



EnviroFor Reporter

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ENVIROFOR NEWS:

Province Announces Lifting of Some Restrictions - Effective Mid-May

BC Premier Horgan announced yesterday [May 6] the province will begin Phase 2 of the re-opening plan in the coming weeks. As part of this plan, several restrictions are being relaxed but with new health and safety guidelines in place. Restrictions will soon be lifted on the following:

- Small gatherings – *Up to 6 people, includes family gatherings, small dinner parties and backyard barbeques – so long as nobody in the group has symptoms of COVID*
- Elective surgeries
- Dentistry, chiropractic, physiotherapy - *in-person counselling will also resume*
- Provincial parks/beaches - day use only – *starting May 14*
- Retail businesses, restaurants, hair salons, pubs
- Expanded in-person schooling for K-12 (voluntary) – *as early as May 11*
- Legislature resumes – *within the next few weeks*
- Museums, libraries and art galleries
- Sports leagues – *low contact sports*
- Childcare
- Office-based worksites

Some of the restrictions that remain in place but may be reopened in June/July include hotels and resorts, film industry production, movie theatres, small concerts, and camping. A decision on relaxing these restrictions will depend on the rate of COVID-19 transmission at that time. Restrictions on large gatherings of 50 or more will likely continue until a vaccine is developed. This includes concerts, international tourism and conventions.

Tip For Tracking COVID-Related Orders

Quickscribe's [Keyword Alert](#) tool is an easy-to-use service that can be used to monitor legislative activity and/or new Orders that reference subject matter or keywords of your choosing. This tool is available via "My Alerts" (top navigation) when you login to Quickscribe.

Latest Annotations


New annotations were recently added to Quickscribe. The annotations include contributions from

- [Robin Longe](#) – [Mineral Tenure Act](#), [Mining Right of Way Act](#), [Ministry of Energy and Mines Act](#), [Mines Act](#)

To receive email notifications when new annotations are published by our contributors, select "My Alerts" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

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FEDERAL LEGISLATION — For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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CATEGORIES

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[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

Canada Energy Regulator Amends Pipeline Regulations and Introduces New Power Lines Regulations

On August 28, 2019, the [Canadian Energy Regulator Act](#) (CERA) came into force, repealing the [National Energy Board Act](#) (NEBA). Through the CERA, the National Energy Board became the Canada Energy Regulator.

The Regulator has made a number of housekeeping changes to existing regulations, including updating references of the "National Energy Board" to the "Canada Energy Regulator". In addition to these housekeeping amendments, substantive changes have been made to [Section 6 of the Onshore Pipeline Regulations](#), and two new regulations have been enacted to address damage prevention for international and interprovincial power lines.

Federally regulated pipeline and power line owners and operators should be aware of these regulatory changes, and how the regulatory changes may impact them. Read the [article](#) by Marie Buchinski and Colm Boyle with Bennett Jones LLP.

Collaboration on Methane Research Establishes Two-year Research Plan

The BC Oil and Gas Methane Emissions Research Collaborative (MERC) has established a two-year plan to advance research on methane emissions from oil and gas activity. The joint initiative of industry, government, the regulator and non-profits supports BC's methane emission reduction targets.

MERC's 2019-2021 research plan will lead to recommendations on the design and implementation of key research deliverables necessary to meet methane reduction goals and to monitor the efficiency and effectiveness of BC's methane regulations.

The provincial and federal governments have goals for reducing methane emissions from upstream oil and gas operations. The Government of BC has a reduction goal of 45 per cent by 2025, relative to 2014 levels, while the Government of Canada has a reduction target of 40-45 per cent by 2025, relative to 2012 levels. Read the [full news release](#) issued by the BC Oil & Gas Commission.

Relief for BC Hydro Customers

As referenced in the previous Reporter, On April 2, the Direction to the British Columbia Utilities Commission Respecting COVID-19 Relief, [B.C. Reg. 76/2020](#), was introduced to implement BC Hydro's COVID-19 Relief Fund. The COVID-19 Relief Fund allows eligible residential customers who have experienced job loss to receive three months of free credit on their BC Hydro bill based on their average consumption. The fund also allows eligible small businesses that have been forced close due to COVID-19 to have their power bills waived from April to June 2020. In addition, major industries, such as pulp and paper mills and mines, have the opportunity to defer 50% of their bill payments for three months.

Sierra Club Loses Legal Fight against Environmental Exemptions for BC Frack Dams

An environmental group has lost its legal challenge of regulatory exemptions given to a pair of dams in northern British Columbia. "It's bitterly disappointing and a worrying judgment," Alan Andrews, lawyer for the Sierra Club of B.C., said Wednesday [April 22]. Progress Energy built the dams to store water for its natural gas fracking operations in the northern part of the province. Court heard the company inadvertently built the dams too high, which brought into force environmental regulations the dams couldn't meet. The province granted the company an exemption from the rules. Read the [Vancouver Sun article](#).

BCOGC Bulletins March

The BCOGC has issued the following bulletins in the month of :

- [INDB 2020-09 Pipeline Levy Payment Terms Adjusted](#)
- [IB 2020-04 Initial Commission Actions in Response to COVID-19](#)

Visit the [BCOGC website](#) to view these and other bulletins.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Direction to the British Columbia Utilities Commission Respecting COVID-19 Relief (76/2020)	NEW Apr. 2/20	see Reg 76/2020
First Nations Clean Energy Business Fund Regulation (377/2010)	Apr. 1/20	by Reg 7/2017 and Reg 149/2018
Mineral Tax Costs and Expenditures Regulation (405/89)	Apr. 27/20	by Reg 89/2020

FORESTRY AND ENVIRONMENT NEWS

COVID-19: BC Government Defers Stumpage Fees for Forest Sector

The BC government says it will defer the forest sector's stumpage fees to help it navigate the COVID-19 pandemic financial crisis. Stumpage, the fee operators pay the province to harvest, buy or sell trees from Crown land, will be deferred for three months. Minister Doug Donaldson and Parliamentary Secretary Ravi Kahlon, with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, made the announcement Thursday [April 30]. Donaldson said the deferral may help some companies start up again sooner, or prevent some from shutting down during this time. The forest industry is considered an essential service and companies have been allowed to operate during the pandemic restrictions. Market conditions, including shaky consumer confidence and a decline in new housing starts are the main challenges in the forest sector, said Donaldson. Read the *Vancouver Sun* [article](#).

Tree Planting to Proceed Under Strict Guidelines – COVID 19

On April 23, 2020, the Provincial Health Officer released [guidelines](#) to reduce and mitigate the risks of COVID-19 for all tree planters in response to forestry and silviculture being defined as essential services.

All tree planters will be subject to strict screening procedures for COVID-19 symptoms before admission to field camps or community accommodations. Provincial regional staff will be reaching out to communities within the affected planting areas to discuss plans, protocols and procedures. Read the [full UCBM article](#).

Cross-Country Check-In: COVID-19 and the Environment

This Bulletin is current to May 1, 2020 and will be updated as events warrant. [\[update\]](#)

The COVID-19 pandemic has created an unprecedented global crisis impacting all aspects of life in Canada. All levels of government have issued urgent orders and directions designed to protect public health including mandatory shutdowns of certain sectors. While Canada has a complex environmental regulatory regime at both the federal and provincial levels, some governmental and regulatory bodies have taken steps to temporarily alter legal requirements in light of the current crisis in order to lessen the burden on businesses and encourage the manufacture of products to assist in combatting the virus and its consequences.

British Columbia's environmental regulatory response to COVID-19 includes restrictions on open burning as well as changes to the Environmental Appeal Board's operations. The Ministry of Environment and Climate Change Strategy ("MECCS") has also directed environmental authorization holders to contact the MECCS in the event of any COVID-19 related compliance issues. Read the [Environmental Law Bulletin](#) published by [Ralph Cuervo-Lorens](#), [Talia Gordner](#), [Candice Hévin](#), [Julia Loney](#) and [Holly Sherlock](#) with McMillan LLP.

Bridge Design, Construction, Safety Significantly Improved

An investigation of 269 bridges and 59 wood-box culverts constructed throughout the province in the last three years has found significant improvement since a similar investigation was published in 2014, according to a new report. "We set out to see whether practices had improved as a result of our last report in 2014 and we are very pleased with the findings," said Kevin Kriese, board chair, Forest Practices Board. "We found much better results than last time and industry, the professional associations and government deserve recognition for their efforts." Read the [full article](#) published by the BCFPB.

Environmental Appeal Board Decisions

There were two Environmental Appeal Board decisions in the month of April:

[Environmental Management Act](#)

- [GFL Environmental Inc. v. District Director, Environmental Management Act](#) [Interim Relief Application #2 – Granted with Conditions]
- [Delfresh Mushroom Farm Ltd. v. District Director, Environmental Management Act](#) [Final Decision – Appeal Allowed in Part, Application for Costs – Denied]

Visit the Environmental Appeal Board [website](#) for more information.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	Apr. 1/20	by 2018 Bill 2, c. 4, sections 6 to 10 only (in force by Reg 12/2020), Budget Measures Implementation Act, 2018
Carbon Tax Regulation (125/2008)	Apr. 1/20	by Reg 12/2020
Environmental Assessment Fees Regulation (246/2019)	Apr. 1/20	by Reg 66/2020
Environmental Management Act	Apr. 6/20	by RS2019, c. 1, RevSch 2 (in force by Reg 207/2019)
Greenhouse Gas Emission Reporting Regulation (249/2015)	Apr. 1/20	by Reg 74/2020
Hunting Regulation (190/84)	Apr. 16/20	by Reg 84/2020
Limited Entry Hunting Regulation (134/93)	Apr. 16/20	by Reg 84/2020
North American Gypsy Moth Eradication Regulation, 2019 (87/2019)	REPEALED Apr. 6/20	by Reg 81/2020
North American Gypsy Moth Eradication Regulation, 2020 (81/2020)	NEW Apr. 6/20	see Reg 81/2020
Reviewable Projects Regulation (243/2019)	Apr. 1/20	by Reg 243/2019

OCCUPATIONAL HEALTH AND SAFETY NEWS

WorkSafeBC Looking at Presumption for COVID-19 Claims

WorkSafeBC's Board of Directors has directed the Policy, Regulation and Research Division (PRRD) to add COVID-19 (or potentially more broadly, coronaviruses or respiratory communicable diseases) to the list of diseases in [Schedule 1 of the Workers Compensation Act](#) on an expedited process. The primary significance of Schedule 1 is that COVID-19 claims will be presumed to be caused from work, unless proven otherwise. WorkSafeBC's Board of Directors has the sole authority over what diseases and associated trades, processes or industries are added to Schedule 1 of the Act. Read the [full WorkSafeBC news release](#).

OGC Safety Advisory - Seasonal Hazards Safety Reminder

EFFECTIVE DATE: Immediately

This year, expected seasonal threats from wildfires and floods have an added challenge, as we all confront the COVID-19 virus. Demands for social distancing, coupled with tight supplies of some personal protective equipment are expected to create additional challenges for all first responders. It is essential industry exercise extreme caution, minimizing risks from activities and maintaining a heightened level of situational awareness during the upcoming flood and fire season. Emergency Response Plans should be reviewed with employees, especially procedures for natural disaster threats. The BC Oil and Gas Commission (Commission) is asking permit holders to provide current, up-to-date sitelevel emergency contact information to ensure direct point of contact, if needed, during a natural disaster event. During such situations, contact information may also be shared with BC Wildfire Management, Emergency Management BC or other government agencies, which provide essential life safety actions. Read the [safety advisory](#).

Workers Can Refuse Unsafe Work to Avoid Workplace Injury

Some workers in British Columbia may not realize that they have the right to refuse job tasks that would threaten their safety. Employers must provide safety training and personal protective gear to protect employees from conditions that could cause a workplace injury. If you feel unsafe at work, you must follow the appropriate steps when reporting hazardous conditions. The first step is to [notify your employer or supervisor of the hazard](#). The employer must address the matter without punishing you for refusing to carry out orders. While investigating the complaint, the employer may not discipline you in any way. You may be assigned a different task without any wage losses. This will allow the employer to fix the problem. If the employer finds the complaint to be invalid, they must inform you, and you will then have the right to ask for another examination of the reported danger. Read the [full article](#) published in [Workplace Injuries](#) on Monday, April 20, 2020 – by Overhold Law.

Female Workers Struggle with Ill-fitting PPE

During this current COVID-19 pandemic, PPE shortages have largely dominated the news cycle as governments race to equip their essential workers with the necessary protective equipment to fight the virus. However, less has been made of ill-fitting PPE – especially with regards to gender concerns. British trade union Prospect has recently released a study showing that many female workers continue to struggle with ill-fitting PPE. The union found that there were the most issues with regards to ill-fitting trousers and overalls. Read the [full article](#) in the *Canadian Occupational Safety*.

Consultation on Proposed Amendments to the Occupational Health and Safety Regulation

from WorkSafeBC:

Our Policy, Regulation and Research Division is requesting feedback on proposed amendments to the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to provide feedback prior to the proposed amendments going to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process. There are two proposed regulatory amendment packages under review:

- [Part 7, Noise, Vibration, Radiation and Temperature, section 7.19\(1\)\(b\)\(i\) – exposure limits](#); and
- [Parts 1, 5, 22 and 23, multiple sections – combustible liquids and flammable liquids](#).

To learn more about these proposed changes or to provide feedback, read the [full article](#) published on the WorkSafe BC website.

Canada: Cross Country Survey of Changes to Workers' Compensation System in Response to COVID-19

The workers' compensation system in Canada is a no-fault insurance system that provides employees who become injured or ill at the workplace with compensation from a statutorily established accident fund. Most employers in Canada participate in this system either because they are obligated by legislation to do so, or because they can "opt in" in certain jurisdictions. This system exists in the provinces and territories, but does not exist at the federal level. Federally regulated employers can also choose to "opt in" to a province's or territory's workers' compensation system. Workers' compensation systems replace the right of employees to sue their employers, co-workers or others for losses arising from such accidents. Employer contributions to a government fund for workers' compensation coverage are generally statutorily mandated. Contribution amounts vary and are dependent on factors such as the total amount of salary and wages paid by the company to its employees, the employer's "experience rating," which depends on its accident history, and the nature of the employer's business. There are limited exclusions for workers' compensation coverage. Read the [full article](#) by William McMillan, Rhonda B. Levy and Sari Springer with Littler Mendelson P.C.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Elevating Devices Safety Regulation (101/2004)	Apr. 30/20	by Reg 184/2019
Gas Safety Regulation (103/2004)	Apr. 1/20	by Reg 208/2019
Occupational Disease Recognition Regulation (71/99)	Apr. 6/20	by Reg 279/2019
Occupational Health and Safety Regulation (296/97)	Apr. 6/20	by Reg 279/2019
OHS Citations Regulation (194/2015) (formerly titled <i>Lower Maximum Administrative Penalties Regulation</i>)	Apr. 6/20	by Reg 279/2019
Reconsideration of Prescribed Compensation Claims Regulation (177/2013) (formerly titled <i>Review of Old Permanent Disability Awards Regulation</i>)	Apr. 6/20	by Reg 279/2019
Reports of Injuries Regulations (713/74)	Apr. 6/20	by Reg 279/2019
Workers Compensation Act	STATUTE REVISION Apr. 6/20	RS2019, c. 1 (in force by Reg 207/2019) as amended by Reg 46/2020

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