



Vol: XVII – Issue 6 – June 2024

EnviroFor News

New Definitions Feature on Quickscribe

In legislation, the definition of a word or term is often buried within the law itself and not necessarily listed in the designated glossary or definitions section. To complicate matters further, there may be different definitions of the same term within a law, depending on the context and section it is applied.

To assist you, Quickscribe includes a dedicated "Definitions" page that is accessible via the top navigation bar that appears when you open any law on Quickscribe. This page not only displays all the various definitions throughout a law in one convenient location, but also now includes the corresponding sections from which the definitions are pulled.

Another advantage of this feature is that the Definitions page opens in a separate window, allowing you to maintain your place in the document.

We hope that this new Definitions feature will make your legal research easier.

Tip: [Log in](#) to [Quickscribe EnviroFor](#) prior to clicking Reporter links.



View the [PDF version](#) of the Reporter.

Quickscribe Alerts

Are you looking for a more custom notification that will advise you about important developments that impact your specific area of interest? Quickscribe offers numerous customizable alerts – visit the [My Alerts Page](#). Quickscribe alerts are included with your subscription, so feel free to select the alert that works best for you!

Want to Track Federal Laws?



For notification of federal amendments, we recommend using our Section Tracking tool to keep informed on changes to federal laws. Look for the paw icon adjacent to the sections you wish to track.

Looking for Previous Reporters?

We have archived the Quickscribe Reporter going back to 2004. Visit the historical [Reporter archives page](#).

EnviroFor Reporter Categories

[ENERGY & MINES](#)

[FOREST & ENVIRONMENT](#)

[OCCUPATIONAL HEALTH & SAFETY](#)



ENERGY & MINES NEWS

Officer and Director Liability for Environmental Offences May Not Require Proof of Knowledge of the Underlying Infraction: *R. v. Mossman*, 2024 BCSC 443

The lengthy and storied judicial history of the environmental prosecutions arising from Banks Island Gold Ltd.'s ("BIG") mining operations in Northwestern British Columbia (BC) is not over and its full impact is not yet clear.

In the latest chapter, the BC Supreme Court, on March 15, 2024, issued reasons in *R v. Mossman*, [2024 BCSC 443](#) in which the Court:

- i. upheld convictions against Mr. Benjamin Mossman, a director, president, chief operating officer of BIG, and Mine Manager under the BC [Mines Act](#), on 14 charges arising from BIG's exceedances of permitted limits for the discharge of Zinc and Total Suspended Solids (the "Exceedance Offences"); and
- ii. allowed the Crown's appeals from the trial judge's acquittals of Mr. Mossman in relation to four charges of failing to report various discharges from the mine (the "Reporting Offences") and two charges of having discharged waste/deleterious

substances (the "Discharge Offences"), and remitted these two sets of charges back for a new trial (which, if it proceeds, will be the third trial in this saga).

Read the [full article](#) by [Nicholas Hughes](#), [Val Lucas](#) and [Sarah Xu](#) with McCarthy Tétrault.

Canada's Federal Government Commits to Expedite, Streamline and Stimulate Mining Exploration and Permitting – But is it Enough?

Is a new day dawning in Canadian mining? After years of underwhelming policy support, Canada's federal government is pivoting from being a disinterested gatekeeper to being a more invested partner and project enabler.

This move is most welcome. The global mining and critical minerals industries stand at an inflection point and Canada is at the centre of the crossroads: beyond this reboot of government backing, mining in Canada benefits from numerous longstanding industry advantages, including deeper mining financial, legal and technical expertise than any other jurisdiction globally. Read the [full article](#) by [Krisztián Tóth](#), [John S.M. Turner](#) and [Paul Blyschak](#) with Fasken.

New Research Facility in British Columbia to Produce Hydrogen Using Hydropower and Solar

A \$23 million Smart Hydrogen Energy District (SHED) has been launched at the University of British Columbia, Canada, that will use hydropower and solar energy to produce hydrogen.

According to the government, British Columbia generates most of its electricity by harnessing the power of flowing water. The rest comes from forest biomass, wind, natural gas, solar and landfill gas.

The SHED will be equipped with a hydrogen fueling station and will produce hydrogen using hydropower and solar energy to operate a water electrolyser. It is one of the first initiatives in Canada to combine hydropower, solar and hydrogen energy at a single site, connecting these renewable energy sources to a unified micro-grid, according to the university. SHED will be the province's first hydrogen station to serve light- and heavy-duty vehicles. Read the [full article](#) from *Hydro Review*.

Taking Residency Seriously: BC Court of Appeal Confirms the Requirement and Test for Residency in Class Proceedings

The certification of a class action in British Columbia requires meeting a variety of legal requirements. One of these is the requirement that the representative plaintiff be a "resident of British Columbia."

But what happens when the proposed representative plaintiff is not a natural person, such as a corporation?

In *MM Fund v. Excelsior Mining Corp.*, [2024 BCCA 163](#), the BC Court of Appeal considered for the first time whether and how that residency requirement should be applied to an entity (rather than a natural person) in class proceedings. The Court found that the "management and control" test, which has been applied in analogous areas of law, was applicable. They went on to apply that test to find that the plaintiff did not have standing to bring their claim as a class action. Read the [full article](#) by [Tom A. Posyniak](#) with Fasken.

B.C. Hydro to Offer Rebates for Solar Panels, Battery Storage

Battery Storage People in British Columbia who install rooftop solar panels will soon be able to apply for up to \$10,000 in rebates from B.C. Hydro, the utility says.

The rebate program, announced Thursday [June 27], is set to roll out in July and will be available to homeowners who install qualifying power systems, offering up to \$5,000 toward solar photovoltaic panels and up to \$5,000 toward a battery-storage system.

The installed equipment would have to be approved by B.C. Hydro in order to qualify for the rebates. The utility says it also plans to expand the program to apartment buildings, small businesses, social housing and Indigenous communities, for rebates of up to \$150,000.

Customers who sign onto the program can also register to have excess energy sent into the wider grid, for credit on future consumption. Read the *CBC* [article](#).

BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [TU 2024-05](#) – Updated Submissions Due Report Supports Compliance
- [IU 2024-09](#) – 2023 Wildfire Season Roundtable Report Released
- [TU 2024-06](#) – Updated Line Lists for Requirements for Consultation and Notification (RCNR) and Rights Holder Engagement (RHE)
- [TU 2024-07](#) – Environmental Guidance Updates – Environmental Protection and Management Guideline (EPMG)
- [TU 2024-08](#) – Updates to the Application Management System (AMS) for the Retirement of Area Based Analysis (ABA)

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

Updates to Natural Resource Taxes

The following updates to natural resource taxes were posted recently:

Oil and natural gas royalties and taxes

June 26, 2024

The [Oil and gas royalties and freehold production tax web pages](#) have been updated to include the latest information on oil and gas regulations and have been reorganized for clarity and easier navigation.

This update includes the following new web pages:

- [Understanding oil royalty calculations](#)
- [Understanding natural gas royalty calculations](#)
- [Contact information](#)

As part of this update, the Oil and Gas Royalty Handbook has been incorporated into the Oil and gas royalties and freehold production tax web pages.

Check out the new layout and update any bookmarks you may have.

For more information, visit the BC government [website](#).



ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Energy Resource Activities Act	June 1/24	by 2018 Bill 15, c. 15, section 1 (in force by Reg 267/2023), Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018
Fuel Price Transparency Regulation (52/2020)	July 1/24	by Reg 125/2024
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	June 10/24	by Reg 124/2024
	July 1/24	by Reg 125/2024
Mineral Tax Act	July 1/24	by 2024 Bill 3, c. 13, sections 128 and 130 only (in force by Reg 133/2024), Budget Measures Implementation Act, 2024



FOREST AND ENVIRONMENT NEWS

Harmony at Last? Amendments to Canada's *Impact Assessment Act* Seek to Harmonize Federal and Provincial Assessments

The [Impact Assessment Act](#) ("IAA") has been amended with implications for the assessment and approval of major energy, infrastructure and mining projects going forward. The federal government unveiled amendments to the IAA in the [Budget Implementation Act, 2024, No. 1](#) ("Bill C-69"), which received royal assent on June 20, 2024.

The amendments are intended to ensure the IAA is more efficient and constitutionally sound. In a landmark opinion [[2023 SCC 23](#)] issued on October 13, 2023, the Supreme Court of Canada found core components of the IAA to be unconstitutional, including the "screening decision" (whether a federal impact assessment is required), and the "public interest decision" (where a decision is made to allow a project to proceed or not). Read the [full article](#) by Liane Langstaff, co-authored by 2024 articling students Stacy Porter and Maggie Sainty with Gowling WLG.

Changes to Combustible Dust: New Regulations Coming for B.C. Industries

In British Columbia's forestry sector, there has been no year in recent history filled with more preventable tragedies than 2012. In January of 2012, the Babine Forest Products sawmill in Burns Lake suffered an explosion that resulted in the deaths of two workers while injuring 20 others. A few months later in April 2012, about a 2.5-hour drive from Burns Lake in B.C.'s Northern Interior, the Lakeland Mills sawmill in Prince George exploded, killing another two workers and injuring 22 more people. The investigations into these explosions found one culprit responsible: combustible dust. Since that time, regulations have been tightened to ensure better management of combustible dust throughout the province.

B.C.'s management of combustible dust was the topic of the closing keynote presentation for the 2024 Global Dust Safety Conference, which took place earlier this year. The presentation, "Upcoming release process for the proposed British Columbia regulations for combustible dust. Why they are needed and what it means for industries in B.C.," was presented by Rodney Scollard, senior policy and legal advisor, and Mike Tasker, CRSP occupational safety officer with WorkSafeBC. Read the [article](#) from Canadian Forest Industries.

Wildlife Habitat Areas

[Notice is hereby given](#) that the boundary of Wildlife Habitat Area 1-060 in the South Island Natural Resource District was amended on June 6, 2024 by order made under authority of Section 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 Water, Land 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 [je20]

New Interior Appraisal Manual Posted

The new [Interior Appraisal Manual](#) came into effect on July 1, 2024, with a cost base of 2022. Some of the changes include:

- adding new definitions, "Blown down" and "Logical Unit";
- updating the estimated winning bid equation;
- updating table values in Tables 3-1 to 3-3, 4-1, 4-3 to 4-8, 6-6 and 6-8;
- adding a new section on portable platforms;
- updating values for equipment and labour rates; and
- updating the Enhanced Silviculture Regimes table.

Quickscribe will publish the new version of the manual to our site within the next few days.

Expanding the Scope of Cost-Recovery Actions under BC's *Environmental Management Act*

A recent decision of the BC Supreme Court has opened the door for more creative ways for parties to recover remediation costs pursuant to the cost-recovery mechanism in BC's [Environmental Management Act](#). The decision of *Cordy Environmental Inc. v. Obsidian Energy Ltd.*, [2023 BCSC 1198](#), which is currently under appeal, allows contractors to recover the cost of unpaid remediation work against former owners or operators of contaminated sites.

This decision significantly expands the liability of former owners, operators and other responsible persons, who may soon find themselves footing the bill for unpaid invoices they had no part in authorizing. Read the [full article](#) by [Caryna Miller](#) and [Joshua Hoenisch](#) with Harper Grey LLP.

CFIA Expands Emerald Ash Borer Regulation in B.C.

The Canadian Food Inspection Agency (CFIA) has updated its regulated areas for emerald ash borer (EAB – *Agrilus planipennis*) to include an area in British Columbia, in an effort to slow the insect's spread.

The regulated area in British Columbia includes the City of Vancouver, the University of British Columbia (UBC) campus and the University Endowment Lands (UEL). This is the first expansion of the EAB regulated area in British Columbia. Read the [article](#) from Canadian Forest Industries (paywall).

How the T̓s̓id̓el̓del First Nation and the Tl'etinqox Government are Integrating Indigenous Practices into Forest Rehabilitation

In 2018, the T̓s̓id̓el̓del First Nation and the Tl'etinqox Government created Central Chilcotin Rehabilitation Ltd. (CCR) – a joint venture company whose work and values incorporates traditional wisdom through Indigenous practices. Although CCR's focus is to coordinate large-scale forestry programs and initiatives within the Nations' traditional territories, all work showcases how traditional wisdom through Indigenous practices can intersect with modern forestry practices. By prioritizing the restoration of connections to traditional lands, the incorporation of Indigenous ecological knowledge, the creation of cultural spaces, the inclusion of Indigenous-led decision-making, and building meaningful partnerships, CCR is not just revitalizing landscapes, but also honouring the rich heritage of Indigenous communities and holding space for healing intergenerational trauma. Read the [full article](#) by Percy Guichon, Clayton Charleyboy, and Daniel Persson in the *BC Forest Professional* Summer 2024 issue.

What is a Limited Licence and Who is it Designed for?

My last article in the winter 2024 edition of *BC Forest Professional* introduced FPBC's latest designation – the Affiliated Forest Professional (AFP.) This designation enables people with a wider range of educational backgrounds to register and practice professional forestry. The AFP is one of the tools FPBC created to align professionals to the scope of practice they provide while respecting the law under the [Professional Governance Act](#). An AFP holder, as well as a Registered Forest Technologist (RFT), may also be eligible for a limited licence.

A limited licence is a licence granted by FPBC to an eligible registrant to practise in a specific area of a reserved practice. The licence may define a limited expansion of scope for an RFT, or it may define a single area of practice for an AFP holder (or other associate registrant) who is not authorized to engage in any other aspect of a reserved practice. Read the [full article](#) by Casey Macaulay in the *BC Forest Professional* Summer 2024 issue.

Tackling Environmental Racism in Canada

After years of lobbying by advocates and affected communities, and multiple iterations, Canadian legislation aimed at addressing and preventing environmental racism has become law.

[Bill C-226](#) – *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice* – received royal assent on June 20 after a long journey through Parliament. It is Canada's first law focused on the longstanding practice of disproportionately siting polluting industries and environmental hazards near Indigenous, Black and other marginalized communities. Read the [full article](#) by [Moira Donovan](#) in the *CBA National*.

Fines for Illegal Hunting and Fishing More Than Double in B.C.

Fines for illegal hunting and fishing in British Columbia are more than doubling as the province cracks down on offences against wildlife.

The Ministry of Forests says the new scale of fines effective Tuesday under the [Wildlife Act](#) ranges from \$345 to \$1,495, up from the current range of \$115 to \$575.

The biggest fines apply to people who hunt or possess big game out of season. The ministry says in a news release the new penalties "better reflect the serious nature" of wildlife offences and acknowledge the importance of wildlife to B.C. Read the [BIV article](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Citizens for My Sea to Sky v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]
- [Citizens for My Sea to Sky v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]
- [Deep Water Recovery Ltd. v. Director, Environmental Management Act](#) [Stay Application Decision – Denied]
- [Thompson Creek Metals Company Inc. v. Director, Environmental Management Act](#) [Consent Order – Decision Reversed]

[Integrated Pest Management Act](#)

- [Diane Czyzewski v. Administrator, Integrated Pest Management Act](#) [Summary Dismissal – Appeal Dismissed]
- [Westbank First Nation v. Administrator, Integrated Pest Management Act](#) [Dismissal Order – Appeal Dismissed]

[Wildlife Act](#)

- [Craig Tuck v. Deputy Regional Manager of Recreational Fisheries & Wildlife Programs, Ministry of Water, Land and Resource Stewardship](#) [Dismissal Order – Appeal Dismissed]

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

Forest Appeals Commission Decisions

The following Forest Appeals Commission decisions were made recently:

[Forest and Range Practices Act](#)

- [0793663 B.C. LTD. v. Government of British Columbia](#) [Final Decision – Appeal Allowed in Part]

[Wildfire Act](#)

- [Michael Holmes v. Government of British Columbia](#) [Consent Order – Appeal Dismissed]

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

**FOREST AND ENVIRONMENT**

Act or Regulation Affected	Effective Date	Amendment Information
Carbon Tax Act	July 1/24	by 2024 Bill 3, c. 13, sections 28, 29, 31, 32, 36 and 39 to 41 only (in force by Reg 133/2024), Budget Measures Implementation Act, 2024
Carbon Tax Regulation (125/2008)	June 17/24	by Reg 137/2024
Closed Areas Regulation (76/84)	June 25/24	by Reg 161/2024
Hunting Regulation (190/84)	June 25/24	by Reg 161/2024
Limited Entry Hunting Regulation (134/93)	June 25/24	by Reg 161/2024
Logging Tax Act	July 1/24	by 2024 Bill 3, c. 13, sections 113 and 115 only (in force by Reg 133/2024), Budget Measures Implementation Act, 2024
Motor Vehicle Prohibition Regulation (18/2024)	June 25/24	by Reg 161/2024
Park, Conservancy and Recreation Area Regulation (180/90)	June 26/24	by Reg 154/2024
Professional Governance Act	July 1/24	by 2023 Bill 39, c. 32, sections 71 to 77 only (in force by Reg 129/2024), International Credentials Recognition Act
Protected Areas of British Columbia Act	June 17/24	by 2024 Bill 9, c. 10, section 12 only (in force by Reg 131/2024), Miscellaneous Statutes Amendment Act, 2024
	June 17/24	by Reg 145/2024

Wildlife Act Commercial Activities Regulation (338/82)	June 25/24	by Reg 161/2024
Wildlife Act General Regulation (340/82)	June 25/24	by Reg 161/2024



OCCUPATIONAL HEALTH AND SAFETY NEWS

New First Aid Requirements for Certification and Training

Amendments to the [Occupational Health and Safety Regulation](#) requirements for first aid come into effect on November 1, 2024. In preparation for those changes, employers across the province will need to conduct a first aid assessment in accordance with the new requirements to determine what level of first aid attendant and equipment they will require. In this article, we'll discuss the changes to first aid certification levels, training and transition planning for first aid attendants, and resources that will soon be available to help employers make these changes. Read the [full article](#) in the Summer 2024 issue of *WorkSafe Magazine*.

BC Court Orders New Hearing on Worker's Mental Disorder Claim Due to Expert's Incomplete Information

The BC Supreme Court set aside the Workers' Compensation Appeal Tribunal's (WCAT) decision on a worker's mental disorder compensation claim due to procedural unfairness and reliance on incomplete information from an expert. In *J.T. v British Columbia (Workers' Compensation Appeal Tribunal)*, [2024 BCSC 994](#), J.T., J.T., a security guard with Scarlet West Coast Security Ltd., sought judicial review after WCAT denied his appeal against the Workers' Compensation Board's rejection of his mental disorder compensation claim. Read the [full article](#) by [Angelica Dino](#) with *Canadian Lawyer*.

BC Federation of Labour Welcomes Expansion of Mental Health Presumption Coverage

The British Columbia Federation of Labour (BCFED) welcomed the recent announcement from the provincial government that provides more workers with easier access to workers' compensation for psychological injuries caused by work-related trauma. Recently, the provincial government added 11 occupations to the mental health presumption under the [Workers Compensation Act](#). Read the [full article](#) by [Jim Wilson](#) published in *Canadian Occupational Safety Magazine*.

July 2024 Public Hearing on Proposed Regulatory Amendments

WorkSafeBC is holding a virtual public hearing on proposed amendments to the [Occupational Health and Safety Regulation](#). The virtual public hearing will be streamed live on **July 24, 2024**, from **10 a.m. to 2 p.m.** Further information on how to view or participate in the virtual public hearing will be provided closer to the hearing date. These details will be posted on [worksafebc.com](#). You can access the proposed amendments, along with explanatory notes, using the links below:

[Part 20. Washroom Facilities at Construction Sites](#)

[Part 16. Mobile Equipment, sections 16.21 to 16.21.1 – Seat belts](#)

Read the official WorkSafe BC [release](#).

Enhancing Crane Safety in British Columbia

In a significant move to enhance safety in the crane industry, WorkSafeBC has announced a comprehensive risk-reduction strategy aimed at improving crane safety across British Columbia. This initiative comes in response to the increasing number of cranes operating on complex, multi-employer worksites and a slew of recent incidents. The urgency of this strategy was amplified by four incidents earlier this year, including one fatal, and are also highlighted by the 2021 tower crane collapse in Kelowna, which claimed the lives of five workers. These events have spurred WorkSafeBC to undertake a thorough review of crane safety, informed by input from over 130 crane-sector stakeholders. Read the [full article](#) by [Shane Mercer](#) published in *Canadian Occupational Safety Magazine*.



OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
Mental Disorder Presumption Regulation (136/2018)	June 10/24	by Reg 122/2024
Workers Compensation Act Appeal Regulation (132/2024)	June 28/24	by Reg 132/2024

Disclaimer

The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients (without the prior written consent of Quickscribe) is strictly prohibited. The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.

[Unsubscribe from this email service](#)

Quickscribe Online 2.0

Do you get the Reporter but are not familiar with Quickscribe Online? See why [Quickscribe Online 2.0](#) is now the go-to source for legislation in BC.

QUICKSCRIBE SERVICES LTD.

Email: info@quickscribe.bc.ca

Website: www.quickscribe.bc.ca

Toll Free: 1-877-727-6978 | Phone: 1-250-727-6978