

WorkSafeBC

PUBLIC HEARING  
OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Cranbrook, B.C.

June 12, 2008

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TRANSCRIPT OF PROCEEDINGS  
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PANEL:

Roberta Ellis	Chair
Anne Burch	Vice-Chair
Ed Bates	Legal Counsel

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1 PROCEEDINGS JUNE 12, 2008, 3:00 P.M.

2 THE CHAIR: So good afternoon, welcome.  
3 I'd first of all, I'd like to thank you for taking the  
4 time to be with us this afternoon. It's a pleasure to  
5 be here in Cranbrook. This is a public hearing on  
6 proposed amendments to the *Occupational Health and*  
7 *Safety Regulation*.

8 And my first duty is to introduce  
9 ourselves. So my name is Roberta Ellis and I'm the  
10 Chair of the panel and Vice-President of the Policy and  
11 Research Division for the Workers' Compensation Board.  
12 And on my left is Anne Burch who is the Vice-Chair and  
13 the Director of Prevention Policy and Regulation Review.  
14 And on my right is Mr. Ed Bates, General Counsel, and  
15 Secretary to WorkSafeBC.

16 And I'm going to introduce Lynn Lee, she's  
17 the court reporter who's working with us today and she's  
18 taking verbatim notes of the public hearing process.  
19 This is the record that assists the Board of Directors  
20 of WorkSafeBC to make their decisions and after the  
21 decisions are made, all of the material is made public.  
22 We'll put it up on our website.

23 So the purpose of this public hearing is  
24 to provide input to amendments to the *Occupational*  
25 *Health and Safety Regulation*. And if you can just bear

1 with me, I want to read into the record the sections  
2 that we're proposing amendments to:

3 Part 1, Definitions; and Part 4, General  
4 Conditions - relating to avalanches. Part 4, General  
5 Conditions - relating to environmental tobacco smoke.  
6 Part 5, Chemical Agents and Biological Agents - relating  
7 to designation of substances. Part 14, Cranes and  
8 Hoists - relating to operator's duties. Part 17,  
9 Transportation of Workers - relating to seating  
10 requirements and seatbelts in vehicles used to transport  
11 workers. Part 20, Construction, Excavation and  
12 Demolition; and Part 22, Underground workings - fills,  
13 stockpiles and professional certifications. Part 22,  
14 Underground Workings - relating to the accommodation of  
15 tunnel boring and cut and cover excavation methods. And  
16 Part 23, Oil and Gas - relating to snubbing, emergency  
17 escape systems, riding hoisting equipment and  
18 miscellaneous items.

19 The proposed amendments to Parts 1 and 4  
20 relating to avalanches, and Parts 20 and 22 relating to  
21 fills and stockpiles, were taken to the 2007 public  
22 hearings. Stakeholders had asked for more consultation  
23 and I just want to thank everybody who took the time to  
24 work on those amendments. They were advised and they  
25 are being returned to this public hearing.

1 Stakeholders were advised of the 2008  
2 proposed amendments and its associated explanatory  
3 notes.

4 The changes were placed on the WorkSafeBC  
5 website, sent to over 3500 stakeholders via E-News,  
6 advertised in the BC Gazette and 17 newspapers, and we  
7 also contacted representatives of industry associations  
8 and interest groups to encourage their response.

9 Copies of the proposed amendments are  
10 available at the front with Leley Neudorf, our  
11 assistant.

12 So the only other thing I want to make  
13 people aware of is if you want to leave written material  
14 with us, the deadline is Friday, June 13 -- that's this  
15 Friday -- 2008, at 4:30 p.m.

16 So this is the formal consultation  
17 process. Once this is complete and we finish tonight  
18 here in Cranbrook, our Board of Directors will have  
19 access to all of the submissions that we received on all  
20 of the proposed regulatory amendments.

21 And so first of all, it's my pleasure to  
22 -- is it -- I'm just wondering, sir, are you first, sir?

23 MR. SEDROVIC: No, I'm second.

24 THE CHAIR: Are you Eleanor?

25 MS. McCAUGHEY: Yes.

1 THE CHAIR: Eleanor McCaughey, Health  
2 Sciences Association of BC, is going to speak to Part 5,  
3 which is Designation of Substances. And thanks very  
4 much, Eleanor, for taking the time to come today.

5 **PRESENTATION BY ELEANOR McCAUGHEY - REPRESENTING HEALTH**

6 **SCIENCES ASSOCIATION OF B.C.**

7 MS. McCAUGHEY: Thank you for the  
8 opportunity.

9 The explanatory note to the proposed Part  
10 5 amendment states that the ACGIH is no longer  
11 identifying the reproductive or sensitization effects of  
12 substances in their annual publication of the Threshold  
13 Limit Values booklet. These effects are not the basis  
14 for establishing TLV. Threshold Limit Values are  
15 developed to provide exposure limits to substances that  
16 would be considered safe for most workers. Designated  
17 substances such as reproductive toxins and sensitizers  
18 should not be considered to have any safety levels.

19 The proposed amendment that continues to  
20 rely sole on the ACGIH list of reproductive toxins and  
21 sensitizers is inappropriate and does not provide  
22 workers with adequate protection. The ACGIH admits that  
23 their list of designated substances is out of date and  
24 they are not prepared to put the resources in to the  
25 keeping the list current.

1 Continued reliance upon the ACGIH list of  
2 designations, a source of information which is limited  
3 and provides minimal protection, is unacceptable. It is  
4 estimated that 15 to 20 per cent of the workforce in BC  
5 could be affected by reproductive toxins. These workers  
6 come from a wide cross-section of workplaces and those  
7 who are young and of reproductive age will be at  
8 greatest risk.

9 Does the WCB really want to publicly  
10 declare that they are not willing to provide this group  
11 of vulnerable workers and their children with the  
12 highest level of protection?

13 The pre-consultation meeting with labour  
14 and employer representatives were prepared to extend  
15 greater protection to these workers by agreeing on a  
16 recommendation to add to Section 5.57, Item (e), that  
17 reads: Classified under WHMIS CPR 53 or 55 as a  
18 developmental or reproductive toxin subdivision A or  
19 Division 2 of class D - Poisonous and Infectious  
20 material.

21 WHMIS is the recognized system in Canada  
22 and establishes the legal requirements for the  
23 identification of hazardous substances. Due to the  
24 requirements of the MSDS, the WHMIS list must be kept up  
25 to date. Therefore, the WHMIS system is a much more

1 reliable source of information on reproductive toxins  
2 and sensitizers.

3 Adopting the WHMIS list of reproductive  
4 toxins and sensitizers will provide consistency and  
5 avoid confusion at workplaces when employees -- sorry --  
6 when employers and workers notice a discrepancy between  
7 the ACGIH list and the required WHMIS MSDS references.

8 Recommendation: The federation strongly  
9 urges the WCB to adopt the recommendation of the  
10 pre-consultation meeting to add to Section 5.57, Item  
11 (e), as read earlier. Would you like me to re-read --

12 THE CHAIR: No, we have it on the  
13 record, that's fine.

14 MS. McCAUGHEY: And just as a worker in  
15 healthcare, a product of the seventies, that's when I  
16 began my work as a lab technologist, we were working in  
17 poorly ventilated areas with open xylene, benzenes, you  
18 know, at our exposure all the time. And I am thankful  
19 for Workers' Comp for putting -- being diligent and  
20 putting safeguards in place. I would like to reiterate  
21 that there are no safe levels for these toxins and that  
22 we would hope that Workers' Compensation would be  
23 diligent in hearing our proposal.

24 THE CHAIR: Thanks, Eleanor. And I have  
25 been clarifying this as we've gone along because the

1 reason that we moved to make this amendment is because  
2 we were also concerned that the ACGIH had indicated that  
3 they were stopping the recording of the existing lists.  
4 And I'm just clarifying, it's not that you are objecting  
5 to maintaining the protections that are there right now,  
6 it's that they don't go far enough and that you would  
7 like to see the additional substances that WHMIS  
8 identified included. Because we wouldn't like to lose  
9 the protection that we already have.

10 MS. McCAUGHEY: But we need to continue  
11 on in that vein.

12 THE CHAIR: That's exactly -- thank you  
13 very much. And thank you for coming here today. Much  
14 appreciated.

15 Sorry, sir, you're Mr. Kim Sedrovic?

16 MR. SEDROVIC: Yes.

17 THE CHAIR: Hello, Mr. Sedrovic.

18 MR. SEDROVIC: Fernie Wilderness  
19 Adventures.

20 **PRESENTATION BY KIM SEDROVIC - OWNER/OPERATOR OF FERNIE**

21 **WILDERNESS ADVENTURES:**

22 THE CHAIR: And you're going to talk to  
23 us about Parts 1 and 4, Avalanches?

24 MR. SEDROVIC: Yes, bear with me. My  
25 concern is with the Guide Certification part.

1 THE CHAIR: Yes.

2 MR. SEDROVIC: Because there is no  
3 sector standards as of now. And being a family  
4 business, it's been around for a long time, we started  
5 in 1986, we've adapted our own training programs and  
6 done our own training without -- and I don't know which  
7 way the -- it's going to be accepted.

8 THE CHAIR: Right.

9 MR. SEDROVIC: Whether they're going to  
10 adopt something from somebody else or accept new  
11 standards, I just don't know where my business stands  
12 with -- with that issue with the Guide Certifications.

13 THE CHAIR: Okay. So, umm, my  
14 understanding is that within the changes that we've made  
15 to this set of proposals, umm --

16 MR. SEDROVIC: There is no sector  
17 standards as of yet.

18 THE CHAIR: Right, but that the -- am I  
19 -- correct me if I'm wrong, sir -- but my understanding  
20 was that the Canadian Avalanche Association has  
21 published guidelines as the standard. Do they have a  
22 standard or a guideline for what you're describing?

23 MR. SEDROVIC: No, they're working on  
24 that. That is not put forth. And if they adopt a  
25 standard that says you have to be an ACMG guide trained,

1 if they adopt that, that leaves my company out in limbo.  
2 Because we've done our own training for over the  
3 years --

4 THE CHAIR: Right.

5 MR. SEDROVIC: -- with our own. So if  
6 they just adopt somebody else and say, okay, now,  
7 everybody has to be -- or for, say, HeliCat Canada has  
8 probably 80 per cent of the heli-ski and cat-ski  
9 operations members which we are not because we do not --  
10 we run with our own trained guides.

11 THE CHAIR: Right.

12 MR. SEDROVIC: And we have been doing  
13 it for many, many years without incidents. And I can  
14 see a lot of financial burden on extra training. And is  
15 there going to be a time frame to let somebody like me  
16 get up to that, like --

17 THE CHAIR: Right. So one of the  
18 things, just to make you aware in any case, is when the  
19 Board of Directors considers any proposed amendments to  
20 the regulations, they're also going to take into account  
21 an effective date for that regulation.

22 So while we would be reporting back to our  
23 Board of Directors in September, there's a legal period  
24 where, even if these regulations were approved as they  
25 are right now, sir, there would still have to be an

1 analysis period and a deposit period that would -- that  
2 the soonest they would come into effect would be January  
3 or February of next year, of '09.

4 Now, it would be fairly unusual for us to  
5 introduce something like this right in the middle of  
6 your season, which is also not a reasonable time for the  
7 industry to adopt to the changes. So we've had  
8 proposals from, umm, a number of organizations that  
9 represent the ski industry to say that they're  
10 recommending that the soonest effective date could be  
11 fall of '09 so that everybody has time to do the work  
12 that's necessary.

13 But also in your case, if I understand  
14 your concern, sir, is to make sure that you don't lose  
15 the training and the work that you've already done which  
16 may, in fact, be equivalent.

17 MR. SEDROVIC: Yeah, I would want  
18 credit for --

19 THE CHAIR: Right.

20 MR. SEDROVIC: -- for -- and it's  
21 probably unusual to most companies, is because we do  
22 have long-time employees. Most people in the ski  
23 industry move around and they do different, you know,  
24 work here. But what I have chose is people that have  
25 worked in Fernie and own homes and I have employees from

1 eight years -- my main guides are from eight years to 10  
2 years and, you know, I have employees up to 17 years  
3 with me.

4 THE CHAIR: Right.

5 MR. SEDROVIC: And I don't want to be  
6 just, "Okay, now I gotta go hire somebody else because"  
7 -- and I have all this experience that I've paid for and  
8 the training. I want my training to be accepted as part  
9 of -- you know, my guides to be certified into it  
10 because of their longevity and the time.

11 THE CHAIR: Right. And so really what  
12 you're suggesting is that where there are operators  
13 whose training programs could be assessed to be of  
14 equivalent --

15 MR. SEDROVIC: Yes.

16 THE CHAIR: -- or a similar standard to  
17 the Canadian Avalanche Association training and  
18 guidelines, what you're asking is there been an  
19 opportunity for that to be grandfathered?

20 MR. SEDROVIC: Our guides are all  
21 trained to the same standard of the avalanche program as  
22 the CAA. That is not where the issue lies. And from  
23 what I understand of reading this new plan, there's  
24 going to be more courses that are built for the  
25 industry --

1 THE CHAIR: Right.

2 MR. SEDROVIC: -- which we're all for.  
3 You know, we're getting our -- it's the Guide Standard  
4 issue --

5 THE CHAIR: Okay.

6 MR. SEDROVIC: -- is where I fall. And  
7 I hope I'm not repeating myself. I gotta -- I gotta --  
8 this point has to be across because it's huge to my  
9 business.

10 THE CHAIR: Okay. So could you just  
11 take a little time, sir, and tell us a little bit about  
12 what the -- from your perspective, what the Guide  
13 Standard is about, what's in the Guide Standard and how  
14 that works right now?

15 MR. SEDROVIC: Well, the whole Guide  
16 Standard thing, the only -- there was two organizations  
17 out there. There was the ACMG Guide, the Mountain  
18 Guide, and the Canadian Ski Guide Association that  
19 hasn't really got too much recognition in the whole  
20 thing. So throughout, I didn't see the need to hire  
21 full mountain guides for my terrain and my application  
22 over the past years. So I've developed my own training  
23 program and dealt with it that way.

24 THE CHAIR: Right.

25 MR. SEDROVIC: And so there's only two

1 organizations out there that sort of have some  
2 recognition. ACMG guides --

3 THE CHAIR: Yes.

4 MR. SEDROVIC: -- are recognized more.  
5 The mountain guides that Mike Quigley started, it never  
6 did take off. It's still out there and I think there's  
7 people that want to get that accepted in now.

8 THE CHAIR: Um-hmm.

9 MR. SEDROVIC: But what I'm -- I'm  
10 going to what my company has done and the years of my  
11 people with 10 years --

12 THE CHAIR: Yeah.

13 MR. SEDROVIC: -- in the same terrain  
14 and stuff, they need to be -- I don't -- call it  
15 grandfathering, call it something, they need to be  
16 accepted into a certain level.

17 THE CHAIR: That's a good point when you  
18 introduce a standard. So within the guiding standard or  
19 the guiding approach that you have right now --

20 MR. SEDROVIC: Yes.

21 THE CHAIR: -- is there an avalanche  
22 assessment and safety program included in that?

23 MR. SEDROVIC: In mine, yes.

24 THE CHAIR: Yes. There is?

25 MR. SEDROVIC: We have all that. But

1 we want to be able to use it and use the same people.

2 We don't want to be --

3 THE CHAIR: Having to use -- having to  
4 re -- no, that's a real -- actually, that's a very  
5 important point and, umm, one that I'm very glad that  
6 you've raised because, obviously, whenever you introduce  
7 a standard for an industry --

8 MR. SEDROVIC: Because there never has  
9 been a standard for the industry, right? There hasn't  
10 been. HeliCat Canada was formed and it was formed for  
11 advertising and group and getting people together. So  
12 that was the only thing that was out there.

13 THE CHAIR: Okay, that's a really good  
14 point.

15 MR. SEDROVIC: But it didn't really  
16 pertain to us.

17 THE CHAIR: Yeah.

18 MR. SEDROVIC: And one main reason was  
19 our terrain is totally different that most heli-ski  
20 operations. We don't have big bowls. This is a Ma and  
21 Pa show where the terrain is not the extreme terrain. I  
22 mean, we treat it as it is and we have our avalanche  
23 plans, we have everything in place. And we have been  
24 running the ski end of it for 15 years without  
25 incidences.

1 THE CHAIR: So your Wilderness  
2 Adventures Tours would involve both skiing and --

3 MR. SEDROVIC: Wildlife viewing.

4 THE CHAIR: So a range of activities  
5 that people would be involved in?

6 MR. SEDROVIC: Yes.

7 THE CHAIR: Well, you know, really, sir,  
8 you raise a really good point because, clearly, there  
9 has to be some thought given to folks such as yourself  
10 who put the effort into establishing standards for the  
11 safety of your -- obviously your customers but also your  
12 workers and making sure that we accommodate that as we  
13 move towards -- which I think you're saying you welcome  
14 an industry standard but --

15 MR. SEDROVIC: Oh, I do but the years  
16 of investment that I have with my company and the people  
17 that work for me that are local that have homes, I mean,  
18 they're my main people. They're the people I depend on.

19 THE CHAIR: You've invested in them and  
20 they're --

21 MR. SEDROVIC: What I've found with the  
22 other guide sectors, if you're trying to hire them  
23 people -- and I did have a few that went through  
24 there -- they were more people that wanted experience in  
25 the mountains. They were working here and gaining

1 experience and moving on, where I wanted just solid  
2 people that wanted to live in the -- a good job in the  
3 ski industry and they worked so -- I've ended up now,  
4 and I don't think too many ski operations have people  
5 with the amount of years that worked together.

6 THE CHAIR: So Mr. Sedrovic, let's say  
7 that -- so I clearly get -- I think the panel gets what  
8 your concern is. No, that's a very fair point. So say  
9 that -- let's assume the effective date might be -- for  
10 this might be, umm, the fall of 2009, so over a year  
11 from now -- well, over a year, 18 months from now -- if  
12 your avalanche assessment and training standard and  
13 program and the training that you're doing needed a  
14 little bit of fine-tuning to meet that standard to allow  
15 you to, obviously, have the same people doing the work  
16 that they're doing for you --

17 MR. SEDROVIC: Yes.

18 THE CHAIR: -- I guess I'm interested in  
19 your comment about is that timeframe doable?

20 MR. SEDROVIC: I mean, there is --  
21 there is the question of if you were to say "You have to  
22 go and get all your main people certified as ACM  
23 guides," that's a huge expense that we'd be starting  
24 over from the bottom and --

25 THE CHAIR: Okay.

1 MR. SEDROVIC: -- it just wouldn't work  
2 for us.

3 THE CHAIR: So, really, that's what I'm  
4 trying to get at. It's not that you're just concerned  
5 about -- because I want to make sure we clearly  
6 represent your concerns back to our decision-makers.  
7 It's not just the standard and the effective date, it's  
8 some ability to accept some kind of grandfathering  
9 process, qualifications and standards that have been  
10 acceptable for --

11 MR. SEDROVIC: For my guides. I mean,  
12 with the years of what we've done and, I mean, we have  
13 not -- I think we might have had a couple twisted knees  
14 over the years, you know, Compensation -- I mean, we  
15 haven't had an incident, we haven't had an avalanche  
16 that's killed anybody, we haven't had a whole pile of  
17 people buried. We're running a small -- if I could I  
18 call it -- a safe chance for people to get out in the  
19 mountains --

20 THE CHAIR: Right.

21 MR. SEDROVIC: -- where an intermediate  
22 skier skis with us. Where most of these outfits are  
23 taking higher-end people who are looking for more  
24 aggressive terrain, we're out there to play and offer  
25 the people that are not as good a skiers to get out in

1 the backcountry; therefore, we don't need the terrain of  
2 other operators.

3 So I think we have to be looked at as,  
4 terrain-wise and for our guiding staff, is how long they  
5 have been there doing the job and doing it good.

6 THE CHAIR: Yeah. So, Mr. Sedrovic, can  
7 I ask you how many people would you employ in your  
8 business, just approximately?

9 MR. SEDROVIC: This gives -- give or  
10 take a couple of employees, depending on how our  
11 bookings are, but in the winter, last winter, we hired  
12 11 full-time employees --

13 THE CHAIR: So fairly sizable.

14 MR. SEDROVIC: -- and 15 part-time  
15 employees which our part-time employees are all from  
16 Fernie that work at the ski hill. And they're all  
17 working different shifts so they get -- so they're all  
18 really qualified, trained avalanche people. They're  
19 awesome part-time employees because, I mean, in my case,  
20 I like to have them on site all the time, their  
21 first-aid that they get at the hill.

22 We don't get too many wrecks in the  
23 backcountry. We're playing in soft snow and we're not  
24 -- the ski hill, they're hauling people out. The part-  
25 time guys I hire, they deal with five broken legs in a

1 day. I mean, they're on the ski resort. They're  
2 awesome employees for me for part time.

3 So what I do is I have my main guys that,  
4 you know, lead the runs and the tail guides are all the  
5 safety people from the hill and it's been a -- we have  
6 been doing that for a lot of years now and it really  
7 works for us.

8 THE CHAIR: Okay. All right. 'Cause  
9 this -- you know, this particular amendment is just  
10 essentially dealing with the avalanche assessment part  
11 of the program, not -- not the rest of them, just the  
12 avalanche assessment.

13 MR. SEDROVIC: But what it's going to  
14 be who makes -- who they allow and part of it is -- is  
15 are they going to have the guide -- like, for instance,  
16 umm, there's some words that they are trying to change  
17 there, they're either -- it should've read "or" in the  
18 one sector, and we do -- we do have that, in a sense, we  
19 have that person but we don't have that guide and full  
20 mountain guide, but we do have the Level 2 forecaster on  
21 site. We have two of them.

22 THE CHAIR: One of the things that might  
23 also be helpful for us to do, because I think we've  
24 captured exactly what your concern is. The other thing  
25 that might be helpful for us to do, aside from having to

1 deal with the proposed amendments to the regulation and  
2 producing the material for our Board of Directors is it  
3 might also be helpful for us to have one of our staff  
4 who's knowledgeable also follow up with you to talk  
5 about what's in your program right now and how big a  
6 problem or challenge this might be for you. Because I'd  
7 like to get a sense of how -- is this really a large,  
8 problematic challenge that's going to be very concerning  
9 for operators like yourself or is it manageable? And I  
10 think one of the ways we could do that is to follow up  
11 with you separately and have one of our staff meet with  
12 you and look at what you have and look at what this  
13 proposes and see where that actually gets to.

14 MR. SEDROVIC: And because of HeliCat  
15 Canada, we did an assessment of -- we had an evaluator  
16 come in from HeliCat Canada.

17 THE CHAIR: Yes?

18 MR. SEDROVIC: And I have the  
19 assessment here in front of me that would be -- it's  
20 pretty short, if you would like to just look at it right  
21 now, it would give you a little bit of an insight to  
22 what I could be faced with because --

23 THE CHAIR: Right.

24 MR. SEDROVIC: Because they've checked  
25 off all the stuff that we were doing but the only thing

1 they didn't pass us on was the formal training of our  
2 guides 'cause they wouldn't accept my training program.  
3 They accepted the ACMG guide program. But if --

4 THE CHAIR: Why don't you leave it with  
5 us?

6 MR. SEDROVIC: Is it all right?

7 THE CHAIR: Yes, absolutely, it's very  
8 helpful for us to have that.

9 MR. SEDROVIC: So this fellow was hired  
10 by -- he was a professional that was hired by HeliCat  
11 Canada to assess our company. If you just quickly look  
12 down, you can see we have passed everything with flying  
13 colours except --

14 THE CHAIR: The formal qualifications.  
15 That helps.

16 MR. SEDROVIC: -- the formal  
17 qualifications. And that's exactly what I'm going to be  
18 up against.

19 THE CHAIR: Okay.

20 MR. SEDROVIC: And what I'm saying is  
21 we would have never achieved all of this and run for  
22 this many years so safe without our guides being up to  
23 standard. That's -- that's probably the easy --

24 THE CHAIR: All right, that's the  
25 easiest way to put it. Well, Mr. Sedrovic, I really

1 want to thank you and I think -- Mrs. Sedrovic?

2 MS. SEDROVIC: Yes?

3 THE CHAIR: If you want to say a few  
4 words, please feel free but speak into the microphone  
5 because it's helpful for us to capture it.

6 MS. SEDROVIC: I just wanted to make a  
7 point that Kim's been saying, umm, we haven't been  
8 accepted by the ACMG, we don't have ACMG guides  
9 certified.

10 THE CHAIR: Right.

11 MS. SEDROVIC: And the reason we don't  
12 is because ACMG requires them to be certified in rock-  
13 climbing and ice-climbing and that is not relevant to  
14 our business.

15 MR. SEDROVIC: But they do have a ski  
16 sector part.

17 MS. SEDROVIC: And the ski sector part  
18 we are pretty much on par with. It's just that we don't  
19 -- our guides are not certified ice-climbing guides,  
20 it's got no relevance to our business.

21 MR. SEDROVIC: That there, what I just  
22 give you, explains --

23 THE CHAIR: Explains that. Yeah, I  
24 mean, okay, this is a very important point you're  
25 raising.

1 MR. SEDROVIC: Because how could I  
2 achieve that, right, with that -- all them other things  
3 are right in line? And, I mean, the fellow that did the  
4 thing, he was awesome, and he told me honestly, he says,  
5 "You know, I send my kids here but I don't think HeliCat  
6 Canada is going to accept it" because we weren't ACMG.

7 And if I could give you a little  
8 background on myself and where the training come in? I  
9 don't --

10 THE CHAIR: Sure, we're here to listen.

11 MR. SEDROVIC: Well, because they're  
12 going to say, "Who trained you? Who trained your  
13 people?" And I'm saying "Me." For 25 years, I have  
14 been a backcountry guide in the wilderness hunting,  
15 fishing, and in the backcountry ski industry.

16 In the early years, I was captain of a  
17 mine rescue team at one of the mines out of Fernie where  
18 I was -- I was in -- I was extensively rope-trained,  
19 first-aid-trained, confined space, vehicle extrication  
20 and part of their training program. Where me being the  
21 captain, I would be sent out to courses and then I  
22 brought it back and trained my people. So, you know, I  
23 took it on as my own training officer with my  
24 qualifications.

25 Further to that, I have been a firefighter

1 with the Fernie Volunteer Firefighters forever and  
2 helping with the training and doing the program there.  
3 And a member of the Provincial Emergency Program where  
4 our company, in a lot of cases, is called out to do the  
5 rescue in the backcountry. So, you know, if -- if  
6 there's a problem in the mountains, mainly even just  
7 knowing where to get around, they call on us in a lot of  
8 cases just to get there and then usually we end up doing  
9 the rescue.

10 THE CHAIR: Yeah.

11 MR. SEDROVIC: So that's just some  
12 background on me.

13 THE CHAIR: Right.

14 MR. SEDROVIC: And that's where the  
15 training came in.

16 MS. SEDROVIC: Now, the guides are also  
17 have their Canadian Avalanche Association Level --  
18 minimum Level 1 as well as the standard first-aid that  
19 we require before we will look at anybody.

20 THE CHAIR: So your guides already have  
21 that?

22 MR. SEDROVIC: Yeah, oh, yeah, our  
23 guides already have -- we have the Level 2 forecasters,  
24 we have two of them, and we've -- we've hired Level 2  
25 forecasters throughout the whole thing.

1 THE CHAIR: Because, really, I think  
2 what I want our staff to look at is if you look at the  
3 definition of "qualified avalanche planner," that we're  
4 suggesting --

5 MR. SEDROVIC: Yes.

6 THE CHAIR: -- umm, basically, it's  
7 saying a person with at least the minimum training and  
8 experience to be a planner for active avalanche safety  
9 programs and who's a professional member of the CAA. If  
10 your guides already meet that --

11 MS. SEDROVIC: Right.

12 THE CHAIR: I guess what I'm wonder --  
13 and actually, the reason why I think I would like staff  
14 to talk to you is it's kind of hard for me to tell  
15 whether or not you really have a problem with this  
16 regulation. Because --

17 MR. SEDROVIC: Well, we do when they  
18 talk guide standards.

19 THE CHAIR: Well, except, umm, I think  
20 that HeliCat -- the people who did the operational  
21 review are talking about guiding standards. This change  
22 to the regulation is only really focusing on avalanche  
23 assessment and avalanche planning and avalanche  
24 programming.

25 So what I'd really want to make sure of --

1 absolutely sure of, Mr. and Mrs. Sedrovic, is that  
2 you're not worrying about nothing. That's what I want  
3 to make sure. So, I mean, we don't know enough about  
4 your actual company but if your guides are already CAA  
5 -- thanks, sir. Right. If your guides are already CAA  
6 trained, as the definition suggests, umm, you may not  
7 have a problem.

8 So that's what I'd like to try and find  
9 out because it's not our intention to make the operating  
10 and the carrying on of your business and your livelihood  
11 more difficult. We really just want to focus on the  
12 safety; the safety of the workers in this case. So what  
13 I'd really like to do is have an opportunity for one of  
14 our senior staff people, George Matheson -- he'll be the  
15 person that we contact to contact you -- to take a look  
16 at all of your documentation just to make sure that  
17 we're not asking you to worry about nothing.

18 MS. SEDROVIC: Okay. Well, the other  
19 thing we know that we don't have are these courses that  
20 are just being -- they're just being developed by the  
21 CAA and our concern is --

22 THE CHAIR: Right.

23 MS. SEDROVIC: -- once they are on line  
24 and these new minimum qualifications come into effect,  
25 how long will it take to run through -- run all these

1 people through the courses and --

2 THE CHAIR: Of course.

3 MR. SEDROVIC: And how expensive?

4 THE CHAIR: And that's why I think we've  
5 been kind of concerned that we not spring this on people  
6 overnight, to be honest. You have to give them an  
7 opportunity to figure out what it is they need to do and  
8 to do it.

9 MR. SEDROVIC: My main guide goes and  
10 sit -- he sat in on this, too, so he -- he's up on it.  
11 And he just said that we needed to be here to make sure  
12 that our situation is right up front so we don't get any  
13 surprises down the road.

14 THE CHAIR: Well, we often say that the  
15 most interesting part of this public hearing process is  
16 when people who actually have to do the work come and  
17 tell us what the problems and the issues and the  
18 challenges are, so this is an incredibly useful  
19 conversation for us to have with you.

20 Now, do you feel that you're fully -- you  
21 have been heard and that we've really taken the time to  
22 understand?

23 MR. SEDROVIC: Yes.

24 THE CHAIR: I think we do. So a couple  
25 of things. I think we've clearly understood what your

1 concerns are, we have that on the record. Aside from  
2 that, and making sure that's factored into the  
3 discussion when we go back to our Board of Directors, I  
4 really do want to follow up with you and have someone  
5 work with you offline. Because sometimes, you know, if  
6 it's a great big problem, then, you know, you need to  
7 know that, but if it's really just a small issue, you  
8 need to know that, too.

9 MS. SEDROVIC: Right, that would be  
10 helpful.

11 THE CHAIR: Thank you very much, Mr. and  
12 Mrs. Sedrovic.

13 MS. BURCH: Could I just have -- could I  
14 have your telephone number and we'll have George  
15 Matheson call you?

16 MR. SEDROVIC: 250-423-6704.

17 THE CHAIR: Thank you, Mr. Sedrovic.

18 MR. SEDROVIC: Thank you.

19 THE CHAIR: Thanks very much.

20 So at this juncture, there being no other  
21 stakeholders or members of the public who have  
22 registered to present at the afternoon session, I am  
23 going to adjourn the proceedings and go off the record.  
24 We will be here for a little longer just in case anybody  
25 else does want to spend some time with us this

1 afternoon, so we're adjourned in the meantime.

2 (PROCEEDINGS ADJOURNED)

3 (PROCEEDINGS RECONVENED)

4 THE CHAIR: So now being 4:00 and no  
5 other citizens or stakeholders having either registered  
6 or presented themselves to give input to the public  
7 hearings, we're going to adjourn the hearings and resume  
8 this evening at 7:00.

9 (PROCEEDINGS ADJOURNED AT 4:00 P.M.)

10 (PROCEEDINGS RESUMED AT 7:00 P.M.)

11 THE CHAIR: Hello and welcome, I'd like  
12 to thank you for coming to this public hearing. First  
13 order of business is for me to introduce the chair and  
14 the panel members. I'm Roberta Ellis, I'm the chair of  
15 the panel and I'm the Vice-President of the Policy and  
16 Research Division of WorkSafeBC. This is Anne Burch who  
17 is the Vice-Chair of the Panel and Director of  
18 Prevention Policy and Regulation Review. And Mr. Ed  
19 Bates who is General Counsel and Secretary to  
20 WorkSafeBC.

21 And I'm also going to introduce Lynn Lee  
22 who is our court reporter today and she's taking  
23 verbatim notes of the public hearing which is the record  
24 that assists the Board of Directors of WorkSafeBC in  
25 their decision-making, and the recorded notes are made

1 public after the Board of Directors make decisions  
2 regarding the proposed regulatory changes.

3 The purpose of the public hearing is to  
4 provide an opportunity to comment on the amendments to  
5 the *Occupational Health and Safety Regulation*.

6 And for the record, I just I'm taking a  
7 minute because I want to read all of the proposed  
8 changes into the record. Part 1, Definitions; and Part  
9 4, General Conditions - relating to avalanches. Part 4,  
10 General Conditions - relating to environmental tobacco  
11 smoke. Part 5, Chemical Agents and Biological Agents -  
12 relating to designation of substances. Part 14, Cranes  
13 and Hoists - relating to operator's duties. Part 17,  
14 Transportation of Workers - relating to seating  
15 requirements and seatbelts in vehicles used to transport  
16 workers. Part 20, Construction, Excavation and  
17 Demolition; and Part 22, Underground Workings - fills,  
18 stockpiles and professional certifications. Part 22,  
19 Underground Workings - relating to tunnel boring and cut  
20 and cover excavation methods. And Part 23, Oil and Gas  
21 - relating to snubbing, the emergency escape systems,  
22 riding hoisting equipment, and miscellaneous items.

23 And I note for the record that the  
24 proposed amendments to Parts 1 and 4 relating to  
25 avalanches, and to Parts 20 and 22 relating to fills and

1 stockpiles were taken to the 2007 public hearings.  
2 Stakeholders asked for more consultation and I want to  
3 thank anybody who took time to work with us on this.  
4 These amendments were revised and are now being returned  
5 to this public hearing.

6 Stakeholders were advised of the 2008  
7 proposed amendments and associated explanatory notes.  
8 The proposed changes were placed on the WorkSafeBC  
9 website, sent to over 3,500 stakeholders via E-News,  
10 advertised in the BC Gazette, which the statute  
11 requires, and 17 newspapers. And we've also contacted  
12 the representatives of industry associations and  
13 interest groups to encourage their response. And copies  
14 of all of the proposed amendments are available at the  
15 front desk.

16 If there are written materials that  
17 anybody wants to leave with us, you can do that here  
18 with us or at the sign-up desk, and oral and written  
19 submissions form part of the public hearing record. The  
20 deadline for receipt is 4:30 p.m. on Friday, June 13,  
21 2008.

22 This is the formal consultation process  
23 and once the hearing process is complete, the written  
24 and oral submissions are analyzed and our Board of  
25 Directors, who are the decision-making body at

1 WorkSafeBC, will have access to all the submissions  
2 prior to making their final decision.

3 And I just want to say what a pleasure it  
4 is to be in Cranbrook and to have brought some fine  
5 weather with us. I gather it wasn't quite so nice  
6 earlier in the week.

7 MR. BARSBY: No, it was still snowing  
8 out.

9 THE CHAIR: So I'm going invite Mr.  
10 Scott Barsby, who is our first presenter this evening,  
11 and Scott represents Toby Creek Adventures. And I think  
12 you're going to speak to Parts 1 and 4, Avalanches?

13 MR. BARSBY: Yes.

14 THE CHAIR: So Scott, come forward here  
15 and maybe -- just because if you speak into the  
16 microphone, it's easier for our court reporter to record  
17 it.

18 MR. BARSBY: All right. First time I  
19 have been recorded, that I know of. Thank you.

20 THE CHAIR: Oh, you're welcome.

21 **PRESENTATION BY SCOTT BARSBY - OWNER/OPERATOR OF TOBY**

22 **CREEK ADVENTURES AND PRESIDENT OF BC COMMERCIAL**

23 **SNOWMOBILE OPERATORS ASSOCIATION:**

24 MR. BARSBY: All right. Well, thanks for  
25 having me. And, umm, I just travelled from Invermere

1 B.C. is where I'm actually based out of so it's about  
2 two hours north of us here. So just -- I planned on  
3 being here a little earlier today but it just didn't  
4 work out for me, so now I'll tie up a little bit of your  
5 evening.

6 So anyhow, I represent Toby Creek  
7 Adventures. We do snowmobile tours and we have to work  
8 within the avalanche terrain and in that whole field, as  
9 well as I am president of the B.C. Commercial Snowmobile  
10 Operators Association so I wear a couple different hats.

11 I know Doug Washer spoke with you down in  
12 Victoria on behalf of the Association, but I didn't know  
13 I was going to be able to make this hearing here. So he  
14 spoke about pretty much -- I don't know if he'll speak  
15 on everything I -- we'll see different view, different  
16 angle, you never know.

17 So anyhow, umm -- there's Mike.

18 MR. SOSNOWSKI: Hello.

19 MR. BARSBY: So anyhow, I'll read a bit  
20 of a letter and some comments, and there's -- it's open  
21 for dialogue as well.

22 THE CHAIR: Okay.

23 MR. BARSBY: And basically, we fully  
24 support the WSBC's initiative to increase our standard  
25 of care to implement policies and procedures that will

1 effectively make for a safer and more enjoyable work  
2 environment.

3 We are in support of the Canadian  
4 Avalanche Association handling the training portion of  
5 the avalanche planner. However, during this speedy  
6 process, all parties, including the CAA, have missed a  
7 few key issues. And there has been a few key issues  
8 missed.

9 Number 1, 15 years of experience is  
10 absolutely ridiculous, in my mind, requirements to  
11 become an avalanche planner. In all professions -- we  
12 have heavy-duty mechanics, we have electricians, we have  
13 doctors, we have nurses -- all do not require 15 years  
14 of experience. A doctor is nine years of experience in  
15 practical. Previously -- this is before this hearing --  
16 you did not require a 15-year veteran to create active  
17 avalanche plans for the snow industry.

18 They went from a CAA Level 2 Professional  
19 Membership Standard to be able to write avalanche plans  
20 to someone having 15 years of experience. Why the  
21 sudden increase? It's a lot of increase, 15 years in  
22 one profession. Who's going to handle 15 years of one  
23 single deal? The normal expectancy in most trades,  
24 people go through life in three different trades in  
25 their life.

1           This is a clear indication that the CAA  
2 will be developing a new professional standard that very  
3 few will be able to fulfill. Not even other countries  
4 such as European nations and the United States have  
5 resorted to such high standards.

6           I could be wrong here but WorkSafeBC  
7 mistakenly instructed the CAA to reclassify an avalanche  
8 planner as a professional engineer. This avalanche  
9 planner field clearly is not a role of an engineer  
10 status but is more like a trade or subtrade that should  
11 be laid out in modules, similar to six-week courses with  
12 practical work experience like many other trades.

13           We believe this current situation of the  
14 bar being set too high was an oversight by WorkSafeBC  
15 and the ambitions of the professional development and  
16 accreditation of the CAA.

17           We will be faced with finding new students  
18 to replace these aging avalanche planners. If the  
19 standards are set too high that it seems almost  
20 impossible to meet them, we will see young, smart minds  
21 enter other fields of trades which can lead to a stalled  
22 industry.

23           In the business world, we like to  
24 streamline development. These proposed regulations seem  
25 unachievable and are not streamlining, it is simply red

1 tape.

2 I propose that WorkSafeBC have more  
3 consulting from other sectors and that this amendment  
4 may be stalled for one more year so that the CAA or  
5 WorkSafeBC clarifies the complete plan in whole.

6 The snowmobile industry has submitted its  
7 own criteria pertaining to avalanche planners of five  
8 years for employees and eight years for consultants,  
9 which is enough experience to develop a thorough  
10 avalanche plan. Five years and eight years is a  
11 standard throughout the trades and engineer status.

12 We also will be requesting that this  
13 amendment be put -- not be put forth until 2010 or '11  
14 for members and employees which would allow those to  
15 enter into not-yet-designed courses from the CAA. The  
16 courses aren't even designed.

17 By accepting our changes and  
18 recommendations, we will be able to project -- protect,  
19 monitor and regulate within our own industry. I hope my  
20 comments are recorded and taken seriously in the future.

21 THE CHAIR: Thank you, Scott. Can I  
22 just ask -- because when we looked at the definition of  
23 a "qualified avalanche planner," umm, and defined it as  
24 a person with a minimum training and experience  
25 qualifications to be a planner for active avalanche

1 safety programs, from your perspective, you're saying  
2 that you think the five- and eight-year designation is  
3 sufficient?

4 MR. BARSBY: Yes, I do.

5 THE CHAIR: You do? And based on -- and  
6 can you tell us --

7 MR. BARSBY: Based on experience. My  
8 experience is, umm -- well, we're 12 years in this  
9 industry.

10 THE CHAIR: Right.

11 MR. BARSBY: And working -- I have a  
12 certification licence, heavy-duty mechanic's licence.

13 THE CHAIR: Yeah.

14 MR. BARSBY: I went through five years of  
15 training for that. Five years of active avalanche -- if  
16 you're working in an industry for five years doing one  
17 job, you should know what you're doing.

18 THE CHAIR: Right.

19 MR. BARSBY: Eight years, you're  
20 definitely going to be a consultant.

21 THE CHAIR: Right. So right now, if  
22 you're a CAA Level 1, how much experience would you have  
23 to have?

24 MR. BARSBY: 120 days in the work force.

25 THE CHAIR: And a CAA 2 would be?

1 MR. BARSBY: You'd have to do 120 days  
2 again, so that would be 240, plus you'd have to have two  
3 Level 2 professionals sign off on you to get to that  
4 accreditation.

5 THE CHAIR: And is this -- because it  
6 does seem like a long time, this issue of 15 years, is  
7 that something that's new to the industry?

8 MR. BARSBY: Yes, brand new.

9 THE CHAIR: Okay. And so can you say a  
10 little bit more about that for us?

11 MR. BARSBY: So the 15 years, we made  
12 recommendations to the Canadian Avalanche Association  
13 during this whole process.

14 THE CHAIR: Yeah.

15 MR. BARSBY: They took it and, umm, I  
16 believe what they come back with was an eight-year for  
17 employees -- eight years for employees --

18 THE CHAIR: Experience.

19 MR. BARSBY: -- experience with all the  
20 schooling that backs it up, and then you have to work  
21 for eight years in the field to be able to work as a  
22 planner.

23 THE CHAIR: Um-hmm.

24 MR. BARSBY: And then in the consulting  
25 world, you have to have 15 years.

1 THE CHAIR: Right.

2 MR. BARSBY: So that, to me personally,  
3 it's too much.

4 THE CHAIR: And do you know where the  
5 15-year standard came from?

6 MR. BARSBY: I believe because they feel  
7 that in the -- in the world of a seasonal operation,  
8 that it was explained to me that the amount of time that  
9 you work in the avalanche industry is roughly around 100  
10 days of the season.

11 THE CHAIR: Um-hmm?

12 MR. BARSBY: So you divide that by, well,  
13 15 years, 1500, umm, amount of days of operation, it  
14 comes down to about six-and-a-half years of full-time  
15 work.

16 THE CHAIR: Okay.

17 MR. BARSBY: That's where it comes out  
18 to, six-and-a-half years -- it's actually 6.25 years.  
19 And within those years, that's full-time in one scope,  
20 one field. As a professional engineer, like in an  
21 engineer status --

22 THE CHAIR: Yeah.

23 MR. BARSBY: -- you have multiple fields,  
24 you're going to have modules. In civil engineering,  
25 you're going to touch roads, you're going to touch

1 bridges, all kinds of different things, You're not going  
2 to be focused just on one. I believe they've overlooked  
3 that because of not enough information, maybe it was  
4 never brought up. I do know that the geoscientists and  
5 other things were on the table, professional foresters  
6 and that, which really have nothing to do with avalanche  
7 terrain and the world of avalanches. They were being  
8 pressured. They had to get something in there. They  
9 had to look as if they're professional members, have the  
10 accreditation, and the senior-most guys make the rules.

11 THE CHAIR: So from your perspective,  
12 the 15-year standard is a way to address that it is a  
13 seasonal activity and the numbers of days' experience --  
14 you have to factor that in?

15 MR. BARSBY: I think that's where it came  
16 from.

17 THE CHAIR: Okay.

18 MR. BARSBY: I believe that's where it  
19 came from. Umm, you know, 15 years in one field of  
20 expertise, experience, is a great amount of info.

21 THE CHAIR: So we can take that under  
22 advisement and do a little more research into what was  
23 intended by that.

24 MR. BARSBY: Definitely. You know, I  
25 think, umm, as a professional side of things, you're

1 going to be diversified into many fields when you get a  
2 professional standard. A forester is going to have a  
3 multiple of fields he's going to be looking at, not just  
4 one per se. I think that's where we're looking at how  
5 we got into there.

6 THE CHAIR: So then the other issue I  
7 wanted to just touch base with you on a little bit --  
8 and before I do that, umm, you're representing Toby  
9 Creek Adventures and it's kind of helpful for us to hear  
10 a little bit about the kinds of operations that people  
11 actually represent.

12 MR. BARSBY: Yes.

13 THE CHAIR: Could you tell us a little  
14 bit about Toby Creek Adventures?

15 MR. BARSBY: So, basically, it's a  
16 snowmobile company, it's been around for 12 years.

17 THE CHAIR: Right?

18 MR. BARSBY: We have around 50-somewhat  
19 snowmobiles, produce around 5,000 people a year on these  
20 machines. We have an active avalanche plan that we had  
21 to build over the years. We have two Level 2  
22 professional members working --

23 THE CHAIR: CAA Level 2?

24 MR. BARSBY: Canadian Avalanche  
25 Association Level 2 members. These individuals have

1 around anywhere from five to eight years, maybe 12  
2 years, maybe even more, in around there, under their  
3 belts in the field. They know what they're doing.

4 THE CHAIR: Yes.

5 MR. BARSBY: They would have to take a  
6 few extra courses, mapping courses, which will be  
7 available.

8 THE CHAIR: Um-hmm?

9 MR. BARSBY: Getting the mapping courses  
10 from the CAA and maybe another professional development  
11 course when they have it together.

12 THE CHAIR: But you don't consider that  
13 to be onerous? That would be a reasonable thing to do?

14 MR. BARSBY: I think they would be able  
15 to achieve it but we're still under the 15-year cycle.  
16 For my personal Toby Creek company, we'll survive  
17 because we have internal. Externally, people out there  
18 in the industry, there's a very small handful. They're  
19 getting grey, they're getting on with life. Who is  
20 going to fill their seats?

21 When you come into the work force and you  
22 look at different jobs that you're going to be looking  
23 at at the trade shows, and you see what's achievable out  
24 there and you see an industry, you want to be an  
25 avalanche planner, you're not going to -- why would you

1 enrol in a plan that's going to take you 15 years of  
2 work before you get your status quo?

3 So I think the bar is set too high. All  
4 they have to do is bring it down, have a set exam. If  
5 you can achieve that exam with knowledge -- and not  
6 everybody's smart. Some people are very smart and can  
7 do things and are achievers in life. They can write an  
8 exam, challenge an exam, and five years, they can have  
9 their certification just like electricians, nurses,  
10 everybody else in this industry, and we can get on with  
11 life and make it all work.

12 THE CHAIR: And just one other point  
13 with regard to the effective date. We've had some  
14 presentations that have suggested that any -- there's a  
15 legal process that we go through when we create an  
16 effective date for a regulation. We go back to our  
17 Board of Directors and they essentially make these  
18 decisions. Then there is a deposit process with the  
19 Registrar, there is a 90-day effective date. The  
20 soonest we could introduce a regulation would be January  
21 2009. Umm, it's not a good idea to introduce a new  
22 standard in the middle of your season.

23 MR. BARSBY: No.

24 THE CHAIR: And we absolutely understand  
25 that. So likely following that is the first effective

1 date. We had heard from the Commercial Snowboarders  
2 Association that they were recommending, I think, adding  
3 a year.

4 MR. BARSBY: Yes, we were looking at  
5 2010, 2011.

6 THE CHAIR: Okay.

7 MR. BARSBY: '11 would be suitable to  
8 make some requirements changes and get some people into  
9 these courses and have it suited. '11 would be perfect.

10 THE CHAIR: That is your view?

11 MR. BARSBY: That's my view.

12 THE CHAIR: Okay.

13 MR. BARSBY: Achievable -- if you  
14 actually start looking at people out there to get these  
15 courses, they're not even available. So for different  
16 reasons, there's only one course a year, for mapping  
17 courses and --

18 You can only do what is available to us  
19 and, umm, quite frankly, they need to lower the bars.  
20 And I think it's suitable to ask for a smaller or lower  
21 standard. And I think you'll still achieve what our end  
22 goal here is and still get our safety in the workforce  
23 and still be able to develop strong prescriptions for  
24 avalanche planning. It is not a hard industry to get  
25 into, it is very focused. One field, it's not

1 diversified, I think we can do it.

2 THE CHAIR: Well, we've said a few  
3 times, Scott, it's very interesting to this panel to  
4 actually hear from people who do the work. And I know  
5 you had a bit of a drive to get here and I just want to  
6 say thank you very much. And you acknowledged your  
7 colleague Mike. Is there anything else you'd like to  
8 add, Mike?

9 MR. SOSNOWSKI: Well, I have a  
10 presentation.

11 THE CHAIR: Oh, you do? Oh, I see that.  
12 Oh, you're Mike Sosnowski --

13 MR. SOSNOWSKI: That's correct.

14 THE CHAIR: -- with Prestige Tours?

15 MR. SOSNOWSKI: That's correct.

16 THE CHAIR: Well, thank you very much,  
17 Mr. Barsby, that was an excellent representation, and if  
18 there's any material you want to leave with us --

19 THE CHAIR: Yeah, I'll leave my notes  
20 here with you and --

21 THE CHAIR: Sure.

22 MR. BARSBY: And then we'll send you our  
23 matrix. I believe we've already delivered our matrix to  
24 you once already but we have been in the process and,  
25 you know, we're not a huge sector industry, you know,

1 there's lots of sector industries that run the CAA,  
2 we're just an outsider, small --

3 THE CHAIR: Yes.

4 MR. BARSBY: So we don't have the votes  
5 and maybe the speaking and everything to convince some  
6 of the people that have been there for a while to change  
7 your views.

8 THE CHAIR: Okay, so thanks very much.  
9 That was a great presentation and I thank you for taking  
10 the time for being here this evening. Thanks very much,  
11 Mr. Barsby.

12 And Mr. Sosnowski, yes, I should have  
13 realized that when you said "Mike," I was looking at  
14 your second name. And again, you're going to speak to  
15 Parts 1 and 4, Avalanches. Mr. Sosnowski represents  
16 Prestige Tours.

17 **PRESENTATION BY MIKE SOSNOWSKI - OWNER AND OPERATOR OF**  
18 **PRESTIGE TOURS:**

19 MR. SOSNOWSKI: Thank you. Thank you  
20 for the opportunity to present regarding the forthcoming  
21 WCB WorkSafeBC policy on avalanche hazard. I do have  
22 some notes.

23 My name is Mike Sosnowski, I've operated  
24 my snowmobile tour company, Prestige Tours, in and  
25 around the Fernie area for the last eight years.

1 Previous to that, I was in the forest industry. My dad  
2 was a logger so, consequently, I was. I built a sawmill  
3 company in southern Alberta, although I've always  
4 resided in Fernie. That's a nice place to grow up and  
5 live and raise a family.

6 THE CHAIR: I have a snowboarding son, I  
7 have to admit.

8 MR. SOSNOWSKI: And I built a sawmill  
9 with 150 people working for me for 18 years so I came  
10 out of industry. And it was a nice break to come into  
11 the snowmobile side and very many things apply. And  
12 I've represented my forest company in front of Alberta  
13 Compensation on different policies and I've seen the  
14 value of Compensation policies and safety policies, and  
15 I've seen the value over the years improve my business.

16 I welcome the intent of this proposed  
17 policy and believe that written avalanche plans with the  
18 Best Practices and Procedures section will enhance the  
19 safety of not only my workers but also my clients.

20 I presently practice an avalanche  
21 avoidance plan but look forward to updating it. It is  
22 written but it's not as good as I know we're going to  
23 have.

24 I would like to mention that I've never  
25 had an avalanche-related incident or close call in my

1 business. And I wish I could say that for myself  
2 personally. As a member of the B.C. Commercial  
3 Snowmobile Operators Association, I have been involved  
4 in the development of this plan submitted by them and I  
5 believe the plan submitted by them is very good and most  
6 relevant to the snowmobile industry.

7 My company, operates in 75 per cent non-  
8 avalanche terrain. It's mostly half-day tours. Umm,  
9 it's on a power line, some roads in the middle of a  
10 valley, and so it's mostly non-avalanche. About 15 per  
11 cent of my terrain is simple terrain and 10 per cent is  
12 challenging terrain, and this is based on the Parks  
13 Canada terrain matrix. I have no complex terrain in my  
14 area that I operate in. There's lots in Fernie but I  
15 don't operate in it.

16 You can't take clients in places that we  
17 consider complex terrain. Like, these people, for the  
18 most part, umm, never -- if they've ever rode a  
19 snowmobile, it's been not very much and so they're --  
20 you have to keep --

21 THE CHAIR: They're rookies.

22 MR. SOSNOWSKI: They're rookies. So  
23 some industry insight of my own. And over the last  
24 eight years, I have had two guides that have stayed  
25 employed for the last four years with me. And I speak

1 to this to make you aware that it's hard to find  
2 professional snowmobile guides.

3 Even though I pay a good wage at \$20 an  
4 hour for experienced guides, the seasonal nature of the  
5 business and the fact that after a few years the rigors  
6 of snowmobile guiding tend to have guides looking for  
7 new careers. So it's hard to keep -- just as Scott said  
8 -- building on that, too. It's hard to find and keep  
9 these people. I mean, snowmobile guiding is -- I got  
10 one young fella that's going to -- you know, my -- my --  
11 I have -- the two guides I'm speaking of, one's  
12 56-years-old, retired fellow, great guy, perfect  
13 semi-retirement type of job for him, it's all good, he's  
14 never going to be an avalanche planner. He snowmobiled  
15 for probably 30 years, though, so he's never going to  
16 get any clients in a wreck, either, so he's that guy.

17 The other fellow is a young fella, he's a  
18 snowboard and ski instructor and he has his Level 1, and  
19 he's the guy that's going to follow through with the  
20 company for years and years. But for him to attain a  
21 professional level in 15 years? Like, we've talked  
22 about this, me and him, and he's just going "This is" --

23 THE CHAIR: Um-hmm.

24 MR. SOSNOWSKI: Like, it's discouraging.  
25 You see the look on his face. He wants to be somebody

1 in the outdoor industry but you could see the look,  
2 like, "15 years? I'm 23." He's doing the math.  
3 Like --

4 THE CHAIR: I can hardly imagine it.

5 MR. SOSNOWSKI: I can't either. Also --  
6 so I'm not -- I have a short presentation. Also the  
7 time we need to -- this is one reason that the present  
8 CAA qualifications for an avalanche planner of 15 years,  
9 it's going to be unattainable by our industry. The  
10 recommended eight years for consultant and five years  
11 for an employee is way more in line with attainability  
12 of our sector.

13 Now, I have a Class 1 avalanche -- the  
14 one, Jarrett, is a Class 1. Scott's lucky, he has two  
15 Class 2. He's been in business 12 years and he's in  
16 more avalanche terrain so he's had to build a better  
17 plan than I have.

18 Now, his eight-year fella, if that was the  
19 standard, could come and consult for me on my first  
20 plan. I don't know where we're going to get a 15-year  
21 guy. I know of two in B.C. and they're both basically  
22 not available. So start thinking about what is really  
23 going to happen in the real world here.

24 I, again, would like to impress upon you  
25 that -- oh, also, the time we need to come up to full

1 compliance for a new policy as proposed would have to  
2 be, in my opinion, three years. We need time to develop  
3 plans for our areas including mapping.

4 Now, that will take, depending on  
5 terrain -- I got 33,000 hectares in my -- 33,000  
6 hectares, it's a huge area. I'd have to do mapping and  
7 map all the avalanche terrain. Now, that's going to  
8 take me two years to do that. It's, like, I don't have  
9 the resources to go out and hire a bunch of people and  
10 they have to be qualified as a consultant to help me  
11 with some of this mapping.

12 Like, I'll identify the areas and I need a  
13 consultant to come and look and go, "Yep, it's a" --  
14 "Yeah, no, that's complex," or -- or "It's not complex,"  
15 or "It's simple." So it's just going to take a couple  
16 years to do that.

17 And it's going to take one to two years to  
18 have our guides take the necessary but  
19 yet-to-be-developed courses because they're not  
20 developed yet. And I'd hate to see a rush to develop  
21 courses that are just there to nebulous stuff, right,  
22 just to have this course. These courses have to be  
23 meaningful.

24 Again, I would like to press upon you that  
25 we are an industry that does not require gravity for our

1 product, umm, totally opposite to any ski-related  
2 industries. We absolutely don't need gravity for our  
3 product. Our product is touring. It's -- if you're a  
4 snowmobiler, you'd understand it. If you've never been  
5 snowmobiling, I invite you to come snowmobiling. I  
6 mean, I'd be happy to take you out. It's a beautiful  
7 way to see the backcountry for people that, you know --  
8 even people that cross-country ski.

9 Most backcountry ski tours are now  
10 snowmobilers. They've bought an old junker to get to  
11 the backcountry. Now they got really good sleds to go  
12 and enjoy snowmobiling. So they're not in the industry  
13 but I'm just giving you that example.

14 This should be highly considered when  
15 deciding what the policy will demand of the snowmobile  
16 industry. We should not broad-brush this policy. We're  
17 not the heli-ski guys. We're not the cat-ski guys. We  
18 aren't even there. That's complex terrain. I would  
19 never take a client there. It's just -- and nobody  
20 would.

21 Like, I think in the matrix -- or the  
22 graph that was shown by the B.C. Commercial Snowmobile  
23 Operators Association, four per cent of the total area  
24 that's operated by the snowmobiling industry -- that's  
25 everybody in B.C. -- only four per cent is complex

1 terrain. I don't have that graph with me but I'm sure  
2 it's available to you 'cause it was in our presentation.

3 THE CHAIR: Yes.

4 MR. SOSNOWSKI: As the premier's mandate  
5 is to double tourism, I caution that this new policy be  
6 attainable by all or this goal may not be realized.

7 We're a growing industry, everybody, the backcountry, us  
8 people and, you know, that's all going to that vision.

9 And finally, I'd like to speak to another  
10 issue that doesn't relate directly to WorkSafeBC policy  
11 initiatives. It may hold some relevance to the current  
12 CAA guidelines. I hope I'm not out of line here but I  
13 wanted to say this to you.

14 I've worked on the Southern Rocky Mountain  
15 Management Plan for the last eight years. The Southern  
16 Rocky Mountain Management Plan takes in from the U.S.  
17 border up the Alberta border, umm, about 60 miles north  
18 of the U.S. border and across into the Elk Valley. It's  
19 a huge area of land including the Flathead drainage, and  
20 you probably all heard about the Flathead -- so it's in  
21 this area. Umm, it needed a land-use plan. I was  
22 instrumental in getting that land-use plan started  
23 because I seen the need.

24 Through this land-use plan, I've learned  
25 to respect the culture of those groups that are

1 non-motorized. It was a real give and take. Eight  
2 years ago, I could ride anywhere I wanted and now I can  
3 only ride about 60 per cent of where I used to on  
4 snowmobiles. ATV's, we're down to about 30 per cent.  
5 So we gave up a lot.

6 I say I respect because I've seen the  
7 things that they do, the way they think and the ends  
8 they will go to to reduce the amount of motorized  
9 traffic in the backcountry. Because this culture is in  
10 control of the CAA, I suspect that some of the reason  
11 for the unattainable guideline for a planner consultant  
12 and planner employee may be to accomplish the mandate of  
13 their culture.

14 This is why we, as a snowmobiling  
15 industry, must be able to have our own people trained  
16 for our industry. We would gladly use the CAA for their  
17 training courses, we respect their training courses, but  
18 we must not be put in a position where their culture can  
19 dictate or mandate something that can be detrimental to  
20 our industry.

21 In closing, I would again thank you and  
22 look forward to working with you as we get this new  
23 policy under way.

24 THE CHAIR: So thank you very much,  
25 Mike. And again, I wonder if I could ask you a quick

1 couple of questions? Umm, one of the things I was just  
2 jotting down in my notes to myself as you were speaking  
3 was, umm, should there be a need to find some additional  
4 time to make the desire for safety work in the  
5 snowmobiling industry, would it -- that was my  
6 question -- would it be possible for this industry,  
7 which I think I heard that this association's a fairly  
8 fledgling association, it's a little newer.

9 MR. SOSNOWSKI: Yes, three years, three  
10 or four years old.

11 THE CHAIR: Yeah, would it be possible  
12 for the snowmobiling industry, the Association -- that  
13 was my question and maybe you've answered it but I want  
14 to ask it explicitly -- to work with the CAA and  
15 WorkSafeBC to develop appropriate levels of training and  
16 experience relative to non-complex terrain?

17 MR. SOSNOWSKI: That's exactly what  
18 we've asked for in our Association. And we've worked  
19 with the CAA. Like, the CAA has good courses. They are  
20 professional people. So in the avalanche business as  
21 such, I spoke to the culture, not to the CAA business.

22 THE CHAIR: Um-hmm.

23 MR. SOSNOWSKI: I respect their courses,  
24 I think they're good courses and, umm, you gotta  
25 remember that 15 years came out of a big CAA annual

1 meeting.

2 THE CHAIR: Yes, relative to highly  
3 complex terrain.

4 MR. SOSNOWSKI: That's correct. So, but  
5 the other thing you have to recognize, eight years, I've  
6 never had an avalanche incident or close call. In the  
7 Province of B.C., there has been one avalanche -- one  
8 guide, who wasn't a legal guide, wasn't a professional  
9 guide, he was operating illegally, and he has been hurt  
10 by -- I think it was actually a fatality. But out of  
11 the rest of everybody, there hasn't been one incident  
12 that a guide has been hurt in the last dozen years.

13 Scott does 5,000 a year, I do a thousand a  
14 year, Blackcomb's doing 10,000 a year, Blackcomb-  
15 Whistler area.

16 THE CHAIR: Um-hmm.

17 MR. SOSNOWSKI: That many clients and no  
18 injuries, no incidents.

19 THE CHAIR: No, I got you.

20 MR. SOSNOWSKI: So for us to ask for  
21 time so we can get on board and -- I gotta map of this  
22 country, it's not just "go do this." I can only do it  
23 in the wintertime. You can't map in the summer, I mean,  
24 it's bush like this.

25 THE CHAIR: You have to do it -- yeah.

1 So Scott -- I mean, Mike, feel free to speak to this as  
2 well. So in your view, is it your view that the CAA  
3 would be receptive to that? Would they be willing to  
4 work with the Association to develop an approach that is  
5 more relevant to your industry?

6 MR. SOSNOWSKI: We have asked the CAA to  
7 reduce the guideline for our industry. They have  
8 refused flatly. So now it's up to you people to help to  
9 work with us. We have asked them.

10 THE CHAIR: Okay.

11 MR. SOSNOWSKI: We have met with them  
12 and asked them, we have been turned down --

13 THE CHAIR: Okay.

14 MR. SOSNOWSKI: -- at their meeting.

15 THE CHAIR: So that's what I'm really  
16 testing for because when you're trying to find a  
17 solution to a particular segment of an industry's  
18 concern, you have to find some ways to bring the parties  
19 together to see whether or not something is doable with  
20 it.

21 MR. SOSNOWSKI: Well, we're willing to  
22 take their courses. We respect their courses. We take  
23 them now.

24 THE CHAIR: Okay.

25 MR. BARSBY: We're willing to challenge

1 the exam. Every industry has a final exam.

2 THE CHAIR: Right.

3 MR. BARSBY: Nursing does, everybody.

4 Challenge the final exam, you have the amount of days in  
5 the field, let's challenge it. Then we're there.

6 THE CHAIR: Right, okay. One of the  
7 reasons why we try to get out to some other communities  
8 than simply the Lower Mainland is to try to at least be  
9 in communities where people who are doing the work we  
10 have a chance to hear from them. So I thank you very  
11 much for your presentations. I want to make sure that  
12 you feel that you have been completely heard and  
13 understood and that you don't have anything else to add.

14 MR. BARSBY: Tomorrow morning, we will  
15 e-mail you the matrix that we proposed to the CAA of the  
16 Level 5 and all the criterias, although the only thing  
17 different is the amount of years of experience.

18 MR. SOSNOWSKI: That's all. Everything  
19 else we agree. Like, and it's a big step for us as a --  
20 like, as an industry that hasn't had a policy --

21 THE CHAIR: Yeah.

22 MR. SOSNOWSKI: -- to go to this  
23 standard of policy, and we're only asking three years.  
24 Like, I have been -- we've done policies in Alberta --  
25 and I haven't been involved in B.C. a lot so I refer to

1 Alberta and it's the forest industry, but I remember  
2 when there's been changes of policy and the sawmills are  
3 just aghast and they were given five years --

4 THE CHAIR: To get there.

5 MR. SOSNOWSKI: -- to implement the  
6 policy. And so first year, it's like you have to be  
7 mapping. You gotta remember, we're still operating. If  
8 you do anything else, we won't be operating. And it's  
9 that simple. It could take this industry down.

10 THE CHAIR: Okay. That's a very  
11 eloquent presentation and I really do thank both of you  
12 for taking the time and the trouble to be here this  
13 evening. It was well worth us being here to hear from  
14 you.

15 We don't have any other speakers  
16 registered for the evening and so my practice is to  
17 adjourn for a period of time and stick around just in  
18 case anybody else wants to be heard. But I would like  
19 to thank you very much, both of you, for taking the time  
20 to be with us.

21 (PROCEEDINGS ADJOURNED)

22 (PROCEEDINGS RECONVENED)

23 THE CHAIR: So there being no other  
24 presenters to have registered for this evening's session  
25 of the public hearings, no other members of the public

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who have indicated an interest in presenting to the panel, I am adjourning the public hearings in Cranbrook.

(PROCEEDINGS CONCLUDED AT 8:15 P.M.)

REPORTER'S CERTIFICATE

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I, LYNN LEE, Official Court Reporter  
in the Province of British Columbia, Canada,  
BCSRA Member No. 503, do hereby certify:

That the proceedings were taken down  
by me in shorthand at the time and place  
therein set forth and thereafter transcribed,  
and the same is a true and correct and  
complete transcript of said proceedings to the  
best of my skill and ability.

IN WITNESS WHEREOF, I have hereunto  
subscribed my name and seal this        day of  
2008.

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LYNN LEE, Official Court Reporter