

## **New Brunswick - Nouveau-Brunswick**

### **PME**

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### **NEW BRUNSWICK REGULATION 91-191 under the**

### **OCCUPATIONAL HEALTH AND SAFETY ACT (O.C. 91-1035)**

#### **PART XV**

#### **MATERIALS HANDLING EQUIPMENT AND PERSONNEL CARRYING EQUIPMENT**

##### **Powered Mobile Equipment**

**218** Section 219 does not apply to an underground mine.

96-106

**219(1)** An employer shall ensure that powered mobile equipment has a cab, screen, shield, grill, deflector, guard or other adequate protection for the operator if the operator may be exposed to the hazard of flying or in-truding objects.

**219(2)** Where a hazard exists to the operator of powered mobile equipment from falling objects, an employer shall ensure that the powered mobile equipment is equipped with a falling objects protective structure adequate for the conditions in which the equipment is being used and that meets the requirements of the appropriate SAE standard listed below or that is certified by an engineer to provide equivalent or better protection:

(a) SAE J167 DEC86, "Overhead Protection for Agricultural Tractors - Test Procedures and Performance";

(b) SAE J231 JAN81, "Minimum Performance Criteria for Falling Object Protective Structures (FOPS)";

(c) SAE J397 APR88, "Deflection Limiting

Volume-ROPS/FOPS Laboratory Evaluation”;

(d) SAE J1042 JUN93, “Operator Protection for General Purpose Industrial Machines”;

(e) SAE J1043 APR85, “Performance Criteria for FOPS on General Purpose Industrial Machines”; or

(f) SAE J1084 APR80, “Operator Protective Structure Performance Criteria for Certain Forestry Equipment”.

2001-33

**220(1)** An employer shall ensure that powered mobile equipment manufactured on or after January 1, 1974 is equipped with a rollover protective structure that meets the minimum safety requirements of CSA standard B352-M1980, “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines”.

**220(2)** An employer shall ensure that powered mobile equipment manufactured before January 1, 1974 is equipped with a rollover protective structure that meets the requirements of subsection (1) or the following criteria:

(a) the rollover protective structure and supporting attachments are designed, fabricated and installed in such a manner to support not less than twice the weight of the equipment, based on the ultimate strength of the metal and integrated loading of supporting members with the resultant load applied at the point of impact;

(b) there is a vertical clearance of 1320 mm between the deck and the rollover protective structure at the access openings; and

(c) the rollover protective structure and supporting attachments referred to in paragraph (a) are certified as meeting the requirements of paragraph (a) by the manufacturer of the rollover protective structure, the installing agency or an engineer.

**220(3)** Notwithstanding subsections (1) and (2), the Chief Compliance Officer may give permission in writing for a deviation, under such terms and conditions as he considers advisable, for powered mobile equipment to be used without a rollover protective structure if there is no significant chance of upset and

(a) the equipment has a frame that is not capable of supporting the stresses introduced by a rollover protective structure during upset,

(b) the equipment has a low centre of gravity that makes upset unlikely, or

(c) the installation of a rollover protective structure constitutes an operating hazard in the circumstances in which the equipment is operating.

**220(4)** An employer shall ensure that all modifications or repairs to a rollover protective structure meet the requirements of this section and are certified as meeting such requirements by the modification design agency, the installing agency or an engineer and that such certification is made available to an officer on request.

96-106; 2001-33

**221(1)** An employer shall ensure that powered mobile equipment that has been fitted with a rollover protective structure is provided with

(a) seat belts for the operator and passengers that comply with or exceed whichever of the following Society of Automotive Engineers' Recommended Practices is appropriate:

(i) SAE J386 NOV97, "Operator Restraint Systems for Off-Road Work Machines";

(ii) SAE J117 JAN 1970, "Dynamic Test Procedure - Type 1 and Type 2 Seat Belt Assemblies"; or

(iii) SAE J800 APR 86, "Motor Vehicle Seat Belt Assembly Installations"; or

(b) where the wearing of seat belts is impracticable, restraining devices such as shoulder belts, bars, gates, screens or other similar devices designed to prevent the operator and passengers from being thrown outside the rollover protective structure.

**221(2)** An operator of and passengers on powered mobile equipment shall use the seat belts or restraining devices referred to in subsection (1) while the equipment is in motion.

2001-33

**222** An employer shall ensure that welding on a roll-over protective structure or a falling objects protective structure is done by a welder who holds at least a Class B welder's certificate of qualification under New Brunswick Regulation 84-174 under the *Boiler and Pressure Vessel Act* or by a welder who is employed by a company certified to CSA standard W47.1-92 (reaffirmed 1998), "Certification of Companies for Fusion Welding of Steel Structures".

2001-33

**223(1)** An employer shall ensure that glazing used as part of an enclosure for a cab, canopy or rollover protective structure on powered mobile equipment

(a) meets the requirements of SAE standard J674-NOV90, "Safety Glazing Materials - Motor Vehicles", and

(b) is immediately replaced if it presents a hazard to the operator of the equipment.

**223(2)** Notwithstanding paragraph (1)(a), rigid plastic materials meeting ANSI/SAE standard Z26.1-1996, "American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways - Safety Standard" may be used in all areas on a rollover protective structure, including the front windshield.

2001-33

**224** An employer shall ensure that powered mobile equipment

(a) is used only for the purposes for which it is designed and equipped,

(b) is operated by a competent employee,

- (c) is equipped with adequate brakes,
- (d) is equipped with a manually operated horn,
- (e) has a rear view mirror or other means of ensuring that the equipment can be safely backed up,
- (f) is equipped with an audible back-up alarm that operates automatically when the equipment is in re-verse and that is clearly audible above the background noise,
- (g) is equipped with adequate headlights and tail lights when used after dark or in dimly lit areas,
- (h) has gears and moving parts adequately guarded,
- (i) has controls that cannot be operated from outside the cab unless the controls are designed to be operated from outside the cab,
- (j) has any load on it adequately secured, and
- (k) is provided with a three point contact to access the operator's cab. 2001-33

**225** Where a skidder or forwarder is used in a logging operation, an employer shall ensure that the 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.

2001-33

**226** An employer shall designate an employee to give signals to an operator of powered mobile equipment who is backing up the equipment and who is not able to see clearly behind the equipment and the operator shall back up the equipment only on signals from the designated employee.

**227** Where work with powered mobile equipment is carried out in an area where dust may create a hazard to employees because of poor visibility, an employer and a contractor, if any, shall each take such measures with respect to the dust as are sufficient to protect employees from the risk of injury.

2001-33

**228** An operator of powered mobile equipment shall

- (a) ensure that a person does not ride on any part of the equipment not designed to carry passengers,

(b) not set equipment in motion until all air and hydraulic pressures are fully built up to specified operating pressures,

(c) when leaving the equipment unattended,

(i) park it on level ground,

(ii) set the brake,

(iii) lower the blades and bucket or safely block them,

(iv) disengage the master clutch,

(v) stop the engine, and

(vi) remove the key,

(d) follow a safe re-fueling procedure,

(e) not store containers of gasoline, diesel oil or other flammable substances in the cab,

(f) not carry loose articles in the cab, and

(g) keep the equipment in gear when going downhill.

**229(1)** An employer shall ensure that powered mobile equipment

(a) is maintained in safe working condition,

(b) has defective parts repaired or replaced before being set in motion,

(c) has air and hydraulic lines, hoses and components maintained in safe operating condition,

(d) has wire ropes, drums and sheaves inspected visually on a daily basis by the operator of the equipment and inspected visually and physically by a competent person on a weekly basis, and

(e) is lubricated only when at rest or as the manufacturer directs.

(f) Repealed: 2001-33

f) Abrogé : 2001-33

**229(1.1)** An employer shall ensure that when a tire for powered mobile equipment is installed and inflated on a rim, a safety cage or other restraining device is used for the tire and the rim, and that other appropriate precautionary measures are followed to protect employees from the hazard of the tire exploding.

**229(2)** An employer shall ensure that powered mobile equipment and detachments for powered mobile equipment that are raised from the ground by means of jacks or hoists are adequately blocked.

**229(3)** An employer shall ensure that an employee does not work under or go under the raised parts of any powered mobile equipment unless the parts are adequately blocked and no employee shall work under or go under such raised parts unless the parts are adequately blocked.

**229(4)** Where repair or maintenance work is carried out at the point of articulation on front end loaders or similar powered mobile equipment, an employer shall ensure that lock bars are used to prevent movement of either end of the loader or similar equipment.

2001-33

**229.1(1)** No person shall alter any powered mobile equipment in such a way as to render ineffective a safety device installed on the equipment.

**229.1(2)** Notwithstanding subsection (1), a person may alter powered mobile equipment so as to render ineffective a safety device installed on the equipment if the alteration is certified in writing by the manufacturer of the safety device or an engineer as affording protection equal to or greater than the protection afforded by the safety device.

**229.1(3)** An operator shall not use, and an employer shall not permit to be used, any powered mobile equipment if the equipment has been altered so as to render ineffective a safety device installed on the equipment.

**229.1(4)** Subsection (3) does not apply where the alteration has been certified in writing by the manufacturer of the safety device or an engineer as affording protection equal to or greater than the protection provided by the safety device.

2001-33

**229.2(1)** An operator of powered mobile equipment shall check for the effectiveness of all safety devices daily before operating the equipment.

**229.2(2)** If more than one operator uses powered mobile equipment in the course of a day or if the powered mobile equipment is used on more than one shift, each operator shall check for the effectiveness of all safety devices before operating the equipment.

2001-33

**230** Where powered mobile equipment is used on a slope or bank which may give way, an employer shall ensure that adequate precautions are taken to stabilize the bank and to distribute

the load of the equipment.

**230.1(1)** In this section,

“berm” means a mound or pile of material raised above the surrounding surface.

**230.1(2)** Where powered mobile equipment is used to push material into a body of water, pit, excavation or other cavity, an employer shall ensure that a berm is created between the equipment and the water, pit, excavation or other cavity to indicate to the operator the safe limit to which the powered mobile equipment may advance, and an operator of powered mobile equipment shall not advance the equipment past the berm.

**230.1(3)** Where powered mobile equipment is used to push material into a frozen body of water, an employer and an operator shall each ensure that the ice is broken before any material is pushed into the water.

2001-33