

Comments on OHS section 4 proposed changes

Backcountry Lodges of British Columbia Association

6 May 2007

1. The Backcountry Lodges of B.C. Association (BLBCA) represents the 28 backcountry lodges in British Columbia's mountain regions ([www.backcountrylodgesofbc.com](http://www.backcountrylodgesofbc.com)). Most member operations have a long record of safe operation, while others are relatively new in this growing industry. BLBCA members must commit to stringent certification and operational requirements in order to maintain tenure and group liability insurance. Improving worker safety is a central goal of the Backcountry Lodges of B.C. Association and we salute WSBC initiatives in this direction. Many members are owner-operated businesses where the operator carries a worker's personal risk in the field as well as WSBC coverage as an employer. The BLBCA would like to contribute to this discussion under that premise. We suggest some alternatives to sections that appear to be inapplicable to the industry.

2. The proposed changes aim to make it the responsibility of a PEng or PGeo to supervise avalanche assessments (assessments of terrain and snow conditions that could lead to dangerous snow avalanches). It is known to WSBC that this is not the field of expertise of most PGeos and PEngs. Since they are required under the *Act* to practice within the limits of their qualification and ability, they cannot sign off on the work a specialist subcontractor carries out in their name unless they are themselves knowledgeable. The section on them hiring specialists is, therefore, not likely to increase worker safety and the quality of work done in the field. The section may lead to a clearer way for WSBC to ascribe responsibility because it narrows the field of QRPs to one regulated under an *Act*. This, however, is not likely to lead to improvements in the field where worker safety is really at stake.

It is not at all clear that there are sufficient APEGBC members who are knowledgeable in avalanche work. That knowledge is certified through the professional training programs of the Canadian Avalanche Association. We would appreciate it if WSBC could assure us that the necessary level of experience and skill is actually available before making regulations.

2.1. To extend the requirement to have an APEGBC member assess any tourism workplace is neither workable nor will it improve worker safety. As proposed, the regulations will require a lodge or heli-ski operator to commission assessments on any terrain they might utilize. Apart from being prohibitively expensive, the regulation as proposed ignores that backcountry skiing happens very frequently in terrain that will occasionally produce avalanches. Worker safety will benefit little from restating this well-known fact, but from professional day to day forecasting, insistence on stringent guide certification and a fostering of professionalism in those fields.

2.2. It is very well known to operators that some of the terrain they use is avalanche terrain. Their operations assess the conditions in this terrain on a daily basis. Those operators that are BLBCA members are usually avalanche professionals. Most are also

certified by the Association of Canadian Mountain Guides in their field. We propose to recognize CAA professional membership and ACMG ski and mountain guide certification as sufficient to assess backcountry tourism workplaces.

3. To sum up, the proposed regulations ignore the available skill sets in both PGeos/PEngs and avalanche and mountain professionals, and are inappropriate and unworkable in the tourism industry. We fully support efforts to improve worker safety and suggest replacing the section on backcountry operations as follows:

3.1. Differentiate between avalanche assessments for 3.1.1. Temporary areas of operation without structures (e.g. backcountry mechanized or non-mechanized ski runs); for 3.1.2. Non-inhabited infrastructure such as roads or lift-serviced and patrolled ski runs; and 3.1.3. Inhabited structures (camps, stationary industrial work areas and other habitations). Different levels of assessments shall be performed for each of those categories. Avalanche professionals (minimum certification CAA Level II, CAA Introduction to Avalanche Hazard Mapping, CAA professional membership, ACMG ski or mountain guide certification plus five years professional experience) shall establish terrain inventories for backcountry operations. The same qualification, with demonstrable experience in the field, shall be necessary to assess avalanche risks to workers on lift-serviced and patrolled ski runs. PEngs shall be required to perform the design of structures that could be exposed to snow avalanches (habitations, lift towers, or transmission towers) and the modeling of impact forces on such structures and other resources. The development of day to day forecasting programs as well as rescue and training plans are clearly the realm of the CAA trained avalanche professional.

3.2. Expand the definition of a QRP for the purpose of these regulations to include Avalanche Professional (minimum certification CAA Level II, CAA Introduction to Avalanche Hazard Mapping, CAA professional membership, ACMG ski or mountain guide certification plus five years professional experience) and to define their areas of expertise as outlined above.

3.3. Make certification by the appropriate bodies (CAA and ACMG, as appropriate) a prerequisite to obtaining tenure from the provincial government. While this is outside WSBC's direct jurisdiction, WSBC could submit to MoTSA on tenuring issues.

3.4. Introduce requirements pertaining to the qualifications of persons who make decisions affecting worker safety. Professional membership in the CAA, appropriate ACMG certification, plus additional training and experience as outlined above has proven to be a workable and valid degree of qualification.

4. The BLBCA remains interested in taking part in this ongoing discussion and appreciates the opportunity to provide input from a perspective that combines both the employers and the employees.