



## Vol: XIII – Issue: II – February 2020

### ENVIROFOR NEWS:

#### New Bills Introduced

The government has tabled the following Bills this spring session:

- [Bill 1](#), An Act to Ensure the Supremacy of Parliament
- [Bill 2](#), Motor Vehicle Amendment Act, 2020
- [Bill 3](#), Environmental Management Amendment Act, 2020
- [Bill 4](#), Budget Measures Implementation Act, 2020
- [Bill 5](#), Employment Standards Amendment Act, 2020
- [Bill 7](#), Arbitration Act
- [Bill 8](#), Education Statutes Amendment Act, 2020
- [Bill 9](#), Evidence Amendment Act, 2020
- [Bill 10](#), Municipal Affairs and Housing Statutes Amendment Act, 2020
- [Bill 11](#), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020
- [Bill 12](#), Supply Act (No. 1), 2020
- [Bill 13](#), Miscellaneous Statutes Amendment Act, 2020


Two non-government Bills were also introduced:

- [M201](#), Assessment (Split Assessment Classification) Amendment Act, 2020
- [M202](#), Strata Property Amendment Act, 2020

A reminder that if you would like to track the progress of these bills, or to track changes to any laws that bills amend, please feel free to make use of our [BC Legislative Digest](#) tracking tool or the new [Keyword Alert](#) tool and have us monitor and alert you to changes for laws of your choosing.

**Tip: Log in to EnviroFor Online prior to clicking Reporter links.**

View [PDF](#) of this Reporter.

**FEDERAL LEGISLATION** — For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

[\[ Previous Reporters \]](#)

#### CATEGORIES

[ENERGY & MINES](#)  
[FORESTRY & ENVIRONMENT](#)  
[OCCUPATIONAL HEALTH & SAFETY](#)

### ENERGY AND MINES NEWS

## The Continued Rise of Environmental, Social and Governance Policies in the Current Energy Transition

Industry participants may have taken note of the news earlier this month that Québec's main natural gas distributor, Énergir, entered into a responsible natural gas supply agreement with Alberta-based Seven Generations Energy to purchase roughly 10% of Seven Generations gas production. The deal is the first of its kind under the EO100 Standard for Responsible Energy Development, an independent certification for assessing environmental, social and governance (commonly referred to as "ESG") standards. This partnership is part of a broader initiative by Énergir for the responsible procurement of natural gas, developed in collaboration with the Pembina Institute. Énergir, which has also been an active proponent of Renewable Natural Gas development, plans to obtain nearly 20% of its natural gas supply from similarly certified producers in the first year of the initiative. Read the [full article](#) by Lorne Rollheiser with Gowling WLG.

### Carbon Pricing: What's the Matter?

The Supreme Court will have its work cut out for it in an area of constitutional law that has been rarely tested, as it prepares for the upcoming hearing on the national carbon pricing scheme. Heading into the big game, there's some disagreement about the score. Some say it's 2-1. Others say it's a more drawn-out 8-7. Whichever it is, it's heading to the Supreme Court. That's roughly the state of play after the Alberta Court of Appeal handed down its opinion on the federal carbon pricing scheme last month. In doing so, it defied most expectations. While two other appeals courts, in Ontario and Saskatchewan, had found Ottawa's carbon price to be constitutional, both had grappled with the applicability of the federal government's authority to legislate and regulate matters that could touch provincial jurisdiction. They also found, for a myriad of reasons, that limiting CO<sub>2</sub> emissions, in line with Canada's international obligations, fell under the "national concern branch" of its constitutional power to govern peace, order, and good government (POGG). Read the [full article](#) by [Justin Ling](#) and published in the CBA National.

## ENERGY AND MINES

Act or Regulation Affected	Effective Date	Amendment Information
Petroleum and Natural Gas Act	Feb. 27/20	by 2014 Bill 12, c. 10, sections 25, 30 (b) and 37 (a) (part) (in force by <a href="#">Reg 33/2020</a> ) <a href="#">Natural Gas Development Statutes Amendment Act, 2014</a>
		by 2018 Bill 15, c. 15, sections 25, 26 and 28 (part) (in force by <a href="#">Reg 33/2020</a> ), <a href="#">Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018</a>
Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation (378/82)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas Drilling Licence and Lease Regulation (10/82)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas Grid Regulation (536/2004)	Feb. 27/20	by <a href="#">Reg 33/2020</a>
Petroleum and Natural Gas General Regulation (357/98)	Feb. 27/20	by <a href="#">Reg 33/2020</a>

## FORESTRY AND ENVIRONMENT NEWS

## EMA – Proposed Amendments

On February 18, 2020, the government introduced [Bill 3, Environmental Management Amendment Act, 2020](#). According to the government, this bill proposes a series of amendments to the [Environmental Management Act](#) to enhance the oversight of soil relocation in the province for the better protection of human health and the environment. If passed, the new legislation will prohibit a person from removing soil from a site that has been used for a specified industrial or commercial use unless the person has analyzed the soil and provided notification of the removal through a new system to track soil movement throughout the province.

## Water Sustainability Act – Proposed Amendments

On February 27, 2020, the government introduced the *Miscellaneous Statutes Amendment Act* ([Bill 13](#)). The Bill amends several laws including the [Water Sustainability Act](#). The *Water Sustainability Act* governs the allocation and regulation of the diversion, use and storage of water from streams and groundwater in BC. According to the government, the amendments are intended to make administrative corrections and provide more authority for government to collect, use and disclose the personal information of water users to ensure authorization holders, applicants, emergency responders and the public have continued access to the information needed to manage water use in BC.

## BC Approves Transfer of Canfor's Vavenby Forest Tenure to Interfor

BC Forest Minister Doug Donaldson announced Friday [Feb 28] the provincial government has consented to the transfer of Canfor's Vavenby forest tenure to Interfor for \$60 million. Canfor announced the agreement to sell the Vavenby tenure in June last year, along with the [closure of its Vavenby sawmill](#). The tenure includes Tree Farm Licence (TFL) 18 and replaceable forest licence A18688, located in the Kamloops Timber Supply Area near Vavenby, BC. The two licences have a combined allowable annual cut of approximately 349,000 cubic metres per year. Read the [full article](#) by Maria Church published by Canadian Forest Industries.

## Canada's Carbon Tax Laws: Where Are We Now?

On June 21, 2018, Canada's [Greenhouse Gas Pollution Pricing Act](#) (the Act) came into effect. Part 1 of the Act imposes a surcharge on fuels such as gasoline, fuel oil, propane, kerosene and methanol. Distributors of the fuel pay the surcharge though the cost would likely be passed down to consumers. Part 2 of the Act applies to large industrial facilities that emit greenhouse gases (GHG). Facilities have a limit on the amount of GHG they can emit each year. If they go over that limit, they must pay through a credit system or an excess emissions charge or both. Government and media have affectionately referred to these fees as a carbon tax. But here's the kicker – Part 1 or Part 2 or both only apply to provinces that do not have a scheme that is acceptable to Canada. That is, the provinces can create their own carbon tax scheme but it must meet Canada's goals. If a province does not have an acceptable scheme (or no scheme) in place, then the federal Act kicks in as a backstop. Read the [full article](#) by [Jessica Steingard](#) and published on *LawNow*.

## Environmental Appeal Board Decisions

There were two Environmental Appeal Board decision in the month of February:

### [Environmental Management Act](#)

- [Margaret McDonald: Ayreborn Audio Video: et al v. District Director](#) [Consent Order – Appeal Dismissed]

### [Wildlife Act](#)

- [Peter Forino v. Deputy Director, Wildlife and Habitat Branch](#) [Final Decision – Appeal Dismissed]

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

## FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	Feb. 28/20	by <a href="#">Reg 7/2019</a>
Code of Practice for Agricultural	Feb.	

Environment Management (8/2019)	28/20	by <a href="#">Reg 8/2019</a>
Code of Practice for Soil Amendments (210/2007)	Feb. 20/20	by <a href="#">Reg 28/2020</a>
Forest Recreation Regulation (16/2004)	Feb. 28/20	by <a href="#">Reg 37/2020</a>
Hunting Regulation (190/84)	Feb. 21/20	by <a href="#">Reg 30/2020</a>
Limited Entry Hunting Regulation (134/93)	Feb. 21/20	by <a href="#">Reg 30/2020</a>
Metal Dealers and Recyclers Regulation (101/2012)	Feb. 28/20	by <a href="#">Reg 39/2020</a>
Wildlife Act General Regulation (340/82)	Feb. 28/20	by <a href="#">Reg 42/2020</a>

## OCCUPATIONAL HEALTH AND SAFETY NEWS

### Religious Freedom vs. Occupational Health and Safety:

#### The Quebec Court of Appeal Rules in Favour of the Latter

There is a great societal debate going on in Quebec with the National Assembly's recent adoption of the *Act respecting the laicity of the State*, which regulates the wear of religious symbols at the government level. The province's highest court contributed to the debate with its recent decision in *Singh c. Montréal Gateway Terminals Partnership*, which particularly affects federally-regulated businesses. In this case, freedom to wear religious symbols is pitted against an employer's legal obligations to ensure and maintain occupational health and safety. The Quebec Court of Appeal affirmed a Superior Court judgment which held that occupational health and safety prevails over religious freedom, at least in this matter. Read the [full article](#) by [Mikaël Maher](#) with Fasken Martineau DuMoulin LLP.

### New OHS Guidelines

On February 14, 2020, WorkSafe BC published new and revised guidelines a number of topics including respirators. View the details on the WorkSafeBC site [here](#).

## OCCUPATIONAL HEALTH AND SAFETY

Act or Regulation Affected	Effective Date	Amendment Information
----------------------------	----------------	-----------------------

*There were no amendments this month.*

***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.***

## QUICKSCRIBE SERVICES LTD.

### DISCLAIMER

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**  
To unsubscribe from this service, click [here](#).