



EnviroFor Reporter

Powered by Quickscribe Online

Toll Free: 1-877-727-6978

Phone: 1-250-727-6978

Email:
info@quickscribe.bc.ca

Website:
www.quickscribe.bc.ca

Vol: XV – Issue: 12 – December 2022

ENVIROFOR NEWS:

Spring Session to Resume February 6

The new 2023 [Parliamentary Calendar](#) is now available. The upcoming spring legislative session is scheduled to commence on February 6, with the budget to be announced on February 28. The Quickscribe team is looking forward to keeping you informed about important changes in 2023. If you would like to receive timely alerts about changes that matter most to you, visit your [My Alerts](#) page and select the alert that works best for you.

Latest Annotations

New annotations were recently added to EnviroFor:

- [OnPoint Legal Research Corporation](#) – [Employment Standards Act](#)

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

Energy Resource Activities Act – Early Consolidation Published

Quickscribe has published [an early consolidation](#) of amendments to the [Oil and Gas Activities Act](#) by [2022 Bill 37, c. 42](#), the *Energy Statutes Amendment Act, 2022*, as it will read once all sections eventually come into force by regulation.

These amendments include renaming the Act to the *Energy Resource Activities Act*, and restructuring and renaming the BC Oil and Gas Commission as the British Columbia Energy Regulator. The Regulator's responsibilities as set out in the amendments will be expanded to include hydrogen, with the intention to provide a more cohesive framework for the regulation of hydrogen projects.

In addition, Bill 37 amendments expand liability beyond permit holders for orphaned oil and gas activity sites to include others who benefited from site operations, in order to help pay for restoration of the site. They also provide the Regulator with new powers to address orphaned sites, such as establishing registers of responsible persons and orphan sites, disposing of abandoned property at a site, and transferring permits or authorization in relation to orphan sites.

For more information, read [New Regulator in Town – More Than a Name Change](#), by Alexander Baer and

[Matthew D. Keen](#) with Norton Rose Fulbright, as included in the November [Quickscribe Reporter](#).

BC Hydrogen Legislation: New Regulator for Hydrogen and Other Energy Resources

This article is part of a series on changes introduced with the passing of the Energy Statutes Amendment Act, 2022, which also covers [increased liability of directors and officers](#) and [changes to the regulation of carbon capture and storage](#).

British Columbia has passed legislation that will streamline the regulation of hydrogen and other energy resources in the province. Called the Energy Statutes Amendment Act, 2022, it introduces changes to the [Oil and Gas Activities Act](#) and the [Petroleum and Natural Gas Act](#).

With this new B.C. hydrogen legislation, the Oil and Gas Commission will be renamed the British Columbia Energy Regulator, with jurisdiction over oil, gas, hydrogen, ammonia and methanol. A single-window regulator gives businesses investing in hydrogen in British Columbia a clearer legal framework.

The [Energy Statutes Amendment Act, 2022](#) passed third reading and has received Royal Assent. However, many of the amendments that affect hydrogen will come into force through subsequent regulations, which we will monitor. Read the [full article](#) by [Roark Lewis](#) and [Rick Williams](#) with Borden Ladner Gervais LLP.

First Nations Challenge B.C. Mineral Claim Regime in Court

The principle of free, prior and informed consent embedded in UNDRIP must apply to mineral claims in B.C., First Nations will argue in court – something that has the mining and exploration industry in B.C. worried.

First Nations, environmental groups and mining and exploration industry associations are in court today seeking intervenor status in a case that could have wide-ranging implications for mineral exploration in B.C., as well as the federal government's critical minerals strategy, should the case succeed. Read the [BIV article](#).

Treaty Rights and Resource Development: The Cumulative Effects Claims Begin to Pile Up

Our [2021 Legal Year in Review update](#) discussed the landmark B.C. Supreme Court decision in [Yahey v. British Columbia](#) (*Yahey*) which held that the cumulative impacts of industrial development within the traditional territory of the Blueberry River First Nations (Blueberry River) amounted to an infringement of their rights under Treaty 8. As anticipated, *Yahey* led other First Nations communities and groups to file claims alleging treaty infringement based on cumulative impacts from industrial development.

The rise in cumulative effects treaty-infringement claims is an evolving area of Indigenous law with potentially critical implications for resource development and the regulatory frameworks governing project assessment across Canada. Read the [full article](#) by [Maureen Killoran](#), [Richard King](#), [Sander Duncanson](#), [Sean Sutherland](#) and [Erin Bower](#) with Osler, Hoskin & Harcourt LLP.

Canada's New Critical Minerals Strategy – Recycling the Regulatory Regime

On Friday, December 9, 2022, the federal government released the Canadian Critical Minerals Strategy (the Strategy), a comprehensive multi-disciplinary government policy package designed to facilitate increased production and processing of critical minerals vital to the green and digital economy. The government committed to, among other things, reviewing the regulatory processes and red tape faced by Canadian-regulated mining companies attempting to bring mines from exploration to production, with a view to placing Canada at the forefront of the increasing global demand for clean energy. Supporting economic growth and job creation, continued reconciliation with Indigenous peoples, enhancing global security and fostering a "nature-forward" approach to sustainability are among the objectives outlined in the 58-page Strategy. Read the [full article](#) by [Sander A.J.R. Grieve](#), [Martin Ignasiak](#), [Christopher J. Doucet](#) and [Geoffrey Davis](#) with Bennett Jones LLP.

BC Introduces New Rules for Carbon Capture and Storage

This article is part of a series on changes introduced with the passing of the Energy Statutes Amendment Act, 2022, which also covers [increased liability of directors and officers](#) and [changes to clarify the regulation of hydrogen production in BC](#).

British Columbia has passed the [Energy Statutes Amendment Act, 2022](#), which addresses the regulatory framework for carbon capture and storage in the province. The Act amends the [Oil and Gas Activities Act](#) and the [Petroleum and Natural Gas Act](#) to clarify the licensing requirements for storage reservoirs and expand rights for the provincial government to explore for, access, develop and use storage reservoirs. Read the [full article](#) by

[Roark Lewis](#) and [Rick Williams](#) with Borden Ladner Gervais LLP.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Direction to the British Columbia Utilities Commission Respecting Cryptocurrency Mining Projects (281/2022)	NEW Dec. 21/22	see Reg 281/2022
Dormancy and Shutdown Regulation (112/2019)	Jan. 1/23	by Reg 266/2022
Drilling and Production Regulation (282/2010)	Jan. 1/23	by Reg 266/2022
Hydro and Power Authority Act	Dec. 19/22	by 1999 Bill 62, c. 15, section 12 only (in force by Reg 277/2022), Miscellaneous Statutes Amendment Act, 1999

FORESTRY AND ENVIRONMENT NEWS

New Coastal Marine Strategy Intentions Paper [Feedback]

The BC Government recently published a new [intentions paper](#) outlining a strategy to guide the development of the BC Coastline. The paper presents a vision for protecting the ecological, cultural, and economic benefits provided by the coastal marine environment. The Coastal Marine Strategy will focus on areas closer to shore, where estuaries, kelp beds, eelgrass meadows, rocky shorelines, and sandy beaches support an abundance and diversity of marine life. The strategy will concentrate on activities, uses and values that the Province is accountable for. The government seeking public engagement and [feedback](#) can be submitted until April 14, 2023.

Investigation Examines Enforcement of the [Wildfire Act](#)

A new investigation report released looks at how well government is investigating, deciding compliance and recovering costs from those responsible for causing wildfires in B.C.

The investigation found government has a well-defined and consistent process. Most decisions are appropriate, but there are some opportunities for improvement. Read the full [news release](#) from the Forest Practices Board.

6 New Climate Policies Anticipated for B.C. in 2023

Will it be enough to meet the province's critical climate and biodiversity goals?

As the world continues to grapple with the climate and ecological crises a number of new environmental policies are anticipated for 2023 in 2023. But are they going to be enough to meet critical climate and biodiversity goals, and help us adapt to the increasingly frequent and severe impacts of global warming? Here's a look at a few changes coming:

Cap on emissions from oil and gas sector

This is a federal pledge that will affect the natural gas sector in B.C. Canada's Environment Minister Steven Guilbeault has said this cap will be ready by the end of next year, with draft regulations expected this spring.

Read the *Vancouver Sun* [article](#).

New Carbon-Reduction Requirements Lower Emissions on the Road

The Province is fulfilling a commitment identified as a key action in the CleanBC Roadmap to 2030 to increase

the 2030 carbon-intensity reduction target for the diesel and gasoline fuel pools from 20% to 30% under the Low Carbon Fuel Standard (LCFS).

The LCFS was implemented in 2010, requiring fuel suppliers to progressively lower the average carbon intensity of the fuels they supply in British Columbia by 10% by 2020. In 2020, the Province extended the LCFS and increased the carbon-intensity reduction requirement to 20% by 2030.

Amendments to the [Renewable and Low Carbon Fuel Requirements Regulation](#) will now require fuel suppliers to reduce the carbon intensity of diesel and gasoline fuel pools supplied in B.C. to reach an overall reduction of 30% by 2030, relative to 2010 levels. Read the government [news release](#).

Updated Coast Appraisal Manual

Quickscribe has updated the [Coast Appraisal Manual](#) to include amendments effective January 1, 2021. The new Coast Appraisal Manual includes clarification to policy, an update to the market pricing system, and an update of the tenure obligation adjustments and specified operations for January 1, 2023 onward.

New GAR Order

Ministerial Order [M299/2022](#), made under the [Government Actions Regulation](#), sections 7(1) and (2) on September 15, 2022 and posted in the BC Gazette Part I on December 15, 2022, impacts the Visual Quality Objectives (VQOs) in the Sunshine Coast Natural Resource district as follows:

- scenic areas and Visual Quality Objectives (VQOs) in the Sunshine Coast Natural Resource District, which were established through a district manager's letter, dated May 16, 1997, under the provisions of the Operational and Site Planning Regulation, are cancelled;
- scenic areas and Visual Quality Objectives (VQOs) in Tree Farm Licence 39, Block 1, which were established under the Sunshine Coast Forest District VQO GAR Order, dated June 19, 2009, are cancelled; and
- scenic areas and VQOs for the Sunshine Coast Natural Resource District are established.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [93 Land Company v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Daniel Norton v. Acting Director of Wildlife, Ministry of Forests](#) [Preliminary Decision on the Method of Hearing – Appeal to Proceed by Written Submissions]
- [James \(Jim\) Monroe v. Deputy Regional Manager, Recreational Fisheries & Wildlife Program](#) [Preliminary Decision Re: Application to Participate – Granted, Subject to Limitations]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Neutral Government Regulation (392/2008)	Dec. 19/22	by Reg 271/2022
Environmental Assessment Act	Dec. 16/22	by c. 51, SBC 2018, section 79 (4)
Groundwater Protection Regulation (39/2016)	Dec. 1/22	by Reg 253/2022
Ozone Depleting Substances and Other	Dec.	by Reg 253/2022

Halocarbons Regulation (387/99)	1/22	
Professional Governance Act	Dec. 19/22	by Reg 276/2022
Professional Governance General Regulation (107/2019)	Dec. 1/22	by Reg 253/2022
Recycling Regulation (449/2004)	Jan. 1/23	by Reg 162/2020
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	Jan. 1/23	by Reg 280/2022

OCCUPATIONAL HEALTH AND SAFETY NEWS

End-of-Year Refresher: BC Employers' OHS Obligations to Address Workplace Bullying and Harassment

Workplace bullying and harassment is a significant issue for employers in British Columbia. In 2021 alone, WorkSafeBC received [3400 inquiries](#) related to workplace bullying. The organization also noted that most employers did not know how to handle complaints effectively.

This blog post focuses on BC employers' occupational health and safety ("OHS") obligations to address workplace bullying and harassment under British Columbia's [Workers Compensation Act](#) (the "Act"), and related complaints or claims that employees may file with WorkSafeBC. (This post does not address other potential legal issues arising from alleged workplace bullying and harassment, such as claims of constructive dismissal, human rights complaints, or grievances filed under a collective bargaining agreement.) Read the [full article](#) by Laura DeVries and Diana Wang with McCarthy Tétrault LLP.

Hazardous Work for Youth Rules Come into Effect Jan. 1

New regulations on the types of work that are not suitable for young workers take effect on Sunday, Jan. 1, 2023.

Following public and stakeholder consultations and analyses of injury data, a number of jobs within several industries were identified as too hazardous for young workers. This includes some jobs within construction, forestry, food processing, oil and gas and power, and asbestos removal.

[Amendments](#) to the [Employment Standards Regulation](#) were announced in October 2022. Read the government [news release](#).

Board of Directors Approves Amendments to the Occupational Health and Safety Regulation

On October 26, 2022, WorkSafeBC's [Board of Directors approved amendments](#) on two regulatory items related to crane safety in the [Occupational Health and Safety Regulation](#) (OHSR):

- Part 14, Cranes and Hoists – Inconsistent Crane Misadventure, and
- Part 14, Cranes and Hoists, and Part 19, Electrical Safety – Zone-Limiting Devices in Tower Cranes

The OHSR will now require a professional engineer to supervise the inspection of equipment and certify the equipment as safe for use when a crane is subject to a misadventure, or following contact with loads and structures. Read the [full WorkSafeBC bulletin](#).

Consultation on Proposed BC Exposure Limits Based on the New or Revised 2019 and 2020 ACGIH TLVs for Selected Chemical Substances

Each year, the American Conference of Governmental Industrial Hygienists (ACGIH) publishes a list of substances for which they have set new or revised Threshold Limit Values (TLVs). A TLV is the airborne concentration of a chemical substance where it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. TLVs may be expressed as an 8-hour time-weighted average (TWA), 15-minute short-term exposure limit (STEL), or ceiling limit.

Before adopting new or revised TLVs published by the ACGIH, WorkSafeBC reviews relevant data on health effects and the availability of validated sampling methods. WorkSafeBC also consults with stakeholders on potential implementation issues. WorkSafeBC's existing B.C. Exposure Limits (ELs) continue to be in effect until the Board of Directors makes a decision on which new or revised ACGIH TLVs to adopt as B.C. ELs. See additional information on [WorkSafeBC's EL review process](#). Feedback will be accepted until 4:30 p.m. on Friday, January 20, 2023. Read the [full article](#) on WorkSafeBC.

New Public Health Orders

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

- [Residential Care Facilities Staff Information Collection – December 16, 2022 \(PDF, 425KB\)](#)
 - [Schedule 1 Information of Staff – December 16, 2022 \(PDF, 104KB\)](#)

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

OHS Policies/Guidelines – Updates

Guidelines – *Workers Compensation Act*

January 1, 2023

Editorial revisions were made to the following guideline:

- Part 2 Division 12 – Enforcement
 - [G-P2-94-1 OHS citations](#)

Guidelines – Occupational Health and Safety Regulation

January 1, 2023

Editorial revisions were made to the following guideline:

- Part 7 Radiation
 - [G7.33-1 Cold exposure](#)

Policies – *Workers Compensation Act*

January 1, 2023

The following policies were updated to reflect CPI adjustments, effective January 1, 2023:

- [P2-94-1 – OHS Citations](#)
- [P2-95-4 – Non-Exclusive Ways to Impose Financial Penalties](#)
- [P2-95-5 – OHS Penalty Amounts](#)
- [P5-251-1 – Claims Costs Levies](#)

Visit the [WorkSafeBC website](#) to explore these and previous updates.

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Accessible British Columbia Regulation (105/2022)	Dec. 1/22	by Reg 253/2022
Electrical Safety Regulation	Dec. 1/22	by Reg 255/2022
Gas Safety Regulation (103/2004)	Dec. 1/22	by Reg 255/2022

Monetary Penalties Regulation (268/2021)	Dec. 1/22	by Reg 268/2021
Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation (104/2004)	Dec. 1/22	by Reg 255/2022

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](#).