



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

August 30, 2010

10 - 18

Charges Laid In Mushroom Farm Investigation

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that charges under the Workers Compensation Act and the Occupational Health and Safety Regulations have been laid against two companies and four individuals, following an investigation into an incident on September 5, 2008 at a mushroom farm and composting plant in Langley. Three individuals died and two others suffered injury when overcome by gas in an enclosed space at the facility.

An Information charging A-1 Mushroom Substratum Ltd., H. V. Truong Ltd., Ha Qua Truong, Vy Tri Truong, Van Thi Truong and Thinh Huu Doan was sworn in Provincial Court in Surrey this morning. A copy of the sworn Information is attached to this Media Statement.

The two corporations are charged as employers. The four individuals are charged either as directors or officers of the corporations, owners of a workplace or as supervisors of workers employed at the site.

As this matter is now before the court further information with respect to the circumstances cannot be released at this time.

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INFORMATION/DÉNONCIATION

Court Identifier: 3585 - P - R - A
Court File Number: 183991
Type Reference:
Info. Seq. Number: 1
Agency File Number: WCBR:20080956102
6

DNA: K File: SOR:

CANADA:

PROVINCE OF BRITISH COLUMBIA

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This is the information of / Les présentes constituent la dénonciation de **MOHINDER BHATTI**, a Court Liaison Officer (the "informant" / le "dénoncateur") of / de Richmond, British Columbia.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que **Workers' Compensation Board of British Columbia.**

Count 1

A-1 Mushroom Substratum Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of its workers, contrary to Sections 115(1)(a)(i) and 213(1) of the Workers Compensation Act.

Count 2

A-1 Mushroom Substratum Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of workers other than its own workers at a workplace at which its work was being carried out, contrary to Sections 115(1)(a)(ii) and 213(1) of the Workers Compensation Act.

Count 3

H.V. Truong Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of its workers, contrary to Sections 115(1)(a)(i) and 213(1) of the Workers Compensation Act.

Count 4

H.V. Truong Ltd, as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of workers other than its own workers at a workplace at which its work was being carried out, contrary to Sections 115(1)(a)(ii) and 213(1) of the Workers Compensation Act.

Count 5

A-1 Mushroom Substratum Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to remedy workplace conditions that were hazardous to the health or safety of its workers, contrary Sections 115(2)(a) and 213(1) of the Workers Compensation Act.



FORM NO. 0
REV. 06/09**INFORMATION/DÉNONCIATION**

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Count 6

H.V. Truong Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to remedy workplace conditions that were hazardous to the health or safety of its workers, contrary Sections 115(2)(a) and 213(1) of the Workers Compensation Act.

Count 7

A-1 Mushroom Substratum Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that its workers were made aware of all known or reasonably foreseeable health or safety hazards to which they were likely to be exposed by their work, contrary to Sections 115(2)(b)(i) and 213(1) of the Workers Compensation Act.

Count 8

H.V. Truong Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that its workers were made aware of all known or reasonably foreseeable health or safety hazards to which they were likely to be exposed by their work, contrary to Sections 115(2)(b)(i) and 213(1) of the Workers Compensation Act.

Count 9

A-1 Mushroom Substratum Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to provide to its workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace, contrary to Sections 115(2)(e) and 213(1) of the Workers Compensation Act.

Count 10

H.V. Truong Ltd., as an employer, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to provide to its workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace, contrary to Sections 115(2)(e) and 213(1) of the Workers Compensation Act.

FORM 700 (JULY 2002)
REVISED 03/03**INFORMATION/DÉNONCIATION**

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Count 11

A-1 Mushroom Substratum Ltd., as an employer with a workforce of less than 20 workers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to initiate and maintain a health and safety program contrary to Sections 3.2 of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 12

H.V. Truong Ltd., as an employer with a workforce of 20 or more workers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to initiate and maintain an occupational health and safety program, contrary to Sections 3.1(a) of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 13

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that each confined space in the workplace was identified, contrary to Sections 9.2(a) of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 14

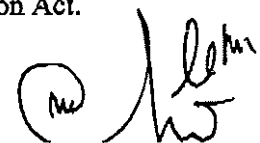
A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that all confined space hazards were eliminated or minimized and that work was performed in a safe manner, contrary to Sections 9.4 of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 15

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to prepare and implement a written confined space entry program, contrary to Sections 9.5 of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 16

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to assign responsibility or supervision to a person who was adequately trained to supervise the job before any workers entered a confined space, contrary to Sections 9.7(1) of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.



FORM 00000000000000000000
REV. 05/04

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Count 17

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, and Ha Quan Truong and Thinh Huu Doan, as supervisors, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to conduct a hazard assessment for a confined space, contrary to Sections 9.9(1)(a) of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 18

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, and Ha Quan Truong and Thinh Huu Doan, as supervisors, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to conduct a hazard assessment for a work activity to be performed in a confined space, contrary to Sections 9.9(1)(b) of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 19

A-1 Mushroom Substratum Ltd. and H.V. Truong Ltd., as employers, and Ha Quan Truong and Thinh Huu Doan, as supervisors, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to identify a confined space by a sign or other effective means which indicated the hazard and prohibited entry by unauthorized workers, contrary to Sections 9.12 of the Occupational Health and Safety Regulation and 213(1) of the Workers Compensation Act.

Count 20

Ha Quan Truong and Thinh Huu Doan, as officers and directors, and Vy Tri Truong, as a director, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that A-1 Mushroom Substratum Ltd. complied with the Occupational Health and Safety Regulation and Part 3 of the Workers Compensation Act, contrary to Sections 121 and 213(1) of the Workers Compensation Act.

Count 21

Ha Quan Truong and Van Thi Truong, as officers and directors, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that H.V. Truong Ltd. complied with the Occupational Health and Safety Regulation and Part 3 of the Workers Compensation Act, contrary to Sections 121 and 213(1) of the Workers Compensation Act.

FORM 10/03/02
REV 02/02

INFORMATION/DÉNONCIATION

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Count 22

Ha Quan Truong and Van Thi Truong, as owners of a workplace, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to provide and maintain the land and premises that were being used as a workplace in a manner that ensured the health and safety of persons at or near the workplace, contrary to Sections 119(a) and 213(1) of the Workers Compensation Act.

Count 23

Ha Quan Truong and Van Thi Truong, as owners of a workplace, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to comply with the Occupational Health and Safety Regulation and Part 3 of the Workers Compensation Act, contrary to Sections 119(c) and 213(1) of the Workers Compensation Act.

Count 24

Ha Quan Truong, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of workers under his direct supervision, contrary to Sections 117(1)(a) and 213(1) of the Workers Compensation Act.

Count 25

Thinh Huu Doan, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure the health and safety of workers under his direct supervision, contrary to Sections 117(1)(a) and 213(1) of the Workers Compensation Act.

Count 26

Ha Quan Truong, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to comply with the Occupational Health and Safety Regulation and Part 3 of the Workers Compensation Act, contrary to Sections 117(1)(c) and 213(1) of the Workers Compensation Act.

Count 27

Thinh Huu Doan, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to comply with the Occupational Health and Safety Regulation and Part 3 of the Workers Compensation Act, contrary to Sections 117(1)(c) and 213(1) of the Workers Compensation Act.

FORM FORMULA 2
PCR 004-2
REV/REV. 05/99

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Count 28

Ha Quan Truong, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that the workers under his direct supervision were made aware of all known or reasonably foreseeable health or safety hazards in the area where they worked, contrary to Sections 117(2)(a)(i) and 213(1) of the Workers Compensation Act.

Count 29

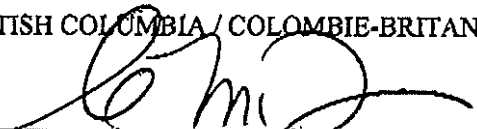
Think Huu Doan, as a supervisor, on or about the 5th day of September, 2008, at or near Langley, in the Province of British Columbia, did fail to ensure that the workers under his direct supervision were made aware of all known or reasonably foreseeable health or safety hazards in the area where they worked, contrary to Sections 117(2)(a)(i) and 213(1) of the Workers Compensation Act.


SWORN BEFORE ME / ASSERMENTÉ DEVANT MOI


ON / CE 30th DAY OF / JOUR DE
August 2010.

AT / À Surrey,

BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE


A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA
JUGE DE PAIX DANS ET POUR LA PROVINCE DE
LA COLOMBIE-BRITANNIQUE


(SIGNATURE OF INFORMANT)
(SIGNATURE DU DÉNONCIATEUR)
off accused
summons to issue
PROCESS CONFIRMED / ACTE DE PROCEDURE
CONFIRMÉ


A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA
JUGE DE PAIX DANS ET POUR LA PROVINCE DE
LA COLOMBIE-BRITANNIQUE