



# EnviroFor Reporter

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Toll Free: 1-877-727-6978  
Phone: 1-250-727-6978

Email:  
info@quickscribe.bc.ca

Website:  
www.quickscribe.bc.ca


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## ENVIROFOR NEWS:

### New Keyword Alert Enhancements

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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

### Cap in Hand: Canada's Federal Government Considering Oil and Gas Emissions Cap

The Government of Canada recently published its [Discussion Paper](#) on options to cap and cut emissions from the country's oil and gas sector. The Discussion Paper is the latest step from a federal government that has been very active in introducing and implementing measures intended to curb Canada's greenhouse gas (GHG) emissions as part of the overall effort to meet its international commitments and to achieve "net-zero" emissions by 2050. Read the [full article](#) published by Dentons.

### Natural Gas Is Officially Green in Europe

*Adding natural gas to EU's taxonomy could mean increased investment here*

European fund managers of sustainable portfolios who have, heretofore, shunned nuclear power and natural gas and LNG can now invest in those energy stocks with a clear conscience.

The EU Parliament this week voted to include both natural gas and nuclear power as sustainable energy sources in its taxonomy, which defines what is green and clean and what isn't for pension fund managers and other asset managers that have sustainable portfolios – sometimes known as ethical investments, or ESG investments (environmental, social and governance). Read the *BIV* [article](#).

### Canadian Clean Fuel Regulations Are Now in Force

The long-awaited final [Clean Fuel Regulations](#) (the "Regulations"), developed by Environment and Climate Change Canada ("ECCC") under the [Canadian Environmental Protection Act, 1999](#) ("CEPA"), were registered on,

and are in force as of, June 21, 2022. They were published in the [Canada Gazette II](#) on July 6, 2022. Read the [full article](#) by [Alex Sadvani](#) with Gowling WLG.

### BC Company Wins Prize for Reducing Mine Water Use

Sepro Mixing and Pumping, a B.C. industrial equipment maker, has won a \$150,000 prize for technology that reduces the use of water at mine sites.

Foresight Canada and the Mining Association of BC (MABC) held a contest, the Mining Innovation Challenge, aimed at finding ways to reduce the use of water in mining operations. Mines use large amounts of fresh water to move mine waste (slurry), which must be stored in tailings ponds. Read the [BIV article](#).

### Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletin:

- [INDB 2022-12](#) – Changes to Management of Inspection Reports

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

### Forest Practices Board Releases

#### 2021-22 Annual Report

The Forest Practices Board has released its 2021-22 annual report, which provides a summary of the board's work in each of its program areas. The annual report also highlights strategic accomplishments, including work on Indigenous engagement and reconciliation, and the introduction of changes to the [Forest and Range Practices Act](#), a number of which reflect past board recommendations. Read the [report](#) from the BC Forest Practices Board.

### Competency and Authority: Two Sides of the Same Regulatory Coin

The die is cast and we now operate under the [Professional Governance Act](#) (PGA). It is in these nascent stages of professional governance and government oversight that forest professionals ought to take a moment to understand some terms being used that are cornerstone to our successful compliance and implementation of the PGA.

When the term "qualified registered professional" is used, what comes to your mind? For myself, it is the juxtaposition of competence and authority that give rise to being qualified, as they are two sides of the same regulatory coin. Read the [full article](#) by Garnet Mierau, published in the Summer 2022 issue of the *BC Forest Professional Magazine*.

### Association of BC Forest Professionals Amends Code and Bylaws [Reflects PGA]

The [bylaws](#) governing the Association of BC Forest Professionals (ABCFP) have been amended to reflect operational business needs and changes in authorities, terminology, and other provisions in the [Professional Governance Act](#).

The ABCFP council approved the amended bylaws on June 9 and they were brought into force under the authority of the Superintendent of Professional Governance on July 4. Read the [notice](#) from Canadian Forest Industries.

### Will the BC/Tahltan Project Consent Agreement Deliver on Its Promises?

On June 6, 2022, Premier John Horgan announced that British Columbia (Province or BC) would be taking a historic step by entering into an agreement with the Tahltan Central Government (TCG) to review and, ultimately

determine, whether the Eskay Creek Revitalization Project (Project) will be permitted to proceed. According to Premier Horgan, this "consent-based decision-making agreement" will:

- deliver on the promise of reconciliation;
- support predictability for business;
- encourage responsible investment for business in BC; and
- position BC as a preferred destination for ESG (environmental, social and governance) investors.

Read the [full article](#) by Arend J.A. Hoekstra and Viviana Berkman with Cassels Brock & Blackwell LLP.

### **Auditing Forest Professionals: Why and How Does the ABCFP Audit Registrants and Authorize Practice Reviews**

While most of you are generally aware the ABCFP conducts competence and professional conduct audits, the reasons for doing so and the audit process may not be well understood until you are notified by the ABCFP of audit selection. The why and how of auditing competence and professional conduct by the ABCFP has multiple scales.

At the smallest scale, the [Professional Governance Act](#) (PGA) requires the ABCFP to serve and protect the public interest with respect to the forestry profession, professional governance, and the conduct of registrants in regulated practice. At a larger scale, the PGA also establishes more specific responsibilities for the ABCFP to establish, monitor, and enforce standards of practice. The key objective at this scale is to enhance the quality of practice so registrants may avoid professional misconduct, conduct unbecoming a registrant, and incompetent performance of duties while engaged in the regulated practice of forestry. Read the [full article](#) by Paul Nuttall, published in the Summer 2022 issue of the *BC Forest Professional Magazine*.

### **Environmental Appeal Board Decisions**

The following Environmental Appeal Board decisions were made recently:

#### [Wildlife Act](#)

- [Paul Trepus v. Regional Manager of Recreational Fisheries and Wildlife Programs](#) [Final Decision – Appeal Dismissed]
- [James Horner v. Deputy Regional Manager, Fish and Wildlife Branch](#) [Consent Order – Send Back with Direction]
- [James \(Jim\) Munroe v. Deputy Regional Manager, Recreational Fisheries & Wildlife Program](#) [Preliminary Hearing on Method of Hearing – Granted in Part]

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

### **Forest Appeals Commission Decisions**

No Forest Appeals Commission decisions were made recently.

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

## **FORESTRY AND ENVIRONMENT**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Annual Rent Regulation (122/2003)	July 11/22	by <a href="#">Reg 163/2022</a>
Closed Areas Regulation (76/84)	July 1/22	by <a href="#">Reg 157/2022</a>
Designation and Exemption Regulation (168/90)	July 1/22	by <a href="#">Reg 157/2022</a>
Hunting Regulation (190/84)	July 1/22	by <a href="#">Reg 157/2022</a>

Motor Vehicle Prohibition Regulation (196/99)	July 1/22	by <a href="#">Reg 157/2022</a>
Old Growth Designated Area No. 1 (228/2020)	July 20/22	by <a href="#">Reg 173/2022</a>
Park, Conservancy and Recreation Area Regulation (180/90)	July 1/22	by <a href="#">Reg 123/2022</a>
Refusal of Cutting Permit or Road Permit (252/2018)	July 1/22	by <a href="#">Reg 151/2022</a>
Wildlife Act Commercial Activities Regulation (338/82)	July 1/22	by <a href="#">Reg 157/2022</a>
Wildlife Act General Regulation (340/82)	July 1/22	by <a href="#">Reg 157/2022</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### Are Employers Liable for Injuries When Working from Home?

The COVID-19 pandemic has made remote work the "new normal". The increase of remote work in British Columbia and worldwide has led to many important discussions regarding the rights of remote workers and employers' corresponding obligations. An important question that has come up concerning remote work, is regarding employers' liability for employees' work injuries while they [perform their work duties remotely](#). Read the [full article](#) from Overholt Law LLP.

### Notices and Reports: How to Properly Report a Workplace Incident in B.C.

*What are employers' obligations with regards to reporting, investigations?*

When it comes to OHS regulations hierarchy, B.C. is a little different than any other province because the overarching Act regulating workplace safety is the [Workers' Compensation Act](#) (WCA). This provides the legal authority and framework for all of WorkSafeBC's activities – including their occupational health and safety activities (which is under Part 2 of the Act).

Part 2 is made up of eight parts and schedules, which are beefed up with supporting regulations (33 sections in total). Most of these additional regulations are hazard-based legal requirements which get their authority from the Act. Read the [full article](#) by [Maia Foulis](#) in *Canadian Occupational Safety*.

### Harassment Investigation Protocols Under Scrutiny

In [Ahluwalia v. British Columbia \(Workers' Compensation Board\)](#), a worker's appeal was dismissed after the Court of Appeal determined that the WorkSafeBC Review Division had properly applied law and policy in relation to a bullying and harassment investigation conducted by the employer. Read the [full article](#) by [Cathy Chandler](#) with Fasken Martineau DuMoulin LLP.

### What You Need to Know About Workplace Inspections

Even for the most compliant workplaces, inspections can be a daunting prospect. Workplace inspections are conducted by whichever regulatory board in the province enforces legislation (in B.C. this would be WorkSafeBC, in Ontario inspections are conducted by the Ministry of Labour).

Workplaces cannot refuse an inspection, "they have to let the inspector in, and they have to provide whatever documentation they're asking for," says Catherine Bergeron. "They basically have all the rights when coming to your workplace." Bergeron is Health and Safety Team Lead at HR and safety consultancy Peninsula Canada. Read the [full article](#) by [Maia Foulis](#) in *Canadian Occupational Safety*.

### New Public Health Orders

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

Order:

- [Industrial Camps – July 8, 2022 \(PDF, 398KB\)](#)

Guidance:

- [Industrial Camps and Communicable Diseases Guidelines – July 8, 2022 \(PDF, 638KB\)](#)

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

#### **OHS Policies/Guidelines – Updates**

No OHS updates were posted in July.

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

### **OCCUPATIONAL HEALTH AND SAFETY**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
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*There were no amendments this month.*

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