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ENVIROFOR NEWS:

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[FORESTRY & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

It's 10 pm on the Climate Conduct and Compliance Clock. Do You Know where Your Risk Strategy Is?

The climate risk landscape is constantly evolving and being reshaped by a number of factors including, globalization, political and economic events and heightened shareholder activism. Further, the shifts underway are unprecedented – in both scope and pace – with risk exposure being triggered even in the absence of established or "black letter" law.

This is new territory for many, and there is no question that companies need to stay abreast of developments through active monitoring and obtain guidance on what they should be doing. It is especially important given the expanding number of international organizations and groups pushing standards of conduct and compliance above and beyond current regulations. We see several key implications and considerations at play in this evolving risk landscape, including: Read the [full article](#) by Jane E. Caskey and Alan Harvie of Norton Rose Fulbright.

BC Restricts Oil and Gas Developments in Blueberry River First Nation Territory

The British Columbia Oil and Gas Commission (OGC) recently announced new interim measures for oil and gas developments in Blueberry River First Nation (BRFN) traditional territory. The interim measures address concerns raised by BRFN with respect to new oil and gas development activities by prohibiting or restricting new surface disturbance in defined critical areas of BRFN territory, while managing development activities in other specified areas.

The interim measures follow the adjournment of a treaty infringement claim by BRFN against the Province of British Columbia that alleged the cumulative effects of industrial development on its territory had breached the government's obligations under Treaty 8. After the adjournment of the claim, and significant consultation and negotiation between the OGC, BRFN and the Ministry of Energy, Mines and Petroleum Resources, the parties signed a Regional Strategic Environmental Assessment Interim Measures Agreement, which came into force on

July 16, 2018. Read the [full article](#) by [Sandy Carpenter](#), [Sam Adkins](#) and Josh Smith (Student-at-Law) with Blake, Cassels & Graydon LLP.

The Law that Broke up the Rockefeller Oil Empire 100 Years ago May soon Be Used on OPEC

OPEC is consulting with lawyers to prepare a strategy to defend against proposed U.S. legislation that could open the cartel up to antitrust lawsuits, according to people familiar with the matter.

The organization's legal team will hold talks in the coming days with law firms including White & Case about the "No Oil Producing and Exporting Cartels Act," one of the people said, asking not to be identified because the information is not public. The cartel is seeking strategy recommendations for dealing with the NOPEC bill, which could allow the U.S. government to sue it for manipulating energy prices, the person said. A spokesman for White & Case declined to comment.

The planned meeting highlights the growing pressure on the Organization of Petroleum Exporting Countries from the world's largest oil consumer. President Donald Trump has repeatedly criticized the group on Twitter, accusing it of inflating prices and urging it to increase production. Read *The Vancouver Sun* [article](#).

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
First Nations Clean Energy Business Fund Regulation (377/2010)	July 13/18	by Reg 149/2018
Transmission Upgrade Exemption Regulation (140/2013)	July 16/18	by Reg 160/2018

FORESTRY AND ENVIRONMENT NEWS

Southern Mountain Caribou and the *Species at Risk Act*

Until recently, the federal [Species at Risk Act](#) (or "SARA" as it is known) has not played much of a role in the regulation of forestry in BC. We all know it exists, but in terms of its relative significance for day-to-day forestry operations, SARA ranks well behind provincial environmental statutes such as the [Forest and Range Practices Act](#), [Wildfire Act](#), [Water Protection Act](#), and others, and even behind the federal [Fisheries Act](#). Since SARA's protective requirements (as opposed to its process) only apply on provincial lands if "the laws of the province do not effectively protect" an endangered or threatened species, SARA's muted role in the regulation of the BC forest industry suggests that BC has effective laws. That said, SARA has recently assumed a more prominent role in the BC forest industry on account of southern mountain caribou ("SMC"). SMC are listed as a "threatened" species under SARA, a listing that opens the doors to federal regulation of activities on provincial lands (Crown and private) to protect SMC. Read the full article by [Jeff Waatainen](#) of DLA Piper in this issue of [BC Forest Professional](#).

BC Government Protects Pension Money at Catalyst Paper Operations

Looming forest industry tariff increases and deteriorating trade relations between Canada and United States prompted British Columbia's government to protect the pensions of retirees and workers at three Catalyst Paper pulp mills, Premier John Horgan said Friday [July 27]. Horgan said he is not aware of any impending closure or sale at Catalyst pulp operations in Powell River, Port Alberni or Crofton, but the government made the move in response to the company's sale of its U.S.-based forest companies last month and the prospect of higher lumber tariffs later this summer. Read the *Financial Post* [article](#).

Green MLA Adam Olsen on How BC's New Fish Farm Rules could Backfire

The law of unintended consequences could see the NDP government's new rules regulating fish farm tenures have the opposite effect, says BC Green Party MLA Adam Olsen. The new regulations, which do not take effect until 2022, say companies must negotiate agreements with First Nations in whose territory they propose to

operate and the industry must convince Fisheries and Oceans Canada their operations will not adversely affect wild salmon stocks. Expiring tenures in the Broughton Archipelago, which have been the focus of First Nations protests and frustrations, are being renewed on a month-by-month basis while government-to-government talks are held between the province and First Nations in the area. Olsen worries the NDP plan will create division among First Nations as some, within the immediate coastal area, could be persuaded to welcome the industry because of lucrative benefit agreements without broader consideration of the effect on wild salmon. Government is taking the long overdue step of ensuring the industry offers benefits to First Nations, but divide and conquer tactics could potentially turn First Nations against each other, Olsen said. If the Department of Fisheries and Oceans continues to allow the industry to operate, instead of open net pens disappearing within four years, as anticipated, there could actually be an increase, Olsen said. Read *The Narwhal* [article](#) by Judith Lavoie.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Closed Areas Regulation (115/2018)	July 1/18	by Reg 115/2018
Hunting Regulation (190/84)	July 1/18	by Reg 115/2018
	July 16/18	by Reg 159/2018
Limited Entry Hunting Regulation (134/93)	July 25/18	by Reg 165/2018
Motor Vehicle Prohibition Regulation (196/99)	July 1/18	by Reg 115/2018
Organic Matter Recycling Regulation (18/2002)	July 27/18	by Reg 167/2018
Permit Regulation (253/2000)	July 16/18	by Reg 159/2018
Public Access Prohibition Regulation (187/2003)	July 1/18	by Reg 115/2018
Wildlife Act Commercial Activities Regulation (338/82)	July 1/18	by Reg 115/2018
Wildlife Act General Regulation (340/82)	July 16/18	by Reg 159/2018

OCCUPATIONAL HEALTH AND SAFETY NEWS

Cannabis Legalization and Farm Safety Considerations

The occupational health and safety risks associated with farming have long been known. The introduction of recreational (legalized) cannabis, which will take effect on October 17, 2018, adds uncertainty for farmers, even if they are not part of the cannabis production or growing industry.

All provinces and territories have occupational health and safety legislation that broadly applies to all industries,

including farming and agribusiness. While the specific requirements may differ from one jurisdiction to the next, most require that a farming or agribusiness employer prepare and review, at least annually, a written occupational health and safety policy, as well as develop and maintain a program to implement that policy. In Ontario, for example, an employer who regularly employs more than five employees must have a program in place to implement its occupational health and safety policy. In Saskatchewan, most employers with 10 or more workers must have an occupational health and safety program. Read the [full article](#) by Amy Groothuis and Carol S. VandenHoek with Miller Thomson LLP.

Proposed Policy Amendments and Practice Materials Regarding the Certificate of Recognition (COR) Program

The Policy, Regulation and Research Division [WorkSafeBC] is releasing a discussion paper on proposed policy amendments to the Certificate of Recognition (COR) Program. In addition, the Industry and Labour Services Department is releasing practice materials on proposed program developments.

The COR Program is a voluntary employer certification program designed to encourage employers in BC to take a proactive role in occupational health and safety. Employers registered in the COR Program who meet program requirements achieve a COR, and may be eligible to receive a financial incentive. Read the [full article](#) from WorkSafeBC.

CHAG Continues to Work on Phase Congestion

Following the BC Forest Safety Ombudsman's 2018 report on the status of phase congestion in forestry operations, the Coast Harvesting Advisory Group (CHAG) has identified phase congestion as one of its key 2018 priorities. A specific phase congestion CHAG meeting was held to identify actions that CHAG feels can best support continuous improvement in effective and safe phase management. Broadly, the areas of focus are:

1. Investigate the development of Safe Separation Distances Procedures that could outline recommended minimum distances between phases.
2. Develop resource materials that better define the roles and responsibilities of the owner and prime contractor related to phase management. This includes a review of BC Forest Safety Council (BCFSC)'s current Prime Contractor Guide and Workshop to see if updates are needed.

Read the [full article](#) in this issue of *BC Forest Safe*.

More than \$5 Million in Disability Claims Paid to Kids 15 and under Injured on the Job in BC

Child safety advocates are urging the provincial government to change BC labour laws to protect the province's youngest workers – those 15 and under – after more than \$5 million dollars in disability claims was paid to kids injured on the job between 2007 and 2017.

"The stories we've heard are very concerning," said Adrienne Montani, provincial coordinator with First Call BC, a coalition of organizations that advocate for children and youth. In its work across the province, the coalition has heard from several injured children, including a 12-year-old with battery acid burns and a 13-year-old with a back injury.

She said First Call had reports of 13-year-olds on construction sites, sometimes working with their parents on the same job sites. In the retail and fast food industries they've heard about the sexual harassment of young girls and of children under 15 working until 1 a.m.

Between 2007 and 2017, WorkSafeBC recorded 187 accepted claims by kids 14 and under, as well as 593 accepted claims by those age 15, for a total of 780 accepted claims, representing \$5.2 million in disability benefits. The data does not include claims accepted for health care benefits only.

"As many children and youth begin summer jobs, it's important for everyone to realize how few safeguards are in place to protect them from exploitation and injury," said Montani. "We want BC's child labour laws brought up to international standards."

The call for reform was recently echoed by the BC Law Institute during its review of the [Employment Standards Act](#). Read *The Vancouver Sun* [article](#) by Glenda Luymes.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected

Effective

Amendment Information

	Date	
There were no amendments this month.		
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