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ENVIROFOR NEWS:

Recent Legislative Activity

The following government bills were recently introduced:

- [Bill 10](#) – Labour Relations Code Amendment Act, 2022
- [Bill 16](#) – Transportation Amendment Act, 2022
- [Bill 20](#) – Municipal Affairs Statutes Amendment Act, 2022
- [Bill 21](#) – Professional Governance Amendment Act, 2022
- [Bill 22](#) – School Amendment Act, 2022
- [Bill 23](#) – Mental Health Amendment Act, 2022
- [Bill 24](#) – Anti-Racism Data Act

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[FORESTRY & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

Canada's Hydrogen Policy Landscape: A Comparative Overview

On April 7, 2022, Ontario released its first-ever Hydrogen Strategy (the "Ontario Strategy"), making it the latest province to address Canadian hydrogen sector growth through policy. The Ontario strategy is the culmination of a feedback process led by the Government of Ontario and was spurred by the November 2020 Discussion Paper. The article below provides a comparative analysis of current hydrogen policy initiatives across Canada, including a close look at the new Ontario Strategy. Read the [full article](#) by Paule Hamelin, Patrick Cajvan, Myron B. Dzulynsky, Jenna Kara, Luke Sabourin and Maya Stano with Gowling WLG.

Budget 2022 Highlights Carbon Capture Use and Storage as Part of Government Energy Transition Plan

Part 1: British Columbia's Evolving Regulation of Carbon Capture and Storage

The release of the federal government's 2022 budget highlights the tension between commitments to a net-zero

economy and the enduring importance of fossil fuels in Canada. The government's 2030 Emissions Reduction Plan, published pursuant to the [Canadian Net-Zero Emissions Accountability Act](#) (which enshrines Canada's commitment to achieve net-zero greenhouse gas emissions by 2050 in law), noted that competing in a future that will see "continued oil and gas use globally, but with demand declining significantly in the coming decades" will require that Canada "offer lower carbon oil and gas to the world." Read the [full article](#) by Laura Duke and Chat Ortvad with Lawson Lundell LLP.

Government of Canada Trying to Focus Policies to Make Electric Vehicles Go [Mining/Mineral Exploration]

Budget 2022 Introduces:

- new "Super Flow-Through" Critical Mineral Exploration Tax Credit;
- funds to Support Critical Infrastructure; and
- further Support for Indigenous Partnerships.

Mining exploration and development is fraught with challenges: attracting risk capital, operating in remote locations and with limited infrastructure, permitting and regulatory certainty, to name a few. The extraction of critical minerals, indispensable in the electrification and high technology sectors, is particularly challenging, both for geographical reasons and from the perspective of financial viability. Budget 2022 marked Canada's first meaningful steps towards prioritizing critical minerals. In this regard, highlights of the Budget include incentivizing private sector investment through a new "super flow-through" tax credit for critical minerals, infrastructure support for critical regions and investment in processing, manufacturing and recycling. In addition, the Budget announced further investment in development of a National Benefits-Sharing Framework for natural resources together with expansion of the Indigenous Partnerships Office and Indigenous Natural Resource Partnerships program. The key aspects of these initiatives for mining are outlined below. Read the [full article](#) by Sander Grieve, Abbas Ali Khan, Philip Ward, Nicholas Arrigo and Sharon Singh with Bennett Jones LLP.

Canadian Negotiators Share Latest on Columbia River Treaty

The Province is hosting a virtual public information session to provide an update and answer questions about Canada-U.S. negotiations on the Columbia River Treaty. The session will be held on Monday, May 16, 2022, from 6-8 p.m. (Pacific time), and is open to anyone interested in learning more about the process for modernizing the treaty. A phone-in option will also be available for those not able to connect online. Read the government [news release](#).

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletin:

- [INDB 2022-07](#) – Advisory Systems Outage

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

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Long Lake Exemption (232/2016)	Apr. 5/22	by Reg 88/2022

FORESTRY AND ENVIRONMENT NEWS

The Forest Amendment Act, 2021: Bill 28 and Tenure Redistribution

On November 25, 2021, the *Forest Amendment Act, 2021* (otherwise known as [Bill 28](#)) passed through the BC Legislature and received Royal Assent. While it also includes other miscellaneous changes to the [Forest Act](#) (the Act), the primary focus of Bill 28 is on the expropriation and redistribution of existing harvesting rights. As a government news release announced when Bill 28 was introduced into the Legislature, "government will be able to reduce the timber harvesting rights of existing forest tenure holders, compensate them and then redistribute the timber harvesting rights to First Nations, communities, and BC Timber Sales." One must marvel at the sense

of irony in the government House Leader's office given how government's legislative agenda was scheduled so that Bill 28 received the same bill number as the old [Forestry Revitalisation Act](#) of 2003, the last substantial legislative take-back of harvesting rights in BC, and also known as Bill 28 (the Old Bill 28). Read the [full article](#) by [Jeff Waatainen](#) in the Spring 2022 issue of *BC Forest Professional*.

Key Developments in British Columbia and Federal Environmental Law

There were many important developments in environmental law in 2021. Reconciliation with Indigenous peoples, climate change, and managing industrial impacts were key topics that shaped judicial, legislative, and policy changes in British Columbia and across Canada.

With respect to judicial developments; jurisdictional disputes, approval of industrial developments, contaminated sites, and environmental prosecutions resulted in groundbreaking changes in environmental law. There were also important legislative developments: several significant amendments were proposed, introduced, and passed. At the provincial level, there are new regulations that require more rigorous procedures for operations using fossil fuels. Federally, developments include the introduction of new regulations respecting hazardous waste and recyclables, air pollutants, and gasoline. Read the [full article](#) by [Dionysios Rossi](#), [Alysha Flipse](#), [Marlena McMurtry](#) with Borden Ladner Gervais LLP. The article includes a link to the firm's recent publication of [Environmental Law](#).

Water Security Will Be Growing Focus of ESG Issues in Mining Industry: Bennett Jones Lawyer

BC government recently announced it is developing its first watershed security strategy. The increasing focus governments have put on water security, and water management means the mining industry will need to adapt to new environmental social and governance (ESG) standards, says Bennett Jones partner [Sharon Singh](#). "There have always been water-related issues within the mining industry," says Vancouver-based Singh. She says these issues don't only arise in locations where water is scarce but in regions like Canada where water is seen as abundant. Read the [full article](#) by Zena Olijnyk on *Canadian Lawyer*.

BC Doubles Forestry Revenue Rates for First Nations as Long-term Plans Underway

The BC government says it's doubling the amount of forestry revenue that eligible First Nations receive as the province works on a new forestry revenue-sharing model with First Nations leadership. This interim enhancement is expected to boost First Nations forestry revenue by \$63 million this year, as the shared revenue rates increase by five per cent – from three, four or five per cent to eight, nine, or 10 per cent. This shared revenue rate will be in effect until the province completes its new forestry revenue-sharing model, which is being co-developed with First Nations, and is expected to take at least two years to finalize. Read the CTV [article](#).

BC Announces \$19 Million in Funding to Forests Ministry to Fight Climate Change

Both sides on the issue of old-growth logging in British Columbia are so polarized they "can't see the forest for the trees," Forests Minister Katrine Conroy said Thursday [April 28]. Conroy told those attending the BC Council of Forest Industries conference that, though old-growth logging has garnered passionate public debate, she believes the views of most residents fall somewhere in the middle of the extremes. Read the [full article](#) in the *National Post*.

Province Reveals Plans for BC's Upcoming Wildfire Season

The province says it has learned from its mistakes and will apply those lessons to the looming wildfire season. MLA Murray Rankin, Minister of Indigenous Relations and Reconciliation, and Vernon Monashee MLA Harwinder Sandhu held a press conference Tuesday [April 20] to discuss what the province will be doing in 2022 to mitigate wildfires. [Budget 2022](#) provides more than \$2.1 billion to help people recover from the devastating floods and wildfires of last year, and to better protect communities against future climate disasters. Read the BIV [article](#).

Environmental Appeal Board Decisions

No Environmental Appeal Board decisions were made in April. Visit the Environmental Appeal Board [website](#) for more information.

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Wildfire Act](#)

- [North Enderby Timber Ltd. and Canadian Cedar Oil Technologies Ltd. v. Government of British Columbia](#)
[Final Decision – Appeals Allowed in Part]

Visit the Forest Appeals Commission [website](#) for more information.

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Conservation Officer Service Authority Regulation (318/2004)	Apr. 4/22	by Reg 86/2022
Lymantria Moth Eradication Regulation (100/2022)	NEW Apr. 11/22	see Reg 100/2022
North American Gypsy Moth Eradication Regulation (102/2021)	REPEALED Apr. 11/22	by Reg 100/2022
Water Sustainability Regulation (36/2016)	Apr. 1/22	by Reg 84/2022

OCCUPATIONAL HEALTH AND SAFETY NEWS

Proposed Policy Amendments Regarding Industry Group Movement

WorkSafeBC adopted a new rate-setting model on January 1, 2019. Policy changes are needed to align policy with the current model and ensure WorkSafeBC's timely ability to place and move industry groups into appropriate rate groups. Our Policy, Regulation and Research Department is releasing a discussion paper, with options on proposed amendments to policy relating to industry group movement, for public consultation. You're invited to provide feedback on the options until 4:30 p.m. on Friday, June 3, 2022. Read the [notice](#) on the WorkSafeBC website.

Mines Audit Provides Steps to Increase Safety Near Water

The Province's mines chief auditor has released the Mining Audit Report, Worker Protection in Mobile Equipment Near Water to support the safety of workers. The audit found the ministry has regulatory requirements in place for workers operating mobile equipment near water at BC mines. The chief auditor also determined the ministry is inspecting mobile equipment and has developed processes, systems and tools to learn from past incidents. The chief auditor has provided three recommendations for strengthening and clarifying regulatory requirements, managing incident files and conducting outreach and education related to past incidents. Read the government [news release](#).

Worksite Asbestos Exposure Results in \$20,000 Fine

A WorkSafeBC investigation found the owner of a drywall recycling company knowingly exposed between 13 and 15 workers to asbestos-containing material. Charges were consequently laid in provincial court against Vivesh Kochher. After pleading guilty, Kochher was fined \$20,000 – plus a victim surcharge and is banned from owning or operating a waste transfer facility, or any other business that involves asbestos, for three years. WorkSafeBC also found Kochher defied a stop-work order, issued in September 2019 after an inspection found asbestos at the worksite. Read the BIV [article](#).

Three Cancers Added to List of Covered Work-related Cancers for BC Firefighters

"It goes without saying that firefighters face a lot of hazards in their work," said Labour Minister Harry Bains in a statement. "When it comes to the workers' compensation system, they shouldn't have to prove that certain long-term illnesses are work-related in order to access supports. "B.C.'s firefighters have been asking for this protection, and I am proud to support these people who do so much to keep British Columbians safe." The three cancers being added to the list are ovarian, cervical and penile cancer. If a firefighter is diagnosed with one of the now 16 listed cancers after working as a firefighter for a certain period, they will be able to access workers'

compensation without having to prove the cancer is directly work-related. Read the *Vancouver Sun* [article](#).

6 Effective Ways to Identify Workplace Safety Issues

A key part of the role of a safety professional is identifying and addressing workplace health and safety issues. What are they? Where do they stem from? Are they routine issues? All of these questions need to be addressed and taken into account when looking into hazard controls and creating a safety plan. Lack of understanding or knowledge of these issues is one of the fundamental causes of safety issues in the workplace. While this list is certainly non-exhaustive, here are six effective ways to get started in identifying workplace health and safety issues. Read the [full article](#) by Maia Foulis published by Canadian Occupational Safety.

What Jobs Are Too Hazardous for Young Workers?

British Columbians are invited to provide feedback on what types of work are too hazardous to be done by youth under age 16, and in some cases, under 19. The Province has launched a consultation site where stakeholders and the public can review and comment on a proposed framework that outlines the types of jobs that could be defined as hazardous and unsuitable for young workers. The consultation can be accessed through government's engagement site at: <https://engage.gov.bc.ca/govtogetherbc>. Read the government [news release](#).

New Public Health Orders

The Public Health Office (PHO) issued no new orders or guidance during April. Visit the [PHO website](#) to view these and other related orders and notices.

OHS Policies/Guidelines – Updates

Guidelines – OHS Regulation:

April 14, 2022

The following guideline was issued:

- Part 4 General Conditions
 - [G4.72 Design and operation](#)

Editorial changes were made to the following guidelines:

- Part 6 Chemical Agents and Biological Agents – Lead
 - [G6.67 Health protection](#)
- Part 11 Fall Protection
 - [G11.6-2 Anchor Selection and use](#)
- Part 30 Laboratories
 - [G30.8 Fume hoods](#)
 - [G30.29 Electrophoresis](#)

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

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Accessible British Columbia Regulation (105/2022)	NEW Apr. 14/22	see Reg 105/2022
Firefighters' Occupational Disease Regulation (125/2009)	Apr. 22/22	by Reg 107/2022

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