

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Thursday, January 16, 2014 9:36 AM
To: Fanning, Lindsey JTST:EX
Cc: Yelovatz, Maureen JTST:EX
Subject: s13, s14

Importance: High

Please file

From: Hughes, Trevor LBR:EX
Sent: Wednesday, January 15, 2014 10:18 PM
To: Byng, Dave A JTST:EX; Blakely, John H LBR:EX
Subject: s13, s14
Importance: High

See below for what I have sent to Dave Anderson just now.
Dave, we will see you in your Van office at 0800 unless we hear otherwise from you. s14

s14

Thanks.
T.

From: Hughes, Trevor LBR:EX
Sent: Wednesday, January 15, 2014 10:16 PM
To: Anderson, David WCB:EX
Subject: s13, s14
Importance: High

Dave, apologies for the lateness of the hour for email and phone conversations; s13, s14

s13, s14

s13, s14

We would appreciate your review of these facts as soon as you are able. Many thanks for your assistance. Let me know how I can be of assistance.
Trevor,

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Thursday, January 16, 2014 10:28 AM
To: Fanning, Lindsey JTST:EX
Subject: FW: WorkSafeBC Investigation Report on Babine

Importance: High

Hi Lindsey,

Would you see if MIT would be kind enough to print the pdf report off for me. I've printed the other two documents.

Dave

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 16, 2014 10:14 AM
To: Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Sharma, Rishi JTST:EX
Cc: Yelovatz, Maureen JTST:EX; Clunn, Karen E LBR:EX; Blakely, John H LBR:EX; Jensen, Allison H GCPE:EX; Gardner, Lindsay JTST:EX; Merrifield, Katy JTST:EX; Dhanowa, Damon JTST:EX
Subject: WorkSafeBC Investigation Report on Babine
Importance: High

Good morning. As you know, WorkSafeBC is releasing to families and injured workers in Burns Lake (Babine) its Incident Investigation Report (IIR) into the cause and underlying factors that led to the fire and explosion that killed 2 and injured 20. This report will be publicly released at 1pm followed by a media technical briefing. The IIR is partially redacted in that workers names are not disclosed (which you will see on page 1).

Also attached is a Briefing Note prepared by WorkSafeBC that may be helpful as it outlines the organization of the IIR and the major findings. Finally, you will see attached the statement that they are posting on their website along with the IIR at 1 pm.

If you have any questions, please let me know.

Thanks.

Trevor.



Babine - Final
Media Copy.pdf...



BN Babine
Final.docx



Babine doc.docx

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs

Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Victoria: 250 356-1346
Vancouver: 604 660-5157
Mobile s17

ADVICE TO MINISTER

WORKSAFEBC

Confidential: ISSUE NOTE

Ministry Responsible for Labour

Date: January 16th, 2014

Incident Investigation Report – Babine
Forest Products Ltd (Babine)

THE ISSUE: WorkSafeBC is releasing its Incident Investigation Report (IIR) into the cause and underlying factors that led to 2 deaths and 20 injuries in a catastrophic fire and explosion at this mill on January 20th, 2012.

WorkSafeBC's Incident Investigation Report (IIR) will become public to the families of the deceased workers and to injured workers at 10.00 a.m. on Thursday, January 16th; thereafter, the document will be in the public domain and will be posted on the WorkSafeBC website at 1.00p.m.

An IIR provides analysis and conclusions with regard to cause, as well as information on the underlying factors of an incident. An IIR does not address enforcement. Now that the Crown has decided no charges under the Workers Compensation Act (the Act) will be approved against Babine, WorkSafeBC investigators are considering appropriate orders and the next steps under the Act including the consideration of a penalty order. In the case that orders or penalty orders are issued, as a matter of fairness they are first issued to the employer and employer's counsel.

ADVICE: The IIR makes short statements regarding Scope and Synopsis. The rest of the Report is organised in four sections: Factual Information; Analysis; Conclusions; Health and Safety Action Taken.

IIR Scope: The Report addresses cause and underlying factors. The report does not address issues of enforcement.

IIR Synopsis: During the afternoon shift on January 20th, 2012 there was an explosion at the Babine Forest Products Ltd. sawmill. A large fireball burst through the roof of the northeast side of the mill, while the explosion travelled east to west through the operating and basement levels. Fire spread through the premises, completely destroying the mill. Two workers were killed in the fire and explosion and twenty others were injured.

IIR Factual Information: This sawmill, located on First Nations land, was acquired by Hampton Affiliates in 2006. Hampton holds an 89% interest and the Burns Lake Native Development Corporation holds 11%. Information is provided on the workforce, sawmill layout, work process, the dust collection system, spark detection system and other wood dust accumulation prevention measures. The final comments in this section relate to the sequence of events in the months, week and day before the incident, along with a description of the event itself.

IIR Analysis: The analysis of the incident focuses on the following:

- The cause of the incident: an explosion that resulted in fires in various areas of the sawmill
- How the various components required for an explosion were present in the sawmill
- The progression of the explosion and fires
- An analysis of the deaths of the Lead Hand and the Cut-off Saw Operator based on the evidence at the scene
- Changing conditions at the sawmill that may have contributed to the incident – with a focus on the mountain pine beetle
- Previous incidents – including a BC Safety Authority investigation into a dust explosion and significant fire on February 23rd, 2011
- WorkSafeBC involvement with Babine Forest Products

The Investigator asks: Was this a preventable incident and states that it was, in that:

- There was knowledge that the dust collection system was under-sized
- An electrical upgrade to accommodate this was challenging to Babine but there were no reductions in production while an upgrade was planned – in fact production increased
- Four of the components required for a wood dust explosion were not controlled – containment, ignition, dust as fuel and dispersion of dust. (The fifth component is oxygen.)
- There was considerable investment in upgrading production capability and improving the dust management system by opening floors, pressurizing the MCC panels and improving the waste conveyor system
- There had been a little work done on the sawmill dust collection system, and extra clean-up efforts were made following the February 23rd, 2011 explosion and fire
- Moving the collection ducting from trim saws and edgers to the bandsaw and debarkers meant areas had no dust collection
- No adequate actions were taken to reduce or control the levels of airborne wood dust even though this was the root cause of the violation cited in December 2011
- Effective action should have been taken to control airborne dispersion of dust and excessive accumulation on floors and surfaces

IIR Conclusions: The report concludes that all of the elements for a wood dust explosion were present and speaks to:

- The concentration of dispersed wood dust in the air
- Friction within the motor-reducer V-belt guard as an ignition source
- Ineffective wood dust control measures
- Ineffective inspection and maintenance of a solid guard at the motor reducer assembly's location
- Conditions of the wood and the effect of weather
- Waste conveyor configurations that increased airborne wood dust; and a volume of coarser wood dust and debris that exceeded the capacity of the waste conveyor system
- Inadequate supervision of clean-up and maintenance staff

IIR Health and Safety Action Taken: The IIR notes actions taken by WorkSafeBC and Industry. A more current update on actions taken is provided on the worksafebc.com website.

Current Round of Inspections: Officers have been inspecting sites November 2013 through the end of January 2014. A dedicated team of ten officers is conducting inspections of 146 sawmills. To date, 131 sawmills have been inspected; 86 orders have been written; 12 stop work orders have been issued; 3 warning letters have been issued and 19 penalties are under consideration. On completion of this third round of inspections complete information will be posted on our website – projection is the data will be available the first week of February.

Next Steps

Crown declined charges based on the inadmissibility of some evidence gathered by investigators and the foreseeability; that a due diligence defence would be open to the employer and as a result there is no likelihood of conviction.

WorkSafeBC officers are currently reviewing these violations and other matters. When any orders or penalty orders are finalised they will be provided first to the employer and to employer's counsel.

WorkSafeBC will now consider the application of orders or penalty orders under the authority of the *Workers Compensation Act*, the Occupational Health and Safety Regulation and Board Policy.

WorkSafeBC Incident Investigation Report – Babine Forest Products Ltd

January 16th, 2014

WorkSafeBC is releasing its Incident Investigation Report (IIR) into the cause and underlying factors that led to 2 deaths and 20 injuries in a catastrophic fire and explosion at this mill on January 20th, 2012.

The Incident Investigation Report is made public following meetings with the families of the deceased workers and injured workers from 10.00 a.m. today, January 16th 2014, to provide them with the information in the report. We recognize that the families and workers most affected by this tragedy have waited considerable time for this report and again we express our sorrow for the losses and injuries that they have suffered.

An IIR provides analysis and conclusions with regard to cause, as well as information on the underlying factors of an incident. An IIR does not address enforcement.

The IIR makes short statements regarding Scope and Synopsis. The remainder of the Report is organised in four sections: Factual Information; Analysis; Conclusions; Health and Safety Action Taken.

IIR Scope: The Report addresses cause and underlying factors. The report does not address issues of enforcement.

IIR Synopsis: During the afternoon shift on January 20th, 2012 there was an explosion at the Babine Forest Products Ltd. sawmill. A large fireball burst through the roof of the northeast side of the mill, while the explosion travelled east to west through the operating and basement levels. Fire spread through the premises, completely destroying the mill. Two workers were killed in the fire and explosion and twenty others were injured.

IIR Factual Information: This sawmill, located on First Nations land, was acquired by Hampton Affiliates in 2006. Hampton holds an 89% interest and the Burns Lake Native Development Corporation holds 11%. Information is provided on the workforce, sawmill layout, work process, the dust collection system, spark detection system and other wood dust accumulation prevention measures. The final comments in this section relate to the sequence of events in the months, weeks and days before the incident, along with a description of the event itself.

IIR Analysis: Analysis of the incident addresses:

- The cause of the incident: an explosion that resulted in fires in various areas of the sawmill
- How the various components required for an explosion were present in the sawmill
- The progression of the explosion and fires
- An analysis of the deaths of the Lead Hand and the Cut-off Saw Operator based on the evidence at the scene
- Changing conditions at the sawmill that may have contributed to the incident
- Previous incidents – including a BC Safety Authority investigation into a dust explosion and significant fire on February 23rd, 2011
- WorkSafeBC involvement with Babine Forest Products

The Investigator asks: Was this a preventable incident and states that it was, in that:

- There was knowledge that the dust collection system was under-sized
- An electrical upgrade to accommodate this was challenging to Babine but there were no reductions in production while an upgrade was planned and production increased
- Four of the components required for a wood dust explosion were not controlled – containment, ignition, dust as fuel and dispersion of dust. (The fifth component is oxygen.)

- There was considerable investment in upgrading production capability and improving the dust management system by opening floors, pressurizing the MCC panels and improving the waste conveyor system
- Some work had been done on the sawmill dust collection system and extra clean-up efforts were made following the February 23rd, 2011 explosion and fire
- Moving the collection ducting from trim saws and edgers to the bandsaw and debarkers meant some areas had no dust collection
- No adequate actions were taken to reduce or control the levels of airborne wood dust even though this was the root cause of the violation cited in December 2011
- Effective action should have been taken to control airborne dispersion of dust and excessive accumulation on floors and surfaces

IIR Conclusions: The report concludes that all of the elements for a wood dust explosion were present and addresses:

- The concentration of dispersed wood dust in the air
- Friction within the motor-reducer V-belt guard as an ignition source
- Ineffective wood dust control measures
- Ineffective inspection and maintenance of a solid guard at the motor reducer assembly's location
- Conditions of the wood and the effect of weather
- Waste conveyor configurations that increased airborne wood dust; and a volume of coarser wood dust and debris that exceeded the capacity of the waste conveyor system
- Inadequate supervision of clean-up and maintenance staff

IIR Health and Safety Action Taken: The IIR notes actions taken by WorkSafeBC and Industry at the time of the Babine and Lakeland incidents. A more current update on actions taken is provided on the worksafebc.com website.

Current Inspections: Officers announced sites would be inspected from November 2013 through to the end of January 2014. A dedicated team of ten officers is conducting inspections of 146 sawmills. To date, 131 sawmills have been inspected; 86 orders have been written; 12 stop work orders have been issued; 3 warning letters have been issued and 19 penalties are under consideration. On completion of this third round of inspections information will be posted on the worksafebc.com website.

Next Steps

WorkSafeBC officers are currently considering enforcement action under the authority of the *Workers Compensation Act* in regard to Babine Forest Products. Any orders or penalty orders issued are provided first to the employer and to employer's counsel.

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Thursday, January 16, 2014 5:08 PM
To: Fanning, Lindsey JTST:EX
Subject:
Attachments: s 13 s14

Please file

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>
Date: January 16, 2014 at 2:33:21 PM PST
To: "Fyfe, Richard J JAG:EX" <Richard.Fyfe@gov.bc.ca>
Cc: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Subject: s 13 s14

Richard, this is Trevor Hughes writing from Dave's email as I am using his computer. s13 s14

s13 s14

Thank you.
Trevor.

Pages 10 through 13 redacted for the following reasons:

s13, s14

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Thursday, January 16, 2014 5:09 PM
To: Fanning, Lindsey JTST:EX
Subject: Fwd: Advice to Minister
Attachments: s13, s14

Please file

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: January 16, 2014 at 3:03:35 PM PST
To: "Fyfe, Richard J JAG:EX" <Richard.Fyfe@gov.bc.ca>, "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>
Subject: Fwd: Advice to Minister

Richard and Dave, please see below and attached for WorkSafeBC's response to the facts. s13, s14

s13, s14

T.

Begin forwarded message:

From: "Anderson, David WCB:EX" <Dave.Anderson@worksafebc.com>
Date: January 16, 2014 at 2:37:52 PM PST
To: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Subject: Advice to Minister

s13, s14

s13, s14

s13, s14

NR

s13, s14

s13, s14

Dave Anderson
President & CEO
WorkSafeBC

Pages 16 through 20 redacted for the following reasons:

s13, s14

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Saturday, January 18, 2014 7:08 AM
To: Fanning, Lindsey JTST:EX
Subject: Fwd: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

Please file

Sent from my iPad

Begin forwarded message:

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: January 11, 2014 at 9:13:20 AM PST
To: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>, "Keenan, Jason GCPE:EX" <Jason.Keenan@gov.bc.ca>
Subject: RE: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

Here is a video of the interviews - first with a worker and another worker's wife and then the 2 lawyers.

<http://globalnews.ca/video/1075975/no-charges-laid-in-burns-lake-blast>

I'll leave to you whether it should be sent on to the Minister and staff.
Thanks.
T.

From: Byng, Dave A JTST:EX
Sent: Friday, January 10, 2014 10:30 PM
To: Hughes, Trevor LBR:EX
Subject: Fwd: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

FYI

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Bond, Shirley B JTST:EX" <Shirley.Bond@gov.bc.ca<<mailto:Shirley.Bond@gov.bc.ca>>>
Date: January 10, 2014 at 10:20:47 PM PST
To: "Dhanowa, Damon JTST:EX" <Damon.Dhanowa@gov.bc.ca<<mailto:Damon.Dhanowa@gov.bc.ca>>>, "Keenan, Jason

GCPE:EX" <Jason.Keenan@gov.bc.ca<mailto:Jason.Keenan@gov.bc.ca>>, "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca<mailto:Dave.Byng@gov.bc.ca>>, "Gardner, Lindsay JTST:EX" <Lindsay.I.Gardner@gov.bc.ca<mailto:Lindsay.I.Gardner@gov.bc.ca>>, "Sharma, Rishi JTST:EX" <Rishi.Sharma@gov.bc.ca<mailto:Rishi.Sharma@gov.bc.ca>>, "Merrifield, Katy JTST:EX" <Katy.Merrifield@gov.bc.ca<mailto:Katy.Merrifield@gov.bc.ca>>
Subject: Re: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

Thanks Damon

Sent from my BlackBerry 10 smartphone on the TELUS network.
From: Dhanowa, Damon JTST:EX
Sent: Friday, January 10, 2014 8:45 PM
To: Bond, Shirley B JTST:EX; Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Gardner, Lindsay JTST:EX; Sharma, Rishi JTST:EX; Merrifield, Katy JTST:EX
Subject: Re: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

Lawyers defend the actions of Worksafe. Mention;

They are an experienced investigation team, and move on to suggest crown was unlikely to pursue criminal charges regardless of their evidence collecting.

Company may still face compliance penalties from Worksafe - although their dust levels were (at that time) in compliance with acceptable standards.

From: Bond, Shirley B JTST:EX
Sent: Friday, January 10, 2014 8:32 PM
To: Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Gardner, Lindsay JTST:EX; Dhanowa, Damon JTST:EX; Sharma, Rishi JTST:EX; Merrifield, Katy JTST:EX
Subject: Fw: Global News: BC 1: Doroshenko/Koshman - mill explosion legalities

s13

s3

s3

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Sunday, January 19, 2014 9:53 PM
To: Fanning, Lindsey JTST:EX
Subject: Fwd: BCFed statement

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: January 16, 2014 at 5:59:49 PM PST
To: "Keenan, Jason GCPE:EX" <Jason.Keenan@gov.bc.ca>, "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>, "Sharma, Rishi JTST:EX" <Rishi.Sharma@gov.bc.ca>, "Blakely, John H LBR:EX" <John.Blakely@gov.bc.ca>
Subject: BCFed statement

<http://bcfed.ca/lack-of-charges-in-babine-explosion-shakes-worker-confidence-in-provincial-safety-agencies/>

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Saturday, January 18, 2014 12:39 PM
To: Hughes, Trevor LBR:EX
Cc: Keenan, Jason GCPE:EX; Blakely, John H LBR:EX; Yelovatz, Maureen JTST:EX; Fanning, Lindsey JTST:EX
Subject: Re: Globe and Mail Online: WorkSafeBC report says sawmill explosion was inevitable

s13 Trevor and I made the minister aware things were in motion and we would meet her request earlier today.

Dave

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

> On Jan 18, 2014, at 7:59 AM, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca> wrote:
>
> Jason and John, s13

s13

> Thanks all.

> T.

>

>

>

> From: Bond, Shirley B JTST:EX

> Sent: Friday, January 17, 2014 9:03 PM

> To: Byng, Dave A JTST:EX; Keenan, Jason GCPE:EX; Sharma, Rishi

> JTST:EX; Gardner, Lindsay JTST:EX; Dhanowa, Damon JTST:EX; Merrifield,

> Katy JTST:EX; Hughes, Trevor LBR:EX

> Subject: Fw: Globe and Mail Online: WorkSafeBC report says sawmill

> explosion was inevitable

>

- > Dave and Trevor
- > I would like an updated and thorough summary of everything that
- > WorkSafe, employers etc have done since the mill explosion - We need
- > any current materials refreshed and updated - It should include the
- > BSSA issuance of safety directives - immediate steps that we taken,
- > employer group that was formed - ongoing inspections since that day -
- > compliance efforts etc
- >
- > We want to be completely prepared for the questions - what has been
- > done, what is being done - are you satisfied workers are safer today
- > than they were on Jan 20th
- >
- > Make sure this is ready on Monday afternoon at the latest please
- > Please confirm this will be done asap SB
- >

s3

s3

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Monday, January 20, 2014 4:54 PM
To: Fanning, Lindsey JTST:EX
Subject: Fwd: Link to BCSA report 97 pages

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>
Date: January 20, 2014 at 1:24:01 PM PST
To: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>
Subject: Link to BCSA report 97 pages

http://safetyauthority.ca/sites/default/files/babine_investigation_report_-_final.pdf

Fanning, Lindsey JTST:EX

From: Byng, Dave A JTST:EX
Sent: Tuesday, January 21, 2014 3:03 PM
To: Fanning, Lindsey JTST:EX
Subject: Fwd: Coroner's Inquest into the Deaths of Mr. Robert LUGGI and Mr. Carl Rodney CHARLIE

Please add to my binder.

Thanks!

Dave Byng
Deputy Minister
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.
Province of British Columbia
Canada

Begin forwarded message:

From: "Keenan, Jason GCPE:EX" <Jason.Keenan@gov.bc.ca>
Date: January 21, 2014 at 10:59:17 AM PST
To: "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca>, "Blakely, John H LBR:EX" <John.Blakely@gov.bc.ca>, "McAndrews, Caroline GCPE:EX" <Caroline.McAndrews@gov.bc.ca>, "Ibbott, Susan GCPE:EX" <Susan.Ibbott@gov.bc.ca>, "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>, "Yelovatz, Maureen JTST:EX" <Maureen.Yelovatz@gov.bc.ca>, "Bond, Shirley B JTST:EX" <Shirley.Bond@gov.bc.ca>, "Dhanowa, Damon JTST:EX" <Damon.Dhanowa@gov.bc.ca>, "Gardner, Lindsay JTST:EX" <Lindsay.1.Gardner@gov.bc.ca>, "Merrifield, Katy JTST:EX" <Katy.Merrifield@gov.bc.ca>, "Sharma, Rishi JTST:EX" <Rishi.Sharma@gov.bc.ca>
Subject: FW: Coroner's Inquest into the Deaths of Mr. Robert LUGGI and Mr. Carl Rodney CHARLIE

This just in from MNGD from BCSA.

Jason

Hello All,

I write to advise that Chief Coroner Lisa Lapointe has directed that an inquest be held into the sudden deaths of Mr. Robert LUGGI and Mr. Carl Rodney CHARLIE. These men died on January 20, 2012 in a sawmill explosion at Burns Lake, BC. Their families have been made aware of the chief coroner's decision.

You will receive a **Notice of Inquest** when the time and place of the inquest are established.

A media release will be made later today.

Please address any concerns to Inquest Coordinator Ms. Maria Salas at Maria.Salas@gov.bc.ca.

Sincerely,

Chico Newell

**Resource Industry Coroner
Office of the Chief Coroner**

Local Phone: 250-861-7512

Toll Free: 1-888-991-2111

Local Fax: 250-861-7515

Toll Free Fax: 1-866-377-7515



Coroners Service

This electronic mail message is from the BC Coroners Service and is intended only for the person or entity named in the addressee field.

This message may contain information that is privileged, confidential or exempt from disclosure under applicable law.

If you are not the addressee or an employee or agent responsible for delivering this message to the addressee, please notify the sender immediately and destroy any copies you may have.

Any unauthorized distribution, copying or disclosure is strictly prohibited.

Blakely, John H LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, July 22, 2013 8:03 PM
To: Byng, Dave A JTST:EX; Lansdell, Hayden GCPE:EX; Gardner, Lindsay JTST:EX
Cc: Blakely, John H LBR:EX; Jensen, Allison H GCPE:EX
Subject: Globe and Mail article - just out

Importance: High

I think you will find the last 4 paragraphs of this story (which is overall very good and helpful) directly of use to the Minister in relation to her question about the transfer of the WorkSafeBC reports to Crown - and note that WorkSafeBC is quoted as is Neil MacKenzie for Crown.

s13

s13

T.

July 22, 2013

Copyright

Blakely, John H LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Tuesday, July 23, 2013 10:24 AM
To: Lansdell, Hayden GCPE:EX
Cc: Gardner, Lindsay JTST:EX; Blakely, John H LBR:EX
Subject: Re: WSBC

Approved.

From: Lansdell, Hayden GCPE:EX
Sent: Tuesday, July 23, 2013 10:13 AM Pacific Standard Time
To: Hughes, Trevor LBR:EX
Cc: Gardner, Lindsay JTST:EX; Blakely, John H LBR:EX
Subject: RE: WSBC

For review, based on the QAs Allison did:

s13

- s13 NR
- NR
- s13

From: Hughes, Trevor LBR:EX
Sent: Tuesday, July 23, 2013 9:33 AM
To: Lansdell, Hayden GCPE:EX
Cc: Gardner, Lindsay JTST:EX; Blakely, John H LBR:EX
Subject: Re: WSBC

s22 John can help on numbers. s13

From: Lansdell, Hayden GCPE:EX
Sent: Tuesday, July 23, 2013 09:28 AM Pacific Standard Time
To: Hughes, Trevor LBR:EX
Cc: Gardner, Lindsay JTST:EX; Blakely, John H LBR:EX
Subject: RE: WSBC

s13

From: Hughes, Trevor LBR:EX
Sent: Tuesday, July 23, 2013 9:27 AM
To: Lansdell, Hayden GCPE:EX
Cc: Gardner, Lindsay JTST:EX; Blakely, John H LBR:EX
Subject: Re: WSBC

Understand. What about using language and facts reportedly Globe this morning? Extract below.

Copyright

On Jul 23, 2013, at 9:21 AM, "Lansdell, Hayden GCPE:EX" <Hayden.Lansdell@gov.bc.ca> wrote:

Hi there,

s13

h

From: Hughes, Trevor LBR:EX
Sent: Tuesday, July 23, 2013 9:16 AM
To: Gardner, Lindsay JTST:EX
Cc: Lansdell, Hayden GCPE:EX; Blakely, John H LBR:EX
Subject: Re: WSBC

s13

T.

From: Gardner, Lindsay JTST:EX
Sent: Tuesday, July 23, 2013 09:12 AM Pacific Standard Time
To: Hughes, Trevor LBR:EX
Cc: Lansdell, Hayden GCPE:EX
Subject: WSBC

Trevor, can we use these specific numbers?

s13

From: Hughes, Trevor LBR:EX
Sent: Monday, January 13, 2014 4:03 PM
To: Blakely, John H LBR:EX
Subject: Fw: NDP Updated Release

From: Keenan, Jason GCPE:EX
Sent: Monday, January 13, 2014 03:56 PM Pacific Standard Time
To: Byng, Dave A JTST:EX; Hughes, Trevor LBR:EX
Subject: FW: NDP Updated Release

FYI – no media requests for us.

Statement by BC New Democrat leader Adrian Dix and Worksafe BC critic Harry Bains on the botched investigation into the Babine Forest Products explosion



Print

January 13, 2014

There remain far too many unanswered questions about the tragic explosion at the Babine Forest Products mill.

It is clear that the Clark government has bungled the investigation into the causes of the explosion that killed two workers, injured many others and deeply scarred the community of Burns Lake.

Almost a year ago today, in the lead up to the election, cabinet ministers Shirley Bond and Rich Coleman intervened directly, ordering that a report by the B.C. Safety Authority on the explosion not be released to the public.

Now we find out that charges cannot be laid because WorkSafe BC made procedural errors while conducting its investigation.

Under Premier Clark's watch, WorkSafe BC and the Criminal Justice Branch, agencies that are supposed to protect workers, failed to properly coordinate a critical investigation into a tragic event that caused death and injury.

It is simply outrageous that the Clark government allowed this to happen, especially considering the issue of workplace incidents and criminal investigations is not new.

A federal law passed in 2003 allowed criminal charges against managers and owners regarding unsafe workplace conditions, yet we have seen several incidents in British Columbia where workers have died but no criminal prosecutions were ever undertaken.

For example, in 2007, three workers were killed and 14 were injured in a rollover of a van transporting farm workers in Abbotsford. A year later, three mushroom farm workers were killed and two were left with permanent, life-altering injuries because of a gas leak.

Our questions to the premier are these:

Why didn't the B.C. government learn from previous incidents and ensure WorkSafe BC investigators are trained to treat workplace injury locations as potential crime scenes?

Why did the two lead government agencies fail to talk to each other in the aftermath of the explosion to make sure the investigation was run properly and to ensure the investigation was not compromised?

And what steps is she taking to ensure that this inexcusable mistake is never repeated?

Premier Clark's ministers were more than capable of intervening to hush up a hard hitting report into the cause of the accident when it was politically expedient, but they failed miserably when it came to ensuring proper investigation protocols were followed.

As a result, it was clear charges would not have held up in court.

A tragic case such as this, which caused death and serious injury, deserves better from Premier Clark and her government.



Adrian Dix

Vancouver-Kingsway

Adrian Dix was elected leader of the B.C. New Democrats in April 2011.



Harry Bains

Surrey-Newton

Harry Bains was re-elected as the MLA for Surrey-Newton in May 2013. He was first elected in May 2005 and re-elected in May 2009.

Andy Watson

Public Affairs Officer – Government Communications and Public Engagement

Ministry of Jobs, Tourism and Skills Training and Responsible for Labour

W: 250 356.7959 / C: 778 679.5667

E: andy.watson@gov.bc.ca

Blakely, John H LBR:EX

From: Keenan, Jason GCPE:EX
Sent: Tuesday, January 21, 2014 1:23 PM
To: McAndrews, Caroline GCPE:EX; Ibbott, Susan GCPE:EX; Currie, David GCPE:EX; Hughes, Trevor LBR:EX; Blakely, John H LBR:EX; Byng, Dave A JTST:EX; Yelovatz, Maureen JTST:EX; Bond, Shirley B JTST:EX; Dhanowa, Damon JTST:EX; Gardner, Lindsay JTST:EX; Merrifield, Katy JTST:EX; Sharma, Rishi JTST:EX
Subject: HEADS UP: Key messages - Chief Coroner Babine inquest
Categories: Red Category

Minister

s13

NR

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 9, 2014 8:57 AM
To: Byng, Dave A JTST:EX; Sharma, Rishi JTST:EX
Cc: Merrifield, Katy JTST:EX; Blakely, John H LBR:EX; Keenan, Jason GCPE:EX; Gardner, Lindsay JTST:EX; Yelovatz, Maureen JTST:EX
Subject: Babine sawmill - s13
Importance: High

Dave and Rishi, please find attached a briefing note prepared by WorkSafeBC in anticipation of Crown Counsel's news release at 10 am tomorrow regarding the Crown's decision on whether criminal charges should be applied to the owners of the mill. s13, s14

s13, s14

s13, s14

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NR

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s13

Let me know if you wish to speak about any of the above and/or attached.
Trevor.

s13

NR

From: Jensen, Allison H GCPE:EX
Sent: Thursday, January 9, 2014 4:34 PM
To: Hughes, Trevor LBR:EX; Blakely, John H LBR:EX
Subject: Babine materials
Importance: High

Here is what I have sent to Jason for the MO

s13

s13

Thanks.. Allison

From: Jensen, Allison H GCPE:EX
Sent: January-09-14 4:22 PM
To: Keenan, Jason GCPE:EX
Cc: McAndrews, Caroline GCPE:EX; Currie, David GCPE:EX
Subject: For MO: Babine materials
Importance: High

Hi Jason,

s13

Also attached are materials provided by various parties:

- 4) WorkSafeBC briefing note
s13, s14
- 6) MNGD (BCSA) issue note

s13

Please let me know if you need anything else.

Thanks.. Allison

Allison Jensen

Government Communications and Public Engagement

Ministry of Jobs, Tourism and Skills Training and Responsible for Labour

250 356-8177 (office) s17 (mobile)

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Jobs, Tourism and Skills Training and Responsible for Labour</p> <p>Date: January 9, 2013</p> <p>Minister Responsible: Hon. Shirley Bond</p>	<p>DRAFT</p> <p>Babine explosion: CJB announcement</p>
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SUGGESTED RESPONSES:

- I would like to extend my condolences to those who were injured or lost loved ones in this tragedy.
- I commend the families for their grace and dignity at this very difficult time.

s13

WorkSafeBC will be releasing its investigation findings.

- Before their Investigation Report becomes public, WorkSafeBC will meet with families and workers in order to share these findings with them first. I am advised that meetings will be arranged for this coming week.

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ADVICE TO MINISTER

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ADVICE TO MINISTER

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Communications Contact:	<i>Allison Jensen</i>	<i>6-8177</i>
Program Area Contact:	<i>John Blakely</i>	<i>6-9987</i>
File Created:	<i>January 9, 2013</i>	
File Updated:		
File Location:	<i>Location on LAN</i>	

Program Area	Comm. Director	ADM	DM	Sent to MO
JB	JK	TH		

Pages 45 through 47 redacted for the following reasons:

s13

s13, s14

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Natural Gas Development

Updated: January 7, 2014

Minister Responsible: Rich Coleman

Babine Sawmill – BC Safety Authority Report

SUGGESTED RESPONSES:

- BC Safety Authority's primary concern is safety.
- BC Safety Authority has not released the full ^{NR} Babine investigation reports to avoid compromising Crown Counsel's review of a referral from WorkSafeBC.
- BC Safety Authority is committed to transparency and it is their intention to release the full reports at such time as it is appropriate to do so.
- BC Safety Authority did release a detailed recommendations report in order to make sure information necessary to enhance safety was publically available.

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- WorkSafeBC is in the best position to respond to questions about their investigation.

KEY FACTS:

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Not Responsive

Not Responsive

BACKGROUND:

In January 2012, an explosion and fire at the Babine Sawmill in Burns Lake killed two workers, injured 20 people and cost another 250 their jobs.

WorkSafeBC investigates workplace incidents involving injuries and fatalities. Sometimes they refer investigations to police.

Communications Contact:	Melissa Peters	250-387-1373
Program Area Contact:	Quinn Newcomb	778.396.2131
File Created:		
File Updated:		

Program Area	Deputy	Comm. Dir
QN		

Babine Forest Products explosion: CJB announcement

Timeline

Friday, January 10:

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- **10:45 approximately:** WorkSafeBC's director of Fatal and Serious Investigations Jeff Dolan will speak to the audience concerning WorkSafeBC's process going forward.
 - Mr. Dolan is expected to speak for about 30 minutes. Some questions will be taken.
 - WorkSafeBC will release its statement to its website WorkSafeBC.com during Mr. Dolan's presentation. WorkSafeBC may tweet to reporters advising that a statement from WorkSafeBC is available.
 - WorkSafeBC will utilize Mr. Dolan's statement for media. WorkSafeBC does not intend to do media interviews at that time, referring reporters to its statement.
- **11:00 approximately:**
 - BC Safety Authority will release a statement online. This will go out AFTER WorkSafeBC's statement is released.

Week of January 13 – 17:

- During the early part of the week, WorkSafeBC representatives will meet with the families of the fatally injured workers and with those who are injured to advise them of the contents of the investigation report.
 - Once those meetings are completed, WorkSafeBC will release its investigation report to its website WorkSafeBC.com.
- During the early part of the week, the BC Safety Authority will reach out to families to invite them to meet and discuss their report findings.
 - BCSA will publicly release their report after WorkSafeBC's report is released.
- Towards the end of the week, WorkSafeBC will schedule a technical briefing for interested media by telephone.
 - Interested reporters will have the opportunity to ask technical questions concerning the report. During this media opportunity, WorkSafeBC's Vice President, Prevention Services Al Johnson will also be available for questions concerning WorkSafeBC's inspection initiatives with the sawmill and wood products processing industry.
 - In the event reporters do not question Mr. Johnson, WorkSafeBC will release the results of its latest inspectional initiative in the near future.

ADVICE TO MINISTER

WORKSAFE BC

Confidential: ISSUE NOTE

Ministry Responsible for Labour

Date: January 8th, 2014

Babine Forest Products: Release of Incident Investigation Report

THE ISSUE:

On January 10th, 2014 in Burns Lake, Crown will meet with the families of deceased workers; 25 physically injured workers; and with those representatives that the affected families and workers bring with them. The Crown will communicate their decision regarding a prosecution under *the Workers Compensation Act* ("the Act"). It is the Crown's intention to remain in the community over the weekend to meet with individuals and smaller groups as needed. The Crown has advised that the WorkSafeBC Incident Investigation Report ("IIR") into the explosion at Babine Forest Products on January 20th, 2012 can be released after that meeting.

WorkSafeBC staff have been invited to the meeting. Following the Crown's announcement, Director of Investigations, Jeff Dolan, will outline the next steps for WorkSafeBC. These next steps are outlined below.

ADVICE:

Clear Statement by the Crown and Statement by WorkSafeBC: WorkSafeBC has received the confidential draft of the Crown's Clear Statement (under a confidentiality agreement) and Mr. Dolan has provided comment. Following the statement by the Crown at the meeting in Burn's Lake, Mr. Dolan will provide WorkSafeBC's statement. We anticipate providing that statement to the Ministry on Friday.

Release of the IIR: WorkSafeBC, in accordance with longstanding practice, will make arrangements to provide a copy of the redacted (for privacy purposes) IIR to the families of deceased workers and to injured workers. Staff from the Family and Critical Response Unit, along with Investigation Officers will be available to provide information on the IIR and answer questions.

The IIR sets out WorkSafeBC's analysis and conclusions regarding the cause and underlying factors leading to the incident on January 20th 2012 at Babine. The purpose of the report is to communicate findings regarding cause; possible enforcement action arising from the incident is not addressed in the report.

It is anticipated that the redacted IIR will be released to families and affected workers the week of January 13th. Staff will begin to make contact regarding availability after the meeting on the 10th.

After meeting(s) with families and workers, WorkSafeBC staff will also advise the Employer, the Sawmill CEO Council, and representatives from the United Steelworkers that the IIR has been released and has been posted on WorkSafeBC's website. WorkSafeBC's Report to Crown is not being released; however it is possible that interested parties may request this document through the FIPPA process.

WorkSafeBC practice is to release the redacted IIR to the Ministry of Labour at the same time it is provided to the families and affected workers. Should the Minister require a copy of the redacted IIR and a technical briefing ahead of that timeframe; staff can be made available for that purpose.

Technical Briefing for Media: At this point we anticipate a call in briefing for media on Thursday 16th or Friday 17th January. (Date to be confirmed pending arrangements for meetings with family members and affected workers.)

Enforcement: The IIR does not address enforcement action contemplated under the authority of the Act. The Act and Board Policy are the basis for considering an administrative penalty.

WorkSafeBC's longstanding practice is to release the IIR which speaks to cause and preventive action separate from the release of any information regarding enforcement action. In the interests of fairness, information regarding any enforcement action is provided first to the employer and employer's counsel because any sanction is directed to them. Thereafter, other interested parties, families, workers and any representatives are made aware of enforcement action. Penalty orders issued by WorkSafeBC are reviewable and appealable.

NR

NR

it is

anticipated that defense counsel would seek disclosure of the Babine Report to Crown Counsel.

NR

From: Ellis, Roberta [<mailto:Roberta.Ellis@worksafebc.com>]
Sent: Friday, January 10, 2014 10:30 AM
To: Hughes, Trevor LBR:EX; Blakely, John H LBR:EX; Jensen, Allison H GCPE:EX
Subject: Statement: Babine Forest Products Investigation

s13

Roberta

Roberta Ellis
Senior Vice President
Corporate Services and Human Resources
WorkSafeBC

Follow us on Twitter, YouTube, or one of our many social networks:
http://www.worksafebc.com/news_room/SocialNetworks/default.asp

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Burns Lake, British Columbia, 10th January 2014

Crown Announces No Charges against Babine Forest Products

WorkSafeBC Speaks to Families and Workers

Jeff Dolan, Director of Investigations, WorkSafeBC

I would like to begin by thanking the community of Burns Lake and specifically the families of Mr. Charlie and Mr. Luggi and every worker and family affected by this tragedy for the opportunity to speak with you today.

Crown has communicated its Clear Statement that no charges will be approved against Babine Forest Products (Babine) following the January 20, 2012 explosion and fire that killed 2 workers and injured many others. A two year process with two distinct phases has led us to this point.

WorkSafeBC as the investigative agency was responsible for gathering the evidence. Following our investigation Crown Counsel considered that evidence to assess whether it is sufficient to approve charges.

This morning Crown outlined their process for considering the evidence gathered by an investigative agency in assessing whether there is sufficient basis to approve charges and has also clearly stated their reasons for not approving charges against Babine.

I am here today to speak for WorkSafeBC about the investigation and next steps.

Before I proceed, it is important that I reinforce that today's announcement will not in any way affect the existing claims of anyone in this room or anyone else affected by the Babine incident. If you have any questions regarding your claim please contact your claim manager.

Charges are only approved where Crown Counsel is satisfied that (1) the evidence gathered by the investigative agency provides a substantial likelihood of conviction, and if so, that (2) a prosecution is required in the public interest.

Crown has stated there is no substantial likelihood of conviction for any of the regulatory offences recommended following the WorkSafeBC investigation of the Babine incident citing two reasons:

1. The inadmissibility of some of the evidence gathered by investigators, and
2. The defence of due diligence

Crown has concluded that the manner with which investigators gathered some of the evidence under the authority of the *Workers Compensation Act* (the *Act*) would likely render it inadmissible in court.

Notwithstanding that fact, Crown Counsel was satisfied that the remainder of the available and admissible evidence provides a sufficient factual underpinning for a number of potential offences under provincial legislation.

The remaining admissible evidence does support, to the standard of proof beyond a reasonable doubt, (i) a theory that there was sawdust in the mill at the time of ignition and that the sawdust was at least one fuel for the fire; (ii) at the time of the incident, there was an accumulation of sawdust in the sawmill. The preponderance of the evidence is that dust conditions in the mill were relatively good, but imperfect, at the time of the incident; (iii) the evidence shows that Babine workers were killed and injured in the workplace in this incident.

Given that the sawmill ignited, burned and exploded, accumulated sawdust was one factor in the fire, and workers were killed and injured; Crown has stated that they would likely be able to prove the underlying factual elements of the alleged unlawful acts.

This evidence provides a factual basis to support a case on four regulatory charges:

- Failing to prevent hazardous accumulation of material, contrary to OHSR 4.41;
- Failing to safely remove combustible dust, contrary to OHSR 5.81;
- Failing to ensure the health and safety of workers, contrary to the WCA, s.115(1);and
- Failing to remedy hazardous workplace conditions, contrary to WCA s.115(2)

('OHSR' Occupational Health and Safety Regulation; 'WCA' *Workers Compensation Act*)

The Crown has, however, concluded that the defence of due diligence and its branches of foreseeability and reasonable measures would reasonably be open to the employer and as a result there is no substantial likelihood of a conviction on any of the charges recommended by WorkSafeBC.

In addition to outlining the assessment of the evidence and how Crown arrived at its decision, the clear statement provides comment on the investigative theories of the cause of the explosion and fire. I will not be commenting on these theories for two reasons:

1. The detailed investigation report into the explosion and fire at the Babine will be released during the week of January 13, 2014; first to the Luggi and Charlie families and the injured workers prior to a public release that same day.
2. Now that Crown has decided that no charges will be approved against Babine, WorkSafeBC investigators are considering appropriate orders and the next steps under the act, including the possibility of recommending an administrative penalty against Babine.

For these two reasons it is not appropriate for me to comment on the due diligence defence, since it can be raised by the employer should they request a review of any orders or penalty issued to them.

I would however like to speak to Crown's statements regarding the admissibility of evidence collected during the course of this investigation.

WorkSafeBC respects the fact that Crown thoroughly assessed the admissibility of all of the evidence presented to them, as well as any defences that could reasonably arise on behalf of Babine.

WorkSafeBC appreciates the fact that in deciding whether there is a substantial likelihood of conviction, Crown must consider any viable defences that could be asserted by a defendant should charges be approved.

My reason for speaking to the admissibility of evidence is to preserve the public's trust in our investigations, which WorkSafeBC has worked very hard to earn, and to maintain public confidence in our investigations.

WorkSafeBC responds to and investigates all reported workplace incidents that result in serious injury or death of a worker to determine the cause and underlying factors that led to the incident.

Our officers conduct investigations under the authority of the *Workers Compensation Act* (the 'Act').

Under the *Act*, a WorkSafeBC officer has the authority to enter a workplace and conduct an investigation for the purpose of ascertaining the facts and circumstances of a work related incident, injury, illness or death. This regularly includes the taking of photographs and other recordings. Officers can, and most often do, require that a workplace or part of a workplace remain undisturbed for a reasonable period of time until the examination is complete.

The *Act* further allows for officers to employ the appropriate equipment, methods and external expertise for conducting their examination of materials, debris, equipment, machinery or other things at that place. Officers may remove samples and conduct further tests of machines, materials or other things found at that place.

The *Act* states that, when conducting an investigation, an officer may require that records (e.g. of training, inspection, Occupational Health and Safety meetings) be produced so that they may be inspected and copied. Officers may also question or interview persons regarding matters that may be relevant to the incident being investigated.

For at least the past decade, WorkSafeBC officers have conducted investigations of fatal and/or serious injury incidents at workplaces under the authorities that I have just listed. This includes the Babine investigation.

At the time of the Babine explosion, WorkSafeBC conducted its investigation using a methodology that involves collecting information from various sources to understand the facts and circumstances of the incident and analyzing that information to identify causal and underlying factors that led to the incident.

Our officers attended the Babine site within hours of the explosion and fire and remained at the site for 13 weeks, conducting one of, if not the largest, scene examination in the history of WorkSafeBC and the province.

In the case of Babine the investigation also applied the principles set out in the National Fire Protection Association (NFPA) 921, *Guide for Fire and Explosion Investigations*, including:

- Securing and examining the incident site – officers were on site for 10 weeks (after waiting approx. 3 weeks for safe access)
- Taking notes and (14,000) photographs
- Securing and examining in excess of 700 exhibits including any equipment involved, documentation and other things
- Interviewing over 100 mill workers, management and other persons with relevant information
- Establishing the origin of the explosion and the ignition source
- Identifying blast and thermal damage
- Developing different hypotheses to explain the explosion
- Testing these hypotheses to eliminate them or confirm their validity
- Conducting tests of materials or equipment that may have contributed to the incident

Analysis of the data included:

- Determining a sequence of events that led to the explosion
- Examining the contributory events for unsafe acts and conditions

- Exploring the underlying factors that made the unsafe acts or conditions possible
- Identifying health and safety deficiencies

The analysis was conducted by a team of 30 people over the course of 10 months and experts and laboratories in BC, Eastern Canada and the USA were also enlisted to assist with the analysis.

Under the authority of the *Workers Compensation Act* this evolving investigative methodology has been employed by WorkSafeBC for at least the past decade to investigate major workplace incidents, including the multiple fatality confined space incident at a Langley Mushroom Farm in 2008, which led to *Workers Compensation Act* charges being approved by Crown Counsel in 2010 and ultimately led to a conviction in 2011.

Since April 2012 the evolving WorkSafeBC investigative methodology has progressively adopted the theories and methodologies of major case management referenced by Crown.

As the causes and underlying factors of an incident are identified WorkSafeBC has the responsibility to inform the public and make recommendations to the affected industry that may serve to prevent future injury, disease or death.

Beginning in May of 2012, as we slowly began to understand what may have occurred at Babine, and by that point the Lakeland Mills sawmill, WorkSafeBC began to publicly share its findings with workers, their families, industry and other stakeholders.

At the conclusion of an investigation officers will identify any violations of the *Act* and OHSR. The Babine investigation was concluded in late November of 2012, at which time investigators turned their minds to identifying possible violations of the *Act* and OHSR based on the complete information available to them.

Under the *Act* employers can be fined or penalized for violations of the *Act* or OHSR for failure to take sufficient precautions to prevent work-related injury or for having an unsafe workplace or working conditions.

Reserved for the most serious workplace incidents, an employer may also be prosecuted in provincial court for a violation of the *Workers Compensation Act* or OHSR. WorkSafeBC will pursue a prosecution where the circumstances are such that the public interest in protecting worker health and safety is better served by that process over administrative remedies.

In late November 2012, after considering all of the available facts of the circumstances that led to the Babine explosion and fire, a Report to Crown Counsel was submitted for consideration of charges under the *Workers Compensation Act*.

In September of last year this evidence was ultimately organized into a final electronic Report to Crown Counsel comprised of tens of thousands of pages of evidence for consideration of charges.

WorkSafeBC accepts Crown Counsel's decision that no charges will be approved against Babine. We also acknowledge the reasons set out in the Clear Statement including the opinion of Crown Counsel with respect to challenges to the admissibility of evidence that may have arisen from the manner in which evidence was collected, including whether there was compliance with the *Charter of Rights and Freedoms*, or with other statutory and legal requirements.

Prior to the Babine investigation Crown Counsel approved charges in 31 cases between 1996 and 2010, 24 of which resulted in a conviction.

In the 31 cases WorkSafeBC investigators gathered and submitted evidence to Crown Counsel using the WorkSafeBC investigation methodologies and authorities granted by the *Workers Compensation Act*.

Looking ahead WorkSafeBC respects the evolution of the legal requirements, including the application of the *Charter of Rights and Freedoms*, evidentiary rules, and relevant case law that must be considered when conducting workplace incident investigations that may ultimately result in a referral to Crown Counsel for prosecution.

Next Steps

The Babine Incident Investigation Report will be released during the week of January 13th, 2014. WorkSafeBC subject matter experts, critical incident response specialists and counselors will be in the community, or elsewhere as required, to meet with the families and injured workers.

The Investigation Report will be made available on the worksafebc.com website later that same day.

At present, WorkSafeBC investigators and legal officers are considering the *Act* and Regulation and any appropriate responses including orders and the possibility of recommending an administrative penalty.

I have no more information for you at this time. You will be contacted early next week by members of our staff who will explain how you will be receiving a copy of our Investigation report. As well, arrangements will be made for you to meet with our investigators to review the report if you so wish.

I may be able to answer some of your questions, but, as I have said, I will not be able to speak to the due diligence defence identified by Crown Counsel as this is a matter to be considered and evaluated in our administrative penalty considerations.

We will share more information with you regarding possible orders and penalties against the employer following the release of the Investigation Report.

Thank You.

NR

From: Hughes, Trevor LBR:EX
Sent: Friday, January 10, 2014 11:36 AM
To: Byng, Dave A JTST:EX; Yelovatz, Maureen JTST:EX
Cc: Blakely, John H LBR:EX; Keenan, Jason GCPE:EX
Subject: FW: Statement: Babine Forest Products Investigation

WorkSafeBC's reply which has been posted on their website and sent to GCPE.



Final Burns
Lake.pdf

NR

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 16, 2014 10:14 AM
To: Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Sharma, Rishi JTST:EX
Cc: Yelovatz, Maureen JTST:EX; Clunn, Karen E LBR:EX; Blakely, John H LBR:EX; Jensen, Allison H GCPE:EX; Gardner, Lindsay JTST:EX; Merrifield, Katy JTST:EX; Dhanowa, Damon JTST:EX
Subject: WorkSafeBC Investigation Report on Babine
Importance: High

Good morning. As you know, WorkSafeBC is releasing to families and injured workers in Burns Lake (Babine) its Incident Investigation Report (IIR) into the cause and underlying factors that led to the fire and explosion that killed 2 and injured 20. This report will be publicly released at 1pm followed by a media technical briefing. The IIR is partially redacted in that workers names are not disclosed (which you will see on page 1).

Also attached is a Briefing Note prepared by WorkSafeBC that may be helpful as it outlines the organization of the IIR and the major findings. Finally, you will see attached the statement that they are posting on their website along with the IIR at 1 pm.

If you have any questions, please let me know.

Thanks.

Trevor.

→ PUBLIC DOCUMENT



Babine - Final
Media Copy.pdf...



BN Babine
Final.docx



Babine doc.docx

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Victoria: 250 356-1346
Vancouver: 604 660-5157
Mobile:

s17

NR

From: Keenan, Jason GCPE:EX

Sent: Thursday, January 16, 2014 11:19 AM

To: McAndrews, Caroline GCPE:EX; Hughes, Trevor LBR:EX; Blakely, John H LBR:EX; Yelovatz, Maureen JTST:EX; Byng, Dave A JTST:EX; Bond, Shirley B JTST:EX; Dhanowa, Damon JTST:EX; Gardner, Lindsay JTST:EX; Merrifield, Katy JTST:EX; Sharma, Rishi JTST:EX

Subject: Updated Babine note

Minister,

Here is the updated IN on Babine based on what PCC is saying.

Jason

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Jobs, Tourism and Skills Training and Responsible for Labour</p> <p>Date: January 10, 2014 (updated Jan 16)</p> <p>Minister Responsible: Hon. Shirley Bond</p>	<p>Babine explosion: CJB announcement</p>
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SUGGESTED RESPONSES:

- Premier Christy Clark has announced that B.C.'s top civil servant will perform a review of this case.
- In order to make sure that justice is done, we have to start with the facts. John Dyble will establish the facts and report back to the premier with recommendations.

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- I would like to extend my condolences to those who were injured or lost loved ones in this tragedy.
- I commend the families for their grace and dignity at this difficult time.

s13

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

ADVICE TO MINISTER

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ADVICE TO MINISTER

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ADVICE TO MINISTER

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Key Facts:

On Thursday, January 16, Premier Christy Clark asked her deputy minister to begin a review of the case, establish the facts and deliver recommendations to the premier in the event mistakes were made.

Background:

On Friday, January 10, the Criminal Justice Branch made a "clear statement" that there was no substantial likelihood of conviction for any of the recommended charges and as a result it would not be approving the charges under the *Workers Compensation Act* in relation to the January 20, 2012 explosion at Babine Forest Products' sawmill in Burns Lake. The explosion killed two workers and physically injured 25 others.

After the CJB's announcement, WorkSafeBC released a statement regarding next steps. The Incident Investigation Report (redacted version) was released on January 16 through a briefing with the affected families, followed by a public release (web-posted) later in the week.

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A chronology of past and future events related to this matter is in the appendix.

BCSA Report

On May 8, 2013, the BC Safety Authority issued a statement regarding its January 2013 decision to issue a recommendation report, and that there was interference in its decision to hold back its investigation report. See the statement below. On

ADVICE TO MINISTER

January 13, 2014, the leader of the official opposition reiterated accusations of interference.

The BCSA will release their full report on the Babine explosion immediately after WorkSafeBC's report is made public.

For further information regarding next steps, please see attached WorkSafeBC's briefing note titled *Babine Forest Products: Release of Incident Investigation Report*.

Communications Contact:	Allison Jensen	6-8177
Program Area Contact:	John Blakely	6-9987
File Created:	January 9, 2014	
File Updated:	January 16, 2014	
File Location:	Location on LAN	

Program Area	Comm. Director	ADM	DM	Sent to MO
JB	JK	TH		

Appendix A: Chronology of events

Date	Event
2011	<p>In 2011, seven inspections were conducted on Babine Forest Products, and out of those inspections, four orders were issued:</p> <ul style="list-style-type: none"> ○ 1 for guarding equipment ○ 2 logging related ○ 1 for pine dust <p>The inspection for pine dust was conducted on November 23, 2011 and the order was written on December 28, 2011 for contravention of OHS regulation section 5.48, exposure limits.</p> <p>Also in 2011, a fire at the mill was investigated by the BC Safety Authority as per their jurisdiction. There were no injuries, the employer conducted an investigation. Regional WorkSafeBC prevention officers understand that the mill was upgrading master control circuit panels (on off switches and lights) and that during mechanical work a fire started and was confined to a smaller area.</p>
January 20, 2012	<p>At approximately 8:15 p.m., a massive explosion and fire occurred at Babine Forest Products. Two workers were killed and 21 were physically injured.</p> <p>The early response included:</p>

ADVICE TO MINISTER

	<ul style="list-style-type: none"> • At approximately 22:00, the incident was reported to the WorkSafeBC after-hours line. A second report was received from Prince George RCMP shortly after. • The Regional Prevention Manager in Prince George initially dispatched four officers to the site. • Throughout Saturday Prevention Officers collected preliminary site information from the perimeter – but could not access accident site due to fire. • Prevention Officers collected injured worker information from the employer and other community contacts and liaised with our compensation and special care services staff.
January 25, 2012	WorkSafeBC publicly released Babine Forest Products' inspection history (2011 history noted above). An issue note was prepared on the topic, titled "Babine Forest Products inspection reports".
January 26, 2012	RCMP concluded its investigation and turned responsibility of the site over to WorkSafeBC.
April 19, 2012	WorkSafeBC returns Babine site to the employer.

NR

May 2, 2012	A joint communiqué was released by B.C.'s major forest companies and associations regarding mill safety. The companies established a task force to investigate combustion risks and create an industry-wide standard to provide independent assurance of mill safety.
May 14, 2012	WorkSafeBC provided industry with further information regarding ignition sources common to both investigations that were located at the conveyor level, where electrical and/or mechanical equipment was in operation in areas contained by walls and

ADVICE TO MINISTER

	equipment.
--	------------

NR

August 16, 2012	WorkSafeBC officials met via conference-call with industry and labour stakeholders to share information about recent test results that have been produced as a result of the Babine Forest Products investigations. NR NR NR
November 29, 2012	WorkSafeBC announced its investigations into both incidents were complete, and outlined next steps for forwarding the files to Crown.
January 15, 2013	BC Safety Authority issued their recommendations report, featuring nine recommendations directed at wood processing facility owners and operators.
May 8, 2013	The BC Safety Authority (BCSA) issued a statement and safety order relating to regulated electrical equipment ordering sawmills to verify that they have valid operating permits in place, that proper maintenance procedures are being carried out, and that incidents are being reported as per existing BCSA directives.
Early September 2013	WorkSafeBC referred the Babine files to Crown.

NR

January 10, 2014	Criminal Justice Branch issued their clear statement, in which they stated that no charges would be laid in the Babine explosion and fire. WorkSafeBC and BCSA issued public statements in response.
January 13, 2014	Leader of the Opposition calls for independent review of

ADVICE TO MINISTER

	WorkSafeBC and CJB's handling of the case.
January 16, 2014	Premier Clark asked B.C.'s top civil servant to review the case and deliver recommendations on next steps.
January 16, 2014	WorkSafeBC publicly released their investigation report. WorkSafeBC held a technical briefing via telephone with media soon after the report is released. BCSA will release their report and a statement immediately after WorkSafeBC's report goes out.
Future date	Event
End of January (TBC)	WorkSafeBC to publicly release information regarding administrative penalties.

NR

Appendix B: BCSA statement, May 8, 2013

Babine Investigation Report – BC Safety Authority Statement

BCSA's primary concern is safety. We take our safety responsibilities very seriously and this is why all information collected during the Babine investigation which was pertinent to safety was released in a recommendations report and followed up with multiple Safety Orders aimed at addressing dust hazards in wood processing facilities. The most recent Safety Order was posted May 7: <http://www.safetyauthority.ca/news/lakeland-mills-investigation-report-safety-order>.

Throughout our investigations into the mill explosions of 2012, BC Safety Authority has worked collaboratively with agencies that have similar interests in public safety. In January 2013, BC Safety Authority made the choice not to release the full Babine investigation report to avoid compromising Crown Counsel's review of a referral from WorkSafeBC. The following provides more information about our decision process:

- Upon completion of our investigation into the Babine Forest Products incident, BCSA prepared an investigation report. This report has not been destroyed or compromised in any way. It remains completely intact and we still intend to release it at the appropriate time.
- When we were originally preparing for the release of the full report, we shared the report with those having direct interests and related obligations (namely the owner/operators of the mill, other safety agencies, BCSA's Board of Directors and our reporting Ministry).

ADVICE TO MINISTER

- We were approached by WorkSafeBC with concerns that the public release of the full BCSA report might jeopardize a future prosecution process based on WSBC's referral of their own investigation findings to Crown Counsel. Therefore, WSBC requested we not release our full report until the conclusion of the Crown Counsel review.
- A conference call was held to discuss the report in relation to Crown Counsel's review. On this call were representatives from the Ministry of Justice and Attorney General, Ministry responsible for Labour (WorkSafeBC) and Ministry of Energy and Mines (BC Safety Authority).
- BC Safety Authority carefully considered the request from WorkSafeBC and determined that releasing the information necessary to enhance safety was paramount. We thereby proceeded to release a detailed recommendations report in lieu of the full report.
- BCSA further asked that any pre-circulated copies of the full report be destroyed to avoid inadvertent disclosure that might undermine Crown's process.

BCSA has widely shared the recommendations report with industry and the public to provide the information needed to promote technical system safety improvements. Our recommendations and the associated Safety Orders are very specific and detailed to provide the appropriate guidance for wood processing facilities to assess and manage potential risks in their operations. We continue to work with industry and other agencies on this and other safety initiatives.

NR

From: Hughes, Trevor LBR:EX

Sent: Thursday, January 16, 2014 6:00 PM

To: Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Sharma, Rishi JTST:EX; Blakely, John H LBR:EX

Subject: BCFed statement

<http://bcfed.ca/lack-of-charges-in-babine-explosion-shakes-worker-confidence-in-provincial-safety-agencies/>



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[About BC Unions](#)

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Lack of charges in Babine explosion shakes worker confidence in provincial safety agencies

Copyright

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B.C. Federation of Labour: #200-5118 Joyce Street Vancouver, BC Canada, V5R 4H1 Phone: 604-430-1

Maintained by members of COPE 378 and USW 2009

Authorized by Irene Lanzinger, Financial Agent, 604-430-1421

Hughes, Trevor LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Friday, January 11, 2013 2:33 PM
To: Byng, Dave A JTST:EX
Cc: Yelovatz, Maureen JTST:EX; Blakely, John H LBR:EX; Lansdell, Hayden GCPE:EX; McAndrews, Caroline GCPE:EX; Jensen, Allison H GCPE:EX
Subject: RE: URGENT - Crown response to BCSA report
Importance: High

Dave, further to my note below,

s13, s14

s13, s14

Thanks.
T.

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 10, 2013 3:47 PM
To: Byng, Dave A JTST:EX
Cc: Yelovatz, Maureen JTST:EX; Blakely, John H LBR:EX
Subject: URGENT - Crown response to BCSA report
Importance: High

Dave,

s13, s14

s13, s14

This is obviously going to be an issue for Minister Bond tomorrow – assuming she is aware of it from her staff. I think we need to let our Minister know, obviously, s13, s14

s13, s14

You should also know that BCSA has released the report to the Fire Commissioner
and to the employer,

s13, s14

s13, s14

Let me know if you'd like to discuss and/or how you'd like to proceed.

Thanks.

T.

Hughes, Trevor LBR:EX

From: Fyfe, Richard J JAG:EX
Sent: Thursday, August 15, 2013 2:59 PM
To: Carr, Steve MNGD:EX
Cc: Vasey, Jeff OHCS:EX; Hughes, Trevor LBR:EX
Subject: s14

Thanks Steve. I will pass this on to Trevor now
RF

s14

From: Carr, Steve MNGD:EX
Sent: Thursday, August 15, 2013 2:57 PM
To: Fyfe, Richard J JAG:EX
Cc: Vasey, Jeff OHCS:EX
Subject:

s14

Richard -

s14

s14

Hughes, Trevor LBR:EX

From: Bond, Shirley B JTST:EX
Sent: Thursday, August 15, 2013 3:49 PM
To: Hughes, Trevor LBR:EX
Cc: Lalari, Terry JTST:EX; Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX
Subject:

s13, s14

Thank you for clarifying this.
SB

Sent from my iPad

On 2013-08-15, at 3:35 PM, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca> wrote:

Minister, an update on this item. I have connected with DMs Fyfe and Carr. I

s13, s14

T.

On Aug 14, 2013, at 7:55 PM, "Bond, Shirley B JTST:EX"
<Shirley.Bond@gov.bc.ca> wrote:

s13

Sent from my iPad

On 2013-08-14, at 7:36 PM, "Hughes, Trevor LBR:EX"
<Trevor.Hughes@gov.bc.ca> wrote:

s13, s14

T.

From: Bond, Shirley B JTST:EX
Sent: Wednesday, August 14, 2013 07:09 PM Pacific Standard Time
To: Hughes, Trevor LBR:EX
Cc: Lalari, Terry JTST:EX; Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX
Subject: s13, s14
s13, s14

Not to worry, I have had a constant stream of interruptions. This is very important. s13, s14

s13, s14

SB
Sent from my iPad

On 2013-08-14, at 6:45 PM, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca> wrote:

Minister, s22
s22 but I wanted you
to be aware of the item below
given your role as Minister
Responsible for Labour and the

s14, s13

s14

I am going to speak to DM Fyfe
tomorrow s22 to

s14, s13

s14, s13 I. I will update you after
that call.

s13, s14

If you have any questions, I'm
available any time by email or
cell s17 Many
thanks s22
s22
Trevor.

Begin forwarded message:

From: "Hughes,
Trevor LBR:EX"
<Trevor.Hughes@gov.bc.ca>
Date: August 14,
2013, 6:24:55 PM
PDT
To: "Fyfe,
Richard J
JAG:EX"
<Richard.Fyfe@g

ov.bc.ca>, "Carr,
Steve MNGD:EX"
<Steve.Carr@gov.
bc.ca>

Subject: s14, s13

s14, s13

Richard and Steve,
I need to bring an
important issue to
your attention.

Richard knows
me as ADM of the
Labour Division
in the Ministry of
Jobs, Tourism and
Skills Training
which is
responsible for
WorkSafeBC -
sorry, Steve, we
have not been
formally
introduced (and I
hope I'm not
mistaken that you
are now DM for
the B.C. Safety
Authority).

s14, s13

s14, s13

s14, s13

Many thanks.
Trevor.

s17

Hughes, Trevor LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Wednesday, January 15, 2014 6:18 PM
To: Anderson, David WCB:EX
Subject: Materials

Importance: High

Dave – 2 items for your consideration. The BCSA statement from May 8, 2013 and the NDP release January 13, 2014.

Babine Investigation Report – BC Safety Authority Statement

Copyright

Statement by BC New Democrat leader Adrian Dix and Worksafe BC critic Harry Bains on the botched investigation into the Babine Forest Products explosion

January 13, 2014

There remain far too many unanswered questions about the tragic explosion at the Babine Forest Products mill.

It is clear that the Clark government has bungled the investigation into the causes of the explosion that killed two workers, injured many others and deeply scarred the community of Burns Lake.

Almost a year ago today, in the lead up to the election, cabinet ministers Shirley Bond and Rich Coleman intervened directly, ordering that a report by the B.C. Safety Authority on the explosion not be released to the public.

Now we find out that charges cannot be laid because WorkSafe BC made procedural errors while conducting its investigation.

Under Premier Clark's watch, WorkSafe BC and the Criminal Justice Branch, agencies that are supposed to protect workers, failed to properly coordinate a critical investigation into a tragic event that caused death and injury.

It is simply outrageous that the Clark government allowed this to happen, especially considering the issue of workplace incidents and criminal investigations is not new.

A federal law passed in 2003 allowed criminal charges against managers and owners regarding unsafe workplace conditions, yet we have seen several incidents in British Columbia where workers have died but no criminal prosecutions were ever undertaken.

For example, in 2007, three workers were killed and 14 were injured in a rollover of a van transporting farm workers in Abbotsford. A year later, three mushroom farm workers were killed and two were left with permanent, life-altering injuries because of a gas leak.

Our questions to the premier are these:

Why didn't the B.C. government learn from previous incidents and ensure WorkSafe BC investigators are trained to treat workplace injury locations as potential crime scenes?

Why did the two lead government agencies fail to talk to each other in the aftermath of the explosion to make sure the investigation was run properly and to ensure the investigation was not compromised?

And what steps is she taking to ensure that this inexcusable mistake is never repeated?

Premier Clark's ministers were more than capable of intervening to hush up a hard hitting report into the cause of the accident when it was politically expedient, but they failed miserably when it came to ensuring proper investigation protocols were followed.

As a result, it was clear charges would not have held up in court.

A tragic case such as this, which caused death and serious injury, deserves better from Premier Clark and her government.



Adrian Dix
Vancouver-Kingsway
Adrian Dix was elected leader of the B.C. New Democrats in April 2011.



Harry Bains
Surrey-Newton
Harry Bains was re-elected as the MLA for Surrey-Newton in May 2013. He was first elected in May 2005 and re-elected in May 2009.

Hughes, Trevor LBR:EX

From: Fyfe, Richard J JAG:EX
Sent: Thursday, January 16, 2014 5:05 AM
To: Hughes, Trevor LBR:EX
Subject:
Attachments: s14

Pages 88 through 100 redacted for the following reasons:

s14

Hughes, Trevor LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Thursday, January 16, 2014 10:14 AM
To: Keenan, Jason GCPE:EX; Byng, Dave A JTST:EX; Sharma, Rishi JTST:EX
Cc: Yelovatz, Maureen JTST:EX; Clunn, Karen E LBR:EX; Blakely, John H LBR:EX; Jensen, Allison H GCPE:EX; Gardner, Lindsay JTST:EX; Merrifield, Katy JTST:EX; Dhanowa, Damon JTST:EX
Subject: WorkSafeBC Investigation Report on Babine
Importance: High

Good morning. As you know, WorkSafeBC is releasing to families and injured workers in Burns Lake (Babine) its Incident Investigation Report (IIR) into the cause and underlying factors that led to the fire and explosion that killed 2 and injured 20. This report will be publicly released at 1pm followed by a media technical briefing. The IIR is partially redacted in that workers names are not disclosed (which you will see on page 1).

Also attached is a Briefing Note prepared by WorkSafeBC that may be helpful as it outlines the organization of the IIR and the major findings. Finally, you will see attached the statement that they are posting on their website along with the IIR at 1 pm.

If you have any questions, please let me know.

Thanks.

Trevor.



Babine - Final
Media Copy.pdf...



BN Babine
Final.docx



Babine doc.docx

Trevor Hughes
Assistant Deputy Minister
Industrial Relations and Labour Programs
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Victoria: 250 356-1346
Vancouver: 604 660-5157
Mobile: s17

WORK SAFE BC

INCIDENT INVESTIGATION REPORT

WORKING TO MAKE A DIFFERENCE

Notice of incident number 2012161980018	Date of incident January 20, 2012	Location of incident 19479 Highway 16 East Burns Lake, B.C.
Lead investigating officer Paul Orr	Investigation file number 2012-0013	Incident outcome FATAL (2) INJURY (20)
Report approved by manager, Fatal and Serious Injury Investigations Steven Ramsden	Signatures	Date November 29, 2012, amended August 29, 2013

PARTIES INVOLVED IN INCIDENT

Employer	Name and address Babine Forest Products Limited 19479 Highway 16 East Burns Lake, BC V0J1E0	Employer ID 328321	Industry classification 714022 Sawmill
Workers		[X] Deceased	Occupation #1 Cut-off saw operator
		[X] Deceased	Occupation Lead hand, B-shift
		[X] Injured	Occupation Eliminator operator
		[X] Injured	Occupation Quality control
		[X] Injured	Occupation Break relief worker
		[X] Injured	Occupation Basement clean-up worker
		[X] Injured	Occupation Bin operator

Hughes, Trevor LBR:EX

From: Blakely, John H LBR:EX
Sent: Thursday, January 16, 2014 10:20 AM
To: Hughes, Trevor LBR:EX
Subject: Comments on the Babine Incident Investigation Report

Trevor, I reviewed the report. Overall, the report appears to be very thorough and it appears to make a strong connection between the evidence and the conclusion that the explosion was preventable.

s13

Page 41. The report indicates that the President of Babine Forest Products stated to investigators "...that the mill was not designed for processing beetle-killed wood because of the breakage and wood waste."

s13

s13

Page 74. The report notes that a key order issued by WorkSafeBC was issued for excessive levels of airborne dust, and not for combustible dust accumulation per se.

s13

The quote from the report is as follows: "Prior to the incident, WorkSafeBC did not enforce the combustible dust provisions of the Occupational Health and Safety Regulation at the Babine sawmill. However, as set out above, a violation order for excessive levels of airborne dust was issued, with the expectation that Babine would improve its ventilation system. As the employer, Babine was responsible to ensure that its operations complied with occupational health and safety legislation."

Page 71. There is a discussion about Ministry of Forests, Lands and Natural Resource Operations policy on stumpage rates for salvage-harvest, the fact that these rates are very low, and that these low rates had given sawmills incentive to harvest the dead timber and process it into saleable lumber products. It goes on to make a link between volumes processed and profits.

s13

s13

"The B.C. Ministry of Forests, Lands and Natural Resource Operations sets the sumpage rate for salvage-harvest pine very low, at 25 cents per cubic meter, which is significantly lower than for other species types....The very low stumpage rate has given sawmills incentive to harvest the dead timber and process it into saleable lumber products. Even with the problems of low moisture content, breakage, and greater volumes of dust being produced, there is still profit to be made due to the low stumpage rate. The more lumber processed, the greater the profit. At the Babine sawmill, much effort was devoted to tweaking feed-speeds, shift arrangements, assignments of workers, and other production-related activities to attain higher production levels of lumber per shift. A similar effort was not put into controlling the potentially explosive levels of dust created by these increased production levels."

s13

first and quick read. I hope this is helpful.

Thanks,

John Blakely
Executive Director
250-356-9987

Hughes, Trevor LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, January 20, 2014 1:45 PM
To: Anderson, David WCB:EX
Subject: RE: Advice to Minister

Importance: High

Thanks. This will be helpful especially if it can be received today.

Two further questions.

s13, s14

s13, s14

NR

s13, s14

s13, s14

Thank you.
Trevor.

From: Anderson, Dave [mailto:Dave.Anderson@worksafebc.com]
Sent: Monday, January 20, 2014 12:19 PM
To: Hughes, Trevor LBR:EX
Subject: Re: Advice to Minister

Will have a response this afternoon. Jeff has completed draft. I can't read it because I am in meeting with NR

Sent from my iPhone

On Jan 20, 2014, at 8:54 AM, "Hughes, Trevor LBR:EX" <Trevor.Hughes@gov.bc.ca> wrote:

Dave, thanks kindly for your email and letter.

s13, s14

s13, s14

s13, s14

s13, s14

NR

s13, s14

s13, s14

s13, s14

Thank you in advance for your continued assistance.
Trevor.

From: Anderson, Dave [<mailto:Dave.Anderson@worksafebc.com>]
Sent: Thursday, January 16, 2014 2:38 PM
To: Hughes, Trevor LBR:EX
Subject: Advice to Minister

s13, s14

s13, s14

s13, s14

NR

s13, s14

s13, s14

Dave Anderson
President & CEO
WorkSafeBC

s14

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http://www.worksafebc.com/news_room/SocialNetworks/default.asp

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Hughes, Trevor LBR:EX

From: Anderson, Dave [Dave.Anderson@worksafebc.com]
Sent: Monday, January 20, 2014 5:31 PM
To: Hughes, Trevor LBR:EX
Subject: FW: Advice to Minister - Joh Dyble review information

Trevor

s13, s14

s13, s14

Dave Anderson

s13, s14

Pages 111 through 113 redacted for the following reasons:

s13, s14

Hughes, Trevor LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, January 20, 2014 7:24 PM
To: Fyfe, Richard J JAG:EX; Byng, Dave A JTST:EX
Subject: RE: s14, s13
Attachments: s14, s13
Importance: High

Richard and Dave, s14, s13

s14, s13

I am happy to answer any questions you may have either by email or if there is a call/meeting tomorrow.
Thanks for asking for my input.
Trevor.

From: Fyfe, Richard J JAG:EX
Sent: Sunday, January 19, 2014 9:06 PM
To: Byng, Dave A JTST:EX; Hughes, Trevor LBR:EX
Subject: s14, s13

Dave & Trevor

s14, s13

Thanks,
RF

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General
Tel. (250) 356-0149

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Pages 115 through 155 redacted for the following reasons:

s13

s13, s14