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May 30, 2007

### "The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated November 14, 2006 and the additional information provided on December 11, 2006 requesting a deviation from Section 278(1) of the General Regulation 91-191 under the *Occupational Health and Safety Act*. More specifically, what the employer is requesting is a deviation from Section 278(1) to enable hot tapping at various locations with no specific dates provided.

Section 278(1) of Regulation 91-191 requires that flammable and explosive substances be drained from the containers before heat is applied to the container. In addition, Section 279(1)(b) states "*An employer shall ensure that welding, cutting, burning or soldering operation is not undertaken on a container or pipe ... containing ... explosive and flammable substances*".

To support the employer's request the employer has provided the following:

1. Hot Tap Procedure;
2. Hot Tap Checklist;
3. List of tradesman qualified to perform hot tap procedure as specified;
4. Qualified Welder F4, Steamfitter/Pipefitter Licenses for individuals;

The employer's request indicates the following:

The employer is one of the only local contractors with the ability to perform Hot Tapping operations.

Hot Tapping is a technique in which branch connections can be safely installed in tanks, pipe systems, mains, or other pressurized items without having to stop or interrupt the process flow.

The connection of the branch piping to the operating line and the tapping of the operating line is done while it is under pressure and there is no loss of medium or spillage.

Hot taps can be done in a vertical, horizontal or any angle around the circumference of the pipe as long as there is sufficient space to install the valve, fitting and hot tapping machine.

The employer is able to perform hot taps from 1½" to 6" diameter in any material up to temperatures of 700° and pressures up to 1,400 PSI.

The Hot Tap Procedure the employer included in the employer's letter indicates that it is designed to complete hot tapping operation in a safe and efficient manner, to minimize any inconvenience to the customers.

As a result of the information provided, a deviation from Section 278(1) of Regulation 91-191 under the *Occupational Health & Safety Act* is granted for a period of one year, at which time the effectiveness of this decision will be evaluated, with the following conditions, some of which the employer may have provided for in the employer's procedure:

1. The Health & Safety Staff must take part in the planning and execution of hot tapping. It may also be appropriate to involve the Joint Health & Safety Committee as well.
2. A safe and easy access and egress must be provided from the work location for the hot tapping crew, including an alternate means for emergency evacuation.
3. Staff performing the hot tapping operation must be competent in all of the procedures involved in the process, including emergency and evacuation procedures.
4. The equipment and material involved in the process must meet the appropriate safety codes and standards.
5. The MSDS's for the pipe/tank contents including temperatures and pressures of the vessels to be hot tapped must be reviewed with the staff involved in the operation.
6. Appropriate protective clothing must be provided and worn by the staff performing the operation.
7. A means of communication must be established between the hot tapping crew and the emergency response staff.
8. Fire watch and extinguishing equipment must be available in the work area.
9. A means of shutting off power locally must be available.
10. Personnel working in the areas of hot tapping must be notified of the type of work being undertaken and advised of the appropriate emergency procedures.
11. WHSCC is notified prior to commencing any hot tapping procedures.

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

Yours truly,

Chief Compliance Officer