



EnviroFor Reporter

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Vol: XIV – Issue: VII – July 2021

ENVIROFOR NEWS:

Latest Annotations

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

- [Anita Mathur](#) – [Requirements for Consultation and Notification Regulation](#), B.C. Reg. 50/2021
- [Richard Bereti](#), Harper Grey LLP – [Contaminated Sites Regulation](#), B.C. Reg. 375/96, [Environmental Management Act](#)

If you wish to be alerted 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

British Columbia Supreme Court Issues Precedent-setting Cumulative Effects Decision

On June 29, 2021, the British Columbia Supreme Court released its decision in [Yahey v British Columbia](#), in which it ruled that the rights of the Blueberry River First Nations (BRFN) under Treaty 8 in northeast British Columbia had been infringed by the cumulative impacts of industrial developments within Blueberry's traditional territory, including forestry, oil and gas, renewable energy and agriculture. This decision marks a significant departure from past cases involving cumulative effects and treaty rights infringement. Depending on the outcome of any appeal, it could materially increase regulatory risks for new infrastructure projects in northeast British Columbia, and could extend to other areas in Canada where similar claims may be made. Read the [full article](#) by [Sander Duncanson](#), [Martin Ignasiak](#), [Tommy Gelbman](#), [Olivia Dixon](#) and [Tyler Warchola](#) with Osler, Hoskin & Harcourt LLP

Battery Powered: Specialty Metal Mining and the Future of Tech, Our Economy & the Environment

Gowling's Ian Mitchell explores battery metal mining and its impact on the world – and our future The push for a

carbon-neutral economy has led to an intense search for green alternatives. One solution has been to develop and expand the application of batteries in everything from electric vehicles to power grids. The mining industry plays a critical role in battery production – batteries are produced using certain core metals that are found in deposits worldwide and the exploration and exploitation of these resources requires significant expertise and financial capability. We asked Gowling WLG's Canadian mining lead, Ian Mitchell, to explain to us the rise of battery metals, their impact on the environment and the economy, and what this means for Canadian mining companies now and going forward. What are battery metals and which devices are they used for? What is Canada's role in the global market and why is this industry seeing such explosive growth? What are the longer term economic and geopolitical impacts that this growth will have on the mining sector? The current push to reduce carbon dioxide emissions through the use of low carbon power sources (commonly known as "decarbonization") is seeing one of the world's oldest industries colliding with high tech companies and it is going to create change. Read the full article by [R. Ian Mitchell](#) with Gowling WLG, published on [Lexpert.ca](#).

BC Reduces Regulatory Barriers and Facilitates Investment and M&A in Hydrogen Sector

On May 25th, 2021, British Columbia amended its [Greenhouse Gas Reduction Regulation](#) (made under BC's [Clean Energy Act](#)) to authorize regulated gas utilities to produce, purchase and distribute specified types of hydrogen (the "Amendments"). The Amendments represent one of many strategies that legislators and regulators have adopted to facilitate the introduction of cleaner forms of technology to the highly regulated energy sector. The reduction of existing regulatory hurdles, coupled with increased legislative prescriptions to reduce Greenhouse Gas ("GHG") emissions, are creating an environment that is conducive to investment and M&A in the hydrogen sector.

Background

In December 2020, the federal government published a policy document entitled *A Healthy Environment and a Healthy Economy* which provided aggressive targets for Canada to reduce its greenhouse gas emissions and to ultimately become carbon neutral by 2050. Subsequent developments are further transitioning Canada's GHG reductions policy to a binding legal regime.

Read the [full article](#) by [Eric H. Bremermann](#), [Glenn Zacher](#) and [Daniel Gralnick](#) with Stikeman Elliott LLP.

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-23](#) – Updates to the Application Management System (AMS)
- [INDB 2021-24](#) – Release of Updated Noise Control Best Practices Guideline
- [INDB 2021-25](#) – Updates to the Northeast Water Tool (NEWT) Launched
- [IB 2021-04](#) – Commission Monitoring Dry Conditions in Northeast B.C.

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

ENERGY AND MINES

| Act or Regulation Affected | Effective Date | Amendment Information |
|----------------------------|----------------|-----------------------|
|----------------------------|----------------|-----------------------|

There were no amendments this month.

FORESTRY AND ENVIRONMENT NEWS

Modernizing Forest Policy Virtual Engagement

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development will host regional policy-specific discussions to gather local government input following the release of the recent intentions paper [Modernizing Forest Policy in British Columbia](#). These sessions are designed for Mayors, Chairs or their delegates to share insights on behalf of their communities. Registration is open for the sessions beginning the week of July 26. The 20 policy intentions identified in the *Modernizing Forest Policy in British Columbia* were developed based on consultation and engagement on forest policy and program changes over the last few years. Local governments and others provided input to this consultation process, which has included potential changes to forest management as part of the [Forest and Range Practices Act](#) Improvement Initiative, Interior Forest Sector

Renewal, Coast Forest Sector Revitalization and the Old Growth Strategic Review. Read the UBCM [article](#).

BC Proposes Extensive Changes in Draft Action Plan to Implement UNDRIP

The BC government recently released a draft action plan to support the implementation of the [United Nations Declaration on the Rights of Indigenous Peoples](#) ("UNDRIP") in the province. The action plan, which was developed pursuant to BC's [Declaration on the Rights of Indigenous Peoples Act](#) (the "Declaration Act"), identifies 79 proposed actions that the provincial government will take to achieve the objectives of UNDRIP in cooperation with Indigenous peoples over the next five years. The Province is currently seeking input on the plan and the deadline for submissions is July 31, 2021. The Draft Action Plan proposes a number of potentially significant new measures although these initiatives are described at a high-level and open to interpretation in terms of the precise magnitude of the potential changes. Read the [full article](#) by Bryn Gray and Alana Robert with McCarthy Tétrault LLP.

Court of Appeal Expands Recovery of Legal Costs in Contaminated Sites Litigation

The recent decision of the British Columbia Court of Appeal ("BCCA") in [Victory Motors \(Abbotsford\) Ltd. v. Acton Super-Save Gas Stations Ltd.](#), provides important clarification of the law pertaining to the recovery of legal costs reasonably incurred during the remediation of contaminated sites under the [Environmental Management Act](#) ("EMA") and the [Contaminated Sites Regulation](#). Prior to this decision, plaintiffs were generally thought to be limited to the recovery of legal costs that were incurred during the litigation process itself as assessed under the [Supreme Court Civil Rules](#). The BCCA has now confirmed that remediating parties may claim both litigation legal costs and legal costs incurred throughout the actual remediation of the contaminated site. Read the [full article](#) by Brent Meckling and Kim Brown with Clark Wilson LLP.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decision was made recently:

[Water Sustainability Act](#)

- [Larry Jones v. Assistant Water Manager](#) [Stay Application – Denied]

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

FORESTRY AND ENVIRONMENT

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|----------------|--|
| Administrative Penalties Regulation (Environmental Management Act) (133/2014) | July 12/21 | by Reg 195/2021 |
| British Columbia Vegetable Scheme (96/80) | July 31/21 | by Reg 201/2021 |
| Code of Practice for Agricultural Environment Management (8/2019) | July 7/21 | by Reg 179/2021 |
| | July 15/21 | by Reg 8/2019 and Reg 179/2021 |
| Code of Practice for Industrial Non-Hazardous Waste Landfills Incidental to the Wood Processing Industry (263/2010) | July 7/21 | by Reg 179/2021 |
| Contaminated Sites Regulation (375/96) | July 7/21 | by Reg 179/2021 |
| | | |

Renewable and Low Carbon Fuel
Requirements Regulation (394/2008)July
12/21by [Reg 196/2021](#)**OCCUPATIONAL HEALTH AND SAFETY NEWS****Construction Firm Fined \$20K for
Fall Risk Violation**

SD Roofing Ltd. was fined \$20K by WorkSafeBC following an inspection at a work site in Mission, BC. The firm was roofing a new three-storey house when WorkSafeBC inspected the site. During the inspection, WorkSafeBC determined that three of the firm's workers had installed a membrane on the 4:12 slo with any kind of fall protection systems in place. This lack of protection exposed the workers to a fall risk greater than 27 feet (8.2 metres). Following the inspection, WorkSafeBC issued a stop-work order. Read the [full article](#) by Maia Foulis published on Canada Occupational Health Safety.

**Proposed Policy Amendments on
Determining Workplace Status**

From WorkSafeBC: Our Policy, Regulation and Research Division is releasing a discussion paper on determining workplace status with options and draft policy to stakeholders for comment. "Workplace status" refers to whether someone is an employer, worker, or independent operator. A person's status defines the rights and responsibilities the person has under the [Workers Compensation Act](#), including compulsory coverage for workers, and obligations of employers to pay assessments into the accident fund. Read the full WorkSafeBC [news release](#) and discussion paper.

New Public Health Orders

The Public Health Office (PHO) recently issued the following Orders & Guidelines:

Orders:

- [Mink Farms – July 26, 2021 \(PDF, 330KB\)](#)
- [Industrial Camps – July 7, 2021 \(PDF, 388KB\)](#)
 - [Delegation: Industrial Camps – June 9, 2020 \(PDF, 216KB\)](#)
- [Gatherings and Events – July 7, 2021 \(PDF, 305KB\)](#)
- [Long-Term Care Facility Staff Assignment – April 15, 2020 \(PDF, 274KB\)](#)
 - [Vaccinated Staff: Variance of the Facility Staff Assignment Order – July 28, 2021 \(PDF, 412KB\)](#)

Guidance:

- [Guidance on the Creation of Facility Clusters – July 28, 2021 \(PDF, 112KB\)](#)
- [Ministry of Health – Overview of Visitors in Long-Term Care and Seniors' Assisted Living – July 19, 2021 \(PDF, 601KB\)](#)

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

OHS Policies/Guidelines – Updates

WorkSafeBC recently issued the following OHS Updates:

OHS Guidelines — Occupational Health and Safety Regulation

- Part 21 Blasting Operations
[G21.4 Blasting log](#)
- Part 26 Forestry Operations and Similar Activities
[G26.11 Wildfire dangerous tree assessment](#)

OHS Guidelines — *Workers Compensation Act*

- [G-P1-2-7 Jurisdiction over mines](#)

Check the [WorkSafe BC Updates page](#) to explore these and other important OHS updates.

OCCUPATIONAL HEALTH AND SAFETY

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| There were no amendments this month. | | |
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