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Special-purpose Vessels Regulations

Statutory authority

Canada Shipping Act, 2001

Sponsoring department

Department of Transport

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Description

The proposed *Special-purpose Vessels Regulations* (the Regulations), being made under the *Canada Shipping Act, 2001*, set out the requirements for the safe operation of commercial river rafting in Canada and will replace the requirements for river rafting currently found in the *Boating Restriction Regulations*. The *Boating Restriction Regulations* provide for the establishment of restrictions to boating activities and navigation in Canadian waters. Since 1987, the federal government has regulated commercial river rafting through the *Boating Restriction Regulations* by prohibiting any person from operating a commercial river raft in specified waters unless they obtain a permit from the Minister and comply with any conditions set out in the permit. The Transport Canada (TC) *River Rafting Standards*, TP 8643, govern the conditions set out in the permit. At this time, the only waters specified in the *Boating Restriction Regulations* are the rivers of British Columbia.

A number of high-profile river rafting incidents in British Columbia in the early 1980s caused the federal government and the Government of British Columbia to address the safety of commercial river rafting. *River Rafting Standards* were published in 1987 as a result of extensive consultations with the province and industry. In the meantime, National Parks have managed the safety of river rafting through permit systems under the authority of the *Canada National Parks Act*, and industry associations have developed guidelines for the safe operation of commercial river rafts. This patchwork approach has created opportunities for a handful of substandard operations to continue.

Following a river rafting incident in Alberta in 1999, further discussions took place between industry and the federal and provincial governments. Since voluntary compliance with standards had not been uniformly effective, consensus was reached that the various standards and permit systems needed rationalization and a single regulatory standard is required in Canada to ensure the safety of the public.

The federal government has made a commitment to provincial governments, specifically to

British Columbia, Alberta, and Quebec, to establish comprehensive and consistent standards for commercial river rafting across Canada. With this in mind, British Columbia repealed its *Commercial River Rafting Safety Act* and the accompanying regulations in 2003. No other province had similar regulations or guidelines.

The proposed Regulations establish minimum standards for commercial river rafting and apply them to all waters in Canada instead of limiting the regulatory regime to the waters specified in the *Boating Restriction Regulations*. All commercial river rafting requirements will then be contained in one regulation. This will provide a more effective and consistent application of safety standards across the country.

Since the proposed Regulations do not rely on a permit system, TP 8643 will no longer apply.

The proposed Regulations incorporate industry "best practices" and address such matters as

- vessel and safety equipment requirements (e.g. helmets, lifejackets and their equivalents, and the circumstances in which they must be worn);
- operational requirements (e.g. first aid training, familiarization trips and safety briefings); and
- the keeping of records for three years after an excursion, including the name(s) of the guide(s), the date of the excursion, the number of passengers on the excursion, a geographical description of the waters on which the excursion took place, the contents of the safety briefing and a copy of the rescue plan.

Alternatives

The alternative to not moving forward with the proposed Regulations is to maintain the status quo. This may jeopardize safety because substandard commercial river rafting operations will be permitted to continue to operate without the use of the appropriate safety equipment, proper training or familiarization. Most operations acknowledge that an element of risk is associated with river rafting and, therefore, most favour the adoption of the proposed Regulations.

Benefits and costs

There are approximately 230 commercial river rafting operations in Canada, with the largest concentration in Alberta, Ontario and British Columbia. The majority of these enterprises operate within well-organized associations such as the Canadian Rivers Council (CRC), the Professional River Outfitters Association of Alberta (PROAOA) and Jasper's Professional River Outfitters. These associations have established guidelines that are mirrored in the proposed Regulations. Therefore, the proposed Regulations will ensure a consistent and enforceable application of safety standards related to river rafting across the country.

Vessels and equipment

TC has completed a comparative analysis of regulatory and non-regulatory requirements for safety equipment used by industry. Most of the vessel and equipment requirements in the proposed Regulations are consistent with "best practices" followed by the majority of industry, as well as with international standards. Therefore, most operations will not incur any additional costs when the proposed Regulations come into force.

It is generally acknowledged that an element of risk does exist in this industry. The lack of appropriate safety equipment could result in serious head injuries and loss of life due to drowning, hypothermia or cold shock. The basic safety equipment requirements in the proposed Regulations are minimal but necessary and should not cause any undue financial hardship to operations that will be required to purchase safety equipment. However, in order to facilitate the transition to a higher standard, persons on excursions may continue to be provided with personal flotation devices instead of lifejackets or white water vests before 2012.

Operational requirements

The intent of the proposed Regulations is to ensure a consistent and enforceable application of

river rafting safety standards across the country. Since guides are the first to intervene on site when there is an incident or accident, their knowledge of first aid and emergency plans is essential. In addition, the guide's knowledge of the areas where trips are made plays a crucial role in the safety of individuals on rafting excursions by enabling the guide to better assess the risks encountered during the journey. The first aid training and familiarization trips required by the proposed Regulations are based on current industry "best practices."

Records

The majority of operations already keep records of each rafting excursion. The record-keeping requirements were not an issue when consulted upon, since there should not be any problems in complying with the requirements. In the event of an incident or accident, these records will be beneficial.

Environmental considerations

A preliminary scan for environmental impacts has been undertaken in accordance with the criteria of Transport Canada's Strategic Environmental Assessment Policy Statement — March 2001. The preliminary scan has led to the conclusion that a detailed analysis is not necessary. Further assessments or studies regarding environmental effects of this initiative are not likely to yield a different determination.

Consultation

Consultations have been ongoing with industry since 1987, at which time the TC Marine Safety *River Rafting Standards*, TP 8643, were developed. More formal consultations on the proposed Regulations have taken place in Kamloops, British Columbia (October 2002); Calgary, Alberta (November 2002); Ottawa, Ontario (November 2002), Whitehorse, Yukon (January 2003); and Montréal and Québec City, Quebec (February 2003).

There were no significant objections to the proposed Regulations since the majority of operations already meet or exceed the proposed requirements.

Compliance and enforcement

Compliance with the proposed Regulations will be achieved through the Small Vessel Inspection Program conducted by TC marine safety inspectors. TC will also designate local enforcement officers with an interest in public safety issues (such as police and conservation officers) with the authority to respond to compliance and safety issues while engaged on their regular duties.

Contact

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PROPOSED REGULATORY TEXT

Notice is hereby given that the Governor in Council proposes, pursuant to paragraph 35(1)(e) ([see footnote a](#)), section 100 and subsection 120(1) of the *Canada Shipping Act, 2001* ([see](#)

[footnote b\)](#), to make the annexed *Special-purpose Vessels Regulations*.

Interested persons may make representations to the Minister of Transport, Infrastructure and Communities with respect to the proposed Regulations within 60 days after the date of publication of this notice. All representations must be in writing and cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Kevin Monahan, Project Manager, Regulatory Services and Quality Assurance, Marine Safety Directorate, Department of Transport, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario K1A 0N5 (tel.: 613-998-8207; fax: 613-991-5670; e-mail: monahak@tc.gc.ca).

Ottawa, July 30, 2007

MARY O'NEILL
Assistant Clerk of the Privy Council

SPECIAL-PURPOSE VESSELS REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

"class 3 or above waters" means waters that have rapids with moderate and irregular waves or that have rapids that are stronger, have more obstructions or are otherwise more difficult to navigate than rapids with moderate and irregular waves. (*eaux de classe 3 ou plus*)

"guide", in respect of a vessel, means its master. (*guide*)

"helmet" means a helmet that has a fastening system and that is designed to protect from injury the head of a person who wears it from the mid-line of the forehead to the back of the crown of the head. (*casque protecteur*)

"personal flotation device" means a life-saving apparatus that meets the standards for type I personal flotation devices set out in CAN/CGSB-65.11-M88, *Personal Flotation Devices*, published by the Canadian General Standards Board, as amended from time to time. (*vêtement de flottaison individuel*)

"small-vessel lifejacket" means a lifejacket that meets the standards set out in CAN/CGSB-65.7-M88, *Lifejackets, Inherently Buoyant Type*, published by the Canadian General Standards Board, as amended from time to time. (*gilet de sauvetage pour petit bâtiment*)

"white-water vest" means a life-saving apparatus that meets the standards set out in *Supplement SC — Type V White Water PFD's* of ANSI/UL 1123-1999, *Standard for Marine Buoyant Devices*, published by the Underwriters' Laboratories, as amended from time to time. (*gilet pour eaux vives*)

APPLICATION

2. (1) These Regulations apply in respect of Canadian vessels that are inflatable and carry persons on an excursion in Canadian waters for remuneration.

(2) These Regulations do not apply in respect of motorized rigid-hull inflatable vessels.

RESPONSIBILITIES

3. (1) Every person in charge of an enterprise that engages in an excursion shall ensure that the requirements set out in sections 4 to 17 are met in respect of the excursion.

(2) A vessel's guide shall ensure that the requirements set out in sections 12 to 17 are met in

respect of the vessel.

VESSELS AND EQUIPMENT

VESSELS

4. (1) Every vessel shall be of sound construction and in good condition so as to be able to withstand the weather and water conditions that may reasonably be expected on the excursion.

(2) Every vessel shall have a line that is becketed to the gunwale around the outside of the vessel or safety straps that are suitable to use as handgrips.

5. Every vessel shall be able to maintain buoyancy if any one of its buoyancy chambers deflates.

6. Every vessel shall have sufficient seating so that every person on board can be seated.

EQUIPMENT

7. (1) Every person on an excursion, other than a guide, shall be provided with a properly sized small-vessel lifejacket or white-water vest.

(2) Before January 1, 2012, a person on an excursion in waters that are not class 3 or above waters may be provided with a properly sized personal flotation device instead of the equipment required by subsection (1).

(3) Every guide on an excursion shall be provided with a properly sized small-vessel lifejacket or white-water vest or an inherently buoyant and properly sized personal flotation device that has a quick release harness.

(4) Every person on an excursion in class 3 or above waters, other than a person on an excursion on a motorized vessel that is over 6 m in length, shall be provided with a properly sized helmet.

(5) Every person on an excursion in class 3 or above waters where the water temperature is less than 15°C shall, unless the excursion is on a motorized vessel that is over 6 m in length, be provided with properly sized gear designed to provide thermal protection to the body core when a person is immersed in water.

8. (1) A first aid kit that contains the following shall be carried in a watertight container by one vessel out of every five or fewer vessels travelling together:

(a) 20 adhesive bandages;

(b) two sterile pads;

(c) one 10-cm × 4.5-m gauze bandage;

(d) one 7.5-cm × 4.5-m roller bandage;

(e) one triangular bandage, with a minimum base length of 100 cm, and two pins;

(f) one 1.25-cm × 4.5-m roll of adhesive first-aid tape;

(g) one pair of safety scissors;

(h) 60 mL of antiseptic wound solution and 10 disposable applicators, or 10 antiseptic swabs;

(i) a first aid manual;

(j) two pairs of latex examination gloves; and

(k) one resuscitation face shield.

(2) Every vessel shall carry a throw bag that has at least 15 m of buoyant line.

9. Every vessel shall carry, travel with another vessel that carries or be at all times within 5 km of a cache that contains

(a) a repair kit for inflatable vessels;

(b) an air pump;

(c) an engine repair kit and a spare motor if the vessel is propelled by a motor; and

(d) a spare oar with an oarlock or clip if the vessel is propelled by oars.

OPERATIONAL REQUIREMENTS

10. (1) A vessel's guide shall

(a) be at least 18 years of age;

(b) hold a standard first aid certificate as defined in section 16.1 of the *Canada Occupational Health and Safety Regulations*;

(c) if the excursion is in class 3 or above waters, have completed five excursions in class 3 or above waters on an inflatable vessel, other than a motorized rigid-hull inflatable vessel; and

(d) if the excursion is in class 3 or above waters, have completed one excursion on any type of vessel in those waters.

(2) Before an excursion is started, the guide shall ensure that he or she is aware of

(a) the current and expected conditions and the hazards of the waters in which the excursion will take place; and

(b) the contents of the rescue plan required by section 17.

11. Every overnight excursion in class 3 or above waters shall include the participation of a person who holds a swift-water rescue certificate that is evidence of their successful completion of theoretical and practical training in the skills and knowledge necessary for swift-water rescues, including training in

(a) selecting and using swift-water rescue equipment;

(b) executing swift-water rescues;

(c) ensuring the safety of rescue personnel; and

(d) identifying and managing medical emergencies and carrying out evacuations.

12. Before an excursion is started, every person on the excursion, other than the guides, shall receive a safety briefing that includes

(a) information about the excursion and a warning about the nature of the hazards of the waters in which it will take place;

(b) a description of the general safety precautions to take and the routine procedures to follow in the waters;

(c) details of the requirement under section 13 to wear equipment, as well as directions regarding its use; and

(d) a description of the procedures to follow in the event of emergencies during the excursion, including casualties, persons overboard and the swamping and capsizing of vessels.

13. (1) Every person who is provided with a small-vessel lifejacket, white-water vest or personal flotation device under section 7 shall wear it when on board a vessel.

(2) Every person who is provided with a helmet under subsection 7(4) shall wear it when on board a vessel in class 3 or above waters.

(3) Every person who is provided with gear under subsection 7(5) shall wear it when on board a vessel in class 3 or above waters where the water temperature is less than 15°C.

14. Any equipment or material that is on board a vessel and that is not being used shall be properly stowed and secured in place when the vessel is moving.

15. No person may be allowed on board a vessel if there are reasonable grounds to believe that their faculties are impaired by alcohol or a drug to an extent that they might present a hazard to the vessel or to persons on board it.

16. Except in an emergency, a vessel shall not be operated

(a) in class 3 or above waters unless it is accompanied by another vessel, whether inflatable or not; or

(b) in class 3 or above waters during the period beginning one-half hour after sunset and ending one-half hour before sunrise.

17. On every excursion, a rescue plan in respect of the excursion that contains the procedures to be followed in the event of an emergency, including the following procedures, shall be carried on a vessel:

(a) a description of the means of communication to be used in an emergency;

(b) emergency telephone numbers, such as the telephone numbers of local law enforcement and search and rescue groups;

(c) a description of pull-out or extraction sites from which, in an emergency, persons can be transported by air or land; and

(d) the procedures to be followed in a medical emergency.

RECORDS

18. Every person in charge of an enterprise that engages in an excursion shall keep, for three years after the excursion, records that include

(a) in respect of each guide on the excursion, the name of the guide, the date of the excursion, the number of passengers on the excursion and the class of waters and a geographical description of the waters in which the excursion took place;

(b) information in respect of the certificates required by paragraph 10(1)(b) and section 11, including the name of the holder of the certificate, its date of issuance and, if applicable, the name of the institution that issued it and the endorsed propulsion method;

(c) the contents of the safety briefing required by section 12; and

(d) a copy of the rescue plan required by section 17.

CONSEQUENTIAL AMENDMENTS TO THE SMALL VESSEL REGULATIONS

19. (1) The portion of subsection 3(1) of the *Small Vessel Regulations* ([see footnote 1](#)) before paragraph (a) is replaced by the following:

3. (1) Subject to subsections (2) and (3), these Regulations, except for Part I, apply in respect of the following small vessels:

(2) Section 3 of the Regulations is amended by adding the following after subsection (2):

(3) These Regulations, except for Part I, do not apply in respect of vessels in respect of which the *Special-purpose Vessels Regulations* apply.

COMING INTO FORCE

20. These Regulations come into force on the day on which they are registered.

[32-1-o]

[Footnote a](#)

S.C. 2005, c. 29, s. 16(1)

[Footnote b](#)

S.C. 2001, c. 26

[Footnote 1](#)

C.R.C., c. 1487

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.


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