



Vol: XIV – Issue: VI – June 2021

ENVIROFOR NEWS:

Legislative Session

The BC legislature has adjourned for the summer and is expected to resume later this fall on October 4th. A handful of new Bills were introduced in June; however, with the exception of Bill 16 (Supply Act, 2021-2022), none of these bills progressed past first reading. The June bills include:

- [Bill 12](#) – Insurance (Vehicle) Amendment Act, 2021
- [Bill 14](#) – Early Childhood Educators Act
- [Bill 15](#) – Early Learning and Child Care Act
- [Bill 16](#) – Supply Act, 2021–2022

The following members' bills were also introduced in June:

- [Bill M202](#) – Health Professions Amendment Act, 2021
- [Bill M203](#) – Equal Pay Reporting Act

A reminder that if you would like to be notified on the progress of these bills or any other legislation, visit the [My Alerts](#) page to set up some custom alerts for laws that matter most to you. We recommend trying the BC Legislative Digest or the new [Keyword Alert](#) options.

Faster Load Times

Quickscribe has recently completed a project to improve the efficiency of how quickly legislation loads on a page. We are pleased to inform you that the net result of these enhancements is that documents now load up to 40% faster.

Latest Annotations

New annotations were recently added to Quickscribe. The annotations include contributions from [OnPoint Legal Research Corporation](#) – [Environmental Assessment 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.

Tip: [Log in to EnviroFor Online](#) prior to clicking Reporter links.

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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

BC Carbon Offsets Update - Methane Management Offset Protocol

The British Columbia Ministry of Environment and Climate Change Strategy has introduced a [draft offset protocol](#) regarding methane from waste, and is seeking public comment on the draft. Once implemented, the protocol would form part of the legislative framework for meeting the Province's greenhouse gas (GHG) reduction targets. The BC government has enacted various climate action legislation that frames BC's approach to reducing emissions and transitioning to a low-carbon economy. Under the [Climate Change Accountability Act](#), BC has legislated targets for reducing GHG emissions by 40% below 2007 levels by 2030, 60% by 2040, and 80% by 2050. Under the [Carbon Neutral Government Regulation](#), the province also requires provincial public sector organizations to achieve carbon neutrality every year either through emissions reduction or purchasing of BC carbon offsets. Read the [full article](#) by [Dean Dalke](#) of DLA Piper LLP.

Updated Tailings Code after Mount Polley an Improvement: BC Mines Auditor

Columbia's chief auditor of mines has found changes to the province's requirements for tailings storage facilities made after the Mount Polley disaster have generally improved the management of mining waste. Many of the revisions made in 2016 to BC's health, safety and reclamation code on tailings management align the regulatory framework with the industry's best practices, "with a few exceptions," says the auditor's report released Friday [June 18]. The changes stemmed from recommendations by an independent engineering investigation into the 2014 failure of the tailings dam at the Mount Polley copper and gold mine in BC's Interior, which sent more than 20 million cubic metres of mining wastewater into the surrounding waterways. The audit focused on the clarity, enforceability and consistency of the code revisions with best practices, as well as on industry compliance and government enforcement, finding they have helped, but there is room for improvement. Read the *Canadian Press* [article](#) published on MSN.

BC Court of Appeal Provides Guidance on the Relevance of Climate Change Impacts in Administrative Decision Making [*Mines Act*]

In *Highlands District Community Association v. British Columbia (Attorney General)*, the British Columbia Court of Appeal considered whether a mines inspector's decision to approve a proposed small-scale rock quarry under the [Mines Act](#) was unreasonable because he declined to consider climate change impacts. In upholding the inspector's decision, the court concluded that, while the statute permitted the inspector to consider climate change impacts, it did not require him to do so. Highlands illustrates that courts will generally review discretionary administrative decisions on a deferential standard – even where climate change impacts are concerned – and that the relevance of such impacts will depend on the particular factual and statutory context. Read the [full article](#) by Connor Bildfell with McCarthy Tétrault LLP.

International Energy Agency Roadmap Raises Questions for BC Gas Industry

The path the IEA charts is an ambitious and aspirational course, but illustrates what it could take for governments to meet climate commitments. Thousands of workers continue construction on LNG Canada's \$18 billion natural gas liquefaction plant at [Kitimat](#) on [British Columbia's](#) north coast, just as the International Energy Agency (IEA) has posed new questions about future markets for its product. The [IEA](#), last week, published a landmark report outlining a potential pathway for the world's governments to achieve their commitments to reduce greenhouse-gas emissions to net zero levels by 2050. Read the *Vancouver Sun* [article](#).

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-20](#) – New Vent Data Collection Template Released
- [INDB 2021-21](#) – New Glycol Dehydrator Data Collection Template
- [INDB 2021-22](#) – Reclamation Guidance for the Use of Ecologically Suitable Species
- [IB 2021-03](#) – Integrity Management Program Audits Show Improvement; Room for Growth

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

ENERGY AND MINES

Effective

| Act or Regulation Affected | Date | Amendment Information |
|---|------------------------------|--|
| Administrative Penalties Regulation (35/2011) | June 1/21 | by Reg 136/2021 |
| Consultation and Notification Regulation (279/2010) | REPEALED June 1/21 | by Reg 50/2021 |
| Emergency Management Regulation (217/2017) | June 1/21 | by Reg 50/2021 |
| Fee, Levy and Security Regulation (9/2014) | June 1/21 | by Reg 50/2021 and Reg 79/2021 |
| Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012) | May 25/21 | by Reg 134/2021 |
| Kerr-Sulphurets-Mitchell Mine Exemption Regulation (140/2021) | May 28/21 | see Reg 140/2021 |
| Oil and Gas Road Regulation (56/2013) | June 1/21 | by Reg 50/2021 |
| Requirements for Consultation and Notification Regulation (50/2021) | NEW June 1/21 | see Reg 50/2021 |
| Service Regulation (199/2011) | June 1/21 | by Reg 52/2021 |
| Transmission Upgrade Exemption Regulation (140/2013) | May 28/21 | by Reg 140/2021 |

FORESTRY AND ENVIRONMENT NEWS

Will BC's UNDRIP Action Plan Create Compliance Challenges under the US Foreign Corrupt Practices Act, the UK Bribery Act or the Criminal Code of Canada?

Government news releases issued on a Friday are known to receive the least attention – and thus warrant the most scrutiny. On Friday, June 11, 2021, the Government of British Columbia issued a news release entitled "Province seeks input from Indigenous peoples to shape future reconciliation." Surely, that could not involve anything controversial, could it? The news release refers to a draft plan that could significantly change who governs resource development in BC and potentially affect the legality of corporate payments to First Nations. The draft action plan contains many commitments. One of them is as follows:

"the Province will take the following actions in collaboration with Indigenous peoples from 2021 to 2026...

2.5 Negotiate new joint decision-making and consent agreements under section 7 of the [\[Declaration on the Rights of Indigenous Peoples Act\]](#) ("DRIPA") that include clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies. Seek all necessary legislative amendments to enable the implementation of any section 7 agreements. (Ministry of Indigenous Relations and Reconciliation)"

Read the [full article](#) by Robin M. Junger, [Guy Pinsonnault](#) and [Timothy Cullen](#) with McMillan LLP.

Huu-ay-aht First Nation Sets Road Map for Forest Partnership

Understanding the land and the will of the people and establishing a strong relationship with the big players in

the forest industry are key elements to establishing any First Nation as an equal player in the industry, according to the chief of a Vancouver Island First Nation that is already doing it. Robert Dennis, elected chief of the Huu-ay-aht First Nation, told the B.C. First Nations Forestry Conference that becoming a full partner in the industry and controlling the fate of its territory doesn't happen by accident. Read the *Times Colonist* [article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Richardson International Limited v. District Director, Environmental Management Act](#) [Consent Order – Appeal Dismissed]

[Mines Act](#)

- [Mountainside Quarries Group Inc. v. Ministry of Energy, Mines, and Petroleum Resources](#) [Consent Order – Resolved]

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

FORESTRY AND ENVIRONMENT

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|-------------------------|---|
| Conservation Officer Service Authority Regulation (318/2004) | June 7/21 | by Reg 143/2021 |
| Disposition and Change of Control Regulation (351/2004) | June 15/21 | by Reg 153/2021 |
| Fairy Creek Watershed Designated Area No. 1 (148/2021) | NEW June 9/21 | see Reg 148/2021 |
| Forest Act | June 17/21 | by 2021 Bill 4, c. 18, section 19 only (in force by Royal Assent), Budget Measures Implementation Act, 2021 |
| Logging Tax Act | June 17/21 | by 2021 Bill 4, c. 18, sections 46 and 47 only (in force by Royal Assent), Budget Measures Implementation Act, 2021 |
| New Tree Fruit Varieties Development Council Regulation (44/2002) | June 30/21 | by Reg 44/2002 |
| Professional Governance General Regulation (107/2019) | June 30/21 | by Reg 160/2021 |

OCCUPATIONAL HEALTH AND SAFETY NEWS

Adverse Reactions to COVID-19 Vaccinations May Be Compensable

As more of the population becomes vaccinated against COVID-19, an issue to be considered is whether a worker or employee who has an adverse reaction to the COVID-19 vaccine is entitled to any compensation under BC workers' compensation benefits (WorkSafeBC).

WorkSafeBC has recently commented on this topic stating that if a worker experiences an adverse reaction,

injury or death from the COVID-19 vaccination, it may be compensable where the worker can show that injury or death arose in the course of their employment. Read the [full article](#) by [Kirstn Mase](#) of Edwards, Kenny & Bray LLP.

7 Signs of Sleep Deprivation at Work

Lack of sleep can have a devastating effect on worker health – and on an organization's bottom line. It is common knowledge that humans need on average seven to eight hours of sleep a night to properly function. Researchers at Hult International Business School have found however that most professionals only get around six hours and 28 minutes of sleep a night – which maybe doesn't seem so bad but ultimately builds up in the long-run. While short term sleep loss may be caught up, chronic issues with sleep are a huge problem – not just for worker health but job performance as well. The National Institute for Working Life estimated that sleep deprivation among workers costs businesses around USD\$350 billion worldwide annually. Read the [full article](#) by Maia Foulis with Canadian Occupational Safety.

Consultation on Proposed Amendments to Part 3 of the Occupational Health and Safety Regulation

– from WorkSafeBC

Our Policy, Regulation and Research Division is requesting feedback on proposed amendments to Part 3, Rights and Responsibilities, new section 3.12.1 — Reassignment of refused work, of the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to share feedback before the proposed amendments are taken to public hearing. View the [proposed regulatory amendment](#) and information on how to provide feedback. Read the official WorkSafeBC [news release](#) for more information including feedback deadlines and contact information.

New Public Health Orders

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

Orders:

- [Food and Liquor Serving Premises – June 30, 2021 \(PDF, 338KB\)](#)
 - Read related [Public Health guidance](#)
- [Gatherings and Events – June 30, 2021 \(PDF, 244KB\)](#)
 - Read related [Public Health guidance](#)
- [Agricultural Temporary Foreign Workers – June 20, 2021 \(PDF, 286KB\)](#)
- [Workplace and Post-Secondary Institution Safety – June 14, 2021 \(PDF, 360KB\)](#)
- [Coverage of Electoral Area J of the Cariboo Regional District – June 10, 2021 \(PDF, 272KB\)](#)
- [Overnight Camps for Children or Youth – June 7, 2021 \(PDF, 310KB\)](#)

Notices:

- [Notice of Repeal of the Workplace and Post-Secondary Institution Safety Order – June 29, 2021 \(PDF, 215.8KB\)](#)
- [Notice of Repeal of the Workplace Safety Plans Order – June 29, 2021 \(PDF, 192.1KB\)](#)

Guidance:

- [Guidance for Courthouse Users During the COVID-19 Pandemic & BC Restart Plan – June 30, 2021 \(PDF, 401KB\)](#)
- [Guidance for Episodic Markets – June 24, 2021 \(PDF, 657KB\)](#)
- [Guidance for Retail Food and Grocery Stores – June 24, 2021 \(PDF, 657KB\)](#)
- [Guidance for Food and Liquor Serving Premises – June 24, 2021 \(PDF, 687KB\)](#)
- [Guidance for Holding Low Risk Worship Services – June 15, 2021 \(PDF, 427KB\)](#)
- [Guidance for Holding Low Risk Stand-Alone Lifecycle Events – June 15, 2021 \(PDF, 428KB\)](#)

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

The following guideline was issued:

- Part 8 Personal Protective Clothing and Equipment

[G8.13 Use of safety headgear with bicycles and skates](#) (new)

The following guideline was retired:

- Part 8 Personal Protective Clothing and Equipment
[G8.21\(2\)-1 Leg protection - WorkSafeBC standards](#) (new)

Editorial revisions were made to the following guidelines:

- Part 8 Personal Protective Clothing and Equipment
 - [G8.5\(b\) Special program option for pulp and paper industry](#)
 - [G8.12-8.13 Use of safety headgear for workers on ATVs & similar eqpt in agricultural ops](#)
 - [G8.26\(3\) Buoyancy equipment and fall protection](#)
 - [G8.28 Working alone or in isolation with a hazard of drowning](#)
 - [G8.38\(2\) Respiratory protection and use of contact lenses](#)
 - [G8.42 Medical assessment](#)
- Part 10 De-energization and Lockout
 - [G10.3 Worker entry into J-bar sorting systems in sawmills](#)
 - [G10.4\(1\) Lockout of multiple control devices](#)
 - [G10.10\(2\) Approval of control system isolating devices](#)
- Part 11 Fall Protection
 - [G11.1 Definitions - Anchor and anchorage](#)
- Part 13 Ladders, Scaffolds and Temporary Work Platforms
 - [G13.1 Types of work platforms](#)
 - [G13.2\(1\)\(b\) Ladders in manholes](#)
 - [G13.19 When and how to ground metal scaffold](#)
 - [G13.25 Warning devices](#)
- Part 19 Electrical Safety
 - [G19.28 Emergency work](#)
 - [G19.35 Tree pruning and falling equipment](#)
- Part 20 Construction, Excavation and Demolition
 - [G20.77 Mechanical equipment](#)
- Part 24 Diving, Fishing and Other Marine Operations
 - [G24.13 Principal performers using underwater diving equipment](#)
 - [G24.26 Breathing mediums](#)
 - [G24.29 Gauges and meters](#)
 - [G24.37 Restrictions on scuba](#)

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may [comment and request revisions](#).

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

OCCUPATIONAL HEALTH AND SAFETY

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

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