



# EnviroFor Reporter

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## ENVIROFOR NEWS:

### Fall Session Resumes – Are You Set Up to Receive Timely Alerts?

The BC Legislature returned on October 3rd and is expected to sit until November 24th.

We remind you that there are several customizable tools that will help you keep tabs on new legislation (and news) that is most relevant to you. Here is a list of some popular alerts that you can set up at any time via your "[My Alerts](#)".

- [Quickscribe Reporter](#) – monthly summary of legislative changes and related news by category
- [BC Legislative Digest](#) – select specific laws/categories for us to monitor for you
- [Keyword Alerts](#) – receive timely alerts when new legislation or news includes keywords or subject matter of your choosing – **example:** "riparian zone" or "contaminated soil"
- [Follow Annotations to laws](#) – receive notification when new annotations are added to laws of your choosing
- Follow Annotations [by contributors](#) – receive notification when a contributor of your choosing publishes new annotations to Quickscribe

Want some help? Give us a call and we will be happy to walk you through the process.

### Latest Annotations

New annotations were recently added to Quickscribe:

- [Richard Bereti](#), Harper Grey LLP – [Environmental Management Act](#)

If you wish to be alerted when new annotations are published by our contributors, select "[My Alerts](#)" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

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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](#)

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## ENERGY AND MINES NEWS

### Supreme Court of Canada Won't Hear Appeals in Alberta Coal Project Case

*Review panel had concluded likely effects of the proposed Grassy Mountain mine outweighed economic benefits*

The Supreme Court of Canada will not hear appeals from parties who support approval of an open-pit coal mine

in southwest Alberta.

A review panel had concluded the likely effects of the proposed Grassy Mountain coal mine on fish and water quality outweighed the economic benefits.

As a result, Alberta's regulatory agency denied Benga Mining's permit applications. Read the [CBC news article](#).

### **Deepsea Mining Proposal of Vancouver's The Metals Company Under Scrutiny**

A Vancouver-based mining company has come up with what it considers to be a cleaner option for producing minerals needed to power green transportation.

Instead of blasting minerals out of the earth from terrestrial mines, The Metals Company wants to scoop up some of the billions of tonnes of mineralized rocks that litter vast tracts of the deep Pacific Ocean bottom between Hawaii and Mexico. Read the [Vancouver Sun article](#).

### **Recent BCOGC Bulletins**

The BCOGC did not issue any bulletins in September.

Visit the [BCOGC website](#) to view previous bulletins.

## **ENERGY AND MINES**

<b>Act or Regulation Affected</b>	<b>Effective Date</b>	<b>Amendment Information</b>
Mineral Tax Act	Oct. 1/22	by 2022 Bill 6, c. 11, sections 35 and 36 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2022</a>
Nicola Lake Solar Project Exemption Regulation (185/2022)	<b>NEW</b> Sept. 20/22	see <a href="#">Reg 185/2022</a>
Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation (495/92)	Sept. 1/22	by <a href="#">Reg 117/2022</a>

## **FORESTRY AND ENVIRONMENT NEWS**

### **Extensions of Time to Complete TSL Obligations**

A recent decision of the BC Supreme Court ([Pal Lumber Co. \(2007\) Ltd. v. British Columbia](#)) addressed numerous issues of interest to registrants in the BC Timber Sales (BCTS) program. Included among these issues is the application of an important (though somewhat obscure and perplexing) provision of the [BC Timber Sales Regulation](#) (the Regulation).

Section 21(1) of the Regulation contemplates an extension of time after expiration of a TSL for the licensee to remedy any non-compliance with the TSL or applicable legislation that may exist at the time of expiration. There is no guidance as to how or when the extension of time contemplated in Section 21(1) is available, but the court held that Section 21(1) does not create an express or implied entitlement to an extension of time for completing obligations under a TSL. Read the [full article](#) by [Jeff Waatainen](#), published in the Fall 2022 issue of the *BC Forest Professional*.

### **Wake Up and Smell The ... What?: EAB Confirms 'Smells' Aren't Air Contaminants**

The Environmental Appeal Board (EAB) has clarified that limits and restrictions on activities under permits related to air contaminants cannot be used as a backdoor to target what are really the effects of air contaminants, i.e., odours.

In 2018, GFL Environmental Inc. was issued an air quality management permit for the operation of a composting facility in Delta. One of the purposes of this permit was to ensure the facility would not make the surrounding area too smelly. To accomplish this, the permit put limits on odorous emissions through the use of a "Sniff Test", whereby an "Approved Person" would smell the air for given periods of time, at set distances from the facility. GFL appealed various parts of the permit on the basis that the terms of the permit would not further the goal of protecting the environment, were too restrictive, and were beyond the authority of the District Director. Read the [full article](#) by [Nicola Virk](#) with Harper Grey LLP.

### **U.K. Energy Firm Denies Cutting B.C. 'Primary Forests' for Wood Pellets**

*Drax Group responds to BBC investigation, says forests are not being harvested for biomass energy*

British energy company Drax Group is defending itself following the release of a BBC investigation that alleges the firm is cutting down "primary forests" in British Columbia to turn into wood pellets.

The BBC program – which aired Monday using the title "Green Energy Scandal Exposed" – contends that at least some of Drax's pellets are being manufactured from timber the company has logged through forest harvest licences it has obtained from the province contrary to its own policies and accepted practices that allow pellets to be labelled green energy. Read the *Vancouver Sun* [article](#).

### **B.C. Significantly Increasing Soil Relocation Requirements**

Changes to British Columbia's [Environmental Management Act](#) (EMA) and [Contaminated Sites Regulation](#) (CSR) will introduce a new regime governing soil relocation in B.C. The changes will increase testing requirements prior to soil relocation and implement new requirements for the relocation of both contaminated and uncontaminated soils. Read the [full article](#) by [Tony Crossman](#) and [Paulina Adamson](#) with Blake, Cassels & Graydon LLP.

### **BC Signs 'Landmark' Agreement with S'ólh Téméxw Stewardship Alliance to Protect Heritage Sites**

British Columbia and S'ólh Téméxw Stewardship Alliance (STSA) have entered into a "landmark" agreement to protect heritage sites across Stó:lō Nation territory, the Ministry of Forests [announced](#).

The agreement provides legal protection for 45 sacred, spiritual, and ceremonial heritage sites on Crown lands within Stó:lō Nation territory. It outlines a "consensus-seeking, shared decision-making process" between BC and STSA for ongoing heritage-site management. The agreement covers heritage sites in Central Fraser Valley, Chilliwack, and lower Fraser River watersheds. Read the [full article](#) by [Katrina Eñano](#), published in the *Canadian Lawyer*.

### **Injunction Against Fairy Creek Logging Protests Extended, But Protesters Declare 'Moral Victory'**

A B.C. judge has extended an injunction against old-growth logging protesters in the Fairy Creek watershed on southern Vancouver Island for another year, but the protesters say his ruling is a "moral victory" for their cause.

B.C. Supreme Court Justice Douglas W. Thompson [issued his decision](#) in the case on Wednesday.

Though he opted to extend the injunction granted to Teal Cedar Products Ltd. for another year, Thompson dedicated a significant portion of his reasons for his decision to discussing the arguments of the protesters.

While his reason for doing so was to emphasize their dedication to their cause – and therefore the likelihood that they will continue attempting to disrupt Teal Cedar's logging activity – the judge wrote sympathetically about the protesters he has sentenced. Read the *CTV News* [article](#).

### **The Practice of Professional Forestry**

The introduction of the [Professional Governance Act](#) (PGA) did not change the practice of professional forestry but it fundamentally changed how it is described. And with the granting of new reserved practice rights to applied biologists and agrologists, it is imperative for the public interest that we continue to assert what is the practice of professional forestry.

Under the *Foresters Act*, the practice of professional forestry was specifically defined in Section 1 of the Act: the practice includes advice, work, and services respecting forests, forest lands, forest resources, and forest ecosystems. The Act also included a list of specific activities undertaken within the practice of forestry. Use of such a detailed definition in legislation is no longer the norm of government. Read the [full article](#) by Christine

Gelowitz, published in the Fall 2022 issue of the *BC Forest Professional*.

### Environmental Appeal Board Decisions

The following Environmental Appeal Board decision was made recently:

#### [Environmental Management Act](#)

- [Richmond Steel Recycling Ltd. v. Director, Environmental Management Act](#) [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:

#### [Forest and Range Practices Act](#)

- [Forest Practices Board v. Government of British Columbia](#) [Final Decision – Allowed in Part]

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

## FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Agrologists Regulation (10/2021)	Sept. 1/22	by <a href="#">Reg 239/2021</a>
	Oct. 1/22	by <a href="#">Reg 191/2022</a>
Applied Biologists Regulation (13/2021)	Sept. 1/22	by <a href="#">Reg 239/2021</a>
	Oct. 1/22	by <a href="#">Reg 191/2022</a>
Carbon Tax Act	Oct. 1/22	by 2022 Bill 6, c. 11, sections 12 and 13 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2022</a>
Carbon Tax Regulation (125/2008)	<b>RETRO</b> to Feb. 23/22	by <a href="#">Reg 186/2022</a>
Code of Practice for Agricultural Environment Management (8/2019)	Oct. 1/22	by <a href="#">Reg 8/2019</a>
Logging Tax Act	Oct. 1/22	by 2022 Bill 6, c. 11, sections 33 and 34 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2022</a>
Professional Governance General Regulation (107/2019)	Oct. 1/22	by <a href="#">Reg 191/2022</a>
Wildlife Act	Sept.	by 2022 Bill 14, c. 13, sections 1 to 4 only (in force

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### Seven Reasons New Workers Are More Likely to Get Injured

Young and new workers are at high risk of injury in their line of work. British Columbia's Occupational Health and Safety Regulation defines a "young worker" as any worker under age 25. A "new worker" can be any age and includes those who are new to the workplace or location, or facing new hazards. Workers under the age of 25 account for one third of workplace injuries, according to the report titled Injury Prevention for Workers in Precarious Employment & New and Young Workers 2018. Meanwhile, more than 50 per cent of young workers were hurt in the first six months of employment. Read the [full article](#) by Jim Wilson with Canadian Occupational Safety.

### GFL Environmental Hit with \$710,488 Fine from WorkSafeBC

A waste-management company has been hit with the highest fine ever imposed by WorkSafeBC, after staff were caught not using proper PPE at the site of a fire-damaged building in Kimberley. WorkSafeBC recently imposed the \$710,488.79 administrative penalty against GFL Environmental Inc. after staff inspected a work site in Kimberley on Aug. 2. GFL Environmental had been hired to demolish a fire-damaged commercial building and remove debris from the site. Read the [BIV article](#).

### How Many Work-related Deaths Are Recorded in Canada Each Year?

Many employers in Canada are still having a hard time keeping their workers safe. In fact, an average of 945 workers have died each year from work-related reasons since 2009, reported The Canadian Press, citing data from the Association of Workers' Compensation Boards of Canada (AWCBC/ACATC). As big as that number may be, it was still lower compared with the 1,035 work-related deaths in Canada back in 2008, according to the report. Read the [full article](#) by Jim Wilson with Canadian Occupational Safety.

### How Employee Stress Can Lead to Legal Issues for Employers

Most people are familiar with the negative impacts that stress can have on individual workers. Stress can result in health issues, cause turmoil in one's personal life and greatly impact [workplace performance](#). However, employees are not the only ones who may face consequences in a stressful work environment. In some cases, employers could face [financial or legal responsibilities](#) resulting from a stressed-out workforce. A type of legal liability employers could face if employees have stress-related health issues is a [workers' compensation claim](#). Case law from British Columbia and across Canada shows how these cases play out. One common outcome is that the employee is unable to prove that the stress was from work specifically; therefore, the individual is unable to make the case. However, there are also examples of employees being successful in these types of cases. Stressful workplaces have included workers being obligated to go beyond the expectations of their employment contract, or unreasonable demands from employers outside working hours. Read the [full article](#) posted on the Overholt Law LLP Blog.

### New Public Health Orders

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

Orders:

- [Hospital and Community \(Health Care and Other Services\) COVID-19 Vaccination Status Information and Preventive Measures – September 12, 2022 \(PDF, 562KB\)](#)
  - [Medical Reporting Form: COVID-19 Vaccine Medical Deferral – September 13, 2022 \(PDF, 636KB\)](#)
- [Residential Care COVID-19 Preventive Measures – September 12, 2022 \(PDF, 510KB\)](#)
  - [Medical Reporting Form: COVID-19 Vaccine Medical Deferral – September 13, 2022 \(PDF, 636KB\)](#)

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

### OHS Policies/Guidelines – Updates

Guidelines – OHS Regulation:

September 28, 2022

Editorial revisions were made to the following guidelines:

- Part 5 Chemical Agents and Biological Agents  
[G5.48-10 Use of indicator tubes to measure compliance](#)
- Part 7 Radiation  
[G7.25 Records](#)
- Part 30 Laboratories  
[G30.13 Centrifuges](#)

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

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Accessible British Columbia Act	Sept. 1/22	by 2021 Bill 6, c. 19, sections 11 and 12 (in force by <a href="#">Reg 105/2022</a> ), <a href="#">Accessible British Columbia Act</a>
Electrical Safety Regulation (100/2004)	Oct. 1/22	by <a href="#">Reg 179/2022</a>
Gas Safety Regulation (103/2004)	Oct. 1/22	by <a href="#">Reg 145/2022</a>
Safety Standards General Regulation (105/2004)	Sept. 6/22	by <a href="#">Reg 43/2021</a>

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