

The Potential Risks of Ice Resurfacers Snow Shavings

The Ontario Recreation Facilities Association Inc. (ORFA) regularly researches and writes about issues that could affect our clients. These documents provide an opinion on key risk management issues but are not meant to provide any form of legal opinion or official interpretation. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation. All rights reserved. ©2012 Ontario Recreation Facilities Association Inc.

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Introduction

Certified Ice Technicians (CITs) have been instructed on the various risks and hazards associated with ice resurfacers operations. One of these possible hidden risks is the potential for bio-hazard waste found in ice resurfacers snow shavings. These shavings are often dumped outside of the facility.



The unsuspecting general public has been known to head to the rink and collect truckloads of snow shavings to make snow sculptures back on their front lawns or to pack a “college keg on ice”. Young children are also attracted these piles of snow for all kinds of active play.

Occupier’s Liability Act

ORFA members must consider their responsibilities under the Occupier’s Liability Act which states:

Occupier’s duty

3.(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

Idem

(2) The duty of care provided for in subsection (1) applies whether the danger is caused by the condition of the premises or by an activity carried on the premises.

Reasonable steps to inform

(3) Where an occupier is free to restrict, modify or exclude the occupier’s duty of care or the occupier’s liability for breach thereof, the occupier shall take reasonable steps to bring such restriction, modification or exclusion to the attention of the person to whom the duty is owed. R.S.O. 1990, c. O.2, s. 5.

Attracting Youth

Under law, children enjoy the right to more protection and require a higher standard of care. Under common law of the Occupier’s Liability Act an owner or occupier of the property must not expose children to potentially

Ice technicians are often aware of the general public’s use of ice resurfacers snow shavings and fail to take action. Stories of user groups using the shavings to cool tournament food and drinks, or for First Aid purposes have been shared by participants in the ORFA training courses.

The potential for ice paint residue to also be present in snow piles is of further risk to those who may have access to the area. Both workers and the general public need to be made aware of the potential for bacteria growth and other contaminants that exist in these snow piles.

Recognize the Risks

Consider what finds its way onto the ice surface in any typical day of rink use. Blood, saliva, mucus, bile, sweat, vomit and urine can all end up on the ice surface during regular play; most of which are invisible to the human eye. All of this will be scraped up by the ice resurfacers, lifted into the snow dump tank and often dropped in an unprotected area outside of the facility.

dangerous situations that may be attractive to them. The onus is placed on the occupier to be aware of any dangers that may put children at risk and to take appropriate action.

The ORFA was recently made aware of the efforts of a group of youth who created a snow board sliding hill using the snow shavings left onsite at the local arena. When using the homemade snow slide the youth were landing close to a public roadway placing them at risk of vehicular injury.



“A ski hill ramp built by youth after being transported away from the back of a local rink – note the fence half way in the ramp and the proximity to the road at the end of the slide”.

Members are reminded that incident reports should be generated on any unsafe use of facility property.

Taking Action

Just because it has always been done one way does not imply it is the right way. It is time for the industry to take action to ensure that the general public is made aware of the potential hidden risks and dangers found in ice resurfacer snow shavings. Finding a balance between public awareness and methods of control without causing mass public hysteria will require all of the facility manager’s skill set.



In an effort to take a leadership role and avoid media invoked frenzy on the issue (you may recall the CBC

Indoor Air Quality - Particulate Matter investigation), the ORFA plans to work with key sport organizations to advise officials of the potential risks associated with ice shavings. One of ORFA’s goals will be to encourage information be included in various training materials as an education awareness component.



It is anticipated that one of the reasons that may be used as a barrier for action, will be the lack of financial resources available to address a problem that many at first glance do not view to be an actual issue. The information contained within this awareness bulletin is hopefully enough to overcome that anticipated barrier. However, the courts are clear that a perceived lack of financial resources to reduce potential injury or risk of injury is not an acceptable legal defense.

Control the Risks

ORFA members must be proactive in communicating general awareness and protection to any individual who has access to ice resurfacer snow shavings.

The following points may assist in your internal review of the matter:

- ✓ Workers should submit incident reports when snow shavings are being used inappropriately.
- ✓ Public Health Ontario (local health department) tests water – members may wish to regularly collect snow and allow it to melt and have it tested (posting test results).
- ✓ Post the area with proper signage. (NOTE: To involve the police, *No Trespassing* signs must be posted in the area).



- ✓ Conduct an in-house awareness campaign with staff, users and the general public on the use of this waste.
- ✓ Consider regularly removing snow piles away from the facility and public access.
- ✓ Protect the snow dump area with adequate fencing and consider gates in high risk areas.
- ✓ Work with your insurance carrier risk department to assess your current operations.

For those operations that do not dump snow shavings outdoors, please consider the following information.

MAINTENANCE TIP: SNOW MELT PITS

Facility staff should be reminded that “invisible body fluids” are removed during the ice scraping process. Ice-shavings, which are dumped into internal snow pits, may further create a potential health risk. Regular cleaning and sanitizing of such areas is also essential in creating a safe workplace.

Maintaining the area so that the possibility of standing water does not exist is vital. Health risks such as legionaries disease or pontiac fever can be created in such situations. Turning off heating elements and/or hot water used to melt ice shavings reduces the risk of incubation of potential health hazards.

Snow pit areas, which are left unattended and continually release a foul smell, may be exposing workers, user groups and facility patrons to more than a foul odour situation; it now becomes a public health risk!

Conclusion

One action plan cannot be applied equally to every facility.

It is the responsibility of each arena operation to undertake an internal review and assessment process and then put into practice a specific approach to control the hidden risks and potential for danger.

Doing something one way just because it has always been done that way is not an acceptable approach.

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