

TRAPS TO AVOID: Workers Not Following Environmental Procedures



Your company's first step toward compliance with the environmental laws is to set environmental procedures for the workplace. But if workers don't actually follow these procedures, the environment

could be harmed—and your company exposed to liability. Just look at what happened to a BC pulp mill.

Company Convicted of Violating Own Environmental Procedures

A mixture of dilute weak black liquor and weak black liquor soap (a by-product of the digestion of wood chips) overflowed a pulp mill's tank, spilled into its main sewer line and entered its effluent treatment system, compromising the system's effectiveness. Some also spilled onto a roadway and entered a nearby river. As a result, the mill was charged with violating the *Fisheries Act* and *Environmental Management Act* as well as its permit. It raised a due diligence defence.

The court concluded that the overflow had been caused by soap entering the evaporator. After a previous soap-related incident, the mill had implemented procedures regarding soap, including procedures for:

- Minimizing the risk of a so-called “soap inversion” or “soap carryover”;
- Recognizing when soap inversions are imminent; and
- Addressing them when they happen.

And if workers had followed these procedures, the foreseeable spill would’ve been prevented, said the court. For example, under the mill’s procedures, as soon a soap carryover is discovered, the evaporator must be shut down and its contents returned to the tanks—not diverted into the main sewer line where the material could end up in the effluent treatment system. But workers didn’t take these steps and instead let the soap mixture drain into the main sewer line. So the court convicted the mill, ruling that there was “compelling evidence to suggest the cause of the offences lay with [the mill]’s failure to follow its own procedures regarding a soap carryover” [[R. v. Zellstoff Celgar LP](#)].

SOLUTION: Adequately Train and Supervise Workers

Once you’ve established environmental procedures, you should do the following to ensure that workers follow them:

- Adequately train workers on all environmental procedures, including testing them to ensure that they understand their training; and
- Properly supervise workers to ensure that they’re applying their training on the job, including disciplining them appropriately when they’re not.

Insider Says: For more information on effective environmental and safety training, go to the [Training Compliance Centre](#).

SHOW YOUR LAWYER

[R. v. Zellstoff Celgar LP](#), [2012] BCPC 38 (CanLII), Feb. 16, 2012