



# EnviroFor Reporter

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## ENVIROFOR NEWS:

### Quickscribe Welcomes New Contributor

We are thrilled to announce the addition of an experienced lawyer who will be contributing ongoing annotations to the Quickscribe site.

[Nancy Harwood](#), a lawyer and principal with [The Harwood Safety Group](#), will act as Quickscribe's official expert for Occupational Health and Safety law. Nancy has practiced in the area of occupational health and safety law for over 20 years, including as a director in the Prevention Division of WorkSafeBC, and for the past six years, as principal of The Harwood Safety Group. She provides legal advice on regulatory compliance matters and conducts respectful workplace investigations for a wide range of industry clients. The Group also provides consulting expertise in safety training, OH&S program development, accident investigations and occupational exposure control, including relating to the COVID-19 pandemic. Visit Nancy's [public profile page](#) for more information.

### New Update Resolves Recent Issues

Quickscribe recently released a series of platform updates which included a fix for some minor bugs. The update has resolved the issue stemming from Chrome popups blocking certain PDF functionality. We have also updated the official Hansard links so that they point to the new URL locations. Work is also in progress to upgrade the version of the Quickscribe platform which will result in significantly faster load times.

### Legislation could Extend Emergency Orders for One More Year: Attorney General

[Proposed act](#) also allows for the creation of regulations that provide protections to "responsible" and compliant businesses and groups from civil liability related to COVID-19. A physically distanced B.C. legislature opened Monday [June 22] to the announcement that the BC NDP government will seek to extend emergency orders for up to a year. Read the [full article](#) at the *Time Colonist*.

### Latest Annotations

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

- [Jeff Waatainen](#), DLA Piper LLP – [Forest 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

[ENERGY & MINES](#)

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

## ENERGY AND MINES NEWS

### **BC Proposes Amendments to *Mines Act***

On June 22, 2020, British Columbia [introduced amendments](#) to the [Mines Act](#). The proposed amendments formalize the separation of the Ministry of Energy, Mines and Petroleum Resources' (EMPR) permitting and compliance functions, establish an independent oversight unit, and further enhance compliance and enforcement. The proposed amendments adopt a number of the recommendations of the [Mining Jobs Task Force](#) and the May 2016 Office of the Auditor General for BC (OAG) [report](#) on the EMPR's and the Ministry of Environment's (MOE) compliance and enforcement. Currently, the Chief Inspector of Mines is responsible for both permitting decisions and for health, safety, and enforcement. The proposed amendments will create a new position of Chief Permitting Officer (CPO). The CPO will be responsible for permitting decisions. The delivery of permitting responsibilities will be coordinated and aligned under one area of the ministry. The Chief Inspector will remain responsible for health, safety, and enforcement. The proposed amendments will affirm and clarify the division of responsibilities and resources between permitting functions and regulatory compliance and accountability. Read the [full article](#) by Sharon Singh, Sander Grieve and Claire Lingley with Bennett Jones LLP.

### **Supreme Court Dismisses Appeal of Trans Mountain Pipeline Approval**

The Supreme Court of Canada will not hear a new appeal from British Columbia First Nations over the Trans Mountain pipeline expansion. The court on Thursday [July 2] dismissed the appeal from the Squamish Nation, Tsleil-Waututh Nation, the Ts'elxweyeqw Tribes and Coldwater Indian Band, effectively ending the years-long legal battle over the project. As is customary, the court did not give reasons for its decision. Read the [full article](#) in the *Financial Post*.

### **Province Extends Deferral of Electricity Costs for Industries Impacted by COVID-19**

To further support BC's mining, forestry and other industries impacted by the COVID-19 pandemic, the Government of British Columbia and BC Hydro are extending the opportunity for companies to defer electricity bill payments for another three months. As part of the BC Hydro COVID-19 Relief Program announced on April 1, 2020, eligible industrial customers with accounts in BC Hydro's Transmission Service rate category (rate schedules 1823 and 1828) were given the opportunity to defer 50% of their electricity bill payments for the March to May 2020 billing period. Read the full government [news release](#).

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	June 22/20	by <a href="#">Reg 139/2020</a>
Direction to the British Columbia Utilities Commission Respecting COVID-19 Relief (76/2020)	June 19/20	by <a href="#">Reg 137/2020</a>
Fee, Levy and Security Regulation (8/2014)	June 1/20	by <a href="#">Reg 109/2020</a>
First Nations Clean Energy Business Fund Regulation (377/2010)	June 3/20	by <a href="#">Reg 122/2020</a>

## FORESTRY AND ENVIRONMENT NEWS

### Frustration and Force Majeure: Unexpected Events and Contractual Non-compliance

While public health and economic issues are ubiquitous in the media's coverage of COVID-19, the pandemic also raises a mind-boggling array of legal issues. Indeed, issues of legal liability are often connected to the consequences of COVID-19 for public health and the economy. For example, the Government of BC's Public Health Officer issues orders to protect public health through potential legal liability on account of noncompliance, and that potential liability may constrain economic activity.

Issues of legal liability associated with COVID-19 are not, of course, limited to the realm of public regulation, but also arise in the context of the legal relationships among private parties. Contracting parties may fail to meet their obligations to one another on account of the pandemic. In these circumstances, the question quickly becomes: what legal remedies are potentially available to provide relief from liability for such a failure? Read the [full article](#) by [Jeff Waatainen](#) in the Summer 2020 issue of *BC Forest Professional* magazine.

### Modernized Contaminated Sites Regime Coming to British Columbia

On June 9, the Ministry of Environment and Climate Change Strategy in British Columbia made [Ministerial Order No. 182](#) (MO 182), which amends the [Contaminated Sites Regulation](#) (CSR) to align with [Bill 17](#), the *Environmental Management Amendment Act* (Bill 17). Together, these amendments alter the contaminated site identification process in BC.

Bill 17 was approved in May of 2019 after a multi-year review and consultation process that identified a number of weaknesses in the contaminated site regime. The amendments will take effect on February 1, 2021, and are intended to streamline site identifications while capturing contaminated sites that were previously left unregulated. Bill 17 makes the following notable changes to the [Environmental Management Act](#):

- Replaces the term "site profile" with "site disclosure statement."
- Simplifies the conditions under which a site disclosure statement is required to be submitted.
- Requires that a site disclosure statement be submitted to the registrar as opposed to the director, to streamline the collection of information.
- Adds responsibilities of the "operator of the property" in addition to existing responsibilities of the "owner of the property," to ensure the person associated with the contaminated site is captured in the disclosure requirements.

Read the [full article](#) by Max Collet with Norton Rose Fulbright Canada LLP.

### Environmental Appeal Board Decisions

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

#### [Environmental Management Act](#)

- [GFL Environmental Inc. v. District Director, Environmental Management Act](#) [Interim Relief Application #3 – Date Variations Granted]

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

## FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Boundaries Regulation (137/2014)	June 26/20	by <a href="#">Reg 152/2020</a>
Administrative Penalties ( <i>Environmental Management Act</i> ) Regulation (133/2014)	June 29/20	by <a href="#">Reg 162/2020</a>
Administrative Penalties ( <i>Integrated Pest Management Act</i> ) Regulation (134/2014)	June 29/20	by <a href="#">Reg 164/2020</a>

BC Timber Sales Regulation (381/2008)	June 22/20	by <a href="#">Reg 142/2020</a>
BC Timber Sales Business Areas Regulation (243/2003)	<b>REPEALED</b> June 26/20	by <a href="#">Reg 152/2020</a>
Closed Areas Regulation (76/84)	July 1/20	by <a href="#">Reg 169/2020</a>
Designation and Exemption Regulation (168/90)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Hunting Regulation (190/84)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Limited Entry Hunting Regulation (134/93)	July 1/20	by <a href="#">Reg 169/2020</a>
Motor Vehicle Prohibition Regulation (196/99)	July 1/20	by <a href="#">Reg 169/2020</a>
Recycling Regulation (449/2004)	June 29/20	by <a href="#">Reg 162/2020</a>
Wildfire Regulation (38/2005)	June 26/20	by <a href="#">Reg 157/2020</a>
Wildlife Act Commercial Activities Regulation (338/82)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Wildlife Act General Regulation (340/82)	July 1/20	by <a href="#">Reg 169/2020</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### New Order Issued for Industrial Camps

A [new order](#) was recently issued by the Provincial Health Officer July 2nd which updates the requirements for employers who provide industrial camp accommodations. The amended order requires the employer to arrange for a health officer or a Provincial infection prevention and control officer to inspect the accommodation, worksite, vehicles used to transport workers and vehicles used by workers for work and to transport themselves to and from the worksite in order to determine if the accommodation, worksite and vehicles will support the prevention and control of transmission of SARS-CoV-2, and if possible, to implement the Protocol in a manner that will prevent the risk of transmission of SARS-CoV-2 among workers and to other persons. New industrial camp accommodations will require this inspection before placing workers in accommodation or operating a worksite. This order repeals and replaces an earlier order that was issued on April 23.

### BC Implementing New Safety Measures for Seasonal Domestic Fruit Pickers

British Columbia is providing funding for the Okanagan communities to help with the annual arrival of seasonal fruit pickers and to better protect workers', employers' and communities' health and safety with respect to COVID-19. Through the investment, the government is helping set up designated campsite accommodations and ensure they meet health and safety requirements as outlined by the provincial health officer. Read the [full article](#) published by Canadian Occupational Safety.

### Consultation on Proposed Amendments to Part 8 of the

**Occupational Health and Safety Regulation**

from WorkSafeBC:

Our Policy, Regulation and Research Division is requesting feedback on proposed amendments to Part 8, Personal Protective Clothing and Equipment, section 8.11(1) – safety headgear, of the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to share feedback prior to the proposed amendments being taken to public hearing. Read the full WorkSafeBC [news release](#).

**OHS Annotations – Coming Soon!**

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**OCCUPATIONAL HEALTH AND SAFETY****Act or Regulation Affected****Effective  
Date****Amendment Information**

*There were no amendments this month.*

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