



SAFETY CANADA

The member newsletter of the Canada Safety Council

Canada's Blood Alcohol Laws Stricter than Most Countries

The permissible blood alcohol concentration (BAC) in Canada's Criminal Code is 0.08, or 80 milligrams of alcohol in 100 millilitres of blood. Some argue this limit is too high. They say it shows Canada lags behind other countries in its fight against impaired driving.

Proponents of a lower criminal limit point to nations with lower BACs, such as Australia, Belgium, France and Sweden, claiming Canada should follow their lead and lower its criminal BAC limit to 0.05.

The Canada Safety Council has released a study comparing Canada's blood alcohol laws to those in 77 jurisdictions across 20 developed countries, *Canada's Blood Alcohol Laws — an International Perspective*. The analysis suggests that Canada could be bucking international norms if it were to legislate a criminal response for lower BACs.

The Canada Safety Council commissioned the study to provide a credible, detailed and current analysis of how Canada's blood alcohol laws compare with other developed countries. It shows how a legal expert sees Canada's blood alcohol limits in the international context.

Comparisons are Complex

Prof. David Paciocco of the Faculty of Law at the University of Ottawa, author of the report, found that the approach to BAC law internationally is complex and varied. This led him to question the validity of an argument based on foreign legislation to justify changes in Canada's blood alcohol law.

He concluded that simplistic generalizations are unrealistic. Countries with BAC limits of 0.05 or lower tend not to use criminal law at the 0.05 level, as Canada would be doing by amending the Criminal Code.

In most of those countries, drivers with BAC's below 0.08 are simply fined. Where license

suspensions are possible, they tend to be for extremely short periods of time. To put 0.05 in the *Criminal Code* would mean more people would receive criminal records, year long suspensions, and potentially even prison terms.

Prof. Paciocco's study shows it is not helpful to say that 0.05 is the standard in some other countries, and that Canada should follow those countries without appreciating the differences in how the relevant legislation treats convicted drivers.

Canada's Blood Alcohol Laws — an International Perspective reveals that Canada's sanctions for impaired driving are among the strictest in the world, even when compared with jurisdictions which have 0.05 BAC limits. For example, a driver who has a BAC of 0.09 but does not show signs of impairment is treated less severely in any of the countries with 0.05 BACs than in Canada.

Federal and Provincial Legislation

It is misleading to focus solely on the Criminal Code of Canada to claim that it is permissible in Canada to drive at alcohol limits of up to 0.08. A more accurate

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Lax Gun Laws Support Terrorism

Canada's firearms legislation may be its best defence against terrorism.

A Jihad training pamphlet posted on a web site encourages Muslim holy warriors to use lax firearms laws in the United States to get sniper and military assault rifle training. The pamphlet informs Jihad trainees, "In some countries of the world, especially the USA, firearms training is available to the general public," and that "it is perfectly legal" to obtain weapons such as AK-47 assault rifles. It urges them to take advantage of those lax laws.

The document zeroes in on specific elements of the American gun culture to exploit for military assault-oriented terror training, including training, obtaining military style weapons and avoiding illegal trading in firearms.

According to the Violence Policy Center in Washington, DC, a .50-calibre sniper rifle is easier to purchase in the US than handguns. This is a weapon which

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President's Perspective

In December 2001, the Organization for Economic Co-operation and Development (OECD) released its report on road fatalities. The report shows that over the past 20 years, Canada's traffic safety record has been second to none.

Our traffic fatalities dropped 47 percent between 1980 and 2000, despite a big increase in vehicles and drivers. (During that time the number of vehicles went up 48%, and the number of licenced drivers rose 37%.) Only three OECD member countries realized more progress: Austria and Switzerland cut the number of traffic deaths by 51 percent and Germany by 50%. The average improvement for all OECD countries combined was 20%.

Britain, the Netherlands, Norway and Sweden have the lowest motor vehicle fatality rates — less than 7 per 100,000 of population. Canada, with significantly higher vehicle ownership, has a road fatality rate of 10 per 100,000. The average for reporting OECD countries is 12.5.

OECD data do not correlate motor vehicle deaths with kilometres driven. According to a recent Transport Canada survey, Canadians log 475 billion kilometres a year; in other words, the average licensed driver travels over 23,000 km annually. It is inconceivable that European drivers cover such distances.

If distance traveled were factored in, Canada would likely be number one in traffic safety. Our impressive safety record confirms that our laws are working. The reduction in impaired driving is a prime example. In 1980, half of all drivers killed in crashes were over the legal limit; in 2000, just over 1/4 were legally impaired. Other major factors in Canada's success story include our high rate of seat-belt use, safer vehicles, driver behavior and public awareness campaigns.

Further progress will hinge on making existing laws work more effectively, rather than making more laws. For instance, a ban on cell phones has been suggested, despite the fact that careless driving laws are already in place. Since 1994, road fatalities have dropped by 10% while cell phone use has increased five-fold to over 10 million. The evidence does not support calls for a new law.

The OECD report credits high tech law enforcement tools such as photo radar and red light cameras for reducing collisions in member countries. However, many Canadian jurisdictions have been reluctant to implement this technology. Although running red lights could account for as many as 200 deaths and 13,000 injuries annually, some politicians still view red light cameras with suspicion. Universal acceptance of electronic enforcement would enable Canada to make further progress.

As Canadians we may be too humble to acknowledge our country is a world leader in road safety. We are doing a lot of things right.



SAFETY CANADA

Safety Canada is the member newsletter of the Canada Safety Council. It is also published on CSC's Web site. Articles may be reprinted with credit, except those copyrighted to other

organizations. Please send a copy to the editor. ISSN: 0048-8968

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Charitable BN: 11882 8565 RR 0001

Motorcycle Helmet Laws, from page 3.

and deaths went up by one-third. Between 1996 and 2000, that state saw its motorcycle fatality rate rise from 74 to 120 per 100,000 vehicle registrations. (In states with helmet laws the rate increased from 46 to 56 per 100,000 in the same period.)

Canada is a world leader in motorcycle safety, thanks in part to its longstanding helmet laws and its strong national training program, which is provided by the Canada Safety Council. Δ

Status Report, Insurance Institute for Highway Safety, Vol. 37, No. 1, January 12, 2002



In the year 2001 alone, 19,000 riders across Canada completed CSC's Motorcycle Training Program.

In Memoriam

Motorcycle Training Pioneer

Peter Fassnacht, whose work laid the foundation for the Canada Safety Council's motorcycle training program, passed away November 24, 2001 of complications from bacterial meningitis.

Fassnacht, born and raised in Ottawa, was a passionate motorcyclist and a dedicated advocate of motorcycle rider education. While at Carleton University, Fassnacht was a volunteer in CSC's new motorcycle training program. Upon graduation in 1977, he became the National Coordinator and crisscrossed Canada overseeing the program expansion. The program flourished, and between 1974 and 1984, over 70,000 Canadian motorcyclists were trained.

In 1984, Fassnacht moved to the U.S. to join the Motorcycle Safety Foundation, becoming Vice President in 1985. In 1995 he joined American Honda's Motorcycle Division, and was appointed last June to head Honda's Rider Education Department.

He is fondly remembered by CSC staff and the many instructors with whom he worked to develop and promote motorcycle training in this country. Δ

Intersection

Proving Motorcycle Helmets Save Lives — the Hard Way

All Canadian provinces have universal motorcycle helmet laws, as do most other developed countries. However, this is not the case with our southern neighbors.

In 1967, the US government started requiring states to have universal helmet laws to qualify for federal highway funds. By 1975, all but three American states had helmet laws covering all motorcycle riders. Then, in 1976, Congress revoked the authority to impose the sanctions. Many states repealed or weakened their helmet laws.

In the early 1990s, federal incentives were introduced for states with helmet laws, but these were dropped in 1995. Now, only 20 states and the District of Columbia have mandatory use laws covering all riders; most of the rest have laws covering drivers under a certain age, normally 21, 19 or 18.

The limited laws assume older riders don't need as much protection as younger, less experienced riders. However, over the past three years motorcycle deaths have gone up 68% among riders 40 and older, but only 20% in those younger than 40. Today, 40% of all fatally injured riders are 40 and older, up from 14% in 1990. This increase is due in part to the fact that more and more older, affluent professionals own motorcycles. In most states, these older riders are not required to wear a helmet.

In 1997, Texas dropped its helmet requirement for riders 21 and older who are insured or have training. Helmet use dropped from 97% to 66% in the next year,

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Motorcycle Donation

The Trev Deeley Foundation has donated \$142,000 to the Canada Safety Council. All the funds will be used to purchase Buell Blast motorcycles to be used across Canada in CSC's Motorcycle Training Program. From the Canada Safety Council: Raynald Marchand (left), Manager, Traffic Safety and Training; from Fred Deeley Imports Ltd.: Trev Deeley (centre), Chairman and Malcolm Hunter (right), President and CEO.

Targeting Young Binge Drinkers

The 1990s saw an alarming rise in binge drinking among Ontario secondary school students.* The most recent statistics show a shocking 2/3 of young adults in Canada binge drink. Thirty percent of the 19 to 24 year-olds living in Central West and Southwest Ontario binge drink once a month or more, according to the 1996-97 Ontario Health Survey.

Binge drinking is a research term defined as consuming five or more drinks on a single occasion. It is a useful term that is associated with a rise in alcohol related harms. Those who binge drink are at increased risk of fights, unwanted sexual advances and automotive collisions. Collisions involving high blood alcohol concentrations increased among younger drivers, while alcohol-related crashes decreased among other social drinkers.

To address binge drinking, the Substance Abuse Prevention Network of Central West and Southwest Ontario developed a large-scale public awareness campaign targeting 19 to 24 year olds. The media campaign included a poster, a postcard and a radio ad. It took place in 2000 around the Victoria Day and Labour Day long weekends. A thorough evaluation, published in June 2001, reveals the mindset of these young binge drinkers and provides some important insights that might help others addressing this issue.

The evaluation of the campaign collected data from respondents to a Web-based survey that was e-mailed through four post-secondary institutions. Nine follow up focus groups were also held to explore some of these issues in more detail.

The term "binge drinking" is not well known nor well understood. Respondents defined it in a variety of ways. Males, for example, were more likely than females to define binge drinking as more than 10 drinks, throwing up and passing out.

They call it "chugging" or "funneling," and view it as a social norm.

Furthermore, focus group participants said they do not use the term "binge drinking." They call it "chugging" or "funneling," and consider it a purposeful action where the primary focus of a social gathering is to get drunk. They view binge drinking as a social norm and explain that experiencing the consequences of excessive alcohol consumption is part of a 'rite of passage.' They do it because it's fun and because they think it enhances social interactions. Those benefits outweigh any potential risks or negative consequences. In fact, the majority (93 percent) of the 3,767 Web respondents agreed with the statement "Most people think it is all right to get drunk once in a while."

In terms of the way the message was received, respondents were more aware of the radio messages and liked them better than the posters and postcards. The campaign evaluation produced these recommendations for future social marketing campaign messages targeting 19 to 24 year olds:

1. When discussing serious messages like binge drinking, use a serious tone.

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Binge Drinking, from page 3.

2. Develop messages that are different from all the other advertisements — either by vivid graphic images or being simple and quiet.
3. Make sure the messages have direct personal relevance to the target population; use real stories and local statistics.
4. If the campaign addresses health effects, focus on immediate and short-term risks rather than long-term consequences.

More information is available in the very readable 48-page report on-line at www.healthunit.com under Reports and Research.

For information contact Martha Mitchell, Middlesex-London Health Unit, London, ON; telephone (519) 663-5317, ext. 2252; e-mail: martha.mitchell@mlhu.on.ca △

* Centre for Addiction and Mental Health, Ontario Student Drug Use Survey, 2001



Britain Decides to Keep 0.08

The UK is one of four European Union member countries with a blood alcohol limit of more than 0.05 (50 milligrams of alcohol per 100 millilitres of blood).

After looking closely at the arguments for and against reducing the limit, the UK government decided in March to leave its BAC at 0.08, and to maintain the emphasis on enforcement and education through publicity. The penalties for drinking and driving in Britain are among the toughest in Europe.

The UK government's approach of powerful publicity and enforcement backed by strong penalties has achieved the two-thirds reduction in impaired driving deaths since the 1970s. It will focus on measures such as extension and targeting of its £2m (\$4.5 million Cdn) annual campaigns, interlock devices to prevent recidivism, stronger enforcement powers for police and others. △

Transport Local Government Regions News release, March 20, 2002 (www.dtlr.gov.uk)

BAC Laws, from page 1.

statement of the law in this country would be that in most provinces and territories it is impermissible to operate a motor vehicle at BACs of more than 0.05, but this only becomes a criminal matter when levels exceed 0.08. Of the 13 provinces and territories, 10 have adopted temporary BAC license suspension legislation at levels below 0.08. Drivers in these jurisdictions who are found to have BACs over 0.05 are stopped from driving.

Making conduct criminal is society's ultimate condemnation. The *Criminal Code of Canada* addresses transgressions such as murder, robbery and assault, that violate basic societal norms. In several other countries, including Australia and New Zealand, BAC provisions are found in motor vehicle acts along with offences such as speeding and improper lane changes.

BAC Law is Strict Enough

The Canada Safety Council has been vocal in its support for keeping the 0.08 criminal limit. Overall the report confirms what we already knew from other sources, that Canada's blood alcohol laws are among the strictest in the world. However, there were some surprises. For instance, we thought Sweden's 0.02 limit was a criminal offence. In fact, criminal sanctions only start at the 0.10 level, which is higher than in Canada.

The extensive coverage of American blood alcohol laws was not expected. However, a truly international examination of blood alcohol laws must include the US, where most state jurisdictions don't criminalize for BAC offences, and are just starting to lower their limits to 0.08 from 0.10. One state (Massachusetts) has no blood alcohol law at all.

The next step in Canada's fight against impaired driving should not be to lower the criminal BAC, but to make existing legislation work better. Resources are urgently needed to help police enforce the 0.08 limit, to enable courts and crown attorneys to process charges efficiently, and to treat offenders with alcohol problems.

See page 7 for a summary of *Canada's Blood Alcohol Laws — an International Perspective*. △

NEW

The Alcohol-Crash Problem in Canada: 1999 can be downloaded from Transport Canada's Road Safety site (www.tc.gc.ca/roadsafety). Look under Impaired Driving.

Remedial Program Reduces Impaired Driving

Of the 12,000 people who have attended *Back on Track*, Ontario's Remedial Measures Program, since April 1999, only one has returned to the program due to a subsequent conviction, according to a preliminary survey of the participants of the program managed by the Centre for Addiction and Mental Health (CAMH) on behalf of the Ministry of Health.

When the program first began, there were fears that offenders would resent it due to its mandatory nature. However, most participants surveyed (86%) indicate they find it very helpful, the information provided useful and the program facilitators excellent.

Under Ontario's Highway Traffic Act, any person convicted of a drinking and driving offence in Ontario will automatically have his or her driver's licence suspended. For offences on or after September 30, 1998, the Act requires convicted impaired drivers to successfully complete the program before their licence can be reinstated. All participants take part in a one-hour assessment, and are then assigned to either education or treatment.

The eight-hour education program covers: how alcohol and other drugs affect driving performance and safety; the legal and personal consequences of an impaired driving conviction; and ways to avoid drinking and driving. The 16-hour treatment program addresses taking responsibility for alcohol and drug use and its consequences, and making attitude and lifestyle changes to avoid drinking and driving.

The program includes a follow-up interview six months after the completion of the program before a driver's licence can be reinstated.

While the Centre is conducting a comprehensive five-year evaluation of *Back on Track*, the preliminary low recidivism rate is in keeping with other research, which indicates that the remedial measures programs are successful in reducing the number of convictions for impaired driving, particularly when combined with licensing sanctions. △

Centre for Addiction and Mental Health, December 18, 2001

Public Platform

Water Safety Tips for Parents

About 600 drownings occur every year in lakes, pools and rivers across Canada. Many of them could be prevented.

Drownings can happen anywhere there is water. A toddler can drown in just a few inches of water. If you are not within arm's reach, you're too far. It takes just seconds for the unthinkable to happen. For instance, even if the gate to the pool is locked a small child can climb on a chair to remove it.

The Canadian Red Cross offers parents the following advice to help ensure a safe and fun summer in and around pools, lakes and rivers:

- Make sure children are well supervised by adults at all times in, on and around the water. Be your children's lifeguard!
- Enrol your children in swimming and water safety courses.
- Ensure your children inform you or their caregiver as to where they are going — and if there is any change of plan.
- Make sure each occupant in a boat — including adults — wears a properly-fitted lifejacket or personal flotation device (PFD).
- Complete CPR and first aid training. Δ



Canadian Red Cross
June 1 to 9, 2002 is *Water Safety Week*, a campaign of the Canadian Red Cross.

Tragedy Should Spur Action

In March 2002, 13-year-old girl died of head injuries two days after being hit by a puck at an National Hockey League game in Columbus, Ohio. This tragic incident has drawn attention to the safety of fans watching hockey games.

The Canada Safety Council has a longstanding concern that flying pucks can cause serious injuries to spectators in hockey arenas. Head and face injuries occur when shots deflect into the stands at speeds of up to 150 km/h. Deaths are rare, but injuries are all too common. Consider a few examples:

March 1997: A 13-year-old boy suffered loss of academic, social and emotional functioning after a flying puck at a Windsor, Ontario rink put him into a coma.

December 1998: The mother of a teenaged player lost her sight in one eye after a puck hit her while she was watching her son play in a Manitoba arena.

January 1999: A nine-year-old Regina girl suffered a fractured skull and other injuries when a puck struck her above the right eye.



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Children and Drownings — The Facts

- Drowning is the second-leading cause of unintentional death among Canadian children between the ages of one and four (traffic collisions are the leading cause).
- For every toddler (1 to 4 years old) who dies from drowning, there are an estimated 6 to 10 additional near-drownings which require hospitalization.
- One in every five toddlers who experience near-drowning will suffer permanent brain damage.
- Forty-six percent of drowning victims aged one to four are alone at the time of drowning. An additional 17% are accompanied only by other children.
- Half of the toddlers drown when their guardian's supervision is distracted — only for a moment.
- A small child can drown in only a few inches of water — enough to cover the mouth and nose.
- None of the toddlers who died in water-related deaths were known to be swimming or playing in the water in 1999. About 76% were only playing or walking near water.
- Prior to 1995, several infants (0-1 year old) drowned each year in bathtubs, but since 1995 infant bathtub drownings have averaged less than one per year, and none took place in 1999.
- Over two-thirds of all toddler drownings occur in the afternoon and early evening. The largest number occur on Saturdays and Sundays; 33% between 10:00 a.m. and 2:00 p.m., and 29% between 2:00 p.m. and 6:00 p.m.
- Children between one and four years old are more than twice as likely to drown in a constructed environment (e.g. pool) than any other segment of the population.
- Thirty-eight percent of toddler drownings occur in private swimming pools.
- Boys are the most frequent victims of drowning (82%).
- Children drown in almost every imaginable setting, including: river, lake, dam, canal, ditch, water troughs.
- Drownings occur in less time than it takes to read the above safety messages. Δ

Source: Canadian Red Cross, *National Drowning Report, 2001 Edition*.

Kwiz Korner

Summer Safety: True or False?

1. A bicycle helmet will only protect the head and brain if it fits properly and is worn correctly. T/F
2. If you get lost on a wilderness hike, try to find your way to the nearest roadway to seek help. T/F
3. You should use sunscreen even on cloudy or overcast summer days. T/F
4. Adults do not need to wear a lifejacket when boating or canoeing, as long as there is one in the vessel. T/F
5. If you are outdoors in a severe thunder storm, seek protection under a tree. T/F



Answers on page 6...

On the Job

Children on the Farm

Farm related fatalities claim over 100 lives every year in Canada, far exceeding any other home-based business.

Children under 15 accounted for 14% of hospitalized farm injuries. Among these injuries two-thirds of the deaths and three out of every five hospitalizations involved agricultural machinery. Injuries to farm children peak in the summer — one-third happen in July and August.



Too often, both children and parents consider the entire farm a play space. Farm children live in a workplace — one that exposes them to machinery, chemicals, livestock and other hazards. The best way to keep youngsters away from the risks is to have a specifically designated play area in the farm yard.

Machinery: Youngsters can fall from tractors operated by an adult, often when an operator starts a machine without knowing the child is in the area. Never let children ride on farm tractors.

Flowing Grain: It takes only two or three seconds to become helplessly trapped in flowing grain. Crushed or bridged grain can suddenly collapse. Flowing grain in bins and wagons can drag an unsuspecting victim down like quicksand. Make grain bins and work areas off-limits to children.

Livestock: Even good-tempered animals can become dangerous. Cattle can knock down and trample a toddler without noticing the child is even there. A calm animal can become dangerous if it or its offspring feel threatened. Keep children away from animals, especially in livestock-handling areas.

Flying Pucks, from page 5.

February 2000: A 21-year old man fell into a coma and died five days after a puck hit his head at an Altona, Manitoba hockey arena.

January 2002: A 53-year-old man took a puck in the left eye at a game in Sault Ste Marie, and was left with diminished vision.

There are no Canadian data on spectator injuries from flying pucks, but anecdotal evidence indicates the above are not isolated incidents. For instance, the Toronto Maple Leafs hockey club said 11 of its spectators needed medical attention due to injuries from flying pucks in the

Pesticides and Other Chemicals:

Keep children away from farm chemicals. Store the chemicals in a cabinet, room or building that can be locked, in their original containers, properly labelled. Never throw chemical containers or small leftover amounts in the garbage or other areas where children may go.

Teach small children the rudiments of safety, such as which areas are off-limits. As they grow older, explain why certain things are dangerous. When they start helping with the work, make sure they are properly trained, keeping their limited strength and experience in mind. The safe way to do things is not always obvious to a child, so always explain and enforce the safety aspects of the job.

Children imitate what they see. Above all, farmers and their workers must set a good example, both for their own safety and as a role model for children. △

Through National Farm Safety Week, the Canada Safety Council has highlighted the importance of diligence and safety on the farm for over 25 years. In March 2002, the campaign provided 63,000 booklets to rural schools across Canada with sponsorship from Agriculture and Agri-food Canada.

2001-2002 season up to March 22 . That works out to one fan for every three games.

Most of Canada's 3,500 community arenas date back at least 30 years. That means that many are due for renovations — a good time to incorporate features that protect the fans. However, the absence of a national standard makes it hard for agencies responsible for these facilities to know how best to protect spectators. In July 2000, the Canada Safety Council asked the federal government to fund the development of a national standard for spectator protection at hockey games. △

Gun Laws, from page 1.

can penetrate armor plate, destroy materiel infrastructure, down helicopters, and when loaded with armor-piercing incendiary ammunition explode high-volume fuel tanks and hazardous chemical storage tanks and pipelines.

In Canada, these firearms preferred by terrorists are prohibited. Sniper rifles and assault rifles cannot be legally owned, purchased or imported.

Moreover, most Canadians want gun control. A Gallup survey in October 2001 found that 63% believe the law should not allow members of the general public to own a gun, up five percentage points from 2000. Of the 36% who feel the general citizenry should be allowed to own a gun, nine out of 10 want owners to take training and undergo a police background check. More than 3/4 of Canadians support having a national firearms registry. △

Violence Policy Center, Washington, DC; Gallup Poll, Toronto, ON, November 27 & 28, 2001

Answers to Kwiz Korner

- 1. True.** To protect the head in case of a crash, the helmet should be snug but not too tight, and should be worn straight on the head, not angled back, and with straps adjusted to keep it secure.
- 2. False.** As soon as you realize you are lost or need help, STOP. It's very hard to find a moving target, so if you stay in one spot you will be easier to find. Bring distress signals with you and use them appropriately.
- 3. True.** Your skin can be damaged by the sun's UV rays even when it's cloudy. Between April and October, plan your outdoor activities before 11:00 a.m. and after 4:00 p.m.
- 4. False.** The law requires boats to be equipped with an approved personal flotation device (PFD) for each person on board. However, common sense dictates that it be worn — 90% of people who drown in recreational boating incidents are not wearing a PFD!
- 5. False.** If lightning strikes a tree, electricity will run down the trunk, through the roots and into the ground, causing a strong shock.

Feature Report

Canada's Blood Alcohol Laws — an International Perspective

Prof. David Paciocco, Faculty of Law, University of Ottawa

This study was commissioned by the Canada Safety Council in response to claims that Canada should follow the lead of other countries and reduce its BAC limit in the Criminal Code to 0.05 (50 milligrams of alcohol in 100 millilitres of blood) from the current 0.08 (80 milligrams of alcohol in 100 millilitres of blood). It compares Canada's blood alcohol legislation with similar laws in countries with similar legal and political traditions from the European Union, other western European countries, United States, Australia and New Zealand.

In the US and Australia, the states (not the federal government) have the jurisdiction to pass BAC laws. Thus, although Canada is compared with 20 other countries, there are 77 independent jurisdictions — 18 unitary states, the 51 American jurisdictions, and the 8 Australian jurisdictions. Most of the comparison countries start to impose sanctions at 0.05, but only 1/4 of the jurisdictions have 0.05 BAC limits; the rest use BACs of 0.08 or higher.

The approach to dealing with illegal BACs varies from jurisdiction to jurisdiction. Of the 20 jurisdictions with 0.05 BACs, only four have a provision to imprison persons with BACs under 0.08.

Comparing laws internationally is complex and difficult because the nature of each country's legal system is unique. All countries examined use established BAC levels either as being per se illegal, or as presumptive evidence of impairment. However, permissible alcohol levels vary widely internationally — apparently from zero in the Czech Republic, for example, to 0.10 in almost half of the American states.

Criminal and Regulatory Responses

When making comparisons, one must consider whether the legislation being compared is criminal, or administrative or regulatory. Even in jurisdictions which take a criminal approach, some treat BAC offences more severely than others. The following are general distinctions between crimes and administrative or regulatory offenses.

1. Stigma

Conviction for a criminal offence carries a criminal record, which can jeopardize membership in professions, international mobility,

immigration, the ability to be "bonded," and employment. By contrast, individuals convicted of regulatory offences do not have a criminal record, the conviction tends to carry a lesser stigma, and entails fewer collateral consequences.

2. Police and Pre-Conviction Powers

Even before conviction, the police possess greater powers of arrest and detention when dealing with criminal offences. Prosecutors are empowered for criminal cases to seek the imposition of bail conditions or even pretrial incarceration. These powers do not exist with regulatory or administrative offences.

3. Penalties

Although individuals convicted of regulatory offences can, in some cases, receive jail terms or



significant fines, speaking generally those convicted of crimes face more serious penalties, with a greater risk of loss of liberty.

BAC Laws in Canada

Canada uses both criminal law and an administrative response to driving with impermissible BACs. The administrative response varies, but in most provinces and territories it kicks in at BACs exceeding 0.05. Drivers with provincially impermissible BACs are issued temporary suspensions. Only Alberta, Quebec and the Yukon Territories have no legislation prohibiting driving with BACs lower than 0.08.

Anyone convicted of a first offence under section 253(b) of the Criminal Code of Canada for driving or being in care or control of a motor vehicle with a BAC of more than 0.08 is subject to strict sanctions. These include: a minimum fine of \$600; a minimum driving prohibition of one year (with a maximum suspension of

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Comparison Point	International Jurisdictions (77)	Canada
A. Is driving with a BAC of 0.09 an offence?	YES, except in 22 of the jurisdictions, all American.	YES
B. Do fines, jail and licence suspensions apply at 0.09?	NO in 45 jurisdictions.*	YES
C. Is incarceration permitted for BAC offences at 0.09?	YES in about half of the jurisdictions (39 of 77).	YES
D. Are there minimum fines for blood alcohol offences?	NO in 59 jurisdictions.	YES. Canada has one of the highest minimum fines.
E. Do those convicted of driving over 0.09 lose their driver's licence or suffer driving prohibitions?	YES in 43 jurisdictions NO in 34 jurisdictions.*	YES. Prohibition is required. Tied with four jurisdictions for longest mandatory driving disqualification.

*Asterisk indicates the 22 American states in A are included.

BAC Report, from page 7.

three years possible); and a possible prison sentence. For subsequent offences, incarceration is required, and minimum driving prohibitions increase to two years and three years respectively, with the possibility for third offences of a lifetime prohibition.

None of the 20 comparison countries imposes mandatory minimum sentences on first offenders as Canada does.

Criminal and Administrative Responses Internationally

Due to the nature of the law in individual countries, determining whether the offence is considered criminal or administrative is difficult. To facilitate comparison, the following information is based on a hypothetical first offender. For the sake of simplicity, a regime is identified as criminal in this study if it involves the possibility of jail, and administrative if it does not.

Of the 12 European countries that use a 0.05 BAC, only one uses a criminal law approach at 0.05, while only two use a criminal law approach at BACs below 0.08. When Australia is added to the mix, of the 20 comparison jurisdictions that have 0.05 BACs, only four use a criminal law approach at 0.05, while only eight of 20 use a criminal law approach at BACs below 0.08.

Jail is possible at readings of 0.06 in four of the 20 comparison jurisdictions. These four jurisdictions also use driving suspensions.

Neither jail, nor driving suspensions are used at BACs of 0.06 in six of the 20 jurisdictions. These six jurisdictions treat low BAC violations as the functional equivalent of ticketed offences.

Of the 10 jurisdictions that use fines and driving suspensions, plus Norway (which relies exclusively on suspensions) the suspensions tend to be short, ranging from 15 to 30 days up to 6 months. Only three jurisdictions have longer suspensions of up to 12 months.

None of the 20 comparison countries imposes mandatory minimum sentences on first offenders as Canada does.

Did you know?

The Canadian Institute for Health Information reports that there were 197,002 hospital injury admissions in Canada in 1999/2000. More than half (54%) were caused by falls, followed by motor vehicle collisions (15%). From 1995/1996 to 1999/2000, injury hospitalizations dropped by just over 8%. Data for 1999/2000 show 6,663 people died in-hospital from their injuries — 8% more than five years earlier. Seventy-five per cent of these deaths were precipitated by a fall, while 10.9% were from motor vehicle collisions.

National Trauma Registry – Hospital Injury Admissions Report, 1999/2000, Feb. 27, 2002

A driverless taxicab is being developed in Cardiff, Wales. It is a battery-powered pod that seats up to four passengers and operates on a track. With a maximum speed of 40 km/h, it can pass cars and buses stuck in traffic. Passengers will “hail” the pod from a designated stop and select their destination along a set route. The cost to build the network is estimated at about one-third to one-half of the amount needed for a light railway. A ride would cost about as much as an ordinary bus trip.

Reuters Limited, London, February 25, 2002

Each day, about 2,000 American workers suffer eye injuries on the job, robbing many of them of their sight and costing employers an estimated \$4 billion a year. Welding equipment contributed to more than 11,000 eye injuries treated in U.S. hospital emergency rooms. Power grinders and buffers were second with nearly 10,000 eye injuries. Do-it-yourself renovation and repair have also led to more workplace-like eye injuries at home. Ninety percent of all workplace eye injuries are preventable with the use of proper eyewear and safety measures.

Prevent Blindness American, March 1, 2002

A U.S. study found that people who used tanning devices were 2.5 times more likely to get squamous cell carcinoma and 1.5 times more likely to get basal cell carcinoma than those who did not use the lamps. The danger is higher for those under 30 years of age. Commercial tanning beds are popular among teens — one study of high-school age girls found that over half had used one at least four times in the past year. Tanning devices have also been linked to melanoma, a more deadly form of skin cancer.

National Post, February 6, 2002

According to an Australian study, the Canadian dog bite fatality rate is higher than both the American and Australian rates. Hospitalization rates for dog bite injuries in Australia were stable between 1987 and 1998, but there was a decline for children under 5 years of age, corresponding with a reduction in dog ownership in that country. The study by the Monash University Accident Research Centre found that children 4 years old and younger had the highest rate of serious dog bite injuries, particularly facial, but adults had longer hospitalizations.

J. Ozanne-Smith, K. Ashby & V. Z. Stathakis, “Dog bite and injury prevention — analysis, critical review, and research agenda.” Injury Prevention; 7:321-326, December 2001

The estimated number of global road fatalities for 1999 is between 750,000 and 880,000. Highly motorized countries with 60 percent of all vehicles have only 14 percent of global traffic fatalities. Conversely, Asia/Pacific with only 16 percent of vehicles has about 44 percent of global deaths. The highest fatality rates (deaths per 10,000 vehicles) worldwide occur in Africa, particularly Ethiopia, Uganda and Malawi.

Estimating global road fatalities, G. Jacobs & A. Aeron-Thomas, Global Road Safety Partnership, 2001

Conclusion

While most of the comparison countries do use BACs of 0.05 in their legislation, most independent legal jurisdictions within those comparison countries do not. The approach to BAC law internationally is complex and varied. Countries and jurisdictions that have adopted 0.05 limits tend not to use criminal law approaches, which is what Canada would be doing by amending the *Criminal Code*.

Whether it is a good thing or not to adopt a 0.05 BAC in the *Criminal Code* of Canada is beyond the scope of this study. What is clear, however, is that it can be distorting rather than illuminating to attempt to make the case for moving to 0.05 in Canada by invoking foreign legislation. Δ

The 32-page study can be downloaded from the Canada Safety Council’s Web site (www.safety-council.org).