

September 15, 2015

T.E. Chico Newell
Presiding Coroner
Metrotower II
Suite 800 – 4720 Kingsway
Burnaby BC
V5H 4N2

RECEIVED

SEP 21 2015

MINISTRY OF JUSTICE
OFFICE OF THE CHIEF CORONER

Dear Mr. Newell,

Re: Jury Recommendations- Babine Forest Products (File 2012:0602:0001/0002)

On July 31, 2015 the inquest jury into the deaths of Carl Rodney Charlie and Robert Francis Luggi released a number of recommendations aimed at preventing future incidents in wood processing facilities. These recommendations build upon ongoing efforts by regulators, industry participants and the Lakeland Mills coroner's jury and BC Safety Authority (BCSA) recognizes the jury's valuable contribution to public safety.

This letter is to advise you of the status of jury recommendation No. 32 which is directed at BCSA.

Jury Recommendation No. 32

Have flow restricting or automatic cut-off valves installed on natural gas lines where combustible wood dust is present.

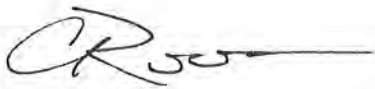
Background to the Recommendation: Evidence showed that the main gas line flowed freely for 40 minutes before being shut off.

BCSA has evaluated different types and configurations of valves to achieve the jury's recommendation and will recommend to the Canadian Standards Association that the code be amended to specifically provide for this.

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We trust this is the information required for the coroner's office to assess implementation of the jury's recommendations and invite you to contact BCSCA at any time if further information is required. BCSCA will continue our focus on the safety of technical systems in wood processing facilities taking into account the jury's recommendation.

Yours truly,

A handwritten signature in black ink, appearing to read 'CR', followed by a long horizontal line.

Catherine Roome
President and CEO

pc: Brad Wyatt, Gas Safety Manager (Acting), BCSCA

A small, stylized handwritten mark or signature in blue ink, located in the bottom right corner of the page.



BC Forest Safety
Unsafe is Unacceptable

MAG

Manufacturing Advisory Group

October 23, 2015

Ms. Lisa Lapointe,
Chief Coroner
BC Coroners Service, Ministry of Justice
Metrotower II Suite #800
4720 Kingsway
Burnaby, BC V5H 4N2

Dear. Ms. Lapointe:

**Re: Jury Recommendations - Lakeland Mill (File 2012:0607: 0044/0045) and /
- Babine Forest Products (File 2012:0612: 0001/0002)**

The Manufacturing Advisory Group (MAG) and the BC Forest Safety Council (BCFSC) are committed to the principle that every worker deserves to go home injury-free at the end of each shift. We therefore thank the jurors, witnesses, families, legal counsel and BC Coroners Service for their participation in the inquests to help further that objective. We also know that one of the best ways we collectively may honour the memories of these four men – Glenn Francis Roche, Alan Harvey Little, Carl Rodney Charlie and Robert Francis Luggi – is by ensuring stakeholders in this matter continue to implement the knowledge, processes and procedures identified to help prevent any similar re-occurrence in the future. MAG and the BCFSC are fully committed to working with the other agencies named in the juries' recommendations to ensure effective solutions are achieved.

This letter serves as our formal response to indicate our views, actions and intended future actions relating to the juries' recommendations specific to MAG and the BCFSC which became the health and safety association for MAG, effective April 1, 2015, on a trial basis until December 31, 2016.

We will ensure that you are kept apprised of the progress that is made in implementing these recommendations.

Lakeland Mill

Jury Recommendations at the Inquest into the deaths of Alan Harvey Little and Glenn Francis Roche:

No. 1. Collaborate to develop a training program with certification to foster active participation in joint health and safety committees.

MAG and the BCFSC will undertake a comprehensive review of this recommendation in collaboration with the United Steelworkers. MAG companies are fully committed to ensuring active as well as effective participation in joint health and safety committees with the purpose of creating and sustaining workplaces that effectively meet the health and safety needs of all workers.

No. 28. Minutes of all mill safety committee meetings and investigations must be forwarded and read by all supervisors, superintendents, managers and mill owners.



This is currently best practice and well established in many mills. Mills within MAG have made available prototype minute documents and distribution lists, available via the BCFSC website to assist any of the smaller mills that may not already have these processes in place.

No. 29. Mills must ensure that there are enough millwrights, mechanics, electricians and clean-up staff to keep up with the daily demands of mill operation. Inspections, repairs, maintenance and clean-up should not be allowed to fall behind.

MAG is strongly committed to ensuring that the right resources are in place for the type, size and nature of operations, whether 24-hour or 12-hour operating cycles with different shifts. MAG companies have trained their managers, supervisors and workers to impress upon them that everyone has a continuing responsibility to monitor situations where dust is accumulating beyond acceptable levels as legislated. In addition, all employees have been reminded and are expected to report any unsafe work situation and have the right to stop work if they feel dangerous dust accumulations are occurring. A large percentage of MAG company operations have also incorporated daily inspections of dust accumulation, technology and clean-up efforts by an independent staff member or contractor. These daily inspections have been sustained as a best practice following the conclusion of Phase 5 inspections by WorkSafeBC.

No. 30. There should be a "Safety Watch Person" on every shift to continually monitor dust systems, vacuum systems, conveyors and electric motors.

As previously noted, everyone has been trained to monitor situations including where dust is accumulating beyond acceptable levels as legislated. In addition, every MAG operation is committed to adhering to the dust management plan established for their operations which includes the monitoring of each piece of equipment to ensure that dust levels are within the pre-defined safety levels. Our view is that there is a stronger system in place with every individual in the mill, management and hourly, essentially trained and monitoring dust as part of their roles.

No. 31. Implement recommendations #1, #2 and #3 of the BC Safety Authority Report into the Lakeland Mills Ltd. Explosion and Fire, which are:

Recommendation #1: Document a facility assessment to identify hazardous locations that is completed by a professional that is qualified to identify combustible dust hazardous locations, and in accordance with a recognized industry standard for combustible dust hazardous locations.

Recommendation #2: Where hazardous locations are identified and contain regulated equipment, document a plan to either: develop and implement auditable wood dust management practices for these locations that are accepted by a qualified person as an effective means to manage the combustion hazard; or, configure the equipment for safe operation given the presence of the combustible dust hazard. Safe operating configurations include:

a) obtaining approval for operation in the hazardous location, or



b) permanent removal of the equipment from the hazardous location.

Recommendation #3: Incorporate any identified hazardous locations and the chosen means to manage the combustion hazards into the facility's Fire Safety Plan, or other suitable facility document(s).

These recommendations deal with the documentation and identification of hazardous locations and the development of plans to manage dust accumulations around those locations. These recommendations became a safety order which all operations have now met.

Babine Forest Products

Jury Recommendations at the Inquest into the deaths of Robert Francis Luggi and Carl Rodney Charlie:

No. 1. Ensure that all plants have proper outdoor lighting, a fire pumping system, a stand-alone first aid facility and well identified muster stations. All of these installations should be serviced by a fully functional automatic emergency power system.

MAG and the BCFSC will undertake a comprehensive review of this recommendation.

No. 27. Compile and make available best practices including life safety engineering related to construction of new wood processing plants and for refitting old plants to address combustible dust issues.

MAG companies presently share and make available best practices including life safety engineering related to construction of new wood processing plants and for refitting existing plants to address combustible dust issues.

MAG has also worked with a number of engineering firms and insurance companies over the past two years and is confident that all new construction and refitting of existing MAG plants will be carried out in such a way to effectively manage and mitigate combustible dust issues. In addition, the MAG Sawmill Dust Audit includes evaluating new and retrofitted construction features, engineered ventilation systems, and mechanical and electrical systems.

No. 28. Encourage employers to utilize the existing Manufacturing Advisory Group dust audit tool regarding combustible dust mitigation.

MAG companies are required to utilize the MAG dust audit tool as a condition of participating in MAG. In addition, in 2014, the BCFSC in conjunction with the MAG, made available a team of technical expert advisors for all sawmills in BC. The purpose of the initiative was to provide comprehensive support and expertise to the sawmill industry on combustible dust control and mitigation at no cost to the industry. MAG and the BCFSC have worked and continue to work with the various industry associations to encourage employers to utilize the MAG dust audit including making the audit tool available on the various industry association websites.

No. 33. To ensure the effective sharing of information to ensure ongoing risks can be evaluated by all members of the safety community.



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MAG

Manufacturing Advisory Group

MAG meets regularly to discuss and share information regarding ongoing risks. To support this sharing and dissemination of information, a section on the BCFSC website is being created as an online resource for industry and others to find relevant, timely information on safety issues facing mills.

Please contact us if any further information or clarification on the above is required. Our commitment to safety is unwavering, and we thank you for the opportunity to provide this input.

Yours truly,

Ken Higginbotham,
On behalf of MAG

Reynold Hert, CEO
BC Forest Safety Council



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MAR 28 2016

MINISTRY OF JUSTICE
OFFICE OF THE CHIEF CORONER

Ref: 112320

MAR 24 2016

Ms. Lisa Lapointe
Chief Coroner
Office of the Chief Coroner
Metrotower II
Suite 800 – 4720 Kingsway
Burnaby, BC V5H 4N2

Dear Ms. Lapointe:

I am writing to provide a formal update with respect to the implementation of the recommendations to the British Columbia (BC) government which were issued by the Coroner's Jury and the Presiding Coroner on July 31, 2015. Those recommendations came as a result of the inquest into the tragic deaths of Mr. Robert Luggi Jr. and Mr. Carl Charlie in the 2012 Babine sawmill tragedy.

Jury recommendations #29 and #30 were directed to the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour (JTSTL). In addition, a number of recommendations were made to other provincial government ministries and agencies. These include:

- Office of the Fire Commissioner
- Minister of Justice
- WorkSafeBC.

As Minister Responsible for Labour, I have assumed the role of coordinating the response to you for the recommendations directed to provincial government ministries and agencies with the exception of WorkSafeBC. WorkSafeBC will respond to you directly with respect to the recommendations aimed at them given their independence from government. I understand that these responses will be published on your website and will form part of the official public record in connection with the Jury Verdict.

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I would also like to emphasize on behalf of my colleagues that the matters raised by the Jury's recommendations are very important and that they are matters that government takes most seriously. As I also stressed in response to the tragedy at the Lakeland mill, we have been deeply moved by the loss experienced by the families impacted. I have stated publicly, a commitment from government, to do everything we can to ensure this kind of event never happens again. That includes carefully and seriously considering all of the recommendations from the Coroner's inquests.

Responses from the affected provincial ministries and agencies are provided as follows:

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

Recommendation 29: Expand Section 132 of the *Workers Compensation Act* to give a WorkSafeBC Officer the power to address issues that are unresolved at the Joint Occupational Health and Safety Committee for an extended period of time. Add to the current wording "...a co-chair of the committee may report this to the board..." to include a co-chair or a WorkSafeBC Officer.

Response:

This recommendation seeks to allow WorkSafeBC to become involved in resolving a joint committee disagreement on its own initiative in order to help avoid Occupational Health and Safety (OHS) committee matters going unresolved for long periods of time. Through the introduction and passing of Bill 35, *Workers Compensation Amendment Act (No. 2)*, 2015, JTSTL has responded in a very meaningful and direct way to the recommendation.

Section 5 of Bill 35 specifies that WorkSafeBC can now investigate and attempt to resolve, on its own initiative, an OHS committee disagreement on a matter relating to health and safety. The amendment means that while a co-chair may still report a disagreement to WorkSafeBC; WorkSafeBC may also attempt to resolve a disagreement when it becomes aware of the disagreement through other means (i.e., other than being informed by a co-chair). For example, WorkSafeBC may become aware of a committee disagreement in the course of conducting a general inspection of a workplace.

Recommendation 30: Amend Section 176 (2) of the *Workers Compensation Act* to ensure that a copy of the full incident investigation report is provided to the Joint Occupational Health and Safety Committee or the worker representative. Add in a new section as follows:

- (c) “either,
 - (i) provide the report to the joint committee or worker health and safety representative, as applicable, or
 - (ii) if there is no joint committee or worker health and safety representative, strategically post the report at the workplace.”

Response:

Through the introduction and passing of Bill 35, *Workers Compensation Amendment Act (No. 2)*, 2015, JTSTL has responded in a very meaningful and direct way to this recommendation.

The previous section 176 of the *Workers Compensation Act* required that employers submit their full incident investigation report to WorkSafeBC within 30 days of a reportable safety incident; unless WorkSafeBC considers it appropriate to extend the 30-day timeline.

Section 8 of Bill 35 amended the *Workers Compensation Act* to require that employers also provide their full incident investigation reports to the workplace health and safety committee within 30 days of the incident occurring. For smaller workplaces that are not required to have such committees, the report now needs to be submitted to the workplace health and safety representative, or, where there is no such representative, be posted at the work site.

The amendment continues to allow WorkSafeBC to extend the 30-day timeline where WorkSafeBC considers it appropriate to do so – for example, for a complicated investigation.

Office of the Fire Commissioner:

Presiding Coroner Collaborate in the creation of a regulation to ensure companies in the wood products manufacturing industry in all lands of the province have an annual fire inspection to ensure compliance with the application of the Fire Code to be conducted by an inspector approved by the Office of the Fire Commissioner.

NOTE – this recommendation was also directed at WorkSafeBC

Response:

In discussions with WorkSafeBC, the Office of the Fire Commissioner has been advised that the WorkSafeBC response will identify the limits of their jurisdiction to establish the recommended regulation under the *Workers Compensation Act*. Under the *Fire Services Act*, the requirement for inspections (including wood products manufacturing) is mandated within municipalities. Federal and non-Treaty First Nations lands fall under federal jurisdiction outside of the scope of the *Fire Services Act*. Currently there is no statutory requirement for mandatory inspections outside of municipalities and the Office of the Fire Commissioner mandate does not provide for the provision of regular inspections.

While existing statutory authorities do not enable the recommended regulation, recent and ongoing initiatives are in place to support fire safety standards compliance in wood products manufacturing facilities throughout the province. Working within its mandate, WorkSafeBC inspectors do inspect these facilities, including those located outside of a municipality and on First Nations land. Where concerns are noted with respect to fire hazards (including combustible dust) or inadequate fire safety plans, there is a process in place for a referral to the Office of the Fire Commissioner for follow up. While such activity does not constitute a fire inspection, it does contribute towards meeting the intent of the recommendation. WorkSafeBC and the Office of the Fire Commissioner have collaborated to establish the Fire Inspection and Prevention Initiative (FIPI) which has the mandate to reduce the risk of combustible dust fire, deflagration, and explosion hazards in primary wood product manufacturing operations. The Office of the Fire Commissioner will continue to collaborate with WorkSafeBC on issues related to fire safety in all areas of the province.

**Presiding Coroner Develop a list of inspectors approved to conduct fire inspections
Recommendation 6: pursuant to the National Fire Code or the British Columbia Fire
 Code.**

Response:

The delivery of fire service is a local government responsibility including the function of fire inspection. While it is not within the mandate of the Office of the Fire Commissioner to track fire inspectors appointed or engaged by local government, the appointments of Local Assistants to the Fire Commissioner (LAFC) are tracked.

The Office of the Fire Commissioner is currently investigating the requirements needed for the implementation of a fire inspector training standard for fire service personnel as well as civilian inspectors.

Minister of Justice:

Presiding Coroner **Ensure the Office of the Fire Commissioner is sufficiently resourced**
Recommendation 7: **to inspect industrial facilities in all unincorporated lands in the**
 Province of British Columbia on a regular and consistent basis.

Response:

The Office of the Fire Commissioner is still part of Emergency Management BC but it was moved to the Ministry of Transportation and Infrastructure effective July 30, 2015.

Municipalities are required to have a regular system of inspection which includes industrial facilities. Most areas outside of municipalities are within Regional Districts; however, there is currently no requirement for fire inspections on those lands. The Office of the Fire Commissioner mandate does allow for fire inspections upon complaint and when deemed advisable, but this does not include a system of regular inspections.

Presiding Coroner **Amend the *Fire Services Act* so that it stipulates that the**
Recommendation 8: **British Columbia Fire Code, including provisions which require fire**
 inspections, applies to unincorporated and First Nations lands.

Response:

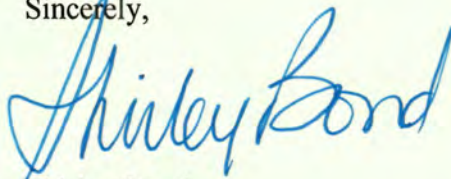
The recommendation to amend the Fire Code to require fire inspections on First Nations lands was considered but it was deemed not feasible given non-Treaty First Nations fall under federal jurisdiction. It is not possible to unilaterally extend the jurisdiction of a provincial statute (*Fire Services Act*) onto federal or First Nations lands.

Indigenous and Northern Affairs Canada has federal oversight of First Nations land which means the *Fire Services Act* is not enforceable on these lands, with the exception of Treaty First Nations. Fire protection on First Nations land falls to the corresponding local authority having jurisdiction (Band Council or equivalent).

With respect to unincorporated lands, the government has decided not to proceed with this recommendation at this time.

In closing, on behalf of the Government of British Columbia, I would like to express my condolences to the victims and families of this terrible accident. I would also like to express my appreciation to the members of the Jury and to the presiding Coroner who have presented these thoughtful and important recommendations to government for which serious action has been implemented or is being contemplated.

Sincerely,



Shirley Bond
Minister

pc: Honourable Todd Stone
Minister of Transportation and Infrastructure

Honourable Naomi Yamamoto
Minister of State for Emergency Preparedness

Ms. Athana Mentzelopoulos
Deputy Minister
Ministry of Jobs, Tourism and Skills Training
and Minister Responsible for Labour

Mr. Grant Main
Deputy Minister
Ministry of Transportation and Infrastructure

Ms. Becky Denlinger
Deputy Minister, Emergency Management BC
Ministry of Transportation and Infrastructure

Ms. Diana Miles
President and Chief Executive Officer
WorkSafeBC

March 30, 2016

Ms. Lisa Lapointe, Chief Coroner
Ministry of Justice
Metrotower II
Suite 800 – 4720 Kingsway
Burnaby, BC
V5H 4N2

Dear Ms. Lapointe:

Re: Jury Recommendations – Robert Luggi Jr. and Carl Charlie

I am writing to provide a formal response to the recommendations issued by the coroner's jury and the presiding coroner on July 31, 2015 in regards to the tragic deaths of Robert Luggi Jr. and Carl Charlie in the 2012 Babine sawmill explosion. Thirteen of the recommendations from the inquest were directed to WorkSafeBC.

As you know, WorkSafeBC takes coroner's jury recommendations extremely seriously and makes every effort to respond directly to the recommendation, or, where there are legal limits to our authority and jurisdiction, respond to the spirit and intent of the jury's recommendation.

I am attaching for your information a formal response to each of the thirteen recommendations. WorkSafeBC has accepted twelve of the recommendations and has identified one recommendation that is outside of our jurisdiction. Since the Coroner's inquest in July 2015, WorkSafeBC has been taking action on the recommendations as well as on other initiatives to improve health and safety in the wood processing industry.

In accordance with our normal procedure, we will update your office on the progress that is being made.

Sincerely,



Diana Miles
President & CEO

Attach.

Mailing Address
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Location
6951 Westminister Highway
Richmond BC V7C 1C6

Telephone 604 276-3190
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Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
Joint Health & Safety Committees	<p>To United Steelworkers Union and WorkSafeBC:</p> <p>13. Ensure that Joint OHS Committees are audited semi-annually for effective function.</p> <p>(Background to the Recommendation: Evidence showed a lack of knowledge as to the findings of the JOHS Committee and the progress and training of Committee members.)</p> <p><u>Response:</u></p> <p><i>Sections 125 – 140 of the Workers Compensation Act set out the legal requirements for and duties of joint occupational health and safety committees. Pursuant to the legislation, WorkSafeBC proposes new provisions in the Occupational Health and Safety Regulation ("OHSR") to require an employer to conduct an annual written evaluation of the joint occupational health and safety committee. The evaluation would be conducted by either the employer, third party, or the co-chairs of the committee (or designate), and would assess the effectiveness of the committee and publish the results in the workplace.</i></p> <p><i>The proposed changes to the OHSR will provide WorkSafeBC officers with the authority to require evidence that effective "self-evaluations" are being conducted and published.</i></p> <p><i>WorkSafeBC has developed a draft of the evaluation tool in consultation with internal subject matter experts and external stakeholders. WorkSafeBC has received feedback at pre consultation sessions and has scheduled another consultation session with external stakeholder on April 18, 2016. WorkSafeBC will continue to work with stakeholders to finalize the evaluation tool, which will be available when the changes to the OHSR become effective on October 1, 2016.</i></p> <p><i>Non-compliance with the joint health and safety committee requirements of the Act may result in an employer receiving an OHS citation.</i></p>
Annual Industry Meeting and Communication	<p>20. Host an annual meeting of representatives of the wood products manufacturing sector, including employers, worker representatives and technical experts to share health and safety results, performance and best practices.</p> <p>(Background to the recommendation: the inquest heard that a round-table of influential and committed representatives can share information about risks or improvements to health and safety to ensure better outcomes for workers.)</p> <p><u>Response:</u></p> <p><i>The initial meeting of stakeholders was held on May 19, 2015 with subsequent meetings on August 6, 2015 and on December 11, 2015. Meetings that include employers, worker representatives and technical experts will be held semi-annually. The next meeting is scheduled for April 25, 2016.</i></p>

Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
	<p data-bbox="405 250 1146 277"><u>To WorkSafeBC, BC Forest Safety Council, MAG and associated HSAs</u></p> <p data-bbox="405 315 1877 342">33. To ensure the effective sharing of information to ensure ongoing risks can be evaluated by all members of the safety community.</p> <p data-bbox="405 380 1801 435">(Background to the Recommendation: Throughout the inquest there were many instances of a lack of and a breakdown in communication that contributed to the incident.)</p> <p data-bbox="405 467 510 495"><u>Response:</u></p> <p data-bbox="405 527 1877 638"><i>WorkSafeBC is committed to enhancing information sharing with the safety community. WorkSafeBC has reviewed its overall occupational health and safety communications strategies to ensure key risk messages are better targeted to particular stakeholder communities. Within the provincial safety community, WorkSafeBC is working with Health and Safety Associations to develop improved identification and communication of risks to the employer and worker communities.</i></p> <p data-bbox="405 670 1892 756"><i>WorkSafeBC has created a Hazard Alert review team (which includes the Risk Analysis Unit) to communicate Hazard Alert information. For the broader employer and worker communities, WorkSafeBC will launch a redesigned website to enhance accessibility and usability of the website for our stakeholders. A key outcome will be improved access to occupational health and safety information targeted to particular stakeholder groups.</i></p>
<p data-bbox="180 797 394 919">Wands – Combustible Dust Environment</p>	<p data-bbox="405 797 1646 824">25. Implement an initiative to ensure all wands used in a combustible dust environment are properly grounded.</p> <p data-bbox="405 857 1877 912">(Background to the Recommendation: Evidence was heard that wands create electricity capable of igniting an explosion in a combustible environment. Grounding will eliminate this hazard.)</p> <p data-bbox="405 945 510 972"><u>Response:</u></p> <p data-bbox="405 1005 1864 1091"><i>WorkSafeBC is funding an independent study on the safe use of compressed air in a combustible dust environment. The results will be broadly disseminated and a WorkSafeBC hazard alert will be updated regarding the safe use of compressed air in combustible dust environments (this includes the use of wands).</i></p>

Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
<p>Risk Analysis Unit (RAU)</p>	<p>21. Continue the Risk Analysis Unit of WorkSafeBC to review relevant local and worldwide OHS alerts and share the information in a timely manner with all affected parties.</p> <p>(Background to the Recommendation: Information was shown to exist within the wood products manufacturing industry, but was never assembled in one place to recognize the extreme risk associated with wood dust combustibility.)</p> <p><u>Response:</u></p> <p><i>The Risk Analysis Unit will continue to identify, evaluate, assess and profile new and emerging potential risk issues. .</i></p> <p><i>The unit uses WorkSafeBC's extensive OH&S communications channels to notify and update internal and external stakeholders on a timely basis about those issues that might potentially impact workplaces. Channels include our internal and external website, Health and Safety Association websites, e-news subscribers and social media. This broader communication of risks took place in January 2016.</i></p>
	<p>22. Engage the Risk Analysis Unit to review preliminary investigation reports to identify emerging risks.</p> <p>(Background to the Recommendation: The RAU was introduced as a committee of specialists examining emerging risks and may have identified the extreme risk of combustible dust prior to the explosion.)</p> <p><u>Response:</u></p> <p><i>Recent amendments to the Workers Compensation Act clarify employer responsibilities for preliminary and full investigation reports. Information and data generated by these reports will be combined with other sources of information including the exposure registry, fatal and serious injury investigations, notices of incidents, officer feedback, research materials and external feeds to identify emerging issues and communicate these to the affected parties. The Risk Analysis Unit has been included in this structure with a view to identifying emerging risks.</i></p>
	<p>23. Authorize the Risk Analysis Unit to recommend the issuance of a hazard alert.</p> <p>(Background to the Recommendation: The RAU was introduced as a committee of specialists examining emerging risks and may have identified the extreme risk of combustible dust prior to the explosion.)</p> <p><u>Response:</u></p> <p><i>WorkSafeBC has revised its Hazard Alerts and Health & Safety Bulletins to improve clarity and timeliness. This process includes hazard information and recommendations from the Risk Analysis Unit.</i></p>

Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
Training for Officers	<p>24. Ensure Officers with wood product manufacturing facilities in their region have the relevant and current training to carry out their inspections.</p> <p>(Background to the Recommendation: Evidence showed that inspectors lacked current training specific to wood product manufacturing plants with respect to regulations and guidelines applicable to those facilities.)</p> <p><u>Response:</u></p> <p><i>Following the Babine and Lakeland incidents WorkSafeBC introduced new policies for the management of dust and has engaged in rigorous training of its officers in connection with combustible wood dust hazard, and has provided specific training on inspecting wood products manufacturing facilities for combustible dust hazards. Training on combustible wood dust hazards was delivered by a leading expert on these hazards. WorkSafeBC has also created a number of support materials and resources in this area.</i></p> <p><i>WorkSafeBC ensures all officers assigned to inspect wood product manufacturing facilities receive training on key risks, hazards and related control measures to effectively carry out inspection, consultation and education activities.</i></p>
	<p>19. Create a system to share workplace incident information and educational workshops within WorkSafeBC including an auditable mechanism for confirming the receipt of information.</p> <p>(Background to the Recommendation: Evidence showed communication gaps in information transfer and no accountability for the receipt of information.)</p> <p><u>Response:</u></p> <p><i>WorkSafeBC is committed to ensuring its officers are well informed and knowledgeable. WorkSafeBC has initiated a review of current knowledge transfer mechanisms in Prevention Field Services. A knowledge management strategy will be created to ensure officers are kept aware of incidents, trends and hazards, and that that awareness translates into practical application in the field.</i></p> <p><i>As part of this strategy, WorkSafeBC is evaluating its internal processes for the distribution of workplace incident information, the mechanism to ensure the information was received, with business rules for acting on the information.</i></p>
Hazard Alerts and Information	<p>17. Ensure that work environment hazard alerts are communicated effectively. Update regulations and guidelines promptly to reflect current knowledge in regard to combustible dust explosions, include within the guidelines that a contained space can be an entire plant.</p> <p>(Background to the Recommendation: Evidence suggested that cold weather, humidity and changes in air flow may have been contributing factors in the explosion. Closing up the plant also created a contained area for the explosion to take place.)</p>

Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
	<p><u>Response:</u></p> <p><i>WorkSafeBC has revised its Hazard Alerts and Health & Safety Bulletins to improve clarity and timeliness. This process began in January 2016 and is being done in conjunction with a complete redesign of our website to ensure information is easier to find and easier to understand.</i></p> <p><i>WorkSafeBC introduced Policies D3-115-3 Employer Duties, D3-116-2 Worker Duties and D3-117-3 Supervisor Duties for Wood Dust Mitigation and Control on September 1, 2014. WorkSafeBC also provides guidance on combustible dust hazards in its OHS Guideline G5.81 Combustible dust - Sawmills and other wood products manufacturing facilities. WorkSafeBC reviewed the OHS Guideline to confirm that the specific issue referred to in the recommendation is adequately reflected in the Guideline.</i></p>
	<p><u>To WorkSafeBC, MAG, Babine Forest Products and United Steelworkers</u></p> <p>26. Develop a video or visual presentation (Powerpoint) to demonstrate to all workers in the wood manufacturing industry health and safety hazards associated with combustible wood dust.</p> <p>(Background to the Recommendation: Evidence showed a lack of workers' knowledge to the hazards of wood dust.)</p> <p><u>Response:</u></p> <p><i>The Fire Inspection and Prevention Initiative (FIPI), funded by WorkSafeBC, created an education module on Combustible Dust Hazard Recognition for workers and front line supervisors. The module, in both classroom and e-Learning formats based on MS PowerPoint, has been available, since January 2014, at www.fipibc.ca. The module was also included in the Combustible Wood Dust Education and Awareness DVD that was mailed out to over 285 wood product manufacturer employer-locations in June 2014.</i></p> <p><i>WorkSafeBC has developed and shared an education module with stakeholders. A short video to complement the module is under development.</i></p> <p><i>WorkSafeBC is working with the Manufacturer's Advisory Group, Babine Forest Products Ltd. and the United Steelworkers Union District 3, as well as the representative Health and Safety Associations – BC Forest Safety Council and FIOSA-MIOSA – to ensure the video content and format are appropriate for the target worker audience. The video will be distributed to stakeholders in April 2016 for review.</i></p>
Officer Inspections	<p>18. Develop an industry-specific checklist for Officers to follow at a worksite inspection. Include in the checklist reviews of Joint OHS Committee meeting minutes, crew safety meeting minutes, near miss reports, incident reports, investigation reports and receipt of recent relevant hazard alerts.</p> <p>(Background to the Recommendation: Evidence showed that there was no uniform format for inspection content at high risk workplaces. In turn there was no means for effectively comparing successive inspection findings or findings across different milling operations.)</p> <p><u>Response:</u></p> <p><i>WorkSafeBC is committed to enhancing the quality and consistency of inspectional practices among its officers.</i></p>

Coroner's Jury Inquest Recommendations – Babine Forest Products (Robert Luggi Jr. and Carl Charlie)

WorkSafeBC Response

Topic	WorkSafeBC Responses to Coroners' Jury Recommendations
	<p><i>While WorkSafeBC prevention officers routinely perform inspections that evaluate the employer's overall safety program and internal responsibility system, not every type of inspection (e.g. follow up on a stop work or stop use order) involves evaluation of all of these elements of the employer's workplace; WorkSafeBC will develop inspection protocols and tools to assist officers to evaluate the effectiveness of Occupational Health and Safety Programs.</i></p>
<p>Annual Fire Inspections – wood products manufacturing industry</p>	<p>Presiding Coroner's Recommendation to: <u>WorkSafeBC and Office of the Fire Commissioner</u></p> <p>5. Collaborate in the creation of a regulation to ensure companies in the wood products manufacturing industry in all lands of the province have an annual fire inspection to ensure compliance with the application of the Fire Code to be conducted by an inspector approved by the Officer of the Fire Commissioner.</p> <p>Background to the Recommendation: Evidence revealed there is no regulation regarding fire inspections in unincorporated and First Nations lands.</p> <p><u>Response:</u></p> <p><i>WorkSafeBC has a mandate to cooperate with other regulatory agencies and in this regard WorkSafeBC is participating in the FIPI initiative, which involves WorkSafeBC prevention officers asking employers for evidence of a fire safety plan during inspections of wood products manufacturing facilities. Where those plans are not available or appear deficient, the Office of the Fire Commissioner is notified.</i></p> <p><i>The Office of the Fire Commissioner is responsible for the Fire Services Act. WorkSafeBC has no jurisdiction to create regulations relating to fire inspections, nor to enforce compliance with the Fire Services Act or the BC Fire Code.</i></p>

June 28, 2016

T.E. Chico Newell, Presiding Coroner
Resource Industry Coroner
Office of the Chief Coroner
Metrotower II - Suite 800 – 4720 Kingsway
Burnaby BC V5H 4N2

RECEIVED

JUN 30 2016

CHIEF CORONER

Dear Mr. Newell,

I am writing in response to your letter of May 10, 2016 regarding jury recommendation No. 32, to provide an update on BCSA's progress and intended course of action.

In September, 2015 I advised your office that BCSA would forward this recommendation to the CSA Code committee. Our continuing work on this issue suggests that both the likelihood of national adoption and the effectiveness of this measure are limited. This letter sets out the current status and notes an alternative approach which we believe will more effectively achieve the intent of the jury's recommendation.

Gas Code Amendment

BCSA has worked with subject matter experts to evaluate options for addressing changes to shut-off valve requirements through regulatory amendment. During this process, we identified numerous technical challenges with current design and installation requirements.

The amendment process for safety codes includes consultation with affected industries and stakeholders, which is taken into account by the relevant Code Committee. BCSA conducted this consultation in preparation for advancing the recommendation to the Code Committee, however the feedback received raised serious concerns about the effectiveness and practicability of the recommendation as constituted.

Our own research, and the unanimous view of gas experts both within and without British Columbia that we consulted, is that there is no automatic valve available on the market today which is capable of reacting to an emergency as envisioned by the jury while also providing a reliable fuel supply under normal operating conditions. In particular any existing equipment capable of performing the recommended action that we are aware of is prone to frequent nuisance faults, which disrupts the expected operation of gas appliances and in turn creates its own hazards.

.../2

In our discussions with industry and other key stakeholders in the realm of gas safety regulation, the proposed amendment is seen as ineffective and inconsistent with several existing codes. Accordingly, this is unlikely to be adopted in the national code despite BCSA's recommendation. There is also a timeliness issue given that the next gas code revision is scheduled for 2020.

For these reasons the jury's recommendation may not achieve the desired ends. We have accordingly developed a more achievable alternative as discussed below.

Alternative Approach

While the jury's recommendation is aimed at mitigating the damage once an incident has occurred, it is important to emphasize that codes and standards are focused on preventing incidents from occurring in the first place. This is likewise BCSA's priority and, we believe, the only acceptable outcome for safety in wood processing facilities.

BCSA issued three Safety Orders governing hazardous conditions in these facilities, specifically designed to manage the conditions in which regulated products such as gas appliances are operating. BCSA conducted an unprecedented enforcement campaign in support of the Safety Orders, assessing all known facilities within the province with targeted follow ups of non-compliant operators. Combined with robust efforts from WorksafeBC, facility owners, unions and other stakeholders we are convinced that the risk of such incidents re-occurring is drastically reduced compared to the state of the industry in 2012.

Despite our emphasis on preventing incidents altogether, the jury's recommendation is a prudent one and we have invested much thought in alternatives that would achieve the desired end regardless of code adoption.

In our view, the most effective approach is to install a manual shut-off valve at the property line which is accessible to first responders. This approach has a number of advantages:

- Vastly reduces the risk of the valve being exposed to damage from the incident, i.e. it should still function regardless of the conditions in the structure;
- Is not subject to a lengthy code amendment process or reliant on agreement from national stakeholders who may have limited familiarity with the hazard reflected in the Babine and Lakeland mill incidents;
- Could be implemented relatively quickly by utilities and first responders; even when adopted code changes typically do not come into force for an extended period of time;
- Unlike code amendments which are typically not retroactive, could be applied to existing installations; and
- Relies on readily available and proven components.

While BCSA does not have regulatory authority over utilities over a certain threshold (700 kpa) or first responders in relation to this subject area, we work closely with both and are prepared to take the initiative to encourage implementation. To our knowledge, one of the two relevant gas utilities within the province is already implementing this voluntarily in higher risk installations.

BCSA will continue to advance the jury's recommendation to the CSA Code Committee as opportunities present within the code amendment cycle. In the interim however, we will work with utilities to explore operational and regulatory approaches for installing manual shut-off valves on commercial/industrial installations within British Columbia that constitute hazardous locations under the gas code.

Based on our extensive consideration of this issue, we believe this is the most effective way to move the intent of the jury's recommendation forward.

I trust this is the information you require and thank you again for your continued interest in implementing the learnings from these tragic events so that they may never be repeated. Please do not hesitate to seek further information from me as required.

Yours truly,

A handwritten signature in black ink, appearing to read 'C. Roome', with a long horizontal flourish extending to the right.

Catherine Roome
President and CEO



EXECUTIVE OFFICE

HAMPTON RESOURCES, INC.

July 13, 2016

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Via Electronic Transmission CoronerRequest@gov.bc.ca

Lisa Lapointe
Chief Coroner
Province of British Columbia
Office of the Chief Coroner
P.O. Box 9259, Stn Prov Government
Victoria, B.C. V8W 9J4

Re: Coroner's Inquest in the deaths of:
Robert Luggi and Carl Charlie
BCCS Case File #2012-0612-0001 and 2012-0612-002

Dear Ms. Lapointe:

In answer to your June 13, 2016, letter regarding the Verdicts at Inquest concerning the deaths of Mr. Luggi and Mr. Charlie, please find attached the response of Hampton Resources, Inc. to the jury's recommendation #12, which I understand will become part of the official public record on the Coroners Service website.

Very truly yours,

HAMPTON RESOURCES INC.

STEVEN J. ZIKA
Chief Executive Officer

Attachment



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July 13, 2016

Response to Coroner's Inquest Jury Recommendation #12:

In order to assure effective communication on all safety and health information and alerts we receive from any health and safety organization across the full geographic breath of our Hampton Affiliate operations, we have established the following communication protocol:

Joe Angyus, Corporate Safety Director for Hampton Affiliates, has subscribed to Fed-OSHA, Oregon OSHA, Washington's Labor & Industry, as well as WorkSafeBC, to receive notifications for updates and revisions for all safety and health regulations. He in turn will forward the notices and any required response or action items to Mill Managers and location Safety Professionals. Mr. Angyus is also included on all MAG (Manufacturers Advisory Group) safety development, training, communication and information sharing and this is shared with our U.S. operations. Each Monday morning, a conference call is initiated by the CEO of the company and all safety incidents from the preceding week are reviewed and discussed with plant management. From these calls, safety alerts are prepared by the Corporate Safety Director on serious safety and health issues, including causes and corrective actions, which are then sent to all locations for posting. Serious or pertinent incidents that occur at competitor facilities across our industry and other industries are also shared via email on a regular basis with the same audience.

Outside consultants also provide additional pertinent safety and health updates. For instance, our representative from Zurich (property insurer) provides updated National Fire Protection Association (NFPA) requirements as necessary. Risk Consultants from Zurich also tour our U.S. and Canadian Mills. Recommendations, information and opportunities for improvement identified and shared by them are communicated to our U.S. and Canadian Mills. Information is shared through the Corporate Safety Director among our manufacturing and resource groups to explore methods of compliance and improvement.

Associations which serve wood products manufacturers, such as Vigilant and the Western Wood Products Association (WWPA) in the U.S., and CONIFER (Council on Northern Interior Forest Employment Relations) and Council of Forest Industries (COFI) in British Columbia, provide statistical data and other information so we can compare our safety incident rates with other like manufacturers, all of which is shared with our U.S. and Canadian mill management. The CEO of the company is also involved in both WWPA and COFI as part of their governing structures, adding additional insight and focus on their safety communications and initiatives.

Our internal incident rates are published monthly and shared by our manufacturing and resource groups.