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ENVIROFOR NEWS:

2021

Who could have predicted that 2021 would prove to be more memorable than 2020? Yet in many ways, it was – and not always for the best reasons. Our team at Quickscribe would like to extend our thoughts and best wishes for all those who were impacted by weather-related events this year, including those impacted by the devastating fires this summer and the most recent flooding.

Whatever 2022 brings us, we are committed to keeping you informed of the very latest orders and legislative activity that is most important to you.

We wish you and your families a wonderful holiday season and a very happy New Year!

Latest Bills

The BC Legislative Assembly wrapped up the fall session on November 25th and is set to resume on Tuesday February 8, 2022. A new [Parliamentary Calendar](#) is now available. All government Bills that were introduced achieved Royal Assent, including the following Bills that were introduced in October:

- [Bill 17](#) – Protected Areas of British Columbia Amendment Act, 2021 (*Partially in force*)
- [Bill 23](#) – Forests Statutes Amendment Act, 2021 (*Partially in force*)
- [Bill 24](#) – Environmental Management Amendment Act, 2021 (*In force*)

The following bill, introduced in November, also received Royal Assent:

- [Bill 28](#) – Forest Amendment Act, 2021 (*Partially in force*)

If you would like to be alerted to new Bills or legislation that includes subject matter that is important to you, we recommend using the customizable [Keyword Alert](#) tool or the BC Legislative Digest alert, located in the [My Alerts](#) page.

New Accuracy Tool

It may not evoke the same level of enthusiasm as some of our previous announcements, but we are giddy about a new admin tool that will help to further ensure the accuracy of all the legislative material on Quickscribe. In addition to the already stringent quality control mechanisms that are currently in place, Quickscribe has completed work on a tool that will compare word-for-word legislation on Quickscribe with that on the government sites. Because the legislation on the government sites is not as current, Quickscribe has implemented a schedule to routinely check against government sites once they have been updated.

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

B.C. Judge Rules in Favour of Mining Company that Argued Jade Boulder it Found Is a 'Placer Mineral'*Difference between 'placer mineral' and 'mineral' determines mining rights under [Mining Tenure Act](#)*

Jade mining in British Columbia has become a controversial practice these days, especially with Indigenous groups wanting miners in the area to leave, but a recent court case ruling shows how contentious even defining a jade deposit can be.

Madam Justice Lisa Warren of the Supreme Court of British Columbia recently dismissed an appeal made by Cassiar Jade Contracting Inc. to overturn a ruling that a jade boulder found in August 2019 by Canada Tsinghua International Jade Investment Group Corp. is a "placer mineral" rather than a mineral. Read the [full article](#) by Zena Olijnyk, published in the Canadian Lawyer.

The Role of Critical Minerals in the Energy Transition: A Canadian Perspective (Part 4) [BC]

Fasken's lawyers have begun a series on the role of critical minerals in energy transition from a Canadian perspective, bringing fresh insights on issues of mining, energy, environmental, Indigenous, climate change, tax, and national security. In the first, second and third instalments of this series, we examined the role of the Canadian federal government as well as the provinces of Québec and Ontario. In this fourth instalment we examine the initiatives taken by the province of British Columbia.

In an [information circular](#) on rare metals, the B.C. Geological Survey has this to say about rare metals in British Columbia:

Historically exploration for rare metals has been sporadic. Although a number of occurrences and prospects have been identified, few have advanced to developed resources or reserves. Carbonatite and syenite complexes host British Columbia's most advanced rare earth niobium and tantalum prospects.

Read the [full article](#) by [André Durocher](#), [Michael J. Bourassa](#), [Ron Ezekiel](#) and [Shannon Snow](#) with Fasken Martineau DuMoulin LLP.

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletins:

- [INDB 2021-29](#) – Changes to Management of Non-Compliance Notices
- [INDB 2021-30](#) – New B.C. Well Decommissioning Guidelines
- [INDB 2021-31](#) – Process Simplified for Gas Processing Plant Fluid Analyses

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

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (<i>Fuel Price Transparency Act</i>) Regulation (272/2021)	NEW Nov. 1/21	see Reg 272/2021

FORESTRY AND ENVIRONMENT NEWS

Freeland Says Canada May Retaliate Against U.S. Softwood Lumber Duty Rate

Canada is prepared to retaliate against an American increase of duties on Canadian softwood lumber producers, Deputy Prime Minister Chrystia Freeland said Thursday [November 25].

"We will do precisely what we have done successfully with two previous American administrations: we state our case clearly and rationally. We also make very, very clear that Canada is prepared to retaliate, to defend the national interest," Freeland said in response to criticism in the House of Commons.

Conservative foreign affairs critic Michael Chong said the Liberal government is not being effective against a series of protectionist trade measures by the administration of U.S. President Joe Biden. He was one of several Conservatives to pile on the Liberal government, which is facing mounting criticism over the growing list of trade irritants with Washington. Read the [article](#) published in the Toronto Star.

Bill 28 – Forest Amendment Act, 2021 and Bill 23 – Forests Statutes Amendment Act, 2021

The previously introduced [Forests Statutes Amendment Act, 2021](#) (Bill 23), as well as the new [Forest Amendment Act, 2021](#) (Bill 28), are now both partially in force. As mentioned in the previous Reporter, Bill 23, which was introduced in October, is intended to improve processes for reforestation after large wildfires and to improve collaborative planning between Indigenous nations, government and industry. Changes to the [Forest Act](#), [Forest Practices Code of British Columbia Act](#) and [Forest and Range Practices Act](#) are now in effect. Bill 28 is intended to enable government to redistribute timber harvesting rights to First Nations, communities and BC Timber Sales, establish a clearer framework for compensation rules, increase transparency around forest inventory information, and introduce a new auditing system for fees in lieu under the [Forest Act](#). Please note that the top section of any Bill provides details about which sections are in force and which will come into force at a later date (by regulation).

Indigenous Leaders Concerned Over B.C. Government's Old-Growth Deferral Process

Indigenous leaders and experts in B.C. outlined their concerns Wednesday over the provincial government's process to defer logging in old-growth forests, while underscoring the urgency to preserve at-risk ecosystems.

The province announced Nov. 2 that an independent panel of scientific experts had mapped 26,000 square kilometres of old-growth forests at risk of permanent biodiversity loss. It asked First Nations to decide within 30 days whether they support logging deferrals in those areas or if the plan required further discussion.

Retired judge Mary Ellen Turpel-Lafond told a news conference hosted by the Union of B.C. Indian Chiefs that the government's actions aren't consistent with free, prior and informed consent, a key principle of the UN Declaration on the Rights of Indigenous Peoples. B.C. adopted the declaration through legislation passed in 2019.

The 30-day timeline is too short for many First Nations to make informed decisions, and the process lacks clarity on economic impacts and potential compensation for Nations that elect to set old-growth forests aside from logging, Turpel-Lafond said. Read the [Vancouver Sun article](#).

Changes to the Environmental Management Act

[Bill 24](#), which amends the [Environmental Management Act](#), is now in force by Royal Assent. As previously reported, the intention of the amendments is to establish provincewide bans on the sale, distribution or use of prescribed single-use and short-term products and to apply fees and alternatives to single-use products, where necessary, and/or require that businesses make an item available only by request. Plastic utensils and straws are among the items to be added to the growing list of banned items. Associated regulations are not expected until 2023.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Christine McLean v. Director](#) [Application to Amend Notice of Appeal – Granted In Part]
- [Richard Yntema v. Director](#) [Final Decision – Appeal Allowed in Part]

[Water Sustainability Act](#)

- [Larry Jones v. Assistant Water Manager](#) [Summary Dismissal Decision – Dismissed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Environmental Management Act	Nov. 25/21	by 2021 Bill 24, c. 32, sections 1 to 4 only (in force by Royal Assent), Environmental Management Amendment Act, 2021
Forest Act	Nov. 25/21	by 2021 Bill 23, c. 37, sections 2, 5 to 11, 16 to 17, 19 to 24, 26 to 27 and 29 only (in force by Royal Assent), Forests Statutes Amendment Act, 2021
		by 2021 Bill 28, c. 38, sections 1 to 15, 17, 19 to 23, 26 to 28, 30, 32 to 33, 35 to 40, 42, 45 to 46, 48 to 50, 52 to 55 and 58 to 60 only (in force by Royal Assent), Forest Amendment Act, 2021
	RETRO to Feb. 23/11	by 2021 Bill 28, c. 38, section 43 only (in force by Royal Assent), Forest Amendment Act, 2021
Forest Practices Code of British Columbia Act	Nov. 25/21	by 2021 Bill 23, c. 37, sections 98 to 100 only (in force by Royal Assent), Forests Statutes Amendment Act, 2021
Forest and Range Practices Act	Nov. 25/21	by 2021 Bill 23, c. 37, sections 32, 45, 48, 50, 52, 54 to 56, 58 to 59, 71, 80 to 81, 88 and 90 only (in force by Royal Assent), Forests Statutes Amendment Act, 2021
Ministry of Environment Act	Nov. 25/21	by 2021 Bill 22, c. 39, section 65 only (in force by Royal Assent), Freedom of Information and Protection of Privacy Amendment Act, 2021
Protected Areas of British Columbia Act	Nov. 25/21	by 2021 Bill 17, c. 28, sections 1, 3 and 6 only (in force by Royal Assent), Protected Areas of British Columbia Amendment Act, 2021

OCCUPATIONAL HEALTH AND SAFETY NEWS

Occupational Health and Safety Regulations Amendments – December 1st

Effective December 1st, changes to the [Occupational Health and Safety Regulation](#) made by [B.C. Reg. 207/2021](#) and [B.C. Reg. 222/2021](#) came into force. These changes affect the following sections:

- Combustible and flammable liquids Parts 1, 5, 22, and 23)
- Radiation dose limits to the lens of the eye (Part 7)
- Traffic Control (Part 18)
- Certification of concrete pump operations (Part 20)

- Blasting Operations (Part 21)
- Aborists (Part 26)
- Logging truck load securement (Part 26)

For specific details on these changes, visit the [WorkSafeBC resources page](#) and click on the Overview PDF.

December 2021 Virtual Public Hearing on Proposed Regulatory Amendments

WorkSafeBC will be holding a public hearing on [proposed amendments](#) to the [Occupational Health and Safety Regulation](#). Due to the COVID-19 pandemic, the public hearing will be held virtually. The virtual public hearing will be streamed live on December 8, 2021 with two session times. The first will take place from **11 a.m. to 1 p.m.** and the second from **3 to 5 p.m.** Visit the [WorkSafeBC website](#) for additional details.

How to Protect Workers Before, During and After a Flood

Still reeling from major floods that have devastated large swathes of the province, B.C. residents are being warned of fresh rainfall that is set to affect thousands. Maritime provinces have also seen heavy rainfall that is causing a lot of damage. So how can businesses and organizations in these provinces prepare to ensure the safety of their workers? There's no cookie-cutter template for handling floods, says Barry Nakahara, Senior Manager, Prevention Field Services, WorkSafeBC. Read the [full article](#) by Maia Foulis, published on Canadian Occupational Safety.

New Public Health Orders

The Public Health Office (PHO) recently issued the following Orders, Notices & Guidance:

Orders:

- [Gatherings and Events – December 3, 2021 \(PDF, 480KB\)](#)
- [Hospital and Community \(Health Care and Other Services\) COVID-19 Vaccination Status Information and Preventive Measures – November 18, 2021 \(PDF, 613KB\)](#)
 - [Guidelines for Request for Reconsideration \(Exemption\) Process – October 8, 2021 \(PDF, 420KB\)](#)
 - [Medical Deferral Form – October 28, 2021 \(PDF, 258KB\)](#)
- [Variance of Gatherings and Events & Food And Liquor Serving Premises Orders to Suspend Reconsideration re Proof of Vaccination – November 12, 2021 \(PDF, 307KB\)](#)
 - [Public Guidelines for Request for Reconsideration \(Exemption\) Process – November 12, 2021 \(PDF, 389KB\)](#)
 - [Public Form for Reconsideration \(Exemption\) Process – November 12, 2021 \(PDF, 395KB\)](#)

Medical Health Officer Order:

- [Gatherings and Events COVID-19 Order for Northern Health Authority – November 30, 2021 \(PDF, 213KB\)](#)

Medical Health Officer Notices:

- [Notice of Repeal of Gatherings and Events COVID-19 Order for Interior Health Authority – December 1, 2021 \(PDF, 213KB\)](#)

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

OHS Policies/Guidelines – Updates

WorkSafeBC recently issued the following OHS Updates:

Guidelines – *Workers Compensation Act*

- Part 2 Division 12 - Enforcement
 - [G-P2-84-2 Approval, acceptances, authorizations, or permission under the OHS Regulation](#) (revised)

Guidelines – OHS Regulation

- Part 5 - Chemical Agents and Biological Agents
 - [G5.27 Ignition sources - Combustible liquid normally used as fuel](#) (new)
 - [G5.28 Bonding or grounding containers - Ensuring effectiveness](#) (new)
 - [G5.32 Manual cleaning - Work procedures](#) (revised)

- Part 7 - Radiation
 - [G7.17 Definitions - Calculation of the equivalent dose and the effective dose](#) (revised)
 - [G7.19-1 Exposure to ionizing radiation - Exposure limits and exposure period](#) (revised)
 - [G7.19-2 Notification of worker overexposure to ionizing radiation](#) (revised)
 - [G7.20\(1\)-1 Exposure control plan - General requirements](#) (revised)
 - [G7.22 Monitoring exposure](#) (revised)
 - [G7.24\(a\) Radiation surveys - Clarification of how often to conduct and who can conduct](#) (revised)
- Part 14 Cranes and Hoists
 - [G14.2-1 Standard - Tower cranes](#)
- Part 18 Traffic Control
 - [G18.4 Traffic control supervisor](#) (revised)
 - [G18.6.2\(1\) Traffic control person training](#) (new)
 - [G18.9 Safety headgear for traffic control persons](#) (revised)
 - [G18.9\(a\) Illuminated traffic control paddles](#) (revised)
- Part 21 Blasting Operations
 - [G21.4 Blasting log](#) (revised)
 - [G21.8 Certification of blasters - Qualifications](#) (revised)
 - [G21.8.1 Continuing professional development - Blasters](#) (new)
 - [G21.16 Storage - Detonators](#) (revised)
 - [G21.23 Transportation - Flammable materials](#) (revised)
 - [G21.25\(3\) Mobile drilling rigs](#) (revised)
 - [G21.39 Disposal of explosives - Abandoned](#) (revised)
 - [G21.69 Blasting signals](#) (revised)
 - [G21.75 Cutoffs and unexploded explosives](#) (revised)
 - [G21.82 Underwater blasting](#) (revised)
 - [G21.85\(1\)-1 WorkSafeBC acceptance of procedures for avalanche control](#) (revised)
 - [G21.85\(1\)-2 Assessment of avalauncher device safety in proposed work procedures](#) (revised)
 - [G21.85\(3\) Safety fuse ignition system](#) (revised)
- Part 24 Diving, Fishing and Other Marine Operations
 - [G24.70 Compliance with standards](#) (revised)
- Part 26 Forestry Operations and Similar Activities
 - [G26.69\(2\)\(b\) Safe work procedures for the use of a removal station](#) (revised)

The following guidelines were retired consequential to the December 1 amendments to the OHS Regulation:

- [G18.4\(1\) Supervision - Traffic control person training in a manner acceptable to WorkSafeBC](#)
- [G18.8 Safe position for traffic control person](#)
- [G21.27 Contact with metal](#)
- [G26.68 Binder cinches](#)

The following guideline was revised:

- Part 10 De-energization and Lockout
 - [G10.4\(6\) Use of means other than personal locks](#)

The following guideline was retired.

- Part 7 Noise
 - [G7.3-2 Noise exposure data collected by prevention officers](#)

Check the [WorkSafeBC website](#) to explore these and other important OHS updates.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information

Occupational Health and Safety
Regulation (296/97)

Dec.
1/21

by [Reg. 222/2021](#) and [Reg. 207/2021](#)

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