



EnviroFor Reporter

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EnviroFor News

Welcome to 2025

As we look forward to the upcoming spring legislative session, which will commence with the throne speech on February 18, 2025, we are committed to keeping you informed on legislative developments that matter most to you. We are also weeks away from launching our new AI assistant (beta) to select clients for testing. This innovative feature is designed to enhance your ability to research and summarize legislation with ease. Select clients will have the opportunity to test this new tool over the next few months. Please feel free to contact us if you are interested in participating in the testing of this new feature.

The Quickscribe Team sincerely thanks you for your continued support. We wish you a prosperous and happy New Year!

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EnviroFor Reporter Categories

[ENERGY & MINES](#)

[FOREST & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)



ENERGY & MINES NEWS

Canada Issues Finalized Clean Electricity Regulations

On December 17, 2024, the Government of Canada released the finalized [Clean Electricity Regulations](#) (CER or Regulations). The Regulations are a key component of Canada's climate strategy, designed to achieve a net-zero electricity grid by 2035 and contribute to economy-wide net-zero emissions by 2050. The finalized CER replaces the draft regulations released in 2023 and incorporates much of the stakeholder feedback received during the initial comment period.

This bulletin outlines the key updates in the finalized CER, including revised emissions limits, compliance credit systems, and new opportunities for credit trading and pooling within federal and provincial frameworks. Read the [full article](#) by Reena Goyal, Robeah Saeed, Nicole Bakker and Dufferin Harper with Blakes.

Consult Before Exploring: Mineral Tenure and Indigenous Rights

The resource sector has always been at the forefront of developments in Indigenous law. This past year has borne this out. In 2024, we have seen significant changes to mineral tenure in Canada in several prominent mining jurisdictions. A key decision in the courts of British Columbia, two constitutional challenges in Ontario and legislative changes on the horizon in Québec all foreshadow potential evolution in the approach to mineral tenure across the country.

With these developments in key mining jurisdictions in Canada, it is almost certain that the impact of Indigenous issues on mineral tenure will be felt in 2025 and beyond. Mineral tenure holders operating in these provinces should be mindful of these developments as they could meaningfully affect the rights associated with title and how mineral tenure is acquired and maintained. Such developments also highlight the desirability of proactively engaging with Indigenous communities that could be affected by the exercise of rights associated with mineral tenure. Read the [full article](#) by Richard J. King, Alan Hutchison and Ankita Gupta with Osler, Hoskin & Harcourt LLP.

New Wind Projects Will Boost B.C.'s Affordable Clean-Energy Supply

BC Hydro has selected nine energy projects through its 2024 call for power that will supply clean, affordable electricity to serve B.C.'s growing communities and housing needs, as people and businesses choose clean energy in their lives, homes, vehicles and businesses.

"Clean and affordable electricity is key to powering economic growth and unlocking private-sector investment that creates thousands of good jobs here in British Columbia," said Premier David Eby. "These new projects will significantly expand our electricity supply – making B.C. a clean-energy superpower, while ensuring rates are affordable for people and for industries looking to expand." Read the BC government [news release](#).

BC Energy Regulator Announcements

The following BC Energy Regulator announcement was posted recently:

- [TU 2024-17](#) – New Consolidated Reporting for Glycol Dehydrator Emissions

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



ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Drilling and Production Regulation (282/2010)	Jan. 1/25	by Reg 256/2024
Hydro and Power Authority Act	Jan. 1/25	by 2024 Bill 3, c. 13, sections 70 to 72 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Oil and Gas Processing Facility Regulation (48/2021)	Jan. 1/25	by Reg 256/2024
Pipeline Regulation (281/2010)	Jan. 1/25	by Reg 256/2024



FOREST AND ENVIRONMENT NEWS

The Holy Grail: What Are Certificates of Compliance and Why Do We All Want One?

Many new client calls start with the same two questions: "What is a CoC?" "And how can we get one?" This is understandable, because in BC one only knows that the Ministry of Environment is content with a remediation if and when they issue a CoC (Certificate of Compliance) for the site. Until the CoC is signed and delivered, everyone involved is a bit on edge. So, why has the CoC become the Holy Grail?

Well, in short, it means both investigation and remediation are complete, and that the Ministry is satisfied with the result. And the Ministry is only satisfied because the remediation complies with the [Environmental Management Act](#) (EMA) and the regulations. So, if you are looking for a plain language definition of 'CoC,' it is this last concept – the remediation complies with the law, hence 'certificate of compliance'. Read the [full article](#) by Richard Bereti and Adam Way with Harper Grey LLP.

Environmental Regulatory Developments: Are You Ready for PFAS Reporting?

The Canadian government, through Environment and Climate Change Canada ("ECCC"), issued a [notice](#) (the "Notice") under the [Canadian Environmental Protection Act, 1999](#) ("CEPA"), outlining critical reporting requirements for businesses handling per- and polyfluoroalkyl substances (PFAS) in 2023. Entities that manufactured, imported, or used PFAS must submit their reports by the deadline of January 29, 2025.

Businesses should refer to the Notice for specific reporting thresholds and are encouraged to seek professional advice if they need assistance in understanding their obligations or how and what to report. Read the [full article](#) by Sara Zborovski, Patrick Welsh and Sandra Elashmouny with Stikeman Elliott LLP.

Mowachaht/Muchalalaht First Nation Files Claim Against B.C. Seeking Title to Traditional Territories [Forestry]

Province has been controlling forestry on First Nation's land on Vancouver Island without consent, chief says

A First Nation whose people were the first to greet European explorers on Vancouver Island almost 250 years ago is taking the province of British Columbia to court, seeking title to its traditional territories and financial compensation.

Chief Mike Maquinna, a descendent of Chief Maquinna, who met British explorer Capt. James Cook in 1776, says the claim in B.C. Supreme Court seeks to return decision-making, resource and ecological stewardship to the Mowachaht/Muchalalaht First Nation.

He says the province has been acting as the sole decision-making authority in the Gold River-Tahsis areas of northern Vancouver Island, especially with regard to the forest resource, without the consent of his nation. Read the [CBC article](#).

Environmental Inspections in Canada: Recent Case Highlights the Potential Consequences of Failing to Cooperate

Canadian companies operating in environmentally sensitive industries are subject to highly regulated regimes. Federal, provincial or local government officials may carry out routine inspections or respond to specific incidents using broad statutory powers.

Recently, regulators are relying on administrative monetary penalties to address findings of non-compliance. In more serious circumstances, pursuit of quasi-criminal liability has expanded to a wide range of corporate actors. Companies can protect against reputational harm and financial loss by implementing plans and policies, as well as training management and staff, to prepare for when regulators come knocking.

There is a critical distinction between an "inspection" and an "investigation" by a regulator. Environmental legislation often imposes a legal requirement to comply and cooperate with an inspection, and the failure to comply with an inspector's request can attract financial consequences. Conversely, where the regulator has commenced an investigation into a quasi-criminal offence that may attract heavy fines and even potential jail time, certain procedural safeguards are engaged such that cooperation may not be mandatory absent a court order. Read the [full article](#) by Mark Youden, Sebastian Ennis-Brown and Robin McKechney with Gowling WLG.

Protected Areas in Waiting

From the Forest Stewardship Council:

We recently shared the [exciting news](#) of a major grant received by FSC Canada to explore how Canadian FSC-certified forests can contribute to global climate and biodiversity goals while unlocking the value of conservation through market mechanisms for forest managers. For example, the project will look at the Verified Impact program to assess whether it could be a future candidate for carbon market participation.

Part of this program of work is being completed in collaboration with longstanding FSC Canada member and partner, Ontario Nature, to understand how Canada can make better use of 'Other Effective area-based Conservation Measures', or OECMs. When areas of high ecological value, set aside through collaboration between forestry companies, Indigenous communities and others are recognized by relevant governments (provincial or federal here in Canada) as OECMs, they can be entered into a public database. This ensures their ongoing conservation and allows those areas to contribute to Canada's commitment to conserve 30 percent of lands and inland waters by 2030. Read the [FSC article](#).

How the BC Bark Beetle Portal, Data Hub, and Tools Help Inform Landscape-Level Planning in a Changing Climate

Over the past three decades, western Canada has experienced multiple large outbreaks of native bark beetles. The mountain pine beetle outbreak affected approximately 20 million hectares of forests in British Columbia between 2000 and 2020. In addition to the mountain pine beetle, recent trends show widespread and concerning surges in bark beetle populations for the spruce beetle, Douglas-fir beetle, and western balsam bark beetle. Since 2014, spruce beetle has affected approximately 1.7 million hectares in northern BC, Douglas-fir beetle impacted up to 60,000 hectares per year in southern BC, and the western balsam bark beetle has affected over 2 million hectares per year in a chronic, low-level infestation pattern. As naturally occurring forest disturbances, bark beetle outbreaks can result in increased ecosystem diversity and resilience, but they can also have far-reaching impacts on forest values such as timber, carbon sequestration, recreation, fish and wildlife, watershed management, range, landscape values and aesthetics, cultural heritage, and old growth forest ecosystems.

Given the wealth of forest health information available, it's essential to organize, review, centralize, and format this data for end-user consumption. This need has become even more pressing in an era of rapidly changing climate, where much of the analysis relies on historical data. Developing and testing new tools for data storage, sharing, and analysis will help us better predict the risks and hazards of natural disturbances. Read the [full article](#) by Jeanne Robert, Vivek Srivastava and Dana Wyzgowski in the *BC Forest Professional* Winter 2025 issue.

Wildlife Habitat Areas

Notice is hereby given that the boundaries of Wildlife Habitat Areas 2-162 and 2-164 were amended on December 3, 2024, 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 GAR Order may be obtained from the Coast Area – South Coast Region office, Ministry of Water, Land and Resource Stewardship, Suite 200 - 10428 153 Street, Surrey, BC V3R 1E1, or from the following website:

[https://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved%20\[de12\]](https://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved%20[de12])

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[*Environmental Management Act*](#)

- [CHMV Investments Inc. and TRJ Projects Ltd. v. Director, Environmental Management Act](#) [Settlement Order – Administrative Penalty Assessed]
- [G.T. Farms Ltd. v. Director, Environmental Management Act](#) [Final Decision – Appeal Allowed In Part; Administrative Penalty]

Confirmed]

[Integrated Pest Management Act](#)

- [Communities United for Clean Air and Dr. Jennifer Tynan v. Administrator, Integrated Pest Management Act](#) [Dismissal Order – Appeals Dismissed]

[Mines Act](#)

- [Teck Coal Limited v. Chief Inspector of Mines](#) [Final Decision – Appeal Dismissed]

[Water Sustainability Act](#)

- [Createabundance International Institute Inc. dba Metaglobal Asset Investment Inc. v. Assistant Water Manager](#) [Dismissal Order – Appeals Dismissed]
- [ʔakisq̓nuk First Nation v. Assistant Water Manager](#) [Preliminary Decision On Standing – Standing Established]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Range Act](#)

- [Dhillon Ranch Ltd. v. Government of British Columbia](#) [Summary Dismissal Decision – Application Not Granted]

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



FOREST AND ENVIRONMENT

Act or Regulation Affected

Effective Date

Amendment Information

There were no amendments this month.



OCCUPATIONAL HEALTH AND SAFETY NEWS

New First Aid Regulations Take Effect in BC:

What Employers Need to Know

Amendments to British Columbia's [Occupational Health and Safety \(OHS\) Regulation](#) respecting the provision of first aid came into effect for workplaces across the province on November 1, 2024. The provision of first aid services appropriate to the workplace is a basic responsibility of all employers operating within BC. To ensure BC regulations for workplace first aid meet national standards established by the Canadian Standards Association (CSA), WorkSafeBC deemed certain amendments to OHS Regulations necessary. The amendments also aim to strengthen existing OHS Regulations by providing more comprehensive emergency response requirements. This blog addresses key amendments to BC's OHS Regulations for first aid provision to ensure employer understanding and compliance. Read the [full article](#) by [John Agioritis](#), [Katelyn Jones](#) and [Mariana Olivo de Cerqueira](#) with MLT Aikins LLP.

Investigating Construction Site Accidents

If you work as a construction worker in Vancouver, you know that your job comes with inherent risks. From heights to heavy machinery, there are many potential hazards on a construction site. While safety protocols are in place to minimize these risks, accidents can and do still happen. When they do, it's essential to investigate what went wrong to prevent similar incidents in the future. Construction sites are full of potential hazards, and despite the many safety regulations in place, many workers are at risk of getting hurt on a regular basis. Read the [full article](#) posted by Overholt Law LLP.

Why Safety Noncompliance Is Moving from Fines to Felonies

Document everything and look out for internal commentary about your safety culture, warns lawyer

Rising criminal negligence charges related to workplace incidents couple with recent legal rules have intensified expectations for more regulatory compliance, according to a safety law expert. Tony Paisana, Partner at Peck and Company, highlighted *R v. King* in particular as a potential gamechanger. "Decisions like King really emphasize the importance of compliance with regulations and statutes in the labor world," Paisana said, underscoring how noncompliance may now carry criminal implications rather than just administrative penalties. He explains that previously, violations of workplace regulations primarily incurred administrative fines or provincial prosecutions, but rulings like King are narrowing the gap between regulatory infractions and criminal negligence, especially in cases involving death or serious harm. Read the [full article](#) by Chris Davis with Canadian Occupational Health & Safety.

Board of Directors Approves Amendments to the Occupational Health and Safety Regulation – Mobile Equipment, Three-Point Seat Belts

At its November 2024 meeting, WorkSafeBC's [Board of Directors approved amendments](#) to the [Occupational Health and Safety Regulation](#). These [amendments](#) will become effective on March 31, 2025. Read the full [WorkSafeBC bulletin](#) for details.

Tightening Workplace Harassment Laws

What safety professionals need to know about legal changes

Recent legislative changes across Canada are raising the bar for workplace harassment and violence prevention, calling for immediate action from employers. Speaking at the OHS Law Masterclass, labor and employment lawyer Justine Abtosway highlighted key updates and their implications for safety professionals. "Employers need to update their policies, procedures, and plans to remain compliant with evolving legal standards," Abtosway advised. Read the [full article](#) by [Shane Mercer](#) with Canadian Occupational Health & Safety.

WorkSafeBC Report Details Death of Worker on Cypress Mountain

The investigation found numerous safety infractions for which the resort has been fined more than \$100,000

A WorkSafeBC investigation into the death of a heavy equipment operator working on Cypress Mountain found numerous safety infractions for which the resort has now been fined more than \$100,000. The incident happened on Oct. 3, 2023 on the Windjammer run while crews were disassembling the resort's Eagle Coaster for the season. That required the use of a telehandler – a forklift-like piece of heavy equipment used to pick up the coaster's aluminum rails and load them onto pallets, which can be moved into storage. According to the WorkSafeBC incident investigation report released to the North Shore News, the operator of the telehandler, 26-year-old Ontario man, was preparing to transport a loaded pallet down the mountain at around 4:15 p.m. and stopped at edge of a steep drop-off, likely to check the load before descending. Read the BIV [article](#).

BOD Decision: Chapter 9, Average Earnings, of the Rehabilitation & Claims Manual, Volume II

– from [WorkSafeBC](#)

On November 20, 2024, WorkSafeBC's Board of Directors approved amendments to Chapter 9, Average Earnings, of the Rehabilitation Services & Claims Manual, Volume II, to improve readability and address key issues identified by stakeholders and WorkSafeBC subject matter experts. The amended policies apply to all decisions made on or after July 4, 2025. You can also review the complete [Resolution](#).

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

December 9, 2024

Editorial revisions were made to the following guidelines:

- Part 14 – Tower cranes
 - [G14.73.1 Tower cranes – Qualified supervisor](#)
- Part 17 – Transportation of workers
 - [G17.10 Vehicle design](#)

January 1, 2025

Editorial revisions were made to the following guideline to reflect recent regulatory amendments to first aid:

- Part 3 – Rights and responsibilities
 - [G3.1-2 Farm labour contractors and growers – Responsibilities and OHS programs](#)

Editorial revisions were made to the following guidelines to include an acceptable alternative standard:

- Part 8 – Personal protective clothing and equipment
 - [G8.27-1 Compliance with standards](#)
 - [G8.27-2 Alternative acceptable standard for buoyancy equipment](#)

Guidelines – Workers Compensation Act

Editorial revisions were made to the following guideline to reflect CPI adjustments:

- [G-P2-94-1 OHS Citations](#)

Policies – Workers Compensation Act

January 1, 2025

The following policies were updated to reflect CPI adjustments, effective January 1, 2025:

- [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
There were no amendments this month.		

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