# Sorting out the Blame after the Fatal BC Sawmill Explosion and Fire



On Jan. 20. 2012, an explosion and subsequent fire at a sawmill owned by Babine Forest Products killed two workers and injured 20 others. The Crown recently announced that no charges will be filed against the company, claiming that there's no substantial likelihood of conviction for any regulatory offences due to the inadmissibility of some of the evidence gathered by investigators and the sawmill's likely due diligence defence.

Meanwhile, WorkSafeBC investigators are considering appropriate orders and the possibility of recommending an administrative penalty against Babine.

In a recent poll, we asked if you thought OHS charges should be pursued for this incident:

- 32% said yes, against the sawmill company
- Another 32% said yes, but against the company's management
- 25% were unsure
- 11% said no.

In the wake of this tragedy, it appears that there's no shortage of finger pointing, both as to the cause of the incident and the subsequent investigation. Here's a look at two reports on the incident.

**WorkSafeBC Report**

On Jan. 16, 2014, WorkSafeBC released its Incident Investigation Report on the cause and underlying factors that led to the explosion and fire (it doesn't address enforcement).

The investigation concluded that the incident was preventable based on the following:

- The company knew that the dust collection system was under-sized
- An electrical upgrade to accommodate this issue was challenging but there were no reductions in production while an upgrade was planned
- Four of the components required for a wood dust explosion'containment, ignition, dust as fuel and dispersion of dust'weren't controlled (learn how to comply with the requirements on dealing with combustible dust)
- 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 condition was the root cause of a prior violation.

*Bottom line*: The report concluded that all of the elements for a wood dust explosion were present and addressed:

- 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 system's capacity
- Inadequate supervision of clean-up and maintenance staff.

**Government Report**

On Feb. 13, 2014, the government released its own report on the tragedy. Unlike the WorkSafeBC report, this report didn't focus on the cause of the incident but on various legal issues implicated by it and the roles of WorkSafeBC and the Criminal Justice Branch. So for safety professionals, this report is of less interest.

The government report notes that neither the RCMP or WorkSafeBC recommended criminal charges for this incident. But WorkSafeBC did recommend regulatory charges, which, as mentioned above, the Crown rejected.

This report's key finding was that WorkSafeBC paid insufficient attention to important legal precedents that underpin the legitimate gathering of evidence for prosecution purposes. It includes recommendations in four areas:

- Measures to improve interaction between investigating and prosecuting agencies
- Improvement of policies, procedures and communications within WorkSafeBC
- Enhanced training and improved working relationships
- Moving forward.