

1 Section 2 of New Brunswick Regulation 91-191 under the Occupational Health and Safety Act is amended

- (a) by repealing the definition “threshold limit value”;**
- (b) by repealing the definition “coupe” in the French version;**
- (c) by repealing the definition “logging operation” and substituting the following:**

“logging operation” means work connected with the harvesting of trees and includes the felling, delimiting, cutting to length, processing on site and extraction of trees; (*opération de bûcheronnage*)

- (d) in the definition “industrial firefighter” in the English version by striking out “his or her employer” and substituting “their employer”;**
- (e) in the definition “work positioning system” in the English version by striking out “his or her hands” and substituting “their hands”;**
- (f) by adding the following definitions in alphabetical order:**

“ceiling” means a ceiling as defined in the ACGIH publication entitled “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices”; (*limite maximale d'exposition*)

“occupational exposure limit” means

- (a) except with respect to lead sulfide, formaldehyde, sulphur dioxide, hydrogen sulphide, nitrogen dioxide and any other air contaminant for which the Commission sets an exposure limit, a threshold limit value adopted by the ACGIH and set out in the ACGIH publication entitled “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices”,
- (b) with respect to lead sulfide, an exposure limit set at 0.15 mg/m³ 8 hours – TWA,
- (c) with respect to formaldehyde, an exposure limit set at 0.5 ppm 8 hours – TWA and 1.5 ppm 15 minutes – STEL,
- (d) with respect to sulphur dioxide, an exposure limit set at 2 ppm (5.2 mg/m³) 8 hours – TWA and 5 ppm (13 mg/m³) 15 minutes – STEL,
- (e) with respect to hydrogen sulphide, a ceiling of 10 ppm (13.9 mg/m³),
- (f) with respect to nitrogen dioxide, an exposure limit set at 3 ppm (5.6 mg/m³) 8 hours – TWA and 5 ppm (9.4 mg/m³) 15 minutes – STEL, and
- (g) with respect to any other air contaminant for which the Commission sets an exposure limit, the exposure limit set by the Commission; (*limite d'exposition professionnelle*)

“physical agent” means any noise, ionizing or non-ionizing radiation, temperature, pressure, vibration or electric or magnetic field that may, if exposed in sufficient quantities and duration, result in illness or injury to human health; (*agent physique*)

“STEL” means STEL as defined in the ACGIH publication entitled “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices”; (*LECT*)

“TWA” means TWA as defined in the ACGIH publication entitled “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices”; (*LMPT*)

(g) by adding the following definition in the French version in alphabetical order:

“abattage” s’entend de toute partie d’une opération qui coupe un arbre de sa souche et l’amène à une position horizontale sur le sol ou sur un lit; (*felling*)

2 Paragraph 5(7)(a) of the Regulation is amended by striking out “work site” and substituting “work area”.

3 Subsection 7(1) of the French version of the Regulation is amended by striking out “lieu de travail” and “du lieu de travail” and substituting “l’aire de travail” and “de l’aire de travail” respectively.

4 The heading “AIR QUALITY” preceding section 18 of the Regulation is repealed and the following is substituted:

INDOOR AIR QUALITY

5 Subsection 19(1) of the Regulation is repealed and the following is substituted:

19(1) An employer shall ensure that a work area contains at least 8.5 m³ of air space for each employee who works in that work area.

6 Section 20 of the Regulation is amended

(a) by repealing subsection (1) and substituting the following:

20(1) An employer shall ensure that a place of employment is adequately ventilated by

(a) if the place of employment is a health care facility, mechanical ventilation conforming to CSA standard Z317.2-10, “Special requirements for heating, ventilation and air-conditioning (HVAC) systems in health care facilities” (Reaffirmed 2015) or a standard offering equivalent or better protection, and

(b) if the place of employment is not a health care facility and

(i) mechanical ventilation is practical, mechanical ventilation conforming to ANSI/ASHRAE standard 62.1-2010 “Ventilation for Acceptable Indoor Air Quality” or a standard offering equivalent or better protection, and

(ii) mechanical ventilation is not practical, natural ventilation as long as the concentration of air contaminants, ambient temperature and relative humidity do not exceed levels that will affect the health or safety of employees.

(b) by repealing subsection (2);

(c) in paragraph (4)(b) by striking out “threshold limit values” and substituting “occupational exposure limits”.

7 Section 21 of the Regulation is amended

(a) in subsection (1) in the portion preceding paragraph (a) by striking out “an area where an employee works” and substituting “a work area”;

(b) in subsection (2) by striking out “Where it is impractical to heat an area where an employee works” and substituting “If is not practical to heat a work area”.

8 *Paragraph 22(b) of the Regulation is repealed and the following is substituted:*

(b) the occupational exposure limits for protection against heat stress and cold stress are followed as well as the work-rest regimen for heat, the work-warming regimen for cold and other advice found in the ACGIH publication entitled “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices”.

9 *The heading “Threshold Limit Values for Formaldehyde and Lead Sulfide” preceding section 23.1 of the Regulation is repealed.*

10 *The heading “Threshold limit value for formaldehyde” preceding section 23.1 of the Regulation is repealed.*

11 *Section 23.1 of the Regulation is repealed.*

12 *The heading “Air Contaminants” preceding section 24 of the Regulation is repealed and the following is substituted:*

Air Contaminants and Industrial Ventilation

13 *Section 24 of the Regulation is amended*

(a) by repealing subsection (1) and substituting the following:

24(1) An employer shall ensure that an air contaminant is kept at a level of concentration that does not constitute a hazard to the health or safety of an employee exposed to it and, if an occupational exposure limit exists in respect of an air contaminant, that the exposure of the employee to the air contaminant at no time exceeds the occupational exposure limit.

(b) in subsection (2) of the French version by striking out “raisonnable” and substituting “peu pratique”;

(c) by adding after subsection (2) the following:

24(2.1) An employer shall ensure that the engineering controls referred to in subsection (2) are designed, installed and maintained in accordance with good engineering practices.

24(2.11) An employer shall provide a respirator to an employee and the employee shall wear the respirator in the following circumstances:

- (a) the installation of engineering controls is not practical; or
- (b) engineering controls are in the process of being installed.

24(2.2) An employer shall ensure that if ventilation is used as an engineering control, an air contaminant shall be controlled at the source by an effective local exhaust ventilation system.

24(2.21) If local exhaust ventilation is practical, an employer shall ensure that general ventilation or a combination of general and local exhaust ventilation is used.

24(2.3) An employer shall ensure that a local exhaust ventilation system is designed so that under normal work conditions an employee’s breathing zone is not located between the source of contamination and the exhaust uptake.

24(2.31) An employer shall ensure that a ventilation system is not obstructed by material or equipment placed in front of the ventilation openings.

24(2.4) An employer shall ensure that an exhaust ventilation system used to control air contaminants in the work area remains in operation until the operation or work process is completed and the air contaminants generated are kept at a level of concentration that does not constitute a hazard to the health or safety of employees.

24(2.41) An employer shall ensure that an exhaust ventilation system used to control air contaminants in the work area is regularly inspected and monitored to ensure that the system remains effective.

24(2.5) If failure of an exhaust ventilation system could result in a hazard that is not readily apparent to affected employees, an employer shall ensure that the system is equipped with a device or other means to warn employees in the event of a system failure.

24(2.51) An employer shall ensure that an adequate supply of makeup air is provided to an exhaust ventilation system

- (a) to maintain the effectiveness of the system, and
- (b) to prevent an air contaminant from being drawn into the work area from another area.

24(2.6) An employer shall ensure that a ventilation system that discharges air from a work area shall comply with the requirements set out in subsections 20(3) and (4).

24(2.61) If an operation or work process produces a combustible or flammable air contaminant in concentrations that may present a risk of fire or explosion, the employer shall provide a separate exhaust ventilation system for the operation or work process.

24(2.7) An employer shall ensure that the electrical components of an exhaust ventilation system comply with the requirements of CSA Standard C22.1-21, “Canadian Electrical Code, Part 1”, as amended from time to time, if the components are in contact with the air flow of the exhaust ventilation system.

24(2.71) An employer shall ensure that a dust collector that has an internal volume greater than 0.6 m³ and is used to control combustible dusts is located and constructed so that no employee will be endangered in the event of an explosion inside the collector.

24(2.8) When it is reasonably expected to present a danger to employees, an employer shall ensure that exhaust from any internal combustion engine operated in an enclosed place of employment is vented to the outdoors.

24(2.81) When powered mobile equipment, industrial lift trucks or other equipment powered by internal combustion engines are operated in an enclosed place of employment, an employer shall ensure that

- (a) the engine is adequately serviced and maintained to minimize the concentration of air contaminants in the exhaust, and
- (b) the place of employment is assessed to determine the potential for exposure of employees to harmful levels of air contaminants in the exhaust.

24(2.9) An employer shall ensure that any powered mobile equipment, industrial lift truck or other equipment powered by internal combustion engines that is manufactured after April 1, 2024, and is regularly operated in an enclosed place of employment is

- (a) equipped with an emission control system that includes feedback control for air/fuel ratio and a three-way catalytic converter, or other equivalent measures, if the powered mo-

bile equipment, industrial lift truck or other equipment is powered by gasoline, propane or natural gas, or

(b) equipped with a scrubber or other emission control system that reduces particulate emissions by at least 70% when tested in accordance with the procedures established by the Mine Safety and Health Administration, US Department of Labour, or a standard offering equivalent or better protection, if the powered mobile equipment, industrial lift truck or other equipment is powered by diesel fuel.

(d) *by repealing subsection (3);*

(e) *in subsection (4) by striking out “threshold limit value” and substituting “occupational exposure limit”.*

14 Section 24.1 of the Regulation is amended

(a) *in subsection (1) by striking out “on page 10 of the ACGIH publication “1997 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices” to adjust the threshold limit values” and substituting “in the ACGIH publication “2016 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices” to adjust the occupational exposure limits”;*

(b) *in subsection (2) by striking out “threshold limit values” and substituting “occupational exposure limits”;*

(c) *in subsection (3) by striking out “threshold limit values” and substituting “occupational exposure limits”.*

15 Section 25 of the Regulation is amended

(a) *in paragraph (a) by striking out “threshold limit value” and substituting “occupational exposure limit”;*

(b) *in paragraph (b) by striking out “threshold limit value” and substituting “occupational exposure limit”.*

16 *Section 25.2 of the Regulation is repealed and the following is substituted:*

25.2 If work is carried out in a work area where dust may create a hazard to the health or safety of employees, an employer shall ensure that the dust level is controlled so as not to endanger the health or safety of employees.

17 *The Regulation is amended by adding after section 25.2 the following:*

PART III.1

CODE OF PRACTICE FOR ASBESTOS

Definition of “asbestos”

25.3 In this Part, “asbestos” means any of the following fibrous silicates:

- (a) chrysotile;
- (b) amosite;
- (c) crocidolite;
- (d) actinolite;
- (e) anthophyllite; and
- (f) tremolite.

Code of practice

25.4(1) An owner of a place of employment, an employer and a contractor shall each adopt, for employees who work with, in proximity to or disturb material containing asbestos, the code of practice entitled “A Code of Practice for Working with Materials Containing Asbestos in New Brunswick” prepared by and amended from time to time by the Commission.

25.4(2) An owner of a place of employment, an employer and a contractor shall each follow the code of practice referred to in subsection (1) and shall ensure that employees follow the code of practice.

Code of practice – employee

25.5 An employee to whom the code of practice referred to in subsection 25.4(1) applies shall follow the code of practice.

18 Section 29 of the Regulation is amended

(a) in subsection (1)

(i) in the portion preceding paragraph (a) of the English version by striking out “an area where employees work” and substituting “a work area”;

(ii) in paragraph (b) by striking out “an area” and substituting “a work area”;

(b) in subsection (2) by striking out “joint health or safety committee” and substituting “committee”.

19 Paragraph 36(g) of the Regulation is amended by striking out “threshold limit value” and substituting “occupational exposure limit”.

20 *Section 39 of the Regulation is amended by striking out “or a standard offering equivalent protection” and substituting “or a standard offering equivalent or better protection”.*

21 *Section 49 of the Regulation is amended*

(a) in subsection (5) by striking out “impracticable” and substituting “not practical”;

(b) in subsection (6)

(i) by repealing paragraph (c) and substituting the following:

(c) if an employee is engaged in the installation, maintenance or removal of a fall-protection system and another form of fall-protection is not practical, provided the employee has been fully instructed in work procedures and hazards and in how to protect themselves from falling; or

(ii) by repealing paragraph (d) and substituting the following:

(d) if it is not practical to use a fall-protection system where an employee is engaged in the weatherproofing of a roof that has a total area of less than 23 m² or of a roof of a canopy or walkway that have slopes of 3 in 12 or less, provided the employee has been fully instructed in work procedures and hazards and in how to protect themselves from falling.

22 *Section 49.2 of the Regulation is amended*

(a) in paragraph (2)b) of the French version by striking out “le lieu de travail” and substituting “l’aire de travail”;

(b) in subsection (3) in the portion preceding paragraph (a) by striking out “impracticable” and substituting “not practical”.

23 *Paragraph 49.5(2)(a) of the English version of the Regulation is amended by striking out “workplace” and substituting “place of employment”.*

24 *Subsection 50(3) of the Regulation is amended by striking out “impractical” and substituting “not practical”.*

25 *Section 50.2 of the Regulation is amended*

(a) in subsection (1) of the English version in the portion preceding paragraph (a) by striking out “workplace” wherever it appears and substituting “place of employment”;

(b) in subsection (2) of the English version by striking out “workplace” and substituting “place of employment”;

(c) in subsection (3) by striking out “joint health or safety committee” and substituting “committee”.

26 *Subsection 50.3(4) of the Regulation is amended by striking out “joint health or safety committee” and substituting “committee”.*

27 *Paragraph 51.92(1)(b) of the Regulation is amended by striking out “work site” and substituting “work area”.*

28 *Paragraph 70(2)(g) of the Regulation is repealed and the following is substituted:*

(g) has wiring and equipment that comply with the requirements of CSA Standard C22.1-21, “Canadian Electrical Code, Part 1”, as amended from time to time,

29 *Subsection 94.2(5) of the French version of the Regulation is amended*

(a) *in paragraph a), by striking out “du lieu où s’effectuent les travaux de montage” and substituting “de l’aire de travail où s’effectuent les travaux de montage”;*

(b) *in paragraph b), by striking out “du lieu où s’effectuent les travaux de montage” and substituting “de l’aire de travail où s’effectuent les travaux de montage”.*

30 *Subsection 104(2) of the Regulation is amended by striking out “impracticable” and substituting “not practical”.*

31 *Subsection 120(1) of the French version of the Regulation is amended by striking “doit s’assurer que les passerelles” and substituting “s’assure que les passerelles situées à au moins 1.2 m du plancher ou du sol”.*

32 *Subsection 129.1(5) of the Regulation is amended by striking out “impracticable” and substituting “not practical”.*

33 *Paragraph 179(2)a) of the French version of the Regulation is amended by striking out “espace restreint” and substituting “espace clos”.*

34 *Subsection 197(3) of the Regulation is amended by striking out “joint health or safety committee” and substituting “committee”.*

35 *The Regulation is amended by adding after section 230.21 the following:*

Manufacturer’s specifications

230.22 An employer and an employee shall each ensure that a vehicle is erected, installed, assembled, started, operated, used, handled, stored, stopped, serviced, tested, cleaned, adjusted, maintained, repaired, inspected and dismantled in accordance with the manufacturer’s specifications.

36 *Paragraph 232(1)(b) of the Regulation is amended by striking out “work site” and substituting “work area”.*

37 *Paragraph 240(a) of the Regulation is amended by striking out “joint health or safety committee” and substituting “committee”.*

38 *The heading “Definitions” preceding section 262 of the Regulation is repealed and the following is substituted:*

Definition of “confined space”

39 *Section 262 of the Regulation is repealed and the following is substituted:*

262 In this Part, “confined space” means an enclosed or partially enclosed space not designed or intended for continuous human occupancy with restricted access or egress and which is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions, but does not include a development heading in an underground mine.

40 *Subsection 284(3) of the Regulation is amended by striking out “CSA standard C22.1-98, “Canadian Electrical Code, Part I” and substituting “CSA Standard C22.1-21, “Canadian Electrical Code, Part 1”, as amended from time to time”.*

41 *Section 300 of the Regulation is amended*

(a) in the definition “submersible compression chamber” by striking out “work site” wherever it appears and substituting “work area”;

(b) in the definition “stage” by striking out “work site” and substituting “work area”.

42 *Paragraph 324(e) of the Regulation is amended by striking out “work site” and substituting “work area”.*

43 *Subparagraph 329(c)(ii) of the English version of the Regulation is amended by striking out “able to clear himself” and substituting “able to clear themselves”.*

44 *Paragraph 330(b) of the Regulation is amended by striking out “work site” and substituting “work area”.*

45 *Paragraph 331(4)(a) of the Regulation is amended by striking out “worksite” and substituting “work area”.*

46 *Paragraph 334(a) of the Regulation is amended by striking out “work site” and substituting “work area”.*

47 *Paragraph 337(1)b) of the French version of the Regulation is amended by striking out “espace restreint” and substituting “espace clos”.*

48 *Subsection 342(7) of the Regulation is amended by striking out “work site” and substituting “work area”.*

49 *The heading “Supervisors and emergency procedures” preceding section 344 of the Regulation is repealed and the following is substituted:*

Supervisors

50 *Section 344 of the Regulation is repealed and the following is substituted:*

344 An employer shall ensure that at least one supervisor is present in each work area.

51 *Section 345 of the Regulation is repealed and the following is substituted:*

345 With respect to the tools, equipment, machines, devices and materials that an employee is to use, an employer shall ensure that

- (a) each employee is competent to use them, and
- (b) each employee has received training that is acceptable to the Commission.

52 *The Regulation is amended by adding after section 345 the following:*

Communication plan – logging operations

345.1 An employer shall ensure that an effective communication plan is in place for employees involved in a logging operation and every employee shall follow the communication plan.

Initial safety meeting

345.2(1) Before employees start work in a new work area, a safety meeting shall be held to inform the employees of any hazards in that area and the actions to be taken to eliminate or minimize the hazards.

345.2(2) If an employee fails to attend the safety meeting, the employer shall ensure the employee is informed of any hazards in the work area and the actions to be taken to eliminate or minimize the hazards.

Code of practice – environmental conditions

345.3 An employer shall develop a code of practice to protect employees from possible hazardous situations caused by environmental conditions, including:

- (a) weather conditions;

- (b) topography;
- (c) wildlife contacts; and
- (d) biological hazards.

Powered mobile equipment

345.4(1) An employer shall ensure that powered mobile equipment is equipped with at least two safe and unobstructed means of access and egress that are not located on the same side of the cab of the powered mobile equipment.

345.4(2) An employer shall ensure that the means of access and egress is inspected visually at least daily and tested monthly and, if the inspection reveals a defect or hazard, the employer shall ensure that no one uses the powered mobile equipment until the defect or hazard has been eliminated.

345.4(3) An employer shall ensure that powered mobile equipment is equipped with cleats or corks when woods roads are frozen.

Transportation of powered mobile equipment

345.5(1) When loading or unloading powered mobile equipment onto a transport vehicle, an employer and an operator shall ensure that

- (a) the manufacturer's specifications for the powered mobile equipment and the transport vehicle are followed,
- (b) the load is parallel to the transport vehicle, and
- (c) no person is within the rollover area of the powered mobile equipment.

345.5(2) When transporting powered mobile equipment by transport vehicle, an employer and an operator shall each ensure that

- (a) articulated powered mobile equipment are restrained in a manner that prevents articulation while the transport vehicle is in transit,
- (b) accessory equipment and attachments are completely lowered and secured to the transport vehicle, and
- (c) a heavy vehicle with crawler tracks or wheels is restrained by at least four tie downs and each tie down has a working load limit of at least 2,268 kg and is attached, as close as is practicable, at the front and rear of the transport vehicle or to mounting points on the transport vehicle that are specifically designed for that purpose.

Skidder or forwarder

345.6 An employer shall ensure that a skidder or forwarder is provided with a completely enclosed operator's cab that is designed to prevent objects from intruding into the cab and to prevent the operator and any passengers in the cab from being thrown outside the cab.

53 *Section 346 of the Regulation is repealed and the following is substituted:*

346 An employer shall, in addition to complying with the appropriate requirements for protective equipment under Part VII, ensure that

- (a) an employee wears
 - (i) high visibility safety apparel that meets the requirements of CSA-Z96-15, "High-Visibility Safety Apparel" or a standard offering equivalent or better protection, and
 - (ii) high visibility safety headgear,

- (b) an employee who operates a chain saw wears
 - (i) safety footwear that meets the requirements of CSA-Z195:14 (Reaffirmed 2019), “Protective Footwear” or a standard offering equivalent or better protection, has chain saw protection on the top and sides and has non-slip soles, and
 - (ii) leg protection that has a label permanently affixed to the outer surface of the leg protection indicating the standard it meets, and
- (c) an employee who is working on a slope that is greater than 30% wears safety footwear that is corked, caulked or spiked.

54 *Subsection 348(1) of the Regulation is amended by striking out “CSA standard Z62.1-95, “Chain Saws” and CSA standard Z62.3-96 “Chain Saw Kickback”” and substituting “CSA standard Z62.1-11, “Chain saws” or a standard offering equivalent or better protection and CSA standard Z62.3-11 (Reaffirmed 2021) “Chain saw kickback” or a standard offering equivalent or better protection”.*

55 *The Regulation is amended by adding after section 349 the following:*

Hydraulically driven chain saw

349.1(1) An employer shall ensure that an employee operates a hydraulically driven chain saw in accordance with the manufacturer’s specifications and does not operate the chain saw in a way that the saw bar is directly in line with the cab or other persons.

349.1(2) An employer shall maintain a hydraulically driven chain saw in accordance with the manufacturer’s specifications.

56 *Subsection 351(1) of the Regulation is repealed and the following is substituted:*

351(1) An employer shall ensure that an employee who operates a chain saw, brush saw or clearing saw is knowledgeable of the emergency communication procedure and the transportation procedure set out in New Brunswick Regulation 2004-130 under the Act and is accompanied by a person who holds a valid First Aid Workplace Certificate in accordance with that Regulation.

57 *Subsection 353(2) of the Regulation is repealed and the following is substituted:*

353(2) Despite paragraph (1)(c), in a trail-cut operation, an employee shall ensure that, as soon as the tree begins to fall, any person assisting the employee moves at least 3 m away from the tree at a 45° angle from the direction opposite to the planned direction of fall.

58 *The Regulation is amended by adding after section 353 the following:*

Standing dead tree

353.1(1) An employer and an employee shall, whenever possible, operate a powered mobile equipment to fell a standing dead tree.

353.1(2) If a standing dead tree cannot be felled by operating a powered mobile equipment, an employee shall operate a chain saw to fell the standing dead tree and shall

- (a) comply with sections 353 and 354 except for paragraph 354(2)(b),
- (b) stand straight and tall to reduce the exposure of the employee's neck and back, and
- (c) use a lever instead of a wedge to avoid hitting the tree.

353.1(3) If a standing dead tree cannot be felled by operating a powered mobile equipment or a chain saw, an employer shall

- (a) develop written safe work procedures for hazardous operations caused by a standing dead tree that cannot be felled,
- (b) ensure employees receive adequate instruction and training with respect to the safe work procedures for hazardous operations, and
- (c) ensure that employees follow the safe work procedures for hazardous operations.

59 Section 354 of the Regulation is amended

- (a) *by adding after subsection (1) the following:*

354(1.1) When felling a tree, an employee shall construct a hinge that will safely direct the tree to the ground by completing the following steps:

- (a) cut an open face notch of at least 70° where the cut meets clean and even with no bypass and make a back cut that is level and no more than 2.5 cm above the intersection of the two notch cuts;
- (b) construct a uniform hinge that has a thickness of approximately 10% of the tree's diameter and a width that is approximately 80% of the tree's diameter; and
- (c) follow the instructions as illustrated below:

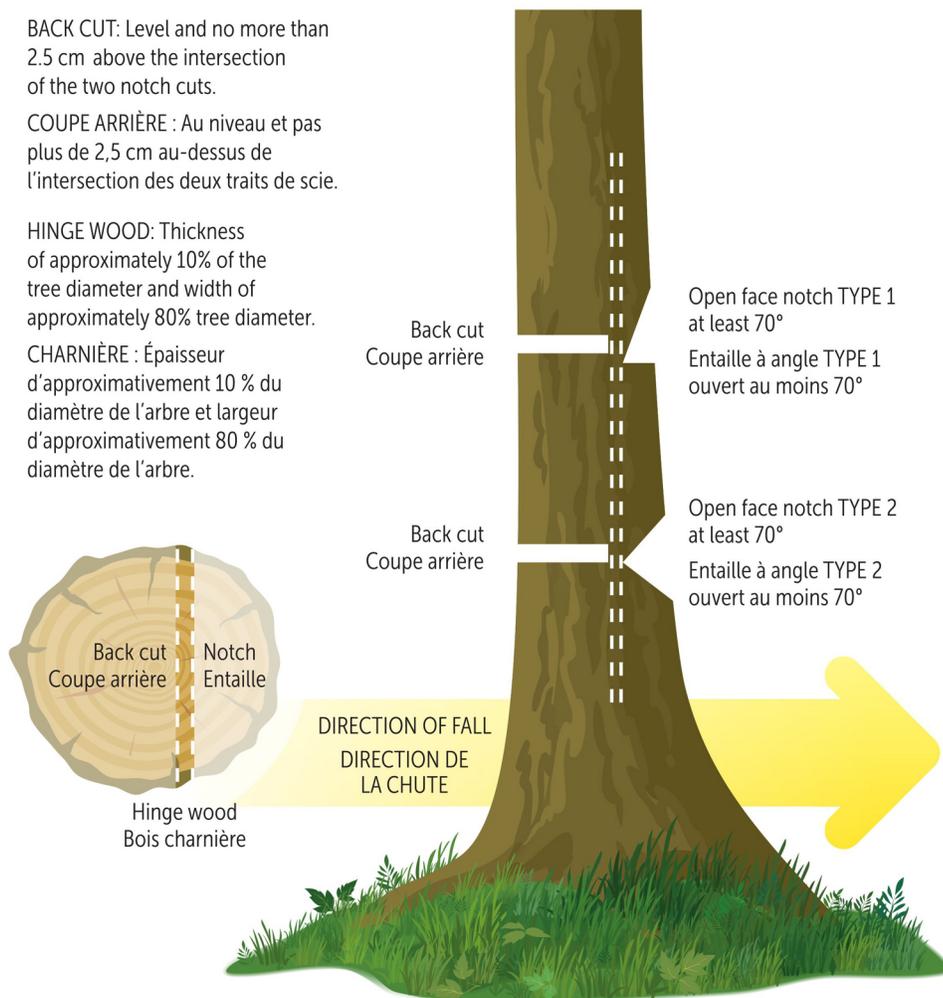
Proper notches and back cuts Entailles et coupes arrières adéquates

BACK CUT: Level and no more than 2.5 cm above the intersection of the two notch cuts.

COUPE ARRIÈRE : Au niveau et pas plus de 2,5 cm au-dessus de l'intersection des deux traits de scie.

HINGE WOOD: Thickness of approximately 10% of the tree diameter and width of approximately 80% tree diameter.

CHARNIÈRE : Épaisseur d'approximativement 10 % du diamètre de l'arbre et largeur d'approximativement 80 % du diamètre de l'arbre.

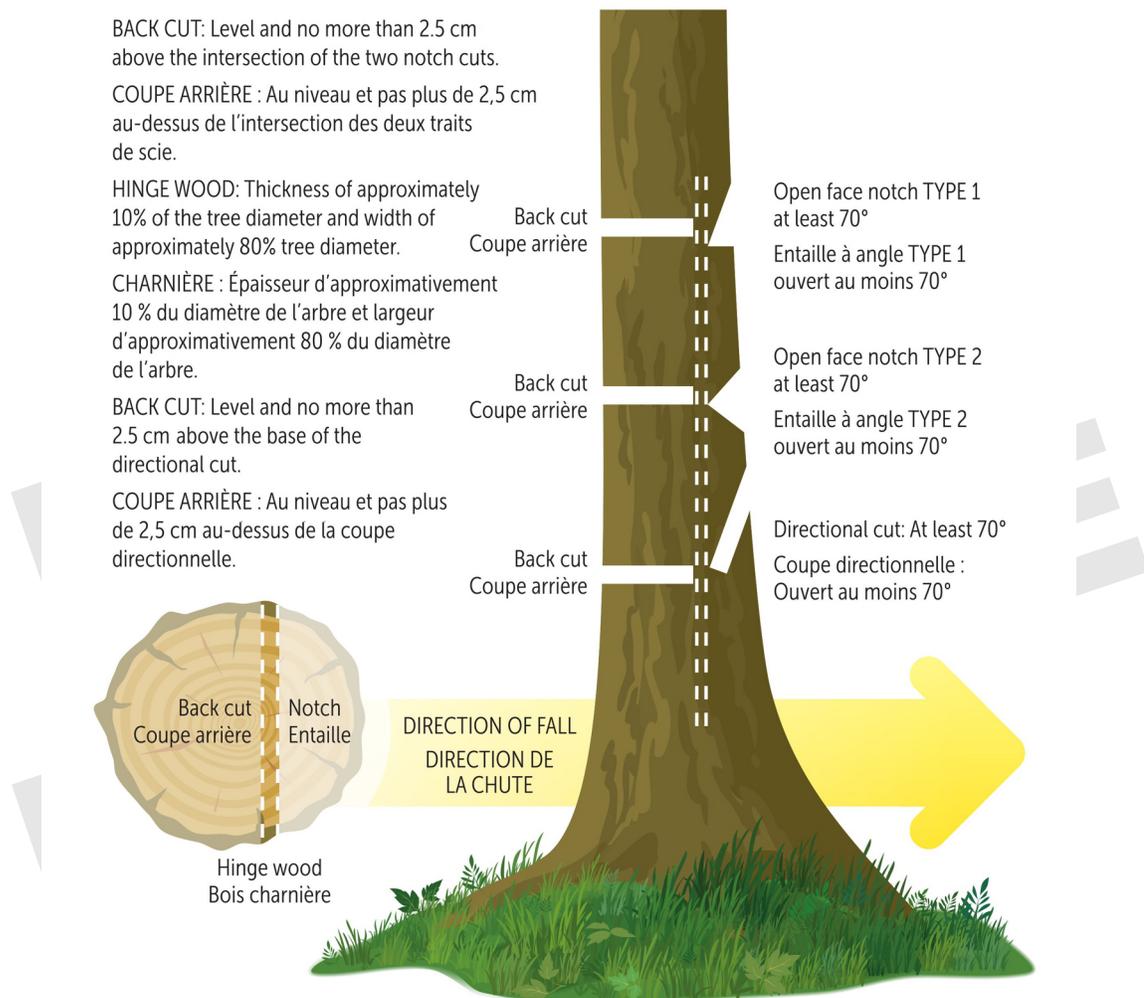


354(1.2) When felling a tree that is less than 10 cm in diameter, an employee shall construct a hinge by using the technique set out in subsection (1.1) or by completing the following steps:

- (a) make a directional cut of at least 70° ;
- (b) make a back cut that is level and no more than 2.5 cm above the base of the directional cut;
- (c) leave a hinge that has a thickness of approximately 10% of the tree's diameter and a width that is approximately 80% of the tree's diameter; and
- (d) follow the instructions as illustrated below:

DRAFT
ÉBAUCHE

**Proper notches and back cuts
for trees of less than 10 cm diameter**
**Entailles et coupes arrières adéquates
pour arbres de moins de 10 cm de diamètre**



(b) in subsection (2)

(i) by repealing paragraph (a);

(ii) by repealing paragraph (d) and substituting the following:

(d) subject to subsection (2.1), as soon as the tree begins to fall, move at least 3 m away from the tree at a 45° angle from the direction opposite to the planned direction of fall.

(c) by adding after subsection (2) the following:

354(2.1) When felling a tree on a slope greater than 30%, an employee may use an escape route that is perpendicular to the slope and not in the direction of the fall.

(d) in subsection (3)

(i) in paragraph (a) by striking out “clearly mark the area as hazardous, and” and substituting “clearly mark as hazardous the area comprising a minimum radius of two tree lengths from the stump of the lodged tree”;

(ii) by repealing paragraph (b) and substituting the following:

(b) ensure that the lodged tree is removed as soon as the circumstances permit by operating a powered mobile equipment without being climbed by any person, having another tree felled on it or having the supporting tree cut, and

(iii) by adding after paragraph (b) the following:

(c) not do any work, other than removing the lodged tree, within the area that is clearly marked as hazardous.

60 Section 357 of the Regulation is amended

(a) in paragraph (1)(a) by striking out “200 m” and substituting “600 m”;

(b) by adding after subsection (1) the following:

357(1.1) An employer shall ensure that an employee who operates powered mobile equipment alone contacts a person designated by the employer at least every two hours and, if the employee exits the cab to perform work on the equipment, before exiting the cab.

(c) in subsection (3)

(i) in paragraph (b) by striking out “standing clear” and substituting “standing clear and opposite to the direction in which the load is to be winched”;

(ii) in paragraph (d) by striking out “and” at the end of the paragraph;

(iii) in paragraph (e) by striking out the period at the end of the paragraph and substituting “, and”;

(iv) by adding after paragraph (e) the following:

(f) verify the location of the person assisting the operator before moving the skidder.

61 *The Regulation is amended by adding after section 359 the following:*

Cable Logging Systems

Application of other provisions

359.1 Paragraphs 207(1)(a) and (b), sections 208, 209, 210 and 210.01, subsection 211(1), paragraphs 211(2)(a) to (f) and paragraphs 212(a), (b) and (d) apply, with the necessary modifications, to a cable logging system.

General requirements

359.2 An employer and an owner of a cable logging system shall each ensure that the cable logging system is installed, erected, inspected, operated and maintained in accordance with

section 7-2.4 of ASME Standard B30.7-2011, “Winches” or a standard offering equivalent or better protection.

Remote control

359.3(1) An employer shall ensure that a cable logging system is equipped with remote controls that have a fail-safe mechanism to prevent the simultaneous operation of two or more remote controls.

359.3(2) An employer shall ensure that employees receive training on how to use the cable logging system.

62 Section 360 of the Regulation is amended

(a) by repealing subsection (1) and substituting the following:

360(1) In this section and sections 361 to 364, “woods road” means any road, other than a local government road or provincial highway, through a forest area that provides access for the harvesting and transportation of raw forest products by means of a vehicle.

(b) by adding after subsection (2) the following:

360(2.1) If a logging operation, a silviculture operation or woods road building work is being carried out and interferes with the flow of vehicular traffic, an employer shall ensure that adequate warning signs are posted and made visible in both directions.

(c) by adding after subsection (3) the following:

360(4) An employer or property owner shall notify the authority owning or operating an energized electrical utility line of the intention to build a woods road close to the electrical

utility line, the location of the planned work and the time and duration of the planned work before any work is done.

360(5) An employer shall ensure that a woods road is not built any closer to an energized electrical utility line than the distances specified by an authority referred to in subsection (4).

63 *The Regulation is amended by adding after 363 the following:*

Driving conditions on woods roads

363.1 An operator of a vehicle driving on a woods road shall do so with due regard to the speed limit set by the owner of the woods road, the traffic, the environmental conditions and the condition of the woods road.

64 *Section 364 of the Regulation is repealed and the following is substituted:*

364(1) An employer and an employee shall ensure that a truck load of logs travelling on a woods road is secure by complying with the requirements set out in this section.

364(2) The truck shall be equipped on the top and on the rear of the cab with structural protection that is strong enough to restrain the cargo.

364(3) A rear overhang exceeding 1 m shall have a visible means of identification.

364(4) A stack of wood in the load shall be restrained with a minimum of two tie-downs.

364(5) Stakes that are not permanently attached to the truck frame or bunk shall be secured in a manner that prevents the stakes from separating from the truck while it is travelling on a woods road.

364(6) The weight of the load shall not create a hazard.

364(7) An employer shall ensure that an employee conducts a walk around inspection of the load at checkpoints that are designated by the employer and marked with signs along the woods road and before

- (a) leaving the work area,
- (b) entering a highway, and
- (c) removing load binders at an off-loading site.

65 *Subsection 371(1) of the Regulation of the French version is amended in the Table entitled “DISTANCES À TENIR ENTRE UN SALARIÉ, UN OBJET NON ISOLÉ OU UN OBJET ISOLÉ ET UNE LIGNE ÉLECTRIQUE SOUS TENSION DES SERVICES PUBLICS OU DE L’ÉQUIPEMENT D’UNE LIGNE ÉLECTRIQUE SOUS TENSION DES SERVICES PUBLICS” by striking out “objet” in the third column and substituting “objet isolé”.*

CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

Regulation 96-105 under the *Occupational Health and Safety Act*

66 *New Brunswick Regulation 96-105 under the Occupational Health and Safety Act is amended*

- (a) *in section 2*
 - (i) *by repealing the definition “threshold limit value”;*
 - (ii) *by repealing the definition “CSA”;*
 - (iii) *by adding the following definitions in alphabetical order:*

“CSA” means the CSA Group; (CSA)

“occupational exposure limit” means an occupational exposure limit as defined in the *General Regulation - Occupational Health and Safety Act*; (*limite d’exposition professionnelle*)

(b) in paragraph 47(b)

(i) in subparagraph (i) by striking out “threshold limit value” and substituting “occupational exposure limit”;

(ii) in subparagraph (ii) by striking out “threshold limit value” and substituting “occupational exposure limit”;

(c) in subsection 115(1) by striking out “are destroyed using methods approved by the supplier” and substituting “are disposed of in accordance with the *Explosives Act* (Canada)”.

Regulation 92-106 under the *Occupational Health and Safety Act*

67 New Brunswick Regulation 92-106 under the *Occupational Health and Safety Act* is repealed.

Commencement

68 This Regulation come into force on April 1, 2022.