



# EnviroFor Reporter

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## ENVIROFOR NEWS:

### Spring Legislative Session Wrap-up

The 12-week provincial legislature session came to an end on May 11th. It was a relatively active session that included the passage of 28 Bills, including two private bills. Three government Bills were introduced but did not progress past first reading. Most of the new legislation focused on efforts to help reduce costs for families, build more affordable homes, strengthen public healthcare and improve public safety. The following Bills were introduced in the final stretch of the session (May):

#### Government Bills


- [Bill 29](#) – Environmental Management Amendment Act, 2023 (*did not progress past First Reading*)

#### Members' Bills

- [Bill M223](#) – Control of Foreign Funding and Electoral Influence Act
- [Bill M224](#) – Transportation Amendment Act, 2023
- [Bill M225](#) – Fraser Valley Transit Services Act, 2023

For more information on the status of these or any other bill, visit our dedicated [Bills page](#), located on the left navigation. 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!

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[OCCUPATIONAL HEALTH & SAFETY](#)



### ENERGY AND MINES NEWS

#### Clearing the Air: What We Know (And Don't Know)

#### About Canada's New Emissions Disclosure

#### Standard for Federal Procurement

The [Standard on the Disclosure of Greenhouse Gas Emissions and the Setting of Reduction Targets](#) (Standard) in federal procurement came into effect on 1 April 2023. The Standard is part of the

[Greening Government Strategy: A Government of Canada Directive](#). The Standard sets out requirements for federal suppliers with respect to disclosure of greenhouse gas (GHG) emissions and reduction targets, in line with the commitments made in the Greening Government Strategy.

While a commendable approach by Canada, how it will be applied in the procurement context remains unclear. Read the [full article](#) by [Marcia Mills](#), [Kai Alderson](#) and [Sabrina Spencer](#) with Fasken Martineau DuMoulin LLP.

## **Principal Tax Measures from Federal Budget 2023 – Part 3: Clean Energy Initiatives**

Budget 2023 – A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future ("Budget 2023") was tabled by the Department of Finance ("Finance") on March 28, 2023 ("Budget Day"). The stated focus of Budget 2023 includes targeted inflation relief, stronger public health care and significant investments towards building Canada's clean economy. Budget 2023 introduced numerous significant income tax proposals touching on personal, business and international income taxation matters.

This post is the third of a three-part series analyzing the principal tax measures in Budget 2023. The [first post](#) discussed proposals under the [Income Tax Act](#) (Canada) (the "Act") which primarily affected individuals and private companies. The [second post](#) summarized income tax measures focussed on public companies and financial institutions. Read the [full article](#) by [Alexei Paish](#), [Asif Abdulla](#) and [Gloria Wang](#) with Thorsteinssons LLP.

## **B.C. Supreme Court Challenge to Provincial Mining Claims System Draws to a Close**

*Gitxaala Nation wants the B.C. Supreme Court to overturn mineral claims the province granted between 2018 and 2020 on Banks Island because it says there was no consultation*

Lawyers for the Gitxaala Nation rebutted the provincial government's case Friday as the judicial review of the mining claims system drew to a close.

The First Nation, 60 kilometres south of Prince Rupert in Kitkatla, wants the B.C. Supreme Court to overturn mineral claims the province granted between 2018 and 2020 on Banks Island because it says there was no consultation. Gitxaala says that was a breach of the Crown's constitutional duty to First Nations and contrary to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which B.C. adopted in 2019. Read the [BIV article](#).

## **Proposed North Vancouver Hydrogen Plant Goes to Public Hearing**

The public will soon have their say on a proposal to capture waste hydrogen from a North Vancouver chemical plant and make it available as clean fuel.

North Vancouver-based hydrogen research and development firm HTEC announced plans last year to purchase the ERCO Worldwide sodium chlorate plant at the foot of Forester Street in the Maplewood area.

Under the proposal, ERCO will continue producing chemicals used by the pulp and paper industry, and HTEC will install a system to capture about 15 tonnes of byproduct hydrogen per day – enough to power about 30,000 vehicles. Read the [BIV article](#).

## **B.C. Gas Projects Could Triple Emissions Target By 2030, Finds Report**

The approval of several B.C. gas projects could triple the province's emissions targets for the oil and gas sector by the end of the decade unless a hard ceiling is put on the industry's carbon pollution, a new report says.

The [report](#), published last week by the climate research group the Pembina Institute, found that the completion of only two plants – Kitimat's LNG Canada Phase 1 and Squamish's proposed Woodfibre LNG plant – would double B.C.'s 2030 target for the fossil fuel sector. If another four proposed projects were approved without a cap on emissions, greenhouse gases from the production of fossil

fuels would likely triple the government's end-of-decade targets. Read the [BIV article](#).



## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (Mines) Regulation (47/2017)	May 8/23	by <a href="#">Reg 118/2023</a>
Emergency Management Regulation (217/2017)	June 1/23	by <a href="#">Reg 181/2022</a>
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	May 19/23	by <a href="#">Reg 126/2023</a>
	May 22/23	by <a href="#">Reg 125/2023</a>
Hydro and Power Authority Act	May 11/23	by 2023 Bill 13, c. 18, section 14 only (in force by Royal Assent), <a href="#">Pay Transparency Act</a>
Liquefied Natural Gas Facility Regulation (146/2014)	June 1/23	by <a href="#">Reg 181/2022</a>
Mineral Land Tax Act	May 11/23	by 2023 Bill 10, c. 23, sections 132 and 133 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Mineral Land Tax Regulation (123/2023)	<b>NEW</b> May 15/23	see <a href="#">Reg 123/2023</a>
Mineral Tax Act	May 11/23	by 2023 Bill 10, c. 23, sections 134 to 137 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Mineral Tax General Regulation (401/89)	May 15/23	by <a href="#">Reg 121/2023</a>
Oil and Gas Processing Facility Regulation	June 1/23	by <a href="#">Reg 181/2022</a>
Petroleum and Natural Gas Act	May 11/23	by 2023 Bill 10, c. 23, sections 143, 145 to 147 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Petroleum and Natural Gas	May	

General Regulation (357/98)	15/23	by <a href="#">Reg 121/2023</a>
Security Management Regulation (181/2023)	<b>NEW</b> June 1/23	see <a href="#">Reg 181/2023</a>



## FORESTRY AND ENVIRONMENT NEWS

### Recent Changes to the Wildfire Regulation: What Does It Mean for Forestry Operators in British Columbia?

On April 24, 2023, the Government of British Columbia made amendments to the [Wildfire Regulation](#), BC Reg 38/2005 (the "Regulation") under the [Wildfire Act](#), [SBC 2004] c 31 (the "Act"). Some of the key amendments relate to fire control cost recovery, new documentation requirements when extinguishing fires, new fuel break requirements and additional fire watcher responsibilities. These changes are important for forestry operators because:

- those using debris pile burning as a means to carry out fire hazard abatement no longer have an exemption from fire control cost recovery orders made by the Crown;
- it may be more difficult to establish a defence of due diligence if a wildfire occurs as a result of debris pile burning;
- fuel breaks are now required around the entire cutblock when carrying out fire hazard abatement; and
- there are new requirements for fire watchers when carrying out "high risk activities".

Read the [full article](#) by [Erin Hunter](#) with DLA Piper.

### Environmental Management Act Amendments Introduced

Bill 29, the [Environmental Management Amendment Act, 2023](#), was introduced in the legislature on May 8. The bill proposes amendments to the [Environmental Management Act](#) intended to ensure that owners of industrial projects with a high risk of pollution are responsible for cleanup and costs for abandoned or contaminated sites. The bill would enable the government to require plans for decommissioning and closing facilities, to decommission and close abandoned facilities, and to recover costs for doing so, subject to regulations. If Bill 29 is passed, the related regulations are expected to be established after engagement and a transitional period.

### Recent Changes to BC's Site Identification System

Back in 2021, we posted about the significant changes to BC's site profile system that came into effect that year. At the time, the "old" site profile system was replaced with the new site disclosure system. You can check out that blog post [here](#).

On March 1, 2023, new amendments to the [Contaminated Sites Regulation](#) (CSR) were introduced. Most of these amendments addressed changes to the soil relocation regime, but there were a few important tweaks to the CSR dealing with site identification. This blog post will explain these changes and their potential significance. Read the [full article](#) by [Adam Way](#) with Harper Grey LLP.

### Emerging Contaminants Update: Government of Canada Publishes Draft State of PFAS Report

On May 20, 2023, Environment and Climate Change Canada and Health Canada published a draft [State of PFAS Report](#) and [Risk Management Scope](#) following a two-year assessment of the fate, sources, occurrence, and potential impacts of per- and polyfluoroalkyl substances (PFAS) on the environment and human health in Canada.

#### What are PFAS?

PFAS are a class of over 4,700 substances that have a wide range of applications.

Common uses of PFAS include surfactants, lubricants, and repellents (for dirt, water, and grease). PFAS can also be found in certain firefighting foams, textiles, cosmetics, non-stick foodware and in food packaging materials.

Read the [full article](#) by [Diana Weir](#) with Norton Rose Fulbright.

### **Wildfire Risk Reduction Project in Nelson an Example of Collaboration**

The Selous Creek Wildfire Risk Reduction Project near Nelson, B.C., has demonstrated that it is possible to harvest trees to reduce wildfire risk while maintaining cultural, ecological, recreational, and aesthetic values.

With funding from the Forest Enhancement Society of BC (FESBC) and partnerships among regional, municipal and provincial governments, fire services, and a local timber licensee, a wildfire risk reduction project is a prime example of collaboration to better protect a community. Read the [full article](#) published in Canadian Forest Industries (Paywall).

### **Province Extends Fairy Creek Old-Growth Deferral**

Government has approved a legal [order](#) to extend the deferral of old-growth harvesting in the Fairy Creek watershed until Feb. 1, 2025.

The extension applies to the same forest lands as those deferred in June 2021 in response to a request from the elected leadership of the Pacheedaht First Nation. The Province and First Nations will continue collaborating on long-term forest ecosystem management of the Fairy Creek watershed, including the management of old-growth forests. Read the government [news release](#).

### **The Charter's Environmental Challenge**

Parliament is considering legislating the right to a clean environment for all Canadians. It shouldn't have to; it's already inherent in the [Charter of Rights and Freedoms](#). The courts, however, must recognize that the right to a clean environment is a prerequisite for other human rights and, therefore, constitutionally protected by inference.

Although novel in Canadian law, this approach has found success internationally and avoids both the pitfalls of the regular legislative process and the sticky problem of a constitutional amendment. The importance of the environment hardly needs to be mentioned. It supports life on Earth, including human life. And yet we don't acknowledge that Section 7 of the *Charter*, guaranteeing the right to life, liberty, and security of person, is inherently implicated in environmental law decisions? Read the [full article](#) by Silas Koulack in the *CBA National*.

### **Environmental Appeal Board Decisions**

The following Environmental Appeal Board decisions were made recently:

#### [Integrated Pest Management Act](#)

- [Wartels et al v. Administrator, Integrated Pest Management Act](#) [Stay Application – Denied]

#### [Water Sustainability Act](#)

- [Andre and Karen Audet v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed; Order Varied]

#### [Wildlife Act](#)

- [Hanna Buchanan and Chad Sjodin v. Logan Wenham, Director of Fish and Wildlife, Ministry of Forests](#) [Summary Dismissal Decision – Appeal Dismissed]
- [Michael Schneider v. Director of Fish and Wildlife, Ministry of Forests](#) [Method of Hearing Decision – To Be Heard by Way of Written Submissions]
- [Raymond Majerus et al. v. Director of Fish & Wildlife](#) [Method of Hearing Decision – To Be Conducted by Way of Written Hearing]

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

### Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently.

#### [Wildfire Act](#)

- [Eldon Whalen v. Government of British Columbia](#) [Final Decision – Appeal Dismissed]

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



## FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	Apr. 1/23	by 2023 Bill 10, c. 23, sections 5, 11 and 12 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
	May 11/23	by 2023 Bill 10, c. 23, sections 6 to 10 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Carbon Tax Regulation (125/2008)	May 15/23	by <a href="#">Reg 121/2023</a>
	May 23/23	by <a href="#">Reg 128/2023</a>
Forest Act	May 11/23	by 2023 Bill 10, c. 23, sections 13 and 14 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Information Sharing Regulation (122/2023)	<b>NEW</b> May 15/23	see <a href="#">Reg 122/2023</a>
Logging Tax Act	<b>RETRO to</b> Mar. 15/20	by 2023 Bill 10, c. 23, section 127 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
	May 11/23	by 2023 Bill 10, c. 23, sections 117 to 120, 122, 126 and 128 to 131 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2023</a>
Logging Tax Regulation (166/2016)	May 15/23	by <a href="#">Reg 121/2023</a>
Protected Areas of British Columbia Act	May 1/23	by 2014 Bill 11, c. 11, section 1 only (in force by <a href="#">Reg 115/2023</a> ), <a href="#">Protected Areas of British Columbia</a>





## OCCUPATIONAL HEALTH AND SAFETY NEWS

## Consultation on Proposed Amendments to Part 5 of the Occupational Health and Safety Regulation

– from [WorkSafeBC](#)

Our Policy, Regulation and Research Department is requesting feedback on [proposed amendments](#) to Part 5, Chemical Agents and Biological Agents, sections 5.97 to 5.105 – Emergency Planning, of the [Occupational Health and Safety Regulation](#). The amendments are related to emergency planning. 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. Feedback will be accepted until 4:30 p.m. on June 19, 2023.

## Marijuana Use amongst Employees Hits 25-year High

The percentage of employees testing positive for marijuana after a workplace accident reached a 25-year high in 2022, with the positivity rate increasing by over 200% within a decade. The post-accident marijuana positivity among employees hit 7.3% in 2022, the highest since 1997, according to an analysis of Quest Diagnostics of more than 9.2 million urine drug tests last year. This data follows a steady increase in the positivity rate since 2012, where the healthcare company discovered a 204.2% surge between that year and 2022. Read the [full article](#) by Dexter Tilo with Canadian Occupational Safety.

## BC to Tackle the Deadliest Workplace Killer

When Lee Loftus was 10, he remembers his father coming home through the back door, covered in thin threads of asbestos. Back then, it was everywhere. "The industry in the '70s and the '80s, we were literally rolling in this," said Loftus. "We were rolling in it in ships, in attics, it was all over us in the oil refineries and the pulp mills. There wasn't a workshop that wasn't covered in asbestos." Now, it's in Loftus's lungs. He is one of thousands of workers in British Columbia whose bodies were permanently changed by exposure to asbestos, a once-popular insulator that has been linked to numerous forms of cancer. The dangers of asbestos have been known for decades, but it remains the number one killer of workers in British Columbia. Read the [BIV article](#).

## BOD Decision – 2023/04/26-01 – Changes to Classification

### Assignment Policy: Special Hazard and Labour Supply Exceptions

– from [WorkSafeBC](#)

On April 26, 2023, WorkSafeBC's Board of Directors approved [amendments](#) to policy in Item AP5-244-2, *Classification – Assignment*, of the *Assessment Manual* to remove the special hazard exception and clarify language in the labour supply firm exception. The amended policy applies to all decisions made on or after June 1, 2023.

## Amendments to Workers Compensation Act

On May 15, [B.C. Reg. 18/2023](#) amended Schedule 2, Non-Traumatic Hearing Loss, of the [Workers Compensation Act](#), in accordance with [section 145](#) of the Act. For the purposes of [section 198](#), the changes reflect current scientific and medical literature on non-traumatic hearing loss and include updates to the following:

- the frequencies used to measure hearing loss;
- the methods used to measure hearing loss;
- the ranges of hearing loss in decibels; and
- the percentages of total impairment for hearing loss.

## New Public Health Orders

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

- [Hospital and Community \(Health Care and Other Services\) COVID-19 Vaccination Status Information and Preventive Measures – April 6, 2023 \(PDF, 542KB\)](#)
- [Residential Care COVID-19 Preventive Measures – April 6, 2023 \(PDF, 495KB\)](#)

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

### OHS Policies/Guidelines – Updates

Guidelines – [Workers Compensation Act](#)

May 23, 2023

Editorial revisions were made to the following guideline:

- Part 2 Division 12 – Enforcement  
[G-P2-85-2 Approvals, acceptances, authorizations, or permissions under the OHS Regulation](#)

Act Update – *Workers Compensation Act*

May 15, 2023

In accordance with section 145 of the Act, Schedule 2 of the Act is amended. [[B.C. Reg. 18/2023](#), effective May 15, 2023]

Guidelines – [Occupational Health and Safety Regulation](#)

May 11, 2023

The following guideline was revised:

- Part 7 Radiation  
[G7.21 Reproductive hazards](#)

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



## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Workers Compensation Act	May 1/23	by 2022 Bill 41, c. 37, section 11 (in force by Royal Assent), <a href="#">Workers Compensation Amendment Act (No. 2), 2022</a>
	May 15/23	by <a href="#">Reg 18/2023</a>

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