



EnviroFor Reporter

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ENVIROFOR NEWS:

Summer Session Wrap-up

The rare summer sitting of parliament is scheduled to adjourn later this week, with several bills still awaiting Royal Assent at the time this Reporter was published. The following Bills were introduced since this session resumed in June:

- [Bill 6](#), Mines Amendment Act, 2020 (*Third Reading*)
- [Bill 14](#), Municipal Affairs and Housing Statutes Amendment Act (No. 2), 2020 (*Third Reading*)
- [Bill 17](#), Clean Energy Amendment Act, 2020 (*First Reading*)
- [Bill 18](#), Economic Stabilization (COVID-19) Act (*Third Reading*)
- [Bill 19](#), COVID-19 Related Measures Act (*RA*)
- [Bill 20](#), Motor Vehicle Amendment Act (No. 2), 2020 (*Third Reading*)
- [Bill 21](#), Wills, Estates and Succession Amendment Act, 2020 (*Third Reading*)
- [Bill 22](#), Mental Health Amendment Act, 2020 (*First Reading*)
- [Bill 23](#), Workers Compensation Amendment Act, 2020 (*Third Reading*)
- [Bill 24](#), Municipalities Enabling and Validating (No. 4) Amendment Act, 2020 (*Third Reading*)

A number of non-government Bills were also introduced, none of which have progressed past first reading:

- [M205](#), Building Amendment Act, 2020
- M206, Home-Based Craft Food 2.0 Act
- M207, Repeal Bill 52 and Bill 15 Act, 2020
- M208, Insurance Corporation Amendment Act, 2020
- M209, Liquor Control and Licensing Amendment Act, 2020

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our [BC Legislative Digest](#) tracking tool or the new [Keyword Alert](#) tool and have us monitor and alert you to changes for laws of your choosing.

Reporter Delayed

Due to staff holidays, this scaled-back edition of the Reporter was published a few days later than usual.

Tip: Log in to EnviroFor Online prior to clicking Reporter links.

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

CATEGORIES

[ENERGY & MINES](#)
[FORESTRY & ENVIRONMENT](#)
[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

In Pursuit of an Integrated Risk-based Approach to Mining Oversight: BC Introduces Proposed Amendments to the *Mines Act*

The BC government has introduced proposed changes to the *Mines Act* (the Act) in [Bill 6](#) (*Mines Amendment Act, 2020*), which passed its First Reading in the Legislative Assembly on June 22, 2020. The proposed changes were developed in response to lessons learned from the 2014 tailings spill at the Mount Polley mine. In addition, Bill 6 reflects [recommendations](#) made by the Office of the Auditor General for BC in its 2016 report, [An Audit of Compliance and Enforcement in the Mining Sector](#), and the 25 recommendations in the [Mining Jobs Task Force Report](#). The [Mining Jobs Task Force](#) was established in February 2018 to review exploration and mining in the province and to make recommendations for strengthening the industry. Read the [full article](#) by Selina Lee-Anderson and Joannie Fu with McCarthy Tétrault LLP.

Strategic Assessment of Climate Change – New Guidance for the Federal *Impact Assessment Act*

On July 16, 2020, the federal government released the Strategic Assessment of Climate Change, July 2020 ("SACC"). The SACC includes rules and obligations that apply to designated projects under the federal [Impact Assessment Act](#) ("IAA"). In particular, the SACC outlines requirements for project proponents in relation to greenhouse gas ("GHG") emissions as well as associated climate change information. In addition, the SACC will also work to guide non-designated projects such as those regulated by the Canada Energy Regulator ("CER") or under regional assessments. The stated purpose of the SACC is to bring consistency, transparency, efficiency and predictability to the impact assessment process in the climate change context.

The SACC reflects the federal government's goal of reaching net-zero emissions by 2050 and other climate change commitments such as those under the international Paris Agreement. Consequently, the SACC requires proponents of designated projects to provide detailed information on GHG emissions and other climate change factors at each phase of the impact assessment process. The SACC also provides some clarity regarding how the Impact Assessment Agency of Canada ("IAAC") will review proponent submissions. Read the [full article](#) by [Laura E. Duke](#) and [Mitchell Horkoff](#) with Lawson Lundell LLP.

BC Funding Available For Companies Operating in the Zero-Emission Vehicle Sector

On July 9, 2020, the British Columbia government announced the availability of \$4.18 million in new funding under CleanBC's Advanced Research and Commercialization (ARC) program for BC companies developing new technologies in the electric vehicle and zero-emission vehicle (ZEV) sector. The funding initiative is intended to boost the province's economic recovery following the pandemic and signifies BC's commitment to sustainable energy programs and a robust clean-tech industry. Read the [full article](#) by [Caolan Lemke](#) and [Chad Eggerman](#) with MLT Aikins LLP.

Preparing for the Economic Reboot – Key Considerations for Project Stakeholders

For the past several months, governments across the globe have been implementing policies and directives to prevent the spread of Covid-19 and to preserve health care systems. These policies and directives have resulted in work stoppages, large scale unemployment, weakened demand, global supply chain delays and numerous other significant economic impacts. Governments have taken action to mitigate the most immediate short-term economic losses facing individuals and businesses as a result of these directives; but, a long-term plan will be required to facilitate a robust recovery.

In recent weeks, governments have begun to turn their focus to loosening restrictions, rebooting economic activity and planning for the long term. As governments begin to develop plans for this reboot, it is likely that projects in the infrastructure, mining and energy sectors will play an important role in delivering economic stimulus. These projects will be expected to provide immediate employment and investment opportunities, tangible outcomes, and knock-on benefits to suppliers, service-providers, and communities. Other stimulus projects could provide essential raw materials and key inputs to facilitate and kick start other forms of economic activity. Read the [full article](#) by Brad Nicpon, Christopher Langdon and Lynn Parsons with McCarthy Tétrault LLP.

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2020-19](#) – New BC Production Data Now Available
- [INDB 2020-18](#) – Updates to Application Management System and Kermit
- [INDB 2020-17](#) – Clarification of Requirements for OGAA Water Source Wells
- [INDB 2020-16](#) – Electronic Submission for ALR Schedule B Pipeline Assessments
- [INDB 2020-15](#) – Timeline Extended to Sept. 1, 2020 for a Permit or Authorization
- [INDB 2020-14](#) – Packer Isolation Test (PIT) Report Submission Changes
- [INDB 2020-05](#) – Former Range Energy Assets Declared Orphan Sites (IB 2020-05)

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

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
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There were no amendments this month.

FORESTRY AND ENVIRONMENT NEWS

Aiming for Maximum (GHG) Impacts: Federal Government Releases Guidance on Assessing Climate Change Impacts of Major Projects

On July 17, 2020, the Government of Canada published its [Strategic Assessment of Climate Change](#) (SACC), which will be used to assess the impacts of climate change in federal impact assessments conducted under the federal [Impact Assessment Act](#) (IAA).

The SACC is deemed a strategic assessment under section 95 of the IAA; a strategic assessment provides guidance on how a policy, plan, program or issue relevant to conducting impact assessments should be considered in the impact assessment process. The SACC applies to designated projects under the IAA. For non-designated projects on federal lands and outside Canada subject to the IAA, the principles and objectives underlying the SACC will be built into guidance for the review of such projects. Similarly, guidance for projects regulated by the Canada Energy Regulator will consider the principles and objectives of the SACC. In addition, the SACC may also apply to environmental reviews by other federal lifecycle regulators, and be used in regional assessments. Environment and Climate Change Canada has indicated that it plans to review and update the SACC every 5 years. Read the [full article](#) by Selina Lee-Andersen and Joanna Rosengarten with McCarthy Tétrault LLP.

In the Age of Modern Treaties, How Should the Duty to Consult Account for the Treaty Rights of Other Nations?

On July 27, 2020, the BC Court of Appeal released its judgment in *Gamlaxyeltxw v. British Columbia (Minister of Forests, Lands & Natural Resource Operations)*, [2020 BCCA 215](#). The court dismissed an appeal brought by Gitanyow hereditary chiefs regarding an unsuccessful judicial review of ministerial decision-making pursuant to the Nisga'a Treaty.

This case involved a judicial review of two decisions of the Minister of Forests, Lands and Natural Resource Operations dating back to 2016. The decisions involved the wildlife management regime in the Nass Wildlife Area. The Nass Wildlife Area is part of the area covered by the Nisga'a Final Agreement. The Nass Wildlife Area overlaps with the claims of other Indigenous groups, including the Gitanyow. Read the [full article](#) by Kevin O'Callaghan, Madison Grist and Samuel Geisterfer with Fasken Martineau DuMoulin LLP.

BC Government Failing to Register Groundwater Users, Say Critics

Any person or company with a well that draws groundwater for non-domestic use must register with the province and pay a nominal annual fee, according to legislation passed in 2015. Only 20 per cent of people in BC who use wells to get their water have bothered to register under the province's new mandatory groundwater law. The low enrolment, which comes four and a half years after BC passed landmark reforms on water sustainability, undermines the province's attempts to track and prioritize who is drawing from aquifers and groundwater sources across the province, said Green MLA Sonia Furstenuau. Read the *Vancouver Sun* [article](#).

Environmental Appeal Board Decisions

There was one Environmental Appeal Board decision in the month of July:

[Environmental Management Act](#)

- [Woodland Heights Investments, Ltd. v. Director, Environmental Management Act](#) [Final Decision – Appeal Allowed in Part; Penalty Varied]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Closed Areas Regulation (76/84)	July 1/20	by <u>Reg 169/2020</u>
Code of Practice for Agricultural Environment Management (8/2019)	July 15/20	by <u>Reg 8/2019</u>
Controlled Recreation Area (Resort Timber Administration Act) Regulation (166/2007)	July 15/20	by <u>Reg 182/2020</u>
Designation and Exemption Regulation (168/90)	July 1/20	by <u>Reg 169/2020</u>
Hunting Regulation (190/84)	July 1/20	by <u>Reg 169/2020</u>
Limited Entry Hunting Regulation (134/93)	July 1/20	by <u>Reg 169/2020</u>
Motor Vehicle Prohibition Regulation (196/99)	July 1/20	by <u>Reg 169/2020</u>
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	July 13/20	by <u>Reg 178/2020</u>
Water Sustainability Regulation (36/2016)	July 20/20	by <u>Reg 187/2020</u>
Wildlife Act Commercial Activities Regulation (338/82)	July 1/20	by <u>Reg 169/2020</u>
Wildlife Act General Regulation (340/82)	July 1/20	by <u>Reg 169/2020</u>

OCCUPATIONAL HEALTH AND SAFETY NEWS

OHS Regulation Amendment

Changes to Part 20 of the [OHS Regulation](#) dealing with equipment inspections for concrete pumping in relation to construction, excavation and demolition was recently amended. The amendment was made by [B.C. Reg. 82/2020](#), effective July 14, 2020.

WCA Amendments

Changes to the [Workers Compensation Act](#) will provide better support to injured workers and their families and enhance WorkSafeBC's ability to investigate workplace incidents, while keeping premiums low.

"For too many years, we have heard from injured workers in BC that the system lacks fairness and doesn't work for them or support them through their injuries," said Harry Bains, Minister of Labour. "Today's changes are an important step in modernizing the *Workers Compensation Act*, ensuring workers and their families get the support they need, while also increasing everyone's confidence in the system."

The [proposed changes](#) focus on improving supports for injured workers, while also advancing worker safety. The changes include:

- raising the maximum annual salary amount on which workers' compensation benefits are based;
- authorizing WorkSafeBC to provide preventative medical treatment before a claim is accepted;
- giving powers to the court to issue WorkSafeBC search and seizure warrants that are appropriate for investigating workplace safety infractions; and
- giving people a voice in serious workplace prosecutions and trials by using victim impact statements.

This legislation will fast-track the effective date of presumptions if established by WorkSafeBC's board of directors for occupational diseases caused by viral pathogens. Read the full government [news release](#).

Most Canadians Still Afraid to Return to Workplace: Report

But the majority trust their employers to keep them safe. More than half (54 per cent) of Canadians are afraid to return to the workplace given just how contagious the COVID-19 virus is, and six in 10 will refuse to go back if they feel it's not safe enough, finds a new poll by KPMG in Canada. Three in five (59 per cent) women say they are fearful of returning, compared to 49 per cent of men.

Virtually all Canadians (94 per cent) believe the pandemic is far from over, and 83 per cent say they are worried about catching the virus or transmitting it to their loved ones. But, as long as the number of COVID cases remain relatively low, as many as 72 per cent of Canadians are okay going back to their physical workplace, although they believe there will be a second wave of infections in the fall or winter that will shut down workplaces all over again. Read the [full article](#) published by Canadian Occupational Health and Safety.

WorkSafeBC Law & Policy Announcements (July)

The following law & policy announcements were recently made by WorkSafeBC.

- **Acupuncture**
On July 22, 2020, the Board of Directors approved policy amendments regarding acupuncture.
- **Substantive Changes to Policy in the RS&CM, Volume II Consequential to Implementing the Revised Workers Compensation Act**
At its July 2020 meeting, WorkSafeBC's Board of Directors approved minor substantive amendments to policy in the Rehabilitation Services & Claims Manual, Volume II, consequential to the implementation of the revised [Workers Compensation Act](#) (Act), which came into effect on April 6, 2020.
- **Adding infections caused by communicable viral pathogens, including COVID-19, to Schedule 1 of the Workers Compensation Act**
On July 22, 2020, our Board of Directors approved amendments to Schedule 1 of the *Workers Compensation Act* (Act) to add a presumption for infections caused by communicable viral pathogens, which are the subject of a B.C.-specific emergency declaration or notice.
- **September 2020 public hearing on proposed regulatory amendments**
WorkSafeBC is holding a virtual public hearing on September 30, 2020, for proposed amendments to the [Occupational Health and Safety Regulation](#).

Visit [WorkSafeBC](#) for more information on these and other important announcements.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety	July	by Reg 82/2020

Regulation (296/97)

14/20

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