



EnviroFor Reporter

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ENVIROFOR NEWS:

Fall Session Wrap-up


The fall session of the BC Legislature wrapped up in dramatic fashion with a flurry of legislative activity that saw all three chambers being used for proceedings concurrently, running late into the month of November. By November 24th, all government bills had been given Royal Assent – including [Bill 37](#), *Energy Statutes Amendment Act, 2022*, which we have touched on within the Reporter.

If you wish to be notified when these or other changes come into force, check out Quickscribe's customizable alerts via the [My Alerts](#) page. Quickscribe alerts are included with your subscription so feel free to select the alerts that work best for you!

Happy Holidays

The Quickscribe team would like to take this opportunity to wish you a safe and enjoyable holiday season and we wish you all the very best for 2023!

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FEDERAL LEGISLATION – For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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CATEGORIES

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[FORESTRY & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)

ENERGY AND MINES NEWS

Energy and Mines News:

What New Regulations Mean for Oil and Gas Sector

Canada will adopt aggressive methane reduction targets for Canada's oil and gas sector, with Alberta, B.C. and Saskatchewan most affected.

Just two months ago, the Canadian government announced its new plan to reduce overall methane emissions by more than 35% by 2030, compared to 2020 levels.

"This will exceed the Global Methane Pledge target of 30% that Canada signed on to last year," the government noted.

Just two months later, on November 10, at COP27, Canadian environment Minister Steven Guilbeault doubled down. He announced that Canada's new methane reduction framework will include a 75% reduction by 2030 relative to 2012 levels for the oil and gas sectors. Read the *BIV* [article](#).

Company Lost Rights to Mined Material with Gold, Silver: BC Court of Appeal

The mineral rights over mined material reverted to the government and subsequently a new purchaser of an area around a lake when the material from the land subject to its leases was deposited into the lake, the British Columbia Supreme Court has ruled.

The case revolved around approximately 1.75 million tonnes of mined material containing gold and silver in potentially profitable concentrations. The material had been extracted from the Eskay Creek Mine and deposited into Albino Lake within the Tahltan Nation's traditional territories. Read the [full article](#) by [Bernise Carolino](#) in the *Canadian Lawyer*.

New Regulator in Town – More Than a Name Change

On October 27, [Bill 37](#), the *Energy Statutes Amendment Act, 2022* had its first reading in the British Columbia legislature. If enacted in its current form, Bill 37 would result in major changes to the British Columbia [Oil and Gas Activities Act](#) (OGAA) and [Petroleum and Natural Gas Act](#) (PNGA), including:

- Renaming and restructuring the BC Oil and Gas Commission as the "British Columbia Energy Regulator" (Regulator), akin to the names of the analogous Alberta and federal regulators, and expanding its jurisdiction to include hydrogen production;
- Expanding and clarifying the regulatory regime applicable to carbon capture and storage (CCS); and
- Expanding liability for orphan sites to a broader pool of responsible persons, and providing the Regulator with new powers and tools to ensure orphaned sites are addressed.

Read the [full article](#) by [Alexander Baer](#) and [Matthew D. Keen](#) with Norton Rose Fulbright.

Oil and Gas Activities Act – Early Consolidation

Quickscribe will be publishing an early consolidation of amendments made to the [Oil and Gas Activities Act](#) by [Bill 37](#), *Energy Statutes Amendment Act, 2022*, later today (December 6), as it will read when these changes come into force. Check the "[Special Early Consolidations](#)" page to access the document and note the act's change of title to *Energy Resource Activities Act*.

ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (35/2011)	Nov. 25/22	by Reg 241/2022
Applicability (Public Interest Disclosure) Regulation (238/2022)	NEW Nov. 25/22	see Reg 238/2022
Direction to the British Columbia Utilities Commission Respecting Residential and Commercial Customer Account Credits (224/2022)	NEW Nov. 18/22	see Reg 224/2022
Direction to the British Columbia Utilities Commission Respecting the Customer Crisis Fund Program (163/2021)	Nov. 18/22	by Reg 224/2022
Net Profit Royalty Regulation (98/2008)	Nov. 1/22	by Reg 211/2022
Oil and Gas Activities Act	Nov. 24/22	by 2022 Bill 37, c. 42, sections 11, 21, 23, 25, 29 and 31 only (in force by Royal Assent), Energy

		Statutes Amendment Act, 2022
Petroleum and Natural Gas Act	Nov. 24/22	by 2022 Bill 37, c. 42, sections 35, 37 to 39, 41 to 47, 49, 51 and 54 only (in force by Royal Assent), Energy Statutes Amendment Act, 2022
Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation (495/92)	Nov. 1/22	by Reg 211/2022

FORESTRY AND ENVIRONMENT NEWS

Forest and Environment News:

Initial Work Underway to Develop a New BC – Indigenous Fiscal Framework [Forestry]

The Province has initiated consultation with First Nations in BC in regards to the co-development of a new fiscal framework, with an initial focus on forestry revenue sharing. The Province recently released a Discussion Paper to initiate the engagement and development process with First Nations in BC.

In March 2022, the Province released its [Declaration on the Rights of Indigenous Peoples Action Plan](#). This plan included the following two action items to be completed between 2022 and 2027:

- Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms. This work will include collaboration with the government of Canada.
- Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples.

The implementation of these two action items began recently when the Province released a [discussion paper](#) to outline its approach to implementation and plan for engagement with First Nations. The initial focus for implementation will be on the forestry industry. Read the [full article](#) by [Amy Carruthers](#) and [Heather Sorenson](#) with Fasken Martineau DuMoulin LLP.

What's in Canada's New Climate Adaptation Strategy?

Canada has released its first ever unified plan to adapt to a changing climate and confront the flooding, increasingly intense wildfires, and deadly heat waves that have already begun to devastate parts of the country in recent years.

The long-awaited [National Adaptation Strategy](#), released Thursday [November 24], comes with \$1.6 billion in new federal funding meant to help maintain and climate-proof public infrastructure, reduce the impacts of climate-driven disaster, and restore ecosystems that act as a bulwark against natural cataclysm. The money is also meant to support workers, the economy and protect people's health. Read the [BIV article](#).

BC Government Accelerates Salvage of Fire-Damaged Trees

The B.C. government is responding to a plea from B.C.'s pulp and paper sector to increase access to fire damaged trees.

"A new approach to provincial forestry agreements will lead to faster action on harvesting areas damaged by wildfire, provide more timber for mills and set up faster reforestation through the leadership of First Nations," the B.C. Ministry of Forests said in a press release.

New Wildfire Salvage Opportunity Agreements (WSOA) will allow for direct award of forestry licences to First Nations for salvaging timber damaged by wildfire. Read the [BIV article](#).

December 2022 Forest Safety News

Read the Winter Edition of the [Forest Safety Newsletter](#) from the [BC Forest Safety Council](#).

Professional Logging Truck Driver Training Will Benefit Indigenous People, Youth

Eight eligible British Columbians will receive skills training to prepare them for employment as professional logging truck drivers in the North Okanagan and Shuswap area.

The Ministry of Social Development and Poverty Reduction's Community and Employer Partnerships (CEP) project focuses on providing occupational training and work experience for Indigenous people and youth.

"This project is empowering Indigenous people and youth by giving them new job opportunities in the professional logging sector," said Nicholas Simons, Minister of Social Development and Poverty Reduction. "Participants who graduate from the program will receive the skills they need to find rewarding careers as professional logging truck drivers in the North Okanagan and Shuswap area." Read the full government [news release](#).

Government Actions Regulation Orders

The following Orders and notices were recently posted and signed under the authority of the [Government Actions Regulation 582/2004](#) impacting various Ungulate Winter Ranges and Wildlife Habitat areas:

- **Ungulate Winter Range**

Notice is hereby given that **Ungulate Winter Range (UWR) U-4-002** in the Rocky Mountain Resource District and Selkirk Resource District, are established for mountain goat in the Kootenay Boundary Region. The Order was signed on November 7, 2022 under the authority of sections 9(2) and 12(1) and 12(2) of the Government Actions Regulation (B.C. Reg. 582/2004) for the [Forest and Range Practices Act](#) and section 31 of the [Environmental Protection and Management Regulation](#) (B.C. Reg. 200/2010) of the [Oil and Gas Activities Act](#). Details of the Orders may be obtained from the Land Use Policy, Planning and Ecosystems Division, Kootenay Boundary Region, Ministry of Land, Water and Resource Stewardship, No. 401 - 333 Victoria Street, Nelson, BC V1L 4K3. The Government Action Regulation Order, accompanying map and spatial files may also be obtained from:

https://www.env.gov.bc.ca/wld/frpa/ugwr/approved_ugwr.html [no24]

- **Ungulate Winter Range**

Notice is hereby given that the boundary of Unit UWR051 in **Ungulate Winter Range U-1-004** in the Campbell River Natural Resource District was amended on November 18, 2022 by order made under authority of sections 9(2) and 12(1) of the Government Actions Regulation (B.C. Reg. 582/2004). Details of the order may be obtained from the Ecosystems Section, West Coast Region, Ministry of Land, Water and Resource Stewardship, 2080 Labieux Road, Nanaimo, BC V9T 6J9, or from the following website:

http://www.env.gov.bc.ca/wld/frpa/ugwr/approved_ugwr.html [no24]

- **Ungulate Winter Range**

Notice is hereby given that the boundary of Unit Q06e_B in **Ungulate Winter Range U-1-014** in the Campbell River Natural Resource District was amended on November 15, 2022 by order made under authority of sections 9(2) and 12(1) of the Government Actions Regulation (B.C. Reg. 582/2004). Details of the order may be obtained from the Ecosystems Section, West Coast Region, Ministry of Land, Water and Resource Stewardship, 2080 Labieux Road, Nanaimo, BC V9T 6J9, or from the following website:

http://www.env.gov.bc.ca/wld/frpa/ugwr/approved_ugwr.html [no24]

- **Wildlife Habitat Areas**

Notice is hereby given that the boundary of **Wildlife Habitat Area 1-499** in the Campbell River Natural Resource District was amended on November 18, 2022 by order made under authority of Sections 9(2) and 10(1) of the Government Actions Regulation (B.C. Reg. 582/2004). Details of the order may be obtained from the Ecosystems Section, West Coast Region, Ministry of Land, Water and Resource Stewardship, 2080 Labieux Road, Nanaimo, BC V9T 6J9, or from the following website:

http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved [no24]

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Water Sustainability Act](#)

- [Christian Friedinger v. Water Manager](#) [Final Decision – Appeal Dismissed]
- [Enfys Pooler v. Assistant Water Manager](#) [Stay Application – Denied]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Wildfire Act](#)

- [Duffy Damgaard v. Government of British Columbia](#) [Preliminary Decision – Application to Adjourn Granted; Appeal Not Dismissed]

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

FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Regulation (125/2008)	Nov. 1/22	by Reg 211/2022
Environmental Management Act	Nov. 3/22	by 2022 Bill 26, c. 25, section 1 only (in force by Royal Assent), Environmental Management Amendment Act, 2022

OCCUPATIONAL HEALTH AND SAFETY NEWS

BC Government Introduces Significant Legislative Changes to the Workers Compensation Act

On October 31, 2022, the BC government completed the first reading of [Bill 41](#) – 2022: *Workers Compensation Amendment Act (No. 2)*, 2022 ("Bill 41"), which contains further amendments to BC's [Workers Compensation Act](#) (the "WCA"). [Bill 41 Received Royal Assent on November 24, 2022.] If enacted, Bill 41 will impose an obligation on employers to accommodate and re-employ injured workers up to a point of undue hardship. Bill 41 also requires employers and workers to cooperate with each other, and with WorkSafeBC (the "Board"), in furtherance of a plan to return the worker to work. Read the [full article](#) by Christopher McHardy, Danielle Douglas and Michelle De Haas with McCarthy Tétrault LLP.

Federal Government Does Not Owe Duty of Care to Woman Injured by Explosion: BC Court of Appeal

The federal government does not owe a duty of care to a woman who was injured by an accidental explosion, despite the government's power to license and regulate operations of explosives, the British Columbia Court of Appeal has ruled. In *Canada (Attorney General) v. Frazier* [[2022 BCCA 379](#)], Sabrina Frazier was injured by an explosion that occurred in a nearby building undergoing renovations. She filed a claim against the Minister of Natural Resources, alleging that the minister was responsible for regulating the licensing and operation of explosives and that the minister knew or ought to have known that the explosives in the building were a risk to public safety and could cause serious injury and loss. She asserted that the minister owed her a private law duty of care. Read the [full article](#) by Angelica Dino with Canadian Occupational Safety.

BC Further Expands Cancer Coverage for Firefighters

Firefighters will now have easier access to workers' compensation benefits and support services in recognition of their higher risk of developing work-related cancers. "Firefighters are there for us when we are at our most vulnerable, and we need to be there for them when they need us," said Premier John Horgan. "Their job places them in risk of exposure to toxic materials. If they get sick or hurt on the job, they deserve to have every support we can provide." The Province is amending the [Firefighters' Occupational Disease Regulation](#) under the [Workers Compensation Act](#) (WCA) by adding two cancers – pancreatic and thyroid – to the existing list of cancers and heart diseases that firefighters are at increased risk of developing. Read the government [news release](#).

Consultation on Proposed BC Exposure Limits (ELs) 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 an 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 BC 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 BC ELs. Read the [full article](#) by WorkSafeBC.

Signs and Symptoms that an Employee Has a Drug Issue

How to identify if an employee is impaired in the workplace

The holiday season has arrived, and many people will be celebrating with friends, family, and coworkers. Sometimes those festivities include alcohol as well as the use of both legal and unsanctioned illegal drugs. While substance use should always be responsible, sometimes it can spill over to other aspects of life, like the workplace. It is imperative health and safety professionals know how to recognize the signs and symptoms of a problem with drugs and alcohol. The Canadian Centre for Occupational Health and Safety (CCOHS) says impairment on the job can be the difference between life and death. "Many aspects of the workplace require alertness, and accurate and quick reflexes. An impairment to these qualities can cause incidents and interfere with the accuracy and efficiency of work." Read the [full article](#) by Shane Mercer with CCOHS.

Measurement of Earnings Loss — Wage Inflation Adjustment Factor

from WorkSafeBC:

On November 23, 2022, WorkSafeBC's Board of Directors approved an amendment to policy in Item C6-40.00, Section 196 Permanent Partial Disability Benefits, of the Rehabilitation Services & Claims Manual, Volume II, to clarify the factor used to adjust earnings for inflation in calculating a loss of earnings award is based on the change in annual average of wages and salaries in B.C. Read the [article](#) on WorkSafeBC.

New Public Health Orders

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

- [Regulated and Unregulated Health Professionals SARS-COV-2 Influenza Immunization – November 4, 2022 \(PDF, 413KB\)](#)
- [Emergency Medical Assistants Influenza Immunization – November 4, 2022 \(PDF, 308KB\)](#)

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

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

November 29, 2022

The following guideline was issued:

- Part 8 Personal Protective Equipment and Clothing
 - [G8.3 Ensuring adequate fit of personal protective equipment](#)

Revisions were made to the following guidelines:

- Part 6 Chemical Agents and Biological Agents – Biological Agents
 - [G6.34-2 Risk assessment, engineering and administrative controls, and personal protective equipment](#)
- Part 7 Radiation
 - [G7.19\(4\)-2 Exposure to non-ionizing radiation – Lasers](#)
- Part 11 Fall Protection
 - [G11.4 Belts and harnesses](#)
- Part 30 Laboratories
 - [G30.4 Plumbing](#)

Policies – *Workers Compensation Act*

December 01, 2022

The following policies have housekeeping amendments resulting from Bill 41, the *Workers Compensation Amendment Act (No.2)*, 2022, in effect on November 24, 2022:

- [P2-95-1 – Criteria for Imposing OHS Penalties](#)
- [P2-95-10 – OHS Penalty Warning Letters](#)

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

OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Firefighters' Occupational Disease Regulation (125/2009)	Nov. 8/22	by Reg 215/2022
Workers Compensation Act	Nov. 24/22	by 2022 Bill 41, c. 37, sections 1 to 3, 5, 10 and 12 only (in force by Royal Assent), Workers Compensation Amendment Act (No. 2), 2022

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