



Parks Canada Parcs Canada

4.24 Avalanche

**Office of the Executive Director
Mountain Parks**

P.O. Box 900
Banff, Alberta
T1L 1K2
Tel: (403) 762-1560
Fax: (403) 762-1555



May 23, 2008

Ms. Anne Burch
Director, Prevention Policy and Regulation Review
Policy and Research Division, WorkSafeBC
Workers' Compensation Board of British Columbia
PO Box 5350, Station Terminal
Vancouver, BC, V6B 5L5

Dear Ms. Burch:

Re: March 2008 Proposed amendments to the Occupational Health and Safety Regulation

This letter represents the position of the Parks Canada Agency as an employer whose staff regularly works in avalanche prone terrain in British Columbia.

In consideration of the March 2008 proposed amendments to the Occupational Health and Safety Regulation, Parks Canada generally agrees with the proposed amendments regarding snow avalanche assessments, and supports the structure of the proposed regulation. It is an important step forward to require by law, risk assessments and safety plans for all operations working in avalanche terrain, and to provide clarification regarding the roles of both Qualified Registered Professionals (QRP) and CAA Qualified Avalanche Planners.

It is the current position of the Department of Justice Canada that provincial laws interfering with the administration of a federal entity will not bind the federal Crown, due to the principles of interjurisdictional immunity, Crown immunity, and paramountcy. Parks Canada is governed by federal occupational and health legislation, and is not required to comply with these new provincial provisions. However, as an industry and government leader in avalanche risk management, and with significant lands located in British Columbia, we wish to state that we generally agree with these regulations and intend to meet this new standard.

.../2



We identify two points of concern:

1. Although Parks Canada is well positioned to implement this new standard, we will require time for retraining of staff, and collating our existing planning documents into the format of an Avalanche Safety Plan. Considering that some of the proposed new requirements are yet to be developed by the Canadian Avalanche Association, we respectfully submit that once this regulation is approved by WSBC, it cannot be practically implemented on the ground until the winter season 2009/10 at the earliest.
2. With respect to the specific qualifications required of a QRP undertaking avalanche assessments, Parks Canada submits that the existing guidance document provided by the ABCPF/APEGBC Joint Practices Board "*Snow Avalanche Assessments in the Forest Sector: Skill Sets for QRPs*" does not sufficiently address the practical experience requirements of a QRP undertaking avalanche work. We recommend that the Joint Practices Board expand the scope of this document beyond the forest sector, and work together with the CAA to ensure that more specific guidance is provided for QRPs.

Parks Canada would like to thank WorkSafeBC for considering our feedback in the drafting of this proposed regulation, which we believe will improve workplace safety in British Columbia.

If you require further information regarding these comments, please contact Grant Statham, Parks Canada's Mountain Risk Specialist, at the above address, by telephone at 403-762-1568, or by email at grant.statham@pc.gc.ca.

Sincerely,



Ron Hallman
Executive Director, Mountain Parks
Parks Canada Agency