



# EnviroFor Reporter

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Vol: XVII – Issue 9 – September 2024

## EnviroFor News

### No Fall Legislative Session

A reminder that there will be no legislative session this fall as the provincial election will be taking place on October 19. Though there will be limited legislative activity over the winter, it will likely pick up again next spring.

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## ENERGY & MINES NEWS

### Early Consolidations of BCER Regulations

Quickscribe has published early consolidations of amendments made by [B.C. Reg. 256/2024](#) to the [Drilling and Production Regulation](#), the [Oil and Gas Processing Facility Regulation](#) and the [Pipeline Regulation](#). The amendments, which will come into force on January 1, 2025, were approved by the BC Energy Regulator Board in December 2023 to support 75% reduction of methane emissions in the oil and gas sector by 2030, relative to 2012 emissions levels, and near elimination by 2035.

The amendments aim to:

- provide interim timelines for phase-in of the regulatory provisions;
- build on the existing framework that
  - continues to address emission reductions at their source;
  - requires automated monitoring systems placed on or near equipment with the highest risk of leakage;
  - increases the number of leak detection and repair surveys for large facilities; and
  - reduces venting limits for certain sources;
- set more stringent design and operating standards for new and modified facilities;
- allow flexibility for permit holders to determine the best opportunities to deploy mitigations and meet an average emissions threshold across their operations for certain sources (i.e., fleet approach);
- incorporate decision tree criteria that considers safety, technical and economic feasibility of emission reductions to achieve deep emissions reductions while avoiding any unintended consequences; and
- expand the scope of regulation to include temporary and operational activities and includes specific exclusions, where

required.

Different provisions will come into effect at different times from January 1, 2025 to January 1, 2035.

### B.C.'s Private Power Sector Heats Up with Hydro's Call for Energy

B.C.'s private power sector has gone from almost idle to overwhelming B.C. Hydro's call for new electricity sources in the space of 18 months since the province dropped its first hint that it would do so.

Hydro, this week, received 21 applications from independent power producers proposing to supply up to 9,000 gigawatt hours per year of electricity to the utility – enough to power some 800,000 homes – three-times the 3,000 gigawatt hours (GWh) it sought.

"I was a little surprised," said Kwatuuma Cole Sayers, executive director of Clean Energy B.C. "I knew that we were going to get a good number (of bids), certainly exceeding the 3,000 gigawatt hours, but triple the amount of power that they're seeking, is certainly very encouraging." Read the [full article](#) in the *Vancouver Sun*.

### B.C. Cuts Harmful Methane Emissions from Oil and Gas Sector

The Province is building on the progress it has made to cut harmful methane emissions by strengthening its regulations for the oil and gas sector.

These regulations will help to make B.C.'s economy cleaner and protect people and communities from the adverse effects of climate change.

Methane is a powerful greenhouse gas with a climate impact at least 28 times greater than carbon dioxide over a 100-year period. Rapidly reducing methane emissions, such as leaks from tanks and pressured equipment, is considered one of the most immediate and cost-effective ways to fight climate change. Read the [government news release](#).

### Manitoba's Plan for Indigenous-Led Wind Energy Projects

Manitoba's Affordable Energy Plan – Building the Next Generation of Clean Energy was recently launched by the Government of Manitoba. The Affordable Energy Plan notes that Manitoba Hydro has determined that, in the near term, the Province of Manitoba will require 600 MW of wind power to ensure that Manitobans have affordable and secure energy. To achieve this, Manitoba Hydro intends to launch an expression of interest for near term wind projects with Indigenous majority ownership. To facilitate Indigenous participation in Manitoba's wind energy sector, a loan guarantee program will be established by the Province. The Affordable Energy Plan states that the program will be designed to align with existing Federal credits to maximize support for Indigenous-led wind generation projects. Further details of the program are expected to follow in Manitoba's 2025 Budget. Read the [full article](#) by Stephen Furlan, Lynn Parsons, Kean Silverthorn and Michael Solomon with McCarthy Tétrault LLP.

### FortisBC Seeking Additional Power to Support Growing Customer Needs

FortisBC Inc. is issuing a request for expressions of interest for additional power to meet its customers' growing energy needs and support economic growth in British Columbia's Southern Interior region.

As the company identifies promising projects, FortisBC will work with power providers to bring these new projects online and increase the amount of electricity available for its customers.

"As our customers' energy needs grow, we are working with Indigenous and local communities, local governments, businesses and organizations to meet this rising demand," said Joe Mazza, vice president of energy supply and resource development. "This initiative will also be an opportunity for electricity generation providers to expand and create new jobs here in B.C., while ensuring that our customers continue to have the energy they need when they need it." Read the [full article](#) from the *Hydro Review*.

### BC Energy Regulator Announcements

The following BC Energy Regulator announcements were posted recently:

- [IU 2024-11](#) – New Regulatory Amendments to Reduce Methane Emissions
- [TU 2024-15](#) – Changes to Process for Submitting Road Notifications
- [TU 2024-16](#) – New eSubmission Forms for Certificates of Restoration

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



## ENERGY & MINES

Act or Regulation Affected	Effective Date	Amendment Information
Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation (495/92)	Sept. 1/24	by <a href="#">Reg 259/2024</a>



## FOREST AND ENVIRONMENT NEWS

### **Use of Open Fires and Liability for Fire Control Costs of Government**

The limits placed on the provincial government's authority to recover wildfire control costs the Ministry of Forests incurs as a result of a person's use of open fire in contravention of the [Wildfire Act](#) (the "Act") has generated considerable legal controversy in recent years.

If the Ministry of Forests determines that a person contravened the Act or the [Wildfire Regulation](#) (the "Regulation"), and further determines that a wildfire resulted "directly or indirectly" from the contravention, the Ministry may (among other things) order the person to pay the government's fire control costs incurred in relation to the wildfire. An exception to this potential liability exists under Section 29 of the Regulation for holders of forest tenure agreements under the [Forest Act](#) (the "Section 29 Exception"). A forest tenure holder does not have to pay government's wildfire control costs that result from the tenure holder's contravention of the Act or Regulation if the tenure holder is current with its annual rent payments, the fire resulted from one of the various listed activities (timber harvesting, silviculture treatments, road construction, road maintenance, or road deactivation), and the forest tenure holder did not willfully cause or contribute to the start or spread of the wildfire. Read the [full article](#) by [Jeff Waatainen](#) in the *BC Forest Professional*, Fall 2024 issue.

### **Buying Commercial Property: Big Five Ways to Protect Yourself from Environmental Liability When Contamination Is Discovered**

Whether buying a corner store or a large industrial operation, purchasing commercial property can result in nasty surprises. In BC, if you find contamination left by a previous owner, you could be on the hook for the cost to investigate and remediate. Expensive remediation might become necessary if, for example, you want to redevelop the site or if a neighbour complains about dirty groundwater flowing across the property line. These costs may sometimes be recovered from responsible parties, but this process can be uncertain and costly. Rather, the best way to avoid expensive environmental surprises is to protect yourself when buying the property in the first place.

Here are the BIG FIVE things you can do to protect you and your company when buying commercial land. Read the [full article](#) by [Richard E. Bereti](#) and Adam R. Way with Harper Grey LLP.

### **How FPBC Mitigates the Risk of Unlawful Practice for Registrants and Non-Registrants**

The [Professional Governance Act](#) (PGA) has brought many changes to the way FPBC regulates the profession. We are no longer an advocacy body for registrant concerns about forest policy; we have lay members on our board and committees to ensure conflicts of interest are mitigated and addressed immediately – and to ensure the public interest in the practice of professional forestry always comes first; and we have specific prohibitions on retired and non-practising registrants. The latter change has been tough for some registrants to reconcile. Historically, the profession leaned heavily on retired forest professionals to provide guidance and wisdom.

However, the public interest has shifted. Limitations exist for retired registrants because it would be inconsistent with the PGA to provide practice rights to a non-practising registrant. Retired, resigned, and non-practising registrants are not obliged to carry out any continuing education, whereas continuing professional development (CPD) is a significant pillar of the PGA and FPBC Bylaws. Read the [full article](#) by Casey Macaulay in the *BC Forest Professional*, Fall 2024 issue.

### **Canada's PFAS Reporting Requirements: What You Need to Know**

The Government of Canada has provided additional guidance to stakeholders regarding compliance with a mandatory survey requiring manufacturers, importers and users of 312 per- and polyfluoroalkyl substances (PFAS) to report information about their activities in Canada during the 2023 calendar year. This mandatory survey obligation, which was initiated by way of a [Notice](#) issued under section 71 of the [Canadian Environmental Protection Act, 1999](#) (the Notice), must be completed by January 29, 2025.

The purpose of section 71 notices is to gather information to inform decision-making for risk management measures, likely in the form of future regulation, related to these substances. Read the [full article](#) by Ryan McNamara, Lana Finney, Jonathan W. Kahn and Thidas Senanayaka with Blakes.

### **B.C. Pushes Back Against U.S. Softwood Duties in Washington Hearings**

Senior representatives from the British Columbia Lumber Trade Council (BCLTC) and the Government of British Columbia joined forces in Washington, D.C., this week for pivotal hearings in the long-running softwood lumber dispute.

"America's softwood lumber duties are unfair in every measure, and we are determined to use every available avenue, resource and tool to fight them," said Bruce Ralston, B.C.'s Minister of Forests. "We're working hand in hand with B.C.'s forest industry to act decisively, calling for an immediate end to these duties."

The hearings, held from Sept. 10 to 13, were part of the first Canada-United States-Mexico Agreement (CUSMA) dispute settlement panel, which examined the U.S. Department of Commerce's 2020 countervailing duty determination. Read the [full article](#) from Canadian Forest Industries (paywall).

### **Wildlife Habitat Areas**

September 5, 2024

[Notice of Order](#) under the [Forest and Range Practices Act](#) Establishing 8 Northern Goshawk, *laingi* subspecies

Wildlife Habitat Areas – Chilliwack (1), Sea to Sky (2), and Sunshine Coast (5) Forest Districts

Notice is hereby given to establish Wildlife Habitat Areas 2-692, 2-700, 2-702 to 2-705, 2-680, 2-685 and associated General Wildlife Measures to protect and conserve suitable nesting habitat of Northern Goshawk (*Accipiter gentilis laingi*), under the

authority of sections 9(2) and 10(1) of the [Government Actions Regulation](#) (B.C. Reg. 582/2004).

The Order dated **August 19, 2024**, signed by the Coast Area Executive Director, Land Use Policy, Planning and Ecosystems takes effect on the date this notice is published in *The British Columbia Gazette*. The Order may be viewed at the Coast Area – South Region office, 200 - 10428 153 Street, Surrey BC, or online at:

[http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show\\_approved](http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved) [se5]

Notice of Order under the [Oil and Gas Activities Act](#) Establishing 8 Northern Goshawk, *laingi* subspecies

Wildlife Habitat Areas – Chilliwack (1), Sea to Sky (2), and Sunshine Coast (5) Forest Districts

Notice is hereby given to establish Wildlife Habitat Areas 2-692, 2-700, 2-702 to 2-705, 2-680, 2-685 to protect and conserve suitable nesting habitat of Northern Goshawk ( *Accipiter gentilis laingi* ), under the authority of section 30 of the [Environmental Protection and Management Regulation](#) (B.C. Reg. 200/2010).

The Order dated **August 19, 2024**, signed by the Coast Area Executive Director, Land Use Policy, Planning and Ecosystems takes effect on the date this notice is published in *The British Columbia Gazette*. [se5]

### Wildlife Habitat Areas

September 19, 2024

[Notice is hereby given](#) that the areas associated with Wildlife Habitat Areas (WHAs) 1-136, 1-137, 1-140, 1-143, 1-146, 1-148, 1-149, 1-152, 1-153, 1-154, 1-156 and 1-160, established by order signed on August 18, 2011, are rescinded. Notice is hereby given that WHAs 1-135, 1-138, 1-139, 1-141, 1-142, 1-144, 1-145, 1-147a, 1-147b, 1-150, 1-151, 1-155, 1-157, 1-158, 1-159, 1-161, 1-162, 1-163, 1-164, 1-732, 1-733, 1-741, 1-742, 1-743, 1-744, 1-747, 1-748, 1-749, 1-764, 1-765, 1-766, 1-767 were established for Marbled Murrelet ( *Brachyramphus marmoratus* ) on **September 5, 2024**, by order made under the authority of Section 30 of the [Environmental Protection and Management Regulation](#) (B.C. Reg. 200/2010). 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, B.C. V9T 6J9. [se19]

Notice is hereby given that the areas and General Wildlife Measures (GWMs) associated with Wildlife Habitat Areas (WHAs) 1-135, 1-136, 1-137, 1-138, 1-139, 1-140, 1-141, 1-142, 1-143, 1-144, 1-145, 1-146, 1-147, 1-148, 1-149, 1-150, 1-151, 1-152, 1-153, 1-154, 1-155, 1-156, 1-157, 1-158, 1-159, 1-160, 1-161, 1-162 and 1-163 established by Government Action Regulation (GAR) Order signed on December 2, 2004, in the Campbell River Forest District are cancelled. Notice is hereby given that the areas and General Wildlife Measures for WHAs 1-135, 1-138, 1-139, 1-141, 1-142, 1-144, 1-145, 1-147a, 1-147b, 1-150, 1-151, 1-155, 1-157, 1-158, 1-159, 1-161, 1-162, 1-163, 1-164, 1-741, 1-742, 1-743, 1-744, 1-747, 1-748 and 1-749 in the Campbell River Forest District and WHAs 1-732, 1-733, 1-764, 1-765, 1-766 and 1-767 in the North Island Central Coast Forest District were established for Marbled Murrelet ( *Brachyramphus Marmoratus* ) on **September 5, 2024**, by order made under the 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 Ecosystems Section, West Coast Region, Ministry of Water, Land and Resource Stewardship, 2080 Labieux Road, Nanaimo, B.C. V9T 6J9, or from the following website:

[http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show\\_approved](http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved) [se19]

### Environmental Appeal Board Decisions

The following Environmental Appeal Board decision was made recently:

#### [Wildlife Act](#)

- [Jack Goodwin v. Director of Fish and Wildlife, Ministry of Forests](#) [Settlement Order – Appeal Dismissed]

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

### Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

#### [Wildfire Act](#)

- [Canadian National Railway Company v. Government of British Columbia](#) [Preliminary Decision Regarding an Application For Postponement of the Oral Hearing – Granted]

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



## FOREST AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
BC Parks Recreation User Fees Regulation (136/2009)	Sept. 17/24	by <a href="#">Reg 264/2024</a>
Motor Vehicle Prohibition Regulation (18/2024)	Sept. 17/24	by <a href="#">Reg 265/2024</a>



## OCCUPATIONAL HEALTH AND SAFETY NEWS

### 2024 New or Revised ACGIH Threshold Limit Values and BC Exposure Limits

– from [WorkSafe BC](#)

The [Occupational Health and Safety Regulation](#) provides that, except as otherwise determined by WorkSafeBC, an employer must ensure no worker is exposed to a substance exceeding the Threshold Limit Values (TLVs) prescribed by the [American Conference of Governmental Industrial Hygienists](#) (ACGIH). Twice a year, the ACGIH publishes a list of substances for which they have set new or revised TLVs. When WorkSafeBC adopts the new or revised TLVs as regulatory exposure limits for chemical substances, these exposure limits are referred to as BC Exposure Limits (ELs). An EL is the maximum allowed airborne concentration for a chemical substance for which it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. ELs may be set out as an 8-hour time-weighted average concentration, a 15-minute short-term exposure limit, or a ceiling limit. When the ACGIH publishes its bi-annual list, WorkSafeBC identifies the substances with new or revised TLVs and adds these substances (together with their existing BC ELs) to the Table of Exposure Limits for Excluded Substances in Prevention Manual Item [OHS Policy R5.48-1](#). Until our Board of Directors makes a decision on whether to adopt the changes, the existing ELs for these substances continue to be in effect in BC.

### New First Aid Requirements Coming into Effect

On November 1, 2024, amendments to the Occupational Health and Safety Regulation take effect relating to occupational first aid. Employers need to take steps to ensure they meet the new requirements, which will result in changes for many workplaces. Higher-risk industries and remote workplaces will be most affected by the changes. Visit [WorkSafeBC](#) for more information.

### New Tower Crane Regulations Taking Effect in British Columbia

Starting October 1, 2024, new regulations come into effect in British Columbia that aim to improve the safety of tower crane operations across the province. Under these amendments to the [Occupational Health and Safety Regulation](#), employers will now be required to submit a Notice of Project (NOP) to WorkSafeBC before any tower crane activities begin. This is part of a broader effort to address growing safety concerns in an industry seeing rapid expansion. Suzana Prpic, from WorkSafeBC's prevention services, says this new requirement is a proactive step to enhance crane safety on complex worksites. "A Notice of Project is a formal notification that an employer who's conducting this work must submit to WorkSafeBC before starting certain types of work activities," she says. "This is one of many recommendations that WorkSafeBC has made since 2021 to improve crane safety in the province." Read the [full article](#) by Shane Mercer in *Canadian Occupational Safety Magazine*.

### BC Court of Appeal Rejects Worker's Appeal over Denied Wage-loss Benefits Due to Inconsistent Claims

The British Columbia Court of Appeal has rejected a worker's appeal challenging the denial of her wage-loss benefits beyond October 2019, citing inconsistencies in her claims of continued symptoms and rejecting her procedural unfairness arguments. The case stemmed from a workplace injury in May 2019, when the appellant suffered a concussion after being head-butted by a client. While the Workers Compensation Board (WCB) initially accepted her claim for the concussion, it later denied wage-loss benefits for the period after October 2019, prompting the appellant to seek a review. She argued that she was entitled to wage-loss benefits and provided a written statement and letters from her family physician in support of her position. Read the [full article](#) by Angelica Dino in *Canadian Lawyer*.

### Reducing Exposure – Respiratory Protection

Wildland firefighters have historically used bandanas or cloth masks as their own form of respiratory protection on the fire line. However, these offer little to no protection against the incredibly small particulates in wildfire smoke, which easily bypass gaps in the simple cloth material. Additionally, these styles of face coverings do not protect against any of the hazardous gases present in wildfire smoke. Exposure to these hazards is a serious concern and has been a major area of research for our organization. We have worked directly with occupational hygienists, safety and wellness staff and researchers to develop foundational knowledge regarding respiratory hazards and their associated health effects, both on the fire line and at fire camp. With the culmination of this foundational research, we have identified respiratory protection that can help minimize exposure to wildfire smoke, ash, dust and engine exhaust. Read the [full article](#) published by BC Wildfire Service.

### OHS Policies/Guidelines – Updates

#### Guidelines – Occupational Health and Safety Regulation

September 17, 2024

- Part 5 Chemical Agents and Biological Agents
  - [Table of Exposure Limits for Chemical and Biological Substances](#)  
The table has been updated to reflect changes to OHS Policy R5.48-1 (amended September 17, 2024). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

October 1, 2024

The following guidelines are consequential to amendments to the Occupational Health and Safety Regulation for tower cranes and for washrooms on construction sites:

- Part 14 – Tower Cranes

- [G14.73.1 Tower cranes – Qualified supervisor](#) (new)
- [G14.73.3 Notice of project – Significant changes](#) (new)
- Part 20 – Washroom Facilities at Construction Sites
  - [G20.3.2 Washroom facilities at specified construction sites](#) (new)

#### OHS Policies – Occupational Health and Safety Regulation

September 17, 2024

OHS Policy R5.48-1 has been amended to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for 2024 from the American Conference of Governmental Industrial Hygienists (effective September 17, 2024).

- [R5.48-1 Controlling Exposure – Exposure Limits](#)

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)	Oct. 1/24	by <a href="#">Reg 176/2024</a> and <a href="#">Reg 260/2024</a>
Workers Compensation Act	Sept. 3/24	by 2023 Bill 48, c. 44, sections 1, 2 and 5 only (in force by <a href="#">Reg 140/2024</a> ), <a href="#">Labour Statutes Amendment Act, 2023</a>

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