



Vol: XVI – Issue 12 – December 2023

EnviroFor News

Welcome to 2024

We are excited to share that we have some amazing projects in the pipeline that will enhance your experience of accessing, *understanding*, and staying on top of the legislation and related information that matters to you. Stay tuned for more details on these projects. The next [spring legislative session](#) is set to begin with the throne speech on February 20, 2024. We recommend that you use this time to [create alerts](#) that will keep you informed of any relevant legislative changes. Lastly, the Quickscribe Team would like to express our gratitude for your continued support and wish you a prosperous and happy new year.

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ENERGY & MINES NEWS

Proposed Regulatory Framework: Cap-and-Trade System in the Oil and Gas Sector

On December 7, 2023, the Federal Government (Government) published a [Regulatory Framework for an Oil and Gas Sector Greenhouse Gas Emissions Cap](#) (Framework). The Framework supports Canada's commitment to cap and reduce greenhouse gas (GHG) emissions from the oil and gas sector at a pace it has deemed required to achieve net-zero GHG emissions by 2025. To achieve these goals, the Government proposes a cap-and-trade system to operate under the [Canadian Environmental Protection Act, 1999](#). The cap-and-trade system is proposed to apply to liquefied natural gas (LNG) facilities and upstream oil and gas facilities.

The proposed emissions cap for 2030 is estimated to fall within the range of 106 to 112 million tonnes of GHG emissions. This number represents a 35 to 38 percent decrease from 2019 emissions. Read the [full article](#) by [Kerri Howard](#), [Kimberly J. Howard](#), [Ashley J. Wilson](#) and [Riley M. Thackray](#) of McCarthy Tétrault LLP.

Canada's Proposed Clean Energy Tax Credits: Where Are We Now?

The Canadian government has proposed five new refundable investment tax credits (ITCs) designed to grow Canada's clean economy and allow Canada to remain competitive in attracting investment in clean energy projects.

The five proposed refundable tax credits are:

1. **The Clean Technology ITC:** A refundable tax credit of up to 30% of investments in eligible property acquired and available for use on or after March 28, 2023 and before 2034. For property that becomes available for use in 2034, this tax credit would be up to 15%. No tax credit would be available for property that becomes available for use after 2034.

Read the [full article](#) by [Alex Pankratz](#) with Fasken Martineau DuMoulin LLP.

Energy Regulator Rejects FortisBC's \$327M Application for Natural Gas Pipeline

FortisBC had argued that 30 km of new pipeline was needed to meet Okanagan area's energy demands

The B.C. Utilities Commission (BCUC) has rejected an application from FortisBC to build a natural gas pipeline worth \$327 million in the Okanagan region.

The Okanagan Capacity Upgrade (OCU) project would have seen the installation of 30 kilometres of new pipeline, running north from Penticton to Chute Lake, along with two new power stations to help regulate the pipeline's flow.

FortisBC, the main natural gas utility in the province, said the OCU project was needed to meet demand in the southern Interior over the next two decades. Read the [CBC article](#).

British Columbia Revamps Low Carbon Fuel Regs, Requires SAF

The government of British Columbia on Dec. 11 released regulations for its revamped low carbon fuels program, becoming the first jurisdiction in North America to require the use of sustainable aviation fuels (SAF).

British Columbia in 2008 first passed legislation to establish a Low Carbon Fuel Standard. The LCFS was implemented in 2013. The government of British Columbia in 2022 passed a new [Low Carbon Fuels Act](#), along with amendments in 2023, to replace the 2008 legislation. The province on Dec. 11 published rules for the new [Low Carbon Fuels Regulation](#), which is set to become effective on Jan. 1, 2024. Read the [full article](#) published in *Biomass Magazine*.

Key Takeaways from the Proposed Amendments to Canada's Methane Emissions Reduction Legislation

In 2021, Canada joined 110 countries in endorsing the Global Methane Pledge at the UN Climate Change Conference ("COP26"), committing to an ambitious target of 75% reduction in oil and gas sector methane emissions below 2012 levels by 2030. In September 2022, Canada reiterated its commitment to this target and to the publishing of amendments to the Regulations Respecting Reduction in the Release of Methane and Certain Volatile Organic Compounds (Upstream Oil and Gas Sector), [SOR/2018-66](#) (the "Federal Regulations"), which originally came into force in 2018. On December 4, 2023, Steven Guilbeault, Minister of Environment and Climate Change, announced the publishing of the proposed amendments to the Regulations (the "Proposed Amendments"). Read the [full article](#) by [Allison Sears](#), [Brendan Sawatsky](#) and [Avinash Kowshik](#) with Fasken Martineau DuMoulin LLP.

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2023-18](#) – Project to Match Existing Fluid Analyses to Formations is Complete
- [IU 2023-16](#) – Three Water Management Basins Under New Pilot Environmental Flow Needs Policy for Water Allocations
- [TU 2023-19](#) – Vent Data Collection

Visit the BC-ER [website](#) for more information.



ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (35/2011)	Dec. 11/23	by Reg 279/2023
	Jan. 1/24	
Dormancy and Shutdown Regulation (112/2019)	Jan. 1/24	by Reg 78/2023
Drilling and Production Regulation (282/2010)	Jan. 1/24	by Reg 78/2023
Hydro and Power Authority Act	Jan. 1/24	by 2022 Bill 15, c. 21, section 65 only (in force by Reg 282/2023), Low Carbon Fuels Act
Investigations Regulation (134/2019)	Jan. 1/24	by Reg 279/2023
Oil and Gas Processing Facility Regulation (48/2021)	Jan. 1/24	by Reg 78/2023



Province Fined Over \$700k For Unsafe Wildfire Mitigation Work in Northern B.C.

Ministry of Forests says record WorkSafeBC fine is 'disproportionately high' and intends to appeal

The B.C. government has been fined more than \$700,000 after an inspection determined unsafe wildfire mitigation practices were occurring at a site in the province's northeast.

The penalty issued on Oct. 26, 2023, by WorkSafeBC, the provincial agency that promotes safe and healthy workplaces across B.C., rings in at \$710,488.79 – the largest fine it has ever issued, the agency says, and the maximum amount allowable for 2022, the year the incident occurred.

WorkSafeBC's report says it found evidence of unsafe falling cuts at a site near Wonowon, around 80 kilometres northwest of Fort St. John, B.C., and said the province, which it refers to as the "employer," did not verify faller certification or actively monitor work as required.

Further details of the report are expected to be released publicly on Thursday [January 4], according to WorkSafeBC, but the province says no injuries were associated with the investigation. Read the [CBC article](#).

Measuring and Allocating Forage on Rangelands in BC

The Forest Practices Board has released a report on the measurement and allocation of forage on rangelands in British Columbia.

The report identifies several opportunities to improve the management of public rangelands. These include setting specific targets for conserving forage for wildlife and using a more robust system to measure and inventory the amount of available forage on rangelands.

"The board found that government has developed good guidelines for measuring forage, but they aren't consistently used," said Gerry Grant, board member of B.C.'s Forest Practices Board.

The board also found government lacks a current inventory of forage in some districts with high range usage. Read the [report](#) from the Forest Practices Board.

Forest Act Amendment

The [Forest Act](#) was amended on January 1 by [2021 Bill 28 c. 38](#), the *Forest Amendment Act, 2021*, to repeal a provision that enabled the chief forester to request inventories from tree farm licence holders. The repeal was consequential to the addition of Part 6.1, Forest Resource Inventories, to the Act.

British Columbians Will No Longer Be Given Single-Use Plastic Cutlery and Bags

B.C. was also set to ban plastic takeout containers in line with feds, but that has been pushed back into 2024

British Columbians will no longer be given single-use plastic cutlery and bags as of Wednesday [December 20, 2023].

[New regulations](#) mean that wooden forks, knives and spoons are now only available on request, along with drink lids, straws, condiments and napkins. Straws are largely prohibited, with a limited exemption for those who need them for accessibility reasons.

It's all part of the province's single-use plastics ban, some of which went into effect on Dec. 20, aligning with federal regulations that went into effect on the same day.

However, the province says it will phase in other aspects of the federal single-use plastics regulations, which forbids a range of single-use plastic items, including takeout containers. Read the [CBC article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [T̓silhqot'in National Government v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]

[Wildlife Act](#)

- [Russell James v. Licence Action Program, Wildlife and Fish Branch of the Ministry of Forests](#) [Summary Dismissal Decision – Appeal Dismissed]
- [Daniel Norton v. Acting Director of Fish and Wildlife, Ministry of Forests](#) [Final Decision – Appeal Dismissed]

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](#)

- [367079 BC Ltd. DBA Pro-Link Logging v. Government of British Columbia](#) [Application for Costs – Denied]

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



Act or Regulation Affected	Effective Date	Amendment Information
Forest Act	Jan. 1/24	by 2021 Bill 28, c. 38, section 24 only (in force by Royal Assent), Forest Amendment Act, 2021
Government Actions Regulation (582/2004)	Dec. 11/23	by Reg 281/2023
Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act	REPEALED Jan. 1/24	by 2022 Bill 15, c. 21, section 64 only (in force by Reg 282/2023), Low Carbon Fuels Act
Low Carbon Fuels Act	NEW Jan. 1/24	c. 21, SBC 2022, Bill 15 , sections 1 (part), 2 to 13, 15 to 22, 28 (1), (2) (a) to (c), (4), (5), 29, 30 (1) (a) to (i), (j) (i), (iii), (iv), (k) (i), (iii), (l) to (n), (2), (3), 31 to 34, 35 (1) (a) to (c), (e), (f), (2), (3), 36 to 52, 53 (a) to (e), (g) to (i), 55 to 63 only (in force by Reg 282/2023), as amended by 2023 Bill 42, c. 47, sections 16 to 24 only (in force by Reg 282/2023), Miscellaneous Statutes Amendment Act (No. 3), 2023
Low Carbon Fuels (General) Regulation (282/2023)	NEW Jan. 1/24	see Reg 282/2023
Low Carbon Fuels (Technical) Regulation (295/2023)	NEW Jan. 1/24	see Reg 295/2023
Recycling Regulation (449/2004)	Jan. 1/24	by Reg 255/2023
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	REPEALED Jan. 1/24	by Reg 282/2023
Single-Use and Plastic Waste Prevention Regulation (254/2023)	NEW Dec. 20/23	see Reg 254/2023



OCCUPATIONAL HEALTH AND SAFETY NEWS

Employer Alert: New Requirements under the BC Workers Compensation Act in Effect Jan. 1, 2024

On June 9, 2023, the Province of British Columbia published [Order in Council No. 342](#), bringing into effect certain provisions of [Bill 41, Workers Compensation Amendment Act \(No. 2\)](#) (the Act) that were not yet in force. BC employers and employees returning from work-related injuries will need to comply with the new return-to-work requirements imposed by the Act. Read the [full article](#) by Cole Mailloux with Gowling WLG.

Consultation on Proposed Amendments to Part 16 of the Occupational Health and Safety Regulation

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to Part 16, Mobile Equipment, sections 16.21 to 16.21.1 — Seat belts, of the [Occupational Health and Safety Regulation](#). The consultation phase gives stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process. Visit the [WorkSafeBC website](#) for additional information about these proposed amendments.

Employer Licensing and Worker Certification for Asbestos Abatement

In British Columbia, most asbestos-containing building materials were phased out by the early 1990s, with a small number of asbestos materials remaining in use thereafter and still found in buildings today. Anyone who repairs, renovates, or demolishes buildings continues to be at risk of exposure. Asbestos breaks down into miniscule fibres as it ages or when it's disturbed. Touching or moving it then releases the fibres into the air, where they can linger and put people at risk of exposure. Asbestos-related lung diseases are preventable, yet exposure to asbestos remains the leading cause of work-related deaths in BC. And that's why the provincial government has introduced new protections to help keep workers safe from the danger of asbestos. As of January 1, 2024, asbestos abatement employers must be licensed to operate in BC, and anyone performing asbestos abatement work must be trained and certified. Read the [full article](#) by Marnie Douglas in the Winter 2023 edition of *WorkSafe Magazine*.

BC Employer's Workplace Safety Penalty Slashed by Tribunal

Richmond Plywood Corporation Limited, also known as Richply, has successfully appealed a hefty penalty imposed by WorkSafeBC. This case sheds light on the importance of considering the facts as they were known at the time and highlights the [shared responsibility for workplace](#) safety between employers and workers. [Richply made headlines in 2021](#) when it was fined \$547,000 by WorkSafeBC following an incident that left a worker injured. The worker's hand was caught in a plywood press while carrying out his duties. WorkSafeBC deemed the violations as high-risk and noted that this was a repeated offense, resulting in the unusually high penalty. Read the [full article](#) by Shane Mercer on *Canadian Occupational Safety Magazine*.

Consultation on Proposed Amendments to Part 3 of the Occupational Health and Safety Regulation

from [WorkSafeBC](#)

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to Part 3, Rights and Responsibilities, section 3.01 — General risk management, of the [Occupational Health and Safety Regulation](#). The consultation phase gives stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process.

Proposed regulatory amendments under review:

- [Part 3, Rights and Responsibilities, section 3.01 — General risk management](#)

Proposed Amendments to Policy on Average Earnings in Chapter 9 of the RS&CM

from [WorkSafeBC](#)

Chapter 9, Average Earnings, of the Rehabilitation Services & Claims Manual, Volume II (RS&CM), sets out WorkSafeBC's policies regarding average earnings. WorkSafeBC must determine the amount of a worker's average earnings at the time of the injury, as well as the worker's average net earnings after making deductions from gross earnings. These determinations are important because they are the basis for calculating a worker's compensation benefits. Our Policy, Regulation and Research Department is releasing a discussion paper with proposed amendments to policy to improve readability and address key issues raised by stakeholders and WorkSafeBC subject matter experts. You're invited to provide feedback until 4:30 p.m. on Friday, June 28, 2024.

New Public Health Orders

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

- [Guidance for Courthouse Users During the COVID-19 and Other Communicable Disease Incidents – December 15, 2023 \(PDF, 382KB\)](#)
 - [Courthouse Public Health Incident and Communication Response Protocol – December 15, 2023 \(PDF, 360KB\)](#)

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

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

December 12, 2023:

The following guidelines were revised:

- Part 4 General Conditions
 - [G4.46 Definition of musculoskeletal injury \(MSI\)](#)
 - [G4.47 Risk identification](#)
 - [G4.48 Risk assessment](#)
 - [G4.49 Risk factors](#)
 - [G4.50-1 Risk control](#)
 - [G4.51 Education and training](#)
 - [G4.52 Evaluation](#)
 - [G4.53 Consultation](#)

December 15, 2023:

Editorial revisions were made to the following guideline:

- Part 19 Electrical Safety
 - [G19.15\(1\)-1 Use of GFEL outdoors in the film and performing arts industries](#)

January 1, 2024:

- Part 6 – Asbestos
 - [G6.2.1 Asbestos abatement work and asbestos certificates](#) (new)
 - [G6.2.2\(2\) Details of the asbestos certificates](#) (new)
- Part 20 – Demolition
 - [G20.112 Hazardous materials – Asbestos](#) (revised)
 - [G20.26.6 Operator certification](#) (new)

Guidelines – Workers Compensation Act

January 1, 2024:

- [G-P2-96-1 Suspension and cancellation of asbestos certificates](#) (new)
- [G-P2-94-1 OHS Citations](#) (revised)

Policies – *Workers Compensation Act*

January 1, 2024:

The following policies were updated to reflect CPI adjustments, effective January 1, 2024:

- [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 this and previous updates.



OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Occupational Health and Safety Regulation (296/97)	Dec. 1/23	by Reg 203/2023
	Jan. 1/24	by Reg 204/2023
Workers Compensation Act	Jan. 1/24	by 2022 Bill 5, c. 3, sections 9 (part) and 13 (part) (in force by Reg 142/2023), Workers Compensation Amendment Act, 2022
		by 2022 Bill 41, c. 37, section 4 and 7 only (in force by Reg 142/2023), Workers Compensation Amendment Act (No. 2), 2022

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