



# EnviroFor Reporter

Powered by Quickscribe Online

Toll Free: 1-877-727-6978  
Phone: 1-250-727-6978  
Fax: 1-250-727-6699

Email:  
info@quickscribe.bc.ca

Website:  
www.quickscribe.bc.ca

---

## Vol: XIV – Issue: 2 – February 2021

---

### ENVIROFOR NEWS:

#### Legislative Session Resumes

The 1st Session, 42nd Parliament (2020–2021) kicked off again on Monday, March 1st and will sit until March 25th. A spring session is scheduled to begin on April 12th, when the speech from the throne will be delivered followed by the budget on April 20th. It is expected that the agenda for March will focus primarily on COVID-19 related measures including the vaccine rollout and financial relief for renters and small business. The following Bills have been released as of the date this Reporter was published. A description of some of the new legislation is described herein.

- [Bill 4](#) – Firearm Violence Prevention Act
- [Bill 5](#) – Insurance Corporation Amendment Act, 2021
- [Bill 6](#) – Home Owner Grant Amendment Act, 2021
- [Bill 7](#) – Tenancy Statutes Amendment Act, 2021
- [Bill 8](#) – Finance Statutes Amendment Act, 2021
- [Bill 9](#) – Local Elections Statutes Amendment Act, 2021
- [Bill 10](#) – Supply Act (No. 1), 2021

#### Latest Annotations

New annotations were recently added to Quickscribe. The annotations include contributions from the following individuals:

- [Richard Bereti](#), Harper Grey LLP, [Environmental Management Act](#)
- [Mark Oulton](#), Hunter Litigation Chambers, [Forest Act](#), [Wildfire Act](#)

If you wish 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.

**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

## Canadian Power – British Columbia Regional Overview

2020 marked a year of unprecedented challenges for the BC power sector. The Province continued to review and assess the longer-term structure of its energy sector amid the immediate impacts of the COVID-19 pandemic, uncertainty regarding the Province's last large-scale hydroelectric project, and a surprise fall provincial election. With substantially all power procurement activities suspended indefinitely, independent power producers ("IPPs") and other industry participants await a number of key developments, including the completion by the provincial government of Phase 2 of its comprehensive review of BC Hydro, public consultations for the preparation of BC Hydro's long-awaited integrated resource plan, now due in late 2021, and the outcome of a review of the Site C hydroelectric project following concerns raised by BC Hydro regarding project risks, construction delays and rising costs. In the face of these developments, the provincial government continued to pursue its CleanBC climate strategy while facing criticism of its efforts to achieve related emission-reduction targets. Read the [full article](#) published on McCarthy Tétrault's *Canadian Energy Perspectives* blog.

## British Columbia Introduces CleanBC Industrial Electrification Rates and the Facilities Electrification Fund

On January 28, 2021, the Government of British Columbia [announced](#) that BC Hydro will offer discounted electricity rates to innovative industrial customers seeking to use clean electricity in qualified "green" operations, as well as industrial customers who convert their operations to be powered by electricity instead of fossil fuels. In addition to rate discounts, British Columbia will also provide financing to encourage electrification projects through a new \$84.4-million CleanBC Facilities Electrification Fund. Read the [full article](#) by [Sharon Singh](#), [David Bursey](#), [Duncan McPherson](#), [Vivek Warriar](#) and Kenryo Mizutani with Bennett Jones LLP.

## Commission Advances Orphan Site Restoration

The BC Oil and Gas Commission (Commission) has decommissioned over half of British Columbia's 770 orphan well sites. It's a key step on the path to full restoration of orphan sites, which requires multiple stages. In addition to the planned \$30 million collected from levies on oil and gas operators to restore orphan sites, BC received \$15 million from the federal government's COVID-19 stimulus package in April 2020 to address orphan site restoration. All orphan work is required to be performed by qualified service providers that are registered in BC. The Commission is supporting the communities where the majority of energy development occurs by using service providers based in northeast BC. Read the BCOGC [news release](#).

## A Pipeline Runs through It: Coastal GasLink Is Crossing Hundreds of Waterways in Northern BC

*Environmental violations on waterways flagged during pipeline construction*

A major BC pipeline will cross about 625 streams, creeks, rivers and lakes, many of them fish bearing, during construction of one of the largest private sector projects in Canadian history, according to the company building it. The \$6.6-billion pipeline is designed to carry natural gas, obtained by hydraulic fracturing – also known as fracking – in northeastern BC, to a \$40-billion LNG terminal on the province's North Coast for export to Asia. Read the CBC [article](#).

## Canadian Energy Oil and Gas: Top 20 of 2020 – Legislative developments

Without question, the top story over the last year has been the COVID-19 pandemic and its tremendous ongoing effects felt across Canada and the world. This time has had a significant impact on Canada's energy industry and many of the changes and developments that took place in 2020 will continue to influence trends, business decisions and the future growth of Canada's energy industry in 2021. As we look back at 2020, we have highlighted the Top 20 industry developments and decisions made throughout the year in four key areas: [Judicial decisions](#), [regulatory decisions](#), legislative and policy developments, and transactions and trends. In this article, we analyze the top five legislative and policy developments of the last year and how these decisions may affect your business in 2021. Read the [full article](#) by [Alan Ross](#), [Jonathan Cocker](#), [Chidinma B. Thompson](#), [Rick Williams](#), [Bradon Willms](#), [Steven Lumbala](#), [Heidi Rolfe](#) of Borden Ladner Gervais LLP.

## Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-03](#) – Changes to the EMA and CSR
- [INDB 2021-04](#) – Commission Recommends Operators Review Site and Systems Security Practices
- [INDB 2021-05](#) – Adoption of Local Magnitude Determination
- [INDB 2021-06](#) – Commission Staff Receive New Habitat Officer Designation
- [INDB 2021-07](#) – Updates to the Application Management System
- [INDB 2021-08](#) – Release of New Light Control Best Practices Guideline
- [INDB 2021-09](#) – Regulation Changes – Consultation and Notification Regulation; Service Regulation; Fee,

- Levy and Security Regulation
- [INDB 2021-10](#) – A new Oil and Gas Processing Facility Regulation (OGPFR) has been approved

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

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Coal Act Regulation (251/2004)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Energy Efficiency Standards Regulation (14/2015)	Feb. 16/21	by <a href="#">Reg 35/2021</a>
Gas Utility Act	Feb. 1/21	by 2010 Bill 20, c. 21, section 9 (a) and (c) only (in force by <a href="#">Reg 20/2021</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 3), 2010</a>
Geothermal Resources General Regulation (39/2017)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Mineral Tenure Act Regulation	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Mining Rights Compensation Regulation (19/99)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Ministry of Energy and Mines Act	Feb. 5/21	by 2018 Bill 49, c. 47, s. 131 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Oil and Gas Activities Act	Feb. 1/21	by 2019 Bill 17, c. 19, sections 45 and 46 only (in force by <a href="#">Reg 161/2020</a> ), <a href="#">Environmental Management Amendment Act, 2019</a>

## FORESTRY AND ENVIRONMENT NEWS

### Take Note – Changes Coming to BC's Site Profile System

Back in January 2020, we posted about the [proposed changes](#) to BC's site profile system to address the perceived gaps and weaknesses in the current site identification process. Well the time has come – those changes are about to become reality. The amendments to the [Environmental Management Act](#) ("EMR") and the [Contaminated Sites Regulation](#) ("CSR") come into effect on February 1, 2021.

#### What is Site Identification?

Site identification is the process that brings sites to the attention of the Ministry of Environment ("MOE") to ensure investigation and remediation of contaminated sites occurs before any redevelopment. The goal is to ensure both human health and the environment are being protected when sites are being redeveloped. This process applies to sites where specific industrial or commercial activities have occurred.

Read the [full article](#) by [Richard Bereti](#) and [Nicola Virk](#) with Harper Grey LLP.

### More Forest Industry Acquisitions Expected in 2021

Record high lumber prices have left North American forestry companies flush with cash, setting the stage for

more forestry M&A activity in 2021. Read the BIV [article](#) by [Nelson Bennett](#).

### **Proposed Changes to BC's Soil Relocation Regulations – New Testing and Notification Obligations**

The Government of British Columbia is in the process of overhauling the legal regime regulating soil relocation in the province, with the stated objective of improving the soil relocation process, enhancing waste soil management, and limiting the amount of soil that ends up in landfills. These proposed changes, which we are told will come before cabinet for approval by the end of 2021, are likely to impact the construction industry, property developers, environmental consultants, operators of soil management sites, and those who intend to remediate their properties.

The overhaul of the soil relocation regime will be accomplished through two sets of amendments. The first set of amendments modify the soil relocation provisions of the [Environmental Management Act](#) ("EMA"). These were passed in March 2020 but are not in effect yet. Read the [full article](#) by [Lana Finney](#) and [Ryan McNamara](#) with DLA Piper.

### **Alaska-BC Mine Rivers Generally Healthy: State-Province Joint Report**

A four-year study of Alaska-BC rivers associated with mining activity – spurred by U.S. and Canadian complaints about environmental threats – has concluded there aren't risks to marine habitat. Read the BIV [article](#) by Jeremy Hainsworth.

### **Environmental Appeal Board Decisions**

There were three Environmental Appeal Board decision in the month of February:

#### [Water Sustainability Act](#)

- [Stanley and Wendy Nichol v. Assistant Water Manager](#) [Stay Application – Granted]
- [Comptroller of Water Rights, Water Sustainability Act v. Harrison Hydro Project Inc., Fire Creek Project Limited Partnership, Lamont Creek Project Limited Partnership, Stokke Creek Project Limited Partnership, Tipella Creek Project Limited Partnership, and Upper Stave Project Limited Partnership](#) [Judicial Review – Decision Confirmed]

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

- [Richardson International Limited v. District Director, Environmental Management Act](#) [Preliminary Decision on Hearing Procedure – Granted]

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

## **FORESTRY AND ENVIRONMENT**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	Feb. 1/21	by <a href="#">Reg 161/2020</a> and <a href="#">Reg 22/2021</a>
Agrologists Act	<b>REPEALED</b> Feb. 5/21	by 2018 Bill 49, c. 47, section 134 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Agrologists Regulation (10/2021)	<b>NEW</b> Feb. 5/21	see <a href="#">Reg 10/2021</a>
Applied Biologists Regulation (13/2021)	<b>NEW</b> Feb. 5/21	see <a href="#">Reg 13/2021</a>
Applied Science Technologists and	<b>NEW</b>	

Technicians Regulation (12/2021)	Feb. 5/21	see <a href="#">Reg 12/2021</a>
Code of Practice for Soil Amendments (210/2007)	Feb. 16/21	by <a href="#">Reg 40/2021</a>
Code of Practice for the Slaughter and Poultry Processing Industries (246/2007)	Feb. 16/21	by <a href="#">Reg 40/2021</a>
College of Applied Biology Act	<b>REPEALED</b> Feb. 5/21	by 2018 Bill 49, c. 47, section 134 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Contaminated Sites Regulation (375/96)	Feb. 1/21	by <a href="#">Reg 131/2020</a> and <a href="#">Reg 161/2020</a>
Dam Safety Regulation	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Engineers and Geoscientists Act	<b>REPEALED</b> Feb. 5/21	by 2018 Bill 49, c. 47, section 134 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Engineers and Geoscientists Regulation (14/2021)	<b>NEW</b> Feb. 5/21	see <a href="#">Reg 14/2021</a>
Environmental Management Act	Feb. 1/21	by 2019 Bill 17, c. 19, sections 1 to 10 and 26 only (in force by <a href="#">Reg 161/2020</a> ), <a href="#">Environmental Management Amendment Act, 2019</a>
Forest Act	Feb. 5/21	by 2018 Bill 49, c. 47, section 141 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Foresters Act	<b>REPEALED</b> Feb. 5/21	by 2018 Bill 49, c. 47, section 134 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Forest Planning and Practices Regulation (14/2004)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Forest Professionals Regulation (15/2021)	<b>NEW</b> Feb. 5/21	see <a href="#">Reg 15/2021</a>
Greenhouse Gas Emission Reporting Regulation (249/2015)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Land Surveyors Act	Feb 5/21	by 2018 Bill 49, c. 47, section 145 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Ministry of Environment Act	Feb 5/21	by 2018 Bill 49, c. 47, sections 150 and 151 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Ministry of Forests and Range Act	Feb 5/21	by 2018 Bill 49, c. 47, sections 152 and 153 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Ministry of Lands, Parks and Housing Act	Feb 5/21	by 2018 Bill 49, c. 47, sections 154 and 155 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>

Mushroom Compost Facilities Regulation (413/98)	Feb 5/21	by <a href="#">Reg 11/2021</a>
Open Burning Smoke Control Regulation (152/2019)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Professional Governance (Election Stagger) Transitional Regulation (11/2021)	<b>NEW</b> Feb. 5/21	see <a href="#">Reg 11/2021</a>
Professional Governance Act	Feb. 5/21	by 2018 Bill 49, c. 47, section 1 (part), 2, 3, 7 (part), 9, 10 (part), 11, 12, 17, 18 (part), 21, 22, 23 (part), 24, 25 (2), 26 (part), 27 to 31, 32 (part), 33 to 58, 63 to 103, 105 (2), 106 (part), 108, 109 (part), 110, 113, 114, 117, 118 (part), 120, 121, 122 (part), 125 to 129, Schedules 1 to 3 only (in force by <a href="#">Reg 11/2021</a> ), <a href="#">Professional Governance Act</a>
Professional Governance General Regulation (107/2019)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Range Planning and Practices Regulation (19/2004)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Riparian Areas Protection Regulation (178/2019)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Water Sustainability Regulation (36/2016)	Feb. 5/21	by <a href="#">Reg 11/2021</a>
Wildfire Regulation (38/2005)	Feb. 5/21	by <a href="#">Reg 11/2021</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### Standardized Faller Inspection Form for Industry

During field visits around the province in the last few years, one of the widespread patterns the Falling Safety Advisors (FSA's) observed was the inconsistent use of supervisor inspections being performed on hand fallers. The importance of proper supervision of hand fallers cannot be overstated. As per [OHS regulation 26.22.1\(2\)](#), the supervisor must keep a record of every inspection. The FSA's noticed that there was a wide variety of falling inspection forms being used. Some were very detailed, multiple page inspection documents and some were very simple, one-page documents. I believe it is very important for the field inspection document to cover each part of the BC Faller Training Standard (BCFTS). I also believe the document does not need a numbered scoring system. Read the [full article](#) by Scott Rushton, BCFSC Lead Safety Advisor, in the March 2021 Edition of the *Forest Safety Newsletter*.

### WorkSafeBC Launches New Workplace Health and Safety Awareness Campaign amid Pandemic

WorkSafeBC is launching a province-wide, multi-language campaign focused on several specific actions workers and employers need to take to keep workplaces safe from COVID-19. "Our campaign is urging employers to revisit and update their COVID-19 safety plan as conditions change, and make sure it addresses risks in all areas of the workplace, including lunch rooms, hallways and meeting areas," said Al Johnson, head of prevention services for WorkSafeBC. "For workers, our campaign is emphasizing the importance of understanding and abiding by their employer's safety plan. This includes asking questions and sharing safety concerns with their

employer, completing a daily health check with their employer before entering the workplace, and staying home when feeling sick." Read the [full article](#) by [Jim Wilson](#), published on *Canadian Occupational Safety*.

### WorkSafe BC Updates Guidelines – (February 11)

– from WorkSafeBC:

A number of Occupational Health and Safety regulation guidelines were updated in February. These include:

#### Guidelines – Occupational Health and Safety Regulation

- Part 8 Personal Protective Clothing and Equipment
  - [G8.33\(2\)-1](#) Approved respirators (revised)
- Part 12 Tools, Machinery and Equipment
  - [G12.20](#) Reach distance to overhead power transmission parts (revised)
  - [G12.28\(3\)](#) Emergency stopping devices (revised)
  - [G12.29](#) Power presses, brake presses, and shears (revised)
  - [G12.56 \(and 4.3\(1\)&\(2\)\)](#) Powder actuated tools – Use and service in accordance with manufacturer's instruction (retired)
  - [G12.120](#) Reverse gas flow and flashback prevention (revised)
- Part 20 Construction, Excavation and Demolition
  - [G20.123](#) Alternate acceptable standard (new)

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may [comment and request revisions](#). Visit [WorkSafe BC Updates page](#) for these and other changes.

### New Public Health Orders

The Public Health Office (PHO) recently issued the following orders:

- [Regulated and Unregulated Health Professionals SARS-CoV-2 Immunization Order](#) – February 23, 2021 (PDF, 401KB)
- [Emergency Medical Assistants SARS-CoV-2 Immunization Order](#) – February 23, 2021 (PDF, 295KB)
- [Gatherings and Events](#) – February 10, 2021 (PDF, 450KB)

Visit the [PHO website](#) to view these and other related orders and notices.

### The Right to Bare Arms: Considerations for COVID-19 Vaccines in the Workplace

One of the most talked about topics when it comes to the scheduled roll out of the COVID-19 vaccine this year is whether an employer is entitled to require its employees to receive the vaccine in order to remain at or return to the workplace. It's a multifaceted issue, and it deserves fulsome consideration when discussing the important role employers could play in the national vaccination campaign, which is a key component of the fight against the spread of COVID-19 within an employer's workplace and more broadly. However, that is not the only interest at play. An employer's obligation to provide a safe workplace must be balanced with employees' potentially competing interests, such as the fundamental freedom to make inherently personal choices about one's own body. This can include competing rights relate to health or religious beliefs and trigger protection under human rights legislation. Read the [full article](#) by [Maddie Axelrod](#), [Robert Weir](#), [Marie-Pier Emery](#), [Stéphanie Desjardins](#) of Borden Ladner Gervais LLP.

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Safety Standards General Regulation (105/2004)	Feb. 22/21	by <a href="#">Reg 43/2021</a>
Workers Compensation Act	Feb. 16/21	by <a href="#">Reg 39/2021</a>

*The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients*

*(without the prior written consent of Quickscribe) is strictly prohibited.*

## **QUICKSCRIBE SERVICES LTD.**

### **DISCLAIMER**

The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.

**UNSUBSCRIBE FROM THIS EMAIL SERVICE**

To unsubscribe from this service, click [here](#).