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HeliCat Canada Submission to WorkSafeBC Re: Proposed Amendments to Part 4: General Conditions

HeliCat Canada is an industry organization representing about 40 Heli-Skiing and Cat-Skiing operators in BC. As such, we represent employers. However it should be noted that many owner/operators also fulfill an employee role as lead guide, lodge manager, etc.

HeliCat Canada was pleased to be part of a stakeholder group including the Canadian Avalanche Association and many others organizations that worked together with WorkSafe BC to develop a regulation that would effectively address worker safety in avalanche terrain. We feel that the proposed section 4.1.2 does that, so we generally agree with it.

We do have a number of comments, largely regarding the implementation of the proposed regulation. We contend that in virtually every mechanized backcountry skiing operation an assumption can be made that every day and on most ski runs we will encounter terrain that under certain conditions has a potential for avalanches. Therefore an avalanche risk assessment as defined in the proposed amendment is either not required at all, or will at most be a general statement acknowledging this fact. We know that our workers will be operating in terrain that has the potential for avalanches. We believe that in our sector the emphasis must be on the avalanche safety plans that will detail how the risk to workers of avalanches should be managed.

Mechanized backcountry skiing has a 44-year history in BC. Over that time the industry has developed and continually refined operating procedures that are the state of the art, not just in Canada but worldwide. We have learned many lessons over that time and have evolved our operating procedures in response.

Key areas covered by the HeliCat Canada Operating Guidelines include:

- Qualification of guides.
- Required safety training for guides, other employees and guests.
- Safety and emergency equipment.
- Helicopter and snowcat safety protocols.
- Emergency and rescue protocols.
- Flight and operations monitoring requirements

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- Mapping and aerial photographs of terrain.
- Observation and recording of weather, snowpack and avalanche occurrences.
- Selection of appropriate ski terrain given the day's weather, snow stability and avalanche hazard at twice-daily guides' meetings.
- Field management of avalanche, glacier, cornice, cliff, forest and other hazards.

All members of HeliCat Canada agree to comply with these Operating Guidelines as a condition of membership in our association. Compliance is verified through Operations Reviews by outside experts in the field. New members have probationary status until they pass a review. Ongoing periodic reviews ensure compliance by established members. Continued or deliberate non-compliance, or refusal to be reviewed can result in a loss of membership.

HeliCat Canada anticipates that a template for the avalanche safety plans of our members will be developed based on our Operating Guidelines. These can then be adapted as required for each individual operation, and reviewed as necessary. We anticipate that the development of these templates and the individual avalanche safety plans will require some time, so we ask for a one-year implementation period.

The Standards Committee of HeliCat Canada periodically reviews and updates our Operating Guidelines. It's anticipated that these reviews would then trigger an update of the template for the avalanche safety plans of our members. Often these reviews result in minor changes. Examples could include an update to recommended rescue equipment or a modification in some operational procedure.

In this regard we have some concern with Point 7 of the proposed amendment that states "A review required under subsection (6) must have any passive measures reviewed by a qualified registered professional and any active avalanche safety program reviewed by a qualified avalanche planner, and following the review, the avalanche safety plan must be amended as necessary by the person or persons who conducted the review"

A literal interpretation of this point would suggest that every member of HeliCat Canada would have to hire a Qualified Avalanche Planner (if they don't have one on staff) to make these minor changes to their plan. We assume however that a common sense approach will be permitted and that within reason each operator could amend their plan themselves, especially when they are following a recommendation from the Standards Committee of HeliCat Canada. Most, if not all members of the Standards Committee have the experience and qualifications to meet the requirements of a Qualified Avalanche Planner.

Bearing in mind that these periodic amendments will be made on an on-going basis, we feel that the three-year period triggering a formal review of each operator's avalanche safety plan by a Qualified Avalanche Planner is excessive. We anticipate that these plans will evolve slowly and incrementally over time. The three-year review period will result in unnecessary expense with little gain for operators who do not have a Qualified Avalanche Planner on staff and must hire a consultant. We feel that a five-year review period for established operations is sufficient and that it could be accomplished through our existing Operations Reviews process. The external experts who conduct these reviews will undoubtedly be Qualified Avalanche Planners and could check that each operator's Avalanche Safety Plan meets current industry standards as part of that review.

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A couple of other miscellaneous points. A literal interpretation of point 7 quoted above would suggest that any required passive measures (and these include engineered structures such as snow sheds, mounds, deflection barriers, the design of roads and the location of structures and worksites) would have to be reviewed by a Qualified Registered Professional every 3 years. This would seem to be unnecessary. And while this is the domain of Qualified Registered Professionals, we question whether this is common practice for engineered structures and whether it was the intent of this section. Perhaps the wording needs to be clarified.

Finally at the stakeholders meeting held in Kelowna in January there was some discussion whether study plots would require an avalanche risk assessment by a Qualified Registered Professional. We caution that this terminology applies to a wide variety of locations or installations where snow or meteorological measurements are made. Some involve fixed instrumentation and are visited two or more times daily. It's conceivable these could require the involvement of a Qualified Registered Professional. However the term study plot also refers to remote locations where basic measurements are taken only when we are operating in that area. A period of several weeks could go by between visits to the plot. These locations clearly are part of a wilderness operation and should be covered by an avalanche safety plan signed off by a Qualified Avalanche Planner.

We would like to thank WorkSafe BC and George Matheson for the effort made to ensure the proposed amendments are workable for all stakeholders, and for the opportunity to submit these comments.

Yours truly



JOHN FORREST
President

Copy: HeliCat Canada Board of Directors
HeliCat Canada Standards Committee
HeliCat Canada Association

**HCC Submission to WorkSafeBC Re: Proposed Amendments to Part 4:
General Conditions – May 26, 2008**

2008/05/26

- HCC is an industry organization representing about 40 Heli-Skiing and Cat-Skiing operators in BC. As such, we **represent employers**. However it should be noted that many owner/operators also fulfill an employee role as lead guide, lodge manager, etc.
- HCC was pleased to be part of a stakeholder group including the CAA and many others organizations that worked together with WSBC to develop a regulation that would effectively address worker safety in avalanche terrain. We feel that the proposed section 4.1.2 does that, so we **generally agree** with it.
- We do have a number of comments, largely regarding the implementation of the proposed regulation. We contend that in virtually every mechanized backcountry skiing operation an assumption can be made that every day and on most ski runs we will encounter terrain that under certain conditions has a potential for avalanches. Therefore an **avalanche risk assessment** as defined in the proposed amendment is either not required at all, or will at most be a general statement acknowledging this fact. We know that our workers will be operating in terrain that has the potential for avalanches.
- We believe that in our sector the emphasis must be on the **avalanche safety plan** that will detail how the risk to workers of avalanches should be managed.
- Mechanized backcountry skiing has a 44-year history in BC. Over that time the industry has developed and continually refined operating procedures that are the state of the art, not just in Canada but worldwide. We have learned many lessons over that time and have evolved our operating procedures in response.
- Key areas covered by the **HCC Operating Guidelines** include:
 - Qualification of guides.
 - Required safety training for guides, other employees and guests.
 - Safety and emergency equipment.
 - Helicopter and snowcat safety protocols.
 - Emergency and rescue protocols.
 - Flight and operations monitoring requirements
 - Mapping and aerial photographs of terrain.
 - Observation and recording of weather, snowpack and avalanche occurrences.
 - Selection of appropriate ski terrain given the day's weather, snow stability and avalanche hazard at twice-daily guides' meetings.
 - Field management of avalanche, glacier, cornice, cliff, forest and other hazards.

- All members of HCC agree to comply with these Operating Guidelines as a condition of membership in our association. Compliance is verified through **Operations Reviews** by outside experts in the field. New members have probationary status until they pass a review. Ongoing periodic reviews ensure compliance by established members. Continued or deliberate non-compliance, or refusal to be reviewed can result in a loss of membership.
- HCC anticipates that a **template for the avalanche safety plans** of our members will be developed based on our Operating Guidelines. These can then be adapted as required for each individual operation, and reviewed as required. We anticipate that the development of these templates and the individual avalanche safety plans will require some time, so we ask for a one-year implementation period.
- The standards committee of HCC periodically reviews and updates our operating guidelines. It's anticipated that these reviews would then trigger an update of the template for the avalanche safety plans of our members. Often these reviews result in minor changes. An example would be when we determined a number of years ago that an AED should be carried on board each helicopter and snowcat.
- In this regard we have some concern with Point 7 of the proposed amendment that states "**A review required under subsection (6) must have any passive measures reviewed by a qualified registered professional and any active avalanche safety program reviewed by a qualified avalanche planner, and following the review, the avalanche safety plan must be amended as necessary by the person or persons who conducted the review**"
- A literal interpretation of this point would suggest that every member of HCC would have to hire a QAP (if they don't have one on staff) to make these minor changes to their plan. We assume however that a common sense approach will be permitted and that within reason each operator could **amend their plan themselves**, especially when they are following a recommendation from the standards committee of HCC. Most, if not all members of the standards committee have the experience and qualifications to meet the requirements of a QAP.
- Bearing in mind that these periodic amendments will be made on an on-going basis, we feel that the 3-year period triggering a formal review of each operator's avalanche safety plan by a QAP is excessive, resulting in unnecessary expense for operators who do not have a QAP on staff and must hire a consultant. We feel that a **5-year review period** for established operations is sufficient and that it could be accomplished through our existing Operations Reviews process. The external experts who conduct these reviews will undoubtedly be QAP's and could check that each operator's Avalanche Safety Plan meets current industry standards as part of that review.
- A couple of other miscellaneous points. A literal interpretation of point 7 quoted above would suggest that any required **passive measures** (and these include engineered structures such as snow sheds, mounds, deflection

barriers, the design of roads and the location of structures and worksites) would have to be reviewed by a QRP every 3 years. This would seem to be unnecessary. And while this is the domain of QRP's, we question whether this is common practice for engineered structures and whether it was the intent of this section. Perhaps the wording needs to be clarified.

- Finally at the stakeholders meeting held in Kelowna in January there was some discussion whether **study plots** would require an avalanche risk assessment by a QRP. We caution that this terminology applies to a wide variety of locations or installations where snow or meteorological measurements are made. Some involve fixed instrumentation and are visited two or more times daily. It's conceivable these could require the involvement of a QRP. However the term study plot also refers to remote locations where basic measurements are taken when we are operating in that area. A period of several weeks could go by between visits to the plot. These locations clearly are part of a wilderness operation and would be the domain of a QAP.
- We would like to thank WSBC and George Matheson for the effort made to ensure the proposed amendments are workable for all stakeholders, and for the opportunity to appear here this evening.