



## Vol: XVII – Issue 5 – May 2024

### EnviroFor News

#### Spring Session Concludes – No Fall Session

The spring session of the BC Legislature wrapped up on May 16th. There were a total of 28 government bills, 28 members' bills and one private bill. By May 16th, all but one of the government bills, Bill 12, and the private bill had achieved Royal Assent. There will be no fall legislative session this year due to the upcoming provincial elections. If you would like to track the progress of bills, or to track changes to any laws that bills amend, we suggest signing up to the BC Legislative Digest alert via the [My Alerts](#) tab.

### New Bills

The following bills were recently introduced:

#### Government Bills

- [Bill 26](#) – Name Amendment Act (No. 2), 2024
- [Bill 27](#) – Municipalities Enabling and Validating (No. 5) Amendment Act, 2024
- [Bill 28](#) – Supply Act, 2024–2025

#### Members' Bills

- [Bill M217](#) – Non-Disclosure Agreements Act
- [Bill M218](#) – British Columbia Transit Amendment Act, 2024
- [Bill M219](#) – Defibrillator Public Access Act, 2024
- [Bill M220](#) – Control of Foreign Funding and Electoral Influence Act
- [Bill M221](#) – Family Compensation Amendment Act, 2024
- [Bill M222](#) – Early Learning and Child Care Amendment Act, 2024
- [Bill M223](#) – Wildfire (Carter's Law) Amendment Act, 2024
- [Bill M224](#) – Emergency and Disaster Management Amendment Act, 2024
- [Bill M225](#) – Freedom of Information and Protection of Privacy Amendment Act, 2024
- [Bill M226](#) – Land Title Amendment Act, 2024
- [Bill M227](#) – Social Workers Amendment Act, 2024
- [Bill M228](#) – Victims of Crime (Publication Ban Choice and Awareness) Amendment Act, 2024

For more information on the status of these or any other bills, 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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[FOREST & ENVIRONMENT](#)
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### ENERGY & MINES NEWS

#### **Energy Resource Activities Act Amendment**

On June 1, 2024, the [Energy Resource Activities Act](#) was amended by [2018 Bill 15, c. 15](#) and [2019 Bill 14, c. 26](#) to add authority for the regulator to exercise powers under sections 12.2 to 12.8 of the [Heritage Conservation Act](#).

#### **Residents Only: B.C. Court of Appeal Confirms Plaintiff Residency Requirement for Class Actions**

On April 30, 2024, the British Columbia Court of Appeal confirmed in [MM Fund v. Excelsior Mining Corp.](#) that only residents of B.C. may commence class actions under the provincial [Class Proceedings Act](#) (CPA), with the effect of preventing non-residents from commencing proposed class actions in the province for perceived procedural advantage. The Court of Appeal also clarified that for the purpose of the CPA, a corporation or trust is "resident" where its central management and control takes place. Read the [full article](#) by [James Sullivan, KC](#), [Robin Reinertson](#), [Joshua Hutchinson](#) and [Marie Turcott](#) with Blake, Cassels & Graydon LLP.

#### **Amping up the Rules: BC to Regulate Crypto-Mining Electricity Use**

On May 7, 2024, the Province of British Columbia (the "Province" or "BC") enacted Bill 24, [Energy Statutes Amendment Act, 2024](#), 5th Sess, 42nd Parl, British Columbia, 2024 ("Bill 24"). Upon receiving royal assent on May 16, Bill 24 amended the [Utilities Commission Act](#) (the "UCA") to enable the Province to enact regulations regarding public utilities' provision of electricity service to cryptocurrency miners. Until regulations are published, the implications of this broad power to regulate power supply for Cryptocurrency mining ("crypto-mining") remain an open question.

This post reviews the history and details of the proposed legislative amendments, as well as the next steps and potential implications of the Province's efforts to regulate the provision of electricity service to cryptocurrency miners. Read the [full article](#) by [Kimberly J. Howard](#), [Dave Nikolejsin](#), [Val Lucas](#), [Rachael Carlson](#) and [Katherine Griffin](#) with McCarthy Tétrault LLP.

#### **Feds Lean on B.C. to Produce More Critical Minerals**

B.C. is playing a crucial role in the federal government's plan to ensure Canada produces 31 minerals deemed critical to the economic future.

During a Conversations Live project hosted by Stuart McNish on Wednesday night, an expert panel outlined how these important minerals are part of a larger geopolitical movement and that B.C. has huge prospects for growth and job creation in mining.

As an example, Michael Goehring, president and CEO of the Mining Association of B.C., said that B.C. produces 80 per cent of Canada's copper and that mineral is turned into the "electrification metal." Read the [Vancouver Sun article](#) (paywall).

#### **New Regulations Keep Mining Sector Safe for People, Environment**

The Province is taking action to protect the environment and help keep people working in the mining sector safe through regulatory amendments that will further reduce exposure to risks on B.C. mine sites.

The Province is committed to continuously improve, strengthen and reform the regulatory framework, fostering a sustainable and safe mining industry that creates secure, family-supporting jobs.

The [Health, Safety and Reclamation Code for Mines in British Columbia](#) includes regulatory standards that address all stages of a mine's life from exploration to mine development, operation, closure and reclamation. Read the government [news release](#).

#### **Transitioning Period Set for Jade Mining in Northwestern B.C.**

The Province has established an immediate [Environment and Land Use Act order](#) prohibiting jade mining activities on new tenures in northwestern B.C.

Current tenure holders listed in the order will be able to continue jade mining for five years with enhanced reclamation requirements.

The [Environment and Land Use Act order](#) is limited to jade mining activities in northwestern B.C. The order does not impact other mining operations in the region, nor does it affect existing or new jade tenures in other areas of B.C. Read the government [news release](#).

#### **BC Energy Regulator Announcements**

The following BC Energy Regulator announcements were posted recently:

- [IU 2024-06](#) – Information Session for Heritage Conservation Act Permitting

- [TU 2024-04](#) – New Approaches to Managing the Effects of Energy Development Replaces Area-based Analysis
- [IU 2024-07](#) – Release of Multi-year Aerial Leak Survey of Decommissioned Wells Report
- [IU 2024-08](#) – Permits Required for Hydrogen, Ammonia and Methanol Operators

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

#### Updates to Natural Resource Taxes

There were no updates to natural resource taxes posted recently. For more information, visit the BC government [website](#).



## ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Clean Energy Act	May 16/24	by 2024 Bill 24, c. 20, sections 1 to 3 only (in force by Royal Assent), <a href="#">Energy Statutes Amendment Act, 2024</a>
Energy Resource Activities Act	June 1/24	by 2018 Bill 15, c. 15, section 1 (in force by <a href="#">Reg 267/2023</a> ), <a href="#">Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018</a>
Utilities Commission Act	May 16/24	by 2024 Bill 24, c. 20, sections 4 to 6 only (in force by Royal Assent), <a href="#">Energy Statutes Amendment Act, 2024</a>
Water Utility Act	May 16/24	by 2024 Bill 24, c. 20, sections 4 to 6 only (in force by Royal Assent), <a href="#">Energy Statutes Amendment Act, 2024</a>



## FOREST AND ENVIRONMENT NEWS

### B.C. Implements New Output-Based Pricing System for Carbon Emissions

Recently, British Columbia made changes to its industrial greenhouse gas emissions regime by implementing a mandatory carbon emissions output-based pricing system (OBPS) for major industrial operations. The OBPS replaces the CleanBC Industrial Incentive Program (CIIP).

The OBPS is intended to reduce industrial greenhouse gases to meet B.C.'s climate goals set out in the CleanBC Roadmap to 2030, while meeting the national standards. Read the [full article](#) by [Holly Stewart](#), [Tony Crossman](#) and [Matthew Vreugde](#) with Blake, Cassels & Graydon LLP.

### B.C. Imposes New Rules on Boaters to Stop Spread of Parasite

British Columbia's chief veterinarian has issued an [order](#) making it illegal to transport boats or other watercraft without removing the drain plug to prevent the spread of whirling disease.

Whirling disease, which is fatal in fish, is caused by a microscopic parasite that mainly targets salmon and trout. The Ministry of Water, Land and Resource Stewardship says the order takes effect on Friday [May 17] and is also intended to keep invasive mussels out of B.C. waterways.

Boat operators are required to clean, drain and dry all watercraft and remove all mud, sand and plants before leaving the shore. Vessels will also have to dry out for at least 24 hours before entering new waters. Read the [CBC article](#).

### BC's Public Interest Bonding Strategy Expands the Reach of "Polluter Pays"

The Public Interest Bonding Strategy ("Strategy") was created to ensure owners of large industrial projects pay for environmental clean-up if projects are not fully decommissioned or are abandoned. The Strategy is being developed in two phases: Phase 1 addresses foreseen clean-up costs of new and existing facilities permitted under BC's [Environmental Management Act](#) ("EMA") and Phase 2 will address unforeseen clean-up costs of facilities permitted under the EMA, and foreseen costs of facilities authorized under other legislation. The Ministry of Environment and Climate Change Strategy ("Ministry") launched consultations on the Strategy in 2022. Read the [full article](#) by [Sabrina Spencer](#) and [Tara Bishop](#) with Fasken Martineau DuMoulin LLP.

### Preparing BC Forestry Workers for Wildfires

Last year's wildfire season in BC was the most destructive on record, with 2.8 million hectares burned – more than double any previous year. The fires caused significant disruption to the work and lives of many people in BC, and the impact was felt strongly by those in the forest industry. Evacuations and alerts, oppressive smoke, high heat, area closures, and lack of access to industry critical resources, including helicopters, were among the many challenges faced by the industry.

The influence of El Niño contributed to the warm and dry climate throughout 2023, and this pattern has continued into the spring

of 2024. Coupled with below-average precipitation and above-average temperatures expected over the coming months, the prolonged drought conditions are once again setting the stage for a challenging 2024 fire season across the province. Read the [full article](#) in the *Forest Safety News* June 2024 issue.

### **Right to Life, Liberty, Security of the Person, and Perhaps an Environment Free from Climate Change**

While common law tends to evolve methodically, the impending climate crisis does not. The Federal Court of Appeal grappled with this dilemma in *La Rose v Canada*, [2023 FCA 241](#) ("*La Rose FCA*"), ultimately reinvigorating the plaintiffs' claims by concluding that climate change issues are justiciable and the governments' response (or lack thereof) may ground a section 7 [Charter](#) challenge.

The *La Rose FCA* decision concerns two separate actions. Both actions alleged that the Federal Government failed in its response to climate change which, as a result, violated the plaintiffs' section 7 (right to life, liberty, and security of person) and section 15 (equality provision) *Charter* rights. Read the [full article](#) by [Susan Fridlyand](#) with Woodward & Company LLP.

### **B.C. Provides Update on Old-Growth Conservation**

The Province is securing a better future for B.C.'s forests and communities by taking better care of more old-growth forests, supporting local jobs and building a more sustainable and resilient forestry industry.

Released on Tuesday, May 21, 2024, the B.C. government's [update](#) reports on work underway in response to the 14 recommendations made by an independent panel in a 2020 review of B.C.'s old forests. It also outlines next steps as the Province and First Nations, alongside the forestry sector, workers and communities, take action to better care for forests, provide stability for B.C.'s forestry communities, and address challenges associated with climate change and wildfires. Read the government [news release](#).

### **B.C. Forest Industry Urges Government Action Amidst Mill Closures**

Linda Coady, president and CEO of the BC Council of Forest Industries (COFI), has voiced concerns over the escalating closures and curtailments of lumber, pulp, and paper mills in B.C.

Coady emphasized the urgent need for the provincial government to swiftly address challenges in timber supply stabilization. Read the [article](#) from Canadian Forest Industries.

### **Hunting Regulation Changes Support Wildlife Stewardship, Reconciliation**

The Province is updating [limited-entry hunting regulations](#) to sustainably manage B.C. wildlife, respect First Nations' hunting rights and provide hunters with a diversity of recreational and economic opportunities.

The recent changes affect the hunting of moose, caribou, elk, bighorn sheep, thimblehorn sheep, mountain goats, white-tailed deer and mule deer.

Some regulation changes present new hunting opportunities in various parts of the province, including one regulation that was converted to a general open-season hunt for antlerless white-tailed deer in the Cariboo Region. Read the government [news release](#).

### **Stronger Enforcement Options Will Stop Illegal Activities in B.C. Parks**

British Columbia's natural environment will be better protected with stronger enforcement to stop people from committing environmental crimes in provincial parks, protected areas and ecological reserves.

Regulatory changes are being made today [May 3] to the [Park Act](#) and [Ecological Reserve Act](#) to bring administrative penalties of as much as \$500,000 into the list of enforcement options available to BC Parks staff. Read the government [news release](#).

### **Environmental Appeal Board Decisions**

The following Environmental Appeal Board decisions were made recently:

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

- [KMS Tools and Equipment Ltd. v. Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Kensington Union Bay Properties GP Ltd. v. Director, Environmental Management Act](#) [Dismissal Order – Appeal Dismissed]

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

- [Communities United for Clean Air and Dr. Tynan v. Administrator, Integrated Pest Management Act](#) [Decision on Stay Applications – Denied]

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

- [Kathleen and John Ehrlich v. Water Manager](#) [Document Production Application Decision – 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](#)

- [Cassiar Forest Corp. v. Government of British Columbia](#) [Preliminary Decision on Document Production – Denied]
- [Tk'emlupsemc Forestry Development Corporation v. Government of British Columbia](#) [Final Decision – Allowed in Part]
- [Lemare Lake Logging Ltd. and Lions Gate Forest Products Ltd. v. Government of British Columbia](#) [Final Decision – Appeals Granted]

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



## FOREST AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties (Ecological Reserve Act) Regulation (92/2024)	<b>NEW</b> May 3/24	see <a href="#">Reg 92/2024</a>
Administrative Penalties (Park Act) Regulation (93/2024)	<b>NEW</b> May 3/24	see <a href="#">Reg 93/2024</a>
Ecological Reserve Act	May 3/24	by 2023 Bill 3, c. 2, sections 3 to 5 only (in force by <a href="#">Reg 92/2024</a> ), <a href="#">Miscellaneous Statutes Amendment Act, 2023</a>
Great Bear Rainforest (Forest Management) Regulation (327/2016)	May 23/24	by <a href="#">Reg 113/2024</a>
Great Bear Rainforest (Special Forest Management Area) Regulation (325/2016)	May 23/24	by <a href="#">Reg 113/2024</a>
Hunting Regulation (190/84)	May 16/24	by <a href="#">Reg 108/2024</a>
Limited Entry Hunting Regulation (134/93)	May 16/24	by <a href="#">Reg 108/2024</a>
Management Unit Regulation (64/96)	May 16/24	by <a href="#">Reg 108/2024</a>
Park Act	May 3/24	by 2023 Bill 3, c. 2, sections 6 to 8 only (in force by <a href="#">Reg 92/2024</a> ), <a href="#">Miscellaneous Statutes Amendment Act, 2023</a>



## OCCUPATIONAL HEALTH AND SAFETY NEWS

### Protecting Your Workers from the Risk of Fatigue

Fatigue puts workers at a greater risk of sustaining injuries from hazards at work. WorkSafeBC's information sheet [Managing the risk of fatigue](#) in the workplace provides guidance for employers and workers. "This resource represents a shift in thinking about fatigue in the workplace," says Jenny Colman, an ergonomist with WorkSafeBC. "While we once saw fatigue as the hazard, we now think of it in terms of a contributory factor that can increase the risk of harm or potential for harm from work being performed. Therefore, higher protections need to be in place around the tasks performed by a worker who is tired." Read the [full article](#) by Sarah Ripplinger with WorkSafeBC.

### Bill 41 and Forestry Workplaces

Are you aware that [Bill-41: Workers Compensation Act](#), came into effect in January 2024? Bill-41 establishes legal duties for employers to maintain employment opportunities for injured workers, and for employers and workers to cooperate in the process of returning to and continuing work after injuries. WorkSafeBC has various resources outlining the changes including a downloadable webinar presentation that should help explain the employer, worker and WorkSafeBC requirements. Read the [full article](#) in the June 2024 issue of *Forest Safety News*.

### New Doctors of BC Policy Resolution Calls for Elimination of Sick Notes

from [Doctors of BC](#):

For many years, Doctors of BC has publicly advocated for the elimination of routine sick note requests (for colds or the flu, etc.) made by employers in British Columbia. In April 2024, Doctors of BC's Board of Directors approved a policy resolution that recommends the provincial government restrict the ability for employers to request their staff obtain a sick note from their doctor for medical absences. In certain circumstances, such as prolonged absence from work, or if a doctor can provide meaningful insight into an employee's condition, a sick note would be appropriate. In these instances, however, the cost of the sick note should be covered by the employer, not the employee.

## Technical Safety BC Releases State of Safety 2023 Report

Technical Safety BC has released its 2023 State of Safety and Annual Report, outlining the critical safety risks and priorities for British Columbia. The report provides a comprehensive analysis of incidents, injuries, and emerging risks over the past year, serving as a resource for employers and health and safety professionals aiming to improve workplace safety across the province. "British Columbians should be able to trust that the places they work, live, and play are safe," said Phil Gothe, President and Lead Executive Officer at Technical Safety BC. "Our State of Safety and the Top Five Safety Risks highlight not only the areas of focus for our team but represent a call to action to all those across the safety system." Read the [full article](#) by Shane Mercer with *Canadian Occupational Safety Magazine*.

## Forestry Employers Need to Get Ready for New First Aid Requirements

We are quickly approaching the date when, on November 1st, 2024, changes to First Aid requirements will come into effect. The amendments were approved by WorkSafeBC's Board of Directors in April 2023 and the 18-month time-lag in implementation was designed to allow employers and training providers to prepare for the changes. These amendments will apply to all workplaces and industries, but some of the key changes are especially relevant in the forestry sector because of the focus on remote and less-accessible work locations. The requirements for first aid are outlined in Part 3 of the [Occupational Health and Safety Regulation](#). They have seen very few updates over the last 20 years, which has prompted the current overhaul. Read the [full article](#) in the June 2024 issue of *Forest Safety News*.

## Why BC Trades Workers Are Demanding Nasal Naloxone on Construction Sites

The list is long and tragic as carpenter C. Michael Kinsella recounts memories of friends lost to fatal overdoses. There was the kid his family spent Thanksgivings with, who lived next door during Kinsella's childhood. In 2021, after that boy grew up, he worked on a construction site alongside his father, until the day his parents found him unresponsive in their basement. And there was Kinsella's lifelong best friend who was proud of the living he made as a bricklayer until he was injured and started taking prescription opioids for pain, which led to an addiction to illicit drugs. He overdosed in 2020. Read the full *Vancouver Sun* [article](#) (paywall).

## OHS Policies/Guidelines – Updates May 9, 2024

### Guidelines – Occupational Health and Safety Regulation

The following guideline was revised:

- Part 19 Electrical Safety  
[G19.25 Assurance in writing](#)

### Guidelines – Workers Compensation Act

The following guideline was revised:

- Part 2 Division 1 – Interpretation and Purpose  
[G-P2-85-1 The authority to suspend the application of the Regulation](#)

The following guideline was retired:

- Part 2 Division 1 – Interpretation and Purpose  
[G-P2-75\(3\)\(c\) Use of Legal Sample Bags for samples collected by WorkSafeBC officers](#)

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



## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
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*There were no amendments this month.*

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