



Suite 102 – 810 Waddington Drive
Vernon BC
V1T 8T3

Phone: 250-542-9020
Fax: 250-542-5070
e.mail: office@cwsaa.org
Web: www.cwsaa.org



June 11, 2008

Prevention Policy & Regulation Review Department
Policy & Research Division
WorkSafe BC
Workers' Compensation Board of British Columbia
PO Box 5350 Station Terminal
Vancouver BC
V6B 5L5

Dear Sirs :

WorkSafe BC Proposed Amendments to Part 4 : General Conditions OH&S Safety Regulations

On behalf of the Board of Directors and members of Canada West Ski Areas Association, please accept the attached written brief on the proposed changes to Part 4 of the regulations.

We are pleased to see the changes that have been made to the regulation and generally are in agreement with the document of March 2008.

We look forward to your response in due course.

Yours truly

A handwritten signature in black ink that reads "Jimmie Spencer".

JIMMIE SPENCER, O.B.C.
President & CEO

Copy :

- Hon Gordon Campbell, Premier British Columbia
- Hon Stan Hagen, Minister of Tourism, Sport and the Arts
- Hon Pat Bell, Minister of Agriculture and Lands
- Hon Rick Thorpe, Minister of Small Business and Revenue
- Ms Roberta Ellis, VP Policy Investigations and Review, WorkSafe BC
- Ms Ann Burch, Director Regulation Development, WorkSafe BC
- CWSAA Board of Directors
- Mr Darcy Alexander, Chair Government Relations Committee
- Mr Brian Leighton, Safety Officer, Whistler Blackcomb
- Mr Clair Israelson, Executive Director, Canadian Avalanche Association
- Mr Rob Rohn, HeliCat Canada
- Ms Psyche Brown, Manager Major Projects, Resort Dev Br, MTSA



PROPOSED AMENDMENTS FOR PART 4: GENERAL CONDITIONS IN THE OCCUPATIONAL HEALTH & SAFETY REGULATIONS 4.1.2

WRITTEN SUBMISSION TO WORKSAFE BC

1. INTRODUCTION

Canada West Ski Areas Association (CWSAA) is the representative trade association for the ski areas/resorts of the four western Provinces: British Columbia/Yukon Territory, Alberta, Saskatchewan and Manitoba. The Association comprises 99 ski areas/resorts of which 43 are situated in British Columbia

This submission is dealing only with Avalanche Risk Assessment in the Province of British Columbia.

2. GENERAL

In the context of Avalanche Awareness and Risk Assessment, it is necessary to understand and appreciate that the workplace of a ski area/resort in British Columbia is vastly different to work sites of other businesses and transportation corridors throughout the Province.

Ski areas/resorts are unique because they operate within a very structured and regulated government policy which sets out and approves all operating procedures including detailed avalanche risk assessment and avalanche control plans stipulating detailed actions required in dealing with avalanches on a **daily basis**.

3. CROWN LAND

BC ski areas/resorts operate on Crown land tenured to them for 50 to 60 years (renewable at the 40 year point) by the Ministry of Tourism, Sport and the Arts (MTSA); there are two exceptions: Mount Washington and Grouse Mountain, on private land. However their procedures and actions mirror those areas on Crown land.

4. BC COMMERCIAL ALPINE SKI POLICY

Each ski area/resort in the Province is developed under the strict guidelines of the BC Commercial Alpine Ski Policy (CASP) document, all segments of the operation are within a defined Controlled Recreation Area (CRA). This gives complete control of every activity and movement throughout the CRA and for the full twelve months of the year. A fundamental requirement of the document is the production of a detailed Master Plan (MP) which is required to show details of all terrain throughout the CRA, including positioning of trail systems, ski lift installations, base facilities and accommodation developments. The MP must be accepted and signed off by the BC Government prior to any development commencing.

5. **MASTER PLAN**

- a. The Master Plan (MP) calls for full mapping details of all terrain within the CRA and specifically all avalanche zones and anticipated slide paths. Written procedures in each ski area/resort contain the fullest details of available control systems including the use of explosives, together with the procedures for eliminating the avalanche threat. This is a daily procedure and **no** ski area /resort is allowed to open until the threat of an avalanche is **fully addressed**.
- b. During the period that the professional ski patrol teams are dealing with any avalanche threat, no other members of staff or the public may enter the area in question. **Closed means closed** and remains so until the mountain operations manager gives clearance to open. The professional ski patrol personnel are trained and qualified by the Canadian Avalanche Association (CAA) to the highest level including the use of explosives. The CAA and individual ski areas/resorts have worked with WSBC to develop blasting exams and certificates appropriate for all avalanche technicians. They are then deemed to be a Qualified Avalanche Planner.

6. **MASTER DEVELOPMENT AGREEMENT**

On approval of the MP and the other requirements of CASP, the Operator is required to enter into a legal contract with the BC Government in the form of a Master Development Agreement (MDA). This in effect shows all phases of development and timelines and gives the strongest measure of control to the Provincial Government over all conduct, actions and standards within the CRA.

7. **BC SAFETY AUTHORITY**

All passenger ropeways and uphill transportation systems operate under the closely regulated jurisdiction of the Canadian Standards Association Z-98 Code and the guidance of the BC Safety Authority (BCSA); included is clearance by BCSA Safety Officers of Avalanche Risk Assessment plans for ski lift installations that are to be constructed in or near any avalanche zone. This entails a detailed study of the ski area/resort Avalanche Risk Assessment documentation by the BCSA Safety Officer. The assistance of an independent Qualified Avalanche Planner may be sought by the BCSA Safety Officer.

8. **SAFETY AND RISK MANAGEMENT TRAINING**

The BC Ski Industry pay the greatest attention to safety and management of risk procedures. These are reviewed annually or more frequently if required and industry seminars are held each Fall to review operational procedures prior to the ski season commencing – normally October or November. The Industry places the highest priority on safety for its workers and the participating skiing/snowboarding public as our records show.

9. **PART 4 GENERAL CONDITIONS – SUB SECTION 4.1.2 (1) (2) (3) (4)**

- a. CWSAA is fully supportive of well-considered WSBC regulations that improve the safety of workers exposed to hazardous terrain and avalanches. Safety of employees and the skiing public is paramount. In general, we support the March 2008 version of the proposed regulation. We believe the corrections to the regulations that have been made resulting from the meeting in Kelowna on January 15, 2008 have produced a workable document. The specific statement relating to the ski area/resort industry allows for them to proceed in an efficiently sound and safe manner for the future:

“Ski and other resort operations on tenured Crown land operate under a contract (Master Development Agreement or MDA) between the government and the operator, with the MDA setting out all development and activity in the covered “Controlled Recreation Area”. The Ministry of Tourism, Sport and the Arts (MTSA) requires the operator to develop a master plan for the overall operation, and the master plan is reviewed by many government ministries and local government before ski or other resort operations can start. Identifying avalanche risk zones and the development of any necessary passive measures and the active avalanche safety program are part of the MTSA approval process and part of the ongoing operation. WorkSafeBC expects that location, design and construction of facilities and the avalanche safety plan approved through the MTSA process should meet the proposed OHSR requirements.”

Note: As pointed out in paragraph 3, Mount Washington and Grouse Mountain – both major developments – are situated on private land, however their procedures and activities mirror those areas on Crown land and both resorts should be governed by the same rules as those on Crown land.

- b. We suggest that clarification is required to **explicitly state** that the requirements of section 4.1.2(2)(a) which call for an avalanche risk assessment prepared by a ‘qualified registered professional’ (QRP) will not be required for ski slopes in downhill ski areas/resorts that have active avalanche safety programs under the guidance of a qualified avalanche planner. The ski areas/resorts operators already know which of these ski slopes are capable of generating avalanches. In fact, the product that these resorts advertise most often is their steep, double black diamond ski terrain that is by definition avalanche prone. The resort operators do not need an engineer to tell them they are skiing in avalanche terrain; what they really do need is a well-qualified avalanche planner to devise an active avalanche safety program that will provide high levels of worker and public safety. This is already defined in paragraphs 5a and 5b of this brief.
- c. We also request clarification that if an avalanche risk assessment that would now fall under the proposed section 4.1.2(2)(a) has been conducted by a QRP in the past, then there will be no need for this work to be repeated when the regulation comes into force.
- d. We strongly suggest that safety plans be reviewed every five years, rather than three, or whenever operating circumstances change significantly.

10. **SUMMARY**

The BC Ski Industry fully understands and supports the safety of all employees and is committed to ensuring that all staff are conversant, trained and qualified in a range of safety and risk management measures whilst employed in a ski area/resort. This is absolutely **key** to the industry in order to provide a safe and enjoyable product for the public.

In order to achieve this a major component is the establishing of a highly trained and qualified professional ski patrol team including Qualified Avalanche Planners with the capability to assess all avalanche hazardous terrain within the CRA, map it and establish all the required procedures to deal effectively with the threat and to eliminate it. WSBC should be aware that the BC Ski Industry has for many years financially supported an Avalanche Research Program under the direction of Dr Bruce Jamieson, Department of Civil Engineering, University of Calgary and at present is committed to a new five year research program. The results are published annually and circulated to all General Managers,

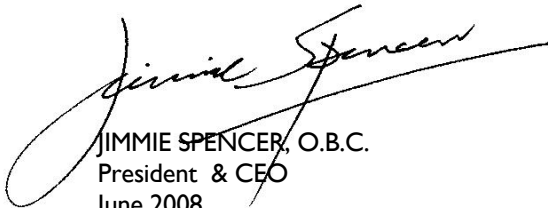
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Patrol Directors and used extensively for education of ski patrollers and avalanche forecasters/planners throughout the industry. This assists patrollers and staff to keep up to date and current in all avalanche assessment work and procedures.

We congratulate WSBC on producing the revised document of March 2008, setting out the regulations which reflect the input given by the attendees at the formal meeting in Kelowna January 15, 2008. We would also record our thanks and appreciation to George Matheson who conducted the meeting in an efficient and receptive manner; he is to be complimented.

Thank you for the opportunity to present the point of view of the BC Ski Industry in this critically important matter. We urge you to accept our points of view and suggested solutions and we stress that CWSAA are extremely willing to continue working with WSBC and CAA in producing the most efficient method of dealing with this issue.



JIMMIE SPENCER, O.B.C.
President & CEO
June 2008