protection structure will not fit in these drifts.

The employer also noted that the employer currently has a similar emulsion truck operating without incident in these same areas since October 1998. A letter requesting exemption was written and a deviation was granted at that time. The employer states that the employer believes through past experience that the risk of roll over with vehicles of this design is non-existent.

Based on the information the employer has provided, a deviation from 220(3) is granted.

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By copy of this letter, the Chief Compliance Officer has advised WHSCC staff and the JHSC Co-chairs of the decision.

Regards,

Chief Compliance Officer