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June 16, 2007

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 :

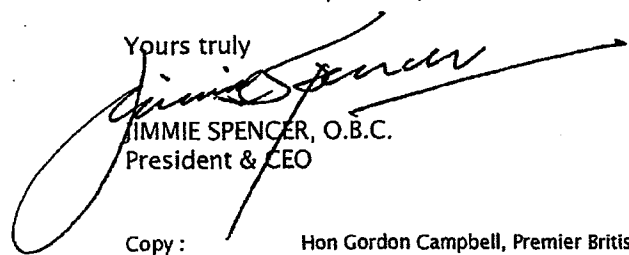
WorkSafe BC Proposed Amendments to Part 4 : General Conditions OH&S Safety Regulations

Please accept the attached written brief on the proposed changes to Part 4 of the regulations from Canada West Ski Areas Association, the representative trade association of the ski industry in British Columbia, Yukon, Alberta, Saskatchewan and Manitoba.

We would be pleased to meet with you to discuss this critical issue; unfortunately we are of the opinion that your proposed changes, although well-intentioned, are misguided and unworkable.

I look forward to your response in due course.

Yours truly



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

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**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.

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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 Expert.

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 Expert may be sought by the BCSA Safety Officer.

8. **WSBC REGULATIONS**

- a. CWSAA is fully supportive of well-considered WSBC regulations that improve the safety of workers exposed to hazardous terrain and avalanches.
- b. It is a matter of great concern that no dialogue has taken place with the Ski Industry on the proposed amendments relating to Avalanche Risk Assessment etc. contained in Part 4: 4.1.2 prior to its publication. We are confident that the amendments are well-intentioned, however, the Ski Industry considers these to be misguided and unworkable. CWSAA would welcome the opportunity to work with WSBC to offer recommendations to rectify matters.

WSBC appear to have overlooked the fact that ski areas/resorts work in a closely regulated structured environment that deals with avalanche risk assessment/threats daily. Safety of employees and the skiing public is paramount.

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- c. CWSAA cautions WSBC that information at hand would appear to suggest that there is a shortage of Qualified Registered Professionals with avalanche expertise available to carry out the work in BC that is necessary under the proposed WSBC regulation. We would suggest that WSBC re-examine the need for a Qualified Registered Professional to carry out the Avalanche Risk Assessment. There is an excellent selection of Qualified Avalanche Experts who are qualified by the CAA and carry out their duties daily in BC ski areas/resorts. These Qualified Avalanche Experts have been successfully dealing with avalanches for the past forty years.

CWSAA contends that it is unnecessary and unreasonable to require a Qualified Registered Professional to conduct avalanche risk assessment for ski areas/resorts that are structured and regulated under the auspices of BC CASP and the MDA framework. It is also extremely doubtful that these Qualified Registered Professionals have the knowledge or expertise to deal with snow avalanche hazards.

- d. CWSAA contends that 'qualitative' avalanche risk assessments are all that should be necessary in a ski area/resort setting and that qualitative avalanche risk assessment can best be conducted by a team comprised of Qualified Avalanche Experts who are highly familiar with the area in which they work.

Note: A Qualified Avalanche Expert means a person meeting all the qualifications established by the CAA for conducting qualitative avalanche risk assessment for ski area/resort operations where snow avalanche risk zones are occupied by workers on a regular basis and or planning and specifying contents of active avalanche control plans.

- e. CWSAA contends that Qualified Avalanche Experts are the only people qualified to develop active avalanche control plans.

9. **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.

10. **PART 4 GENERAL CONDITIONS - SUB SECTION 4.1.2 (1) (2) (3) (4)**

- a. CWSAA finds it extremely difficult to reconcile the contents of these subsections within the confines of a ski area/resort CRA which is highly regulated and operates under the strict guidelines of BC CASP and respective MDA by highly skilled teams of Qualified Avalanche Experts such as a professional ski patroller who is trained and qualified by CAA to combat and eliminate those changes to which the subsections refer.

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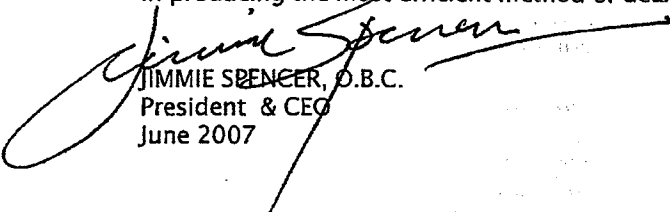
- b. The question which must be posed and answered by WSBC before changes in regulation are considered for implementation is "How many Qualified Registered Professionals (Engineers, Geoscientists and Foresters) are available in BC to assess and give opinions on Avalanche Risk Assessment in BC ski areas/resorts?" The same question is posed regarding the additional coverage of BC Highways, helicopter and snowcat operational terrain and other worksites exposed to avalanches. The sum total overall requirements for Qualified Registered Professionals must be outrageously beyond the available engineers, geoscientists and forestry technicians in the Province of British Columbia.
- c. In view of point b. above, the other critical issue which WSBC must answer is come October 2007 when the monumental task of assessing the BC ski areas/resorts alpine terrain is incomplete, due to the inadequate number of Qualified Registered Professionals with snow avalanche risk assessment expertise, will WSBC then be disallowing ski areas/resorts to open for the season? It is suggested this would be of grave concern to the Provincial Government with the loss of national and international winter tourism to BC, and together with the loss of revenue to the Crown and the Ski Industry it would be catastrophic. BC averages 5.6 to 6 million skier visits each season and holds a leadership position in Canada and many other parts of the world.
- d. An immediate solution would be to change the requirement for a Qualified Registered Professional to carry out the avalanche risk assessment and permit this work to be carried out in a ski area/resort by a Qualified Avalanche Expert such as a professional ski patroller with a CAA qualification. In reality, the process of avalanche risk assessment and the procedure for eliminating a hazard are what professional patrollers are trained to do and have been doing for approximately the past forty years.

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

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 would be extremely willing to work with WSBC and CAA in producing the most efficient method of dealing with this issue.


JIMMIE SPENCER, D.B.C.
President & CEO
June 2007