



Vol: XVI – Issue: 1 – January 2023

ENVIROFOR NEWS:

Spring Session to Resume Today (February 6)

The 2023 [Parliamentary Calendar](#) is now available. The spring legislative session is scheduled to commence today, February 6, with the budget to be announced on February 28. Health care, housing, public safety and the economy are expected to be the primary focus as outlined in the speech from the throne. The Quickscribe team is looking forward to keeping you informed about important changes in 2023. If you would like to receive timely alerts about changes that matter most to you, visit your [My Alerts](#) page and select the alert that works best for you.

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ENERGY AND MINES NEWS

First Nation Can Veto Proposed B.C. Coal Mine as Part of Unique Deal with Developer

Agreement could change how natural resources projects are developed in Canada

A coal company and a First Nation in British Columbia have struck a rare deal to give the community the power to veto a proposed mining project, which could set a precedent for how natural resources projects are developed in Canada.

NWP Coal Canada and the Yaq̓it ʔa-knuq̓i'it (YQT), also known as the Tobacco Plains Indian Band, describe the agreement as one of a kind and say it will give the First Nation the power to act as a "regulator and reviewer" of the company's proposed \$400-million Crown Mountain coal mine near Elkford, in the southeast part of the province.

The mine would produce coking coal, which is predominantly used for making steel. The project was first proposed in 2010, and construction could begin in 2025. Federal and provincial regulators are currently reviewing the possible environmental impacts of the project. Read the [CBC article](#).

B.C. Legislative Amendments Will Facilitate Hydrogen Development

On November 24, 2022, British Columbia passed the [Energy Statutes Amendment Act, 2022](#) (the Act) to

change the legislation governing energy resources in B.C., including hydrogen. Most parts of the Act will not come into force until proclaimed by regulation, including the parts relating to hydrogen.

Once fully in force, the Act will significantly amend the [Oil and Gas Activities Act](#) (the OGAA), including by renaming it as the *Energy Resources Activities Act* and renaming the B.C. Oil and Gas Commission (BCOGC) as the British Columbia Energy Regulator (BCER) – consistent with other energy regulators in Canada (notably, the Canada Energy Regulator and the Alberta Energy Regulator). The B.C. Oil and Gas Appeal Tribunal will similarly be renamed as the Energy Resource Appeal Tribunal. Read the [full article](#) by [Jesse Baker](#) and [Joey Chan](#) with Osler, Hoskin & Harcourt LLP.

Be Mindful of Technical Disclosure Requirements Under NI 43-101

A recent settlement provides a reminder for junior mining companies to comply with [National Instrument 43-101 Standards of Disclosure for Mineral Projects](#) ("NI 43-101").

A settlement agreement (the "Agreement") between the British Columbia Securities Commission ("BCSC") and the Chief Executive Officer ("CEO") of Equity Metals Corporation (the "Company"), a junior mining company listed on the TSX Venture Exchange, provides a stark reminder that a Qualified Person ("QP") must review any and all technical disclosure and that companies need to ensure strict compliance with NI 43-101. Read the [full article](#) by [Kim Brown](#) and [Virgil Hlus](#) with Clark Wilson LLP.

Energy Regulatory Trends to Watch In 2023: Electrification, Sequestration and Friction

[Last year, we characterized 2022 as the "beginning of the Great Energy Transition."](#) Many regulatory and fiscal measures were either implemented or announced in 2022 to accelerate this transition. For 2023, we foresee some potential for movement in the transition in the area of electrification to meet Canada's future energy requirements, and sequestration of carbon to facilitate continued production of oil and gas. However, 2023 may mark a new trend of increasing regulatory friction that risks slowing the pace of energy transition.

Electrification

In 2022, after years in development, the federal government enacted its [Clean Fuel Regulations](#) (CFR), deferring their implementation into 2023, but increasing their stringency to require a reduction in the emission intensity of gasoline and diesel fuel by 15% by 2030. Some of this reduction may be achieved through the production of advanced biofuels, but most of the reduction will likely be achieved by the adoption of electric vehicles (EVs).

Read the [full article](#) by [Bernie \(Bernard\) J. Roth](#) with Dentons.

Woodfibre LNG Project Near Squamish, B.C., Seeks Amendments to Environmental Assessment

A liquefied natural gas project that would produce around two million tonnes of the fossil fuel a year near Squamish, B.C. – about 64 kilometres north of Vancouver – for export is seeking changes from Environment and Climate Change Canada over how it is required to monitor for marine mammals affected by underwater noise, such as pile driving, during construction.

Opponents of Woodfibre LNG (WLNG), which received its federal environmental approval in 2016, say the changes will harm pinnipeds – seals and sea lions – in Howe Sound, which was designated a UNESCO biosphere region in 2021. Read the [CBC article](#).

Skills Roadmap Helps People in the Mining Sector

More people will be able to pursue fulfilling careers in mining through the Skills Roadmap Report, which identifies British Columbians' future skills and training needs within the mining sector.

"There are a lot of opportunities for British Columbians to find rewarding careers in mining," said Selina Robinson, Minister of Post-Secondary Education and Future Skills. "The Skills Roadmap is a step towards bringing more labour certainty to the industry as a whole and helping people receive the training they need to bridge the skills gap for good jobs today, tomorrow and beyond."

The Skills Roadmap Report was recently completed by the B.C. Centre of Training Excellence in Mining. It fulfils a recommendation from the B.C. Mining Jobs Task Force to develop a cohesive roadmap for enhanced mining-sector training to meet the sector's future skills and labour needs through a collaborative, inclusive, innovative and geographically focused approach. Read the government [news release](#).

Recent BCOGC Bulletins

The BCOGC has recently issued the following bulletin:

- [IU 2023-01](#) – Requirements for Engineering or Geoscience Work

Visit the [BCOGC website](#) to view this and other bulletins.

 **ENERGY AND MINES**

Act or Regulation Affected	Effective Date	Amendment Information
Dormancy and Shutdown Regulation (112/2019)	Jan. 1/23	by Reg 266/2022
Drilling and Production Regulation (282/2010)	Jan. 1/23	by Reg 266/2022

 **FORESTRY AND ENVIRONMENT NEWS**

What Forest Professionals Should Know About Their Statutory Duty to Report

Under Section 58 of the [Professional Governance Act](#) (PGA), registrants have a statutory duty to report another registrant when there is a reasonable and probable risk of significant harm to the environment or safety of the public or a group of people. What this means is registrants have an obligation under the PGA to report such concerns to the Association of BC Forest Professionals (ABCFP) or another regulatory body under the PGA. Registrants are not limited to reporting other forest professionals, but can report registrants belonging to other PGA regulators, which includes but is not limited to engineers, biologists, geoscientists, and agrologists. Read the [full article](#) by Janine Jivani in the *BC Forest Professional Magazine*.

New Agreement Between Blueberry River First Nations and Province

On January 18, 2023, the province of BC and Blueberry River First Nations signed the Blueberry River First Nations Implementation Agreement. The agreement follows the decision in *Yahey v. British Columbia*, [2021 BCSC 1287](#), which found that the Province had breached its treaty commitment to Blueberry River First Nations.

The agreement sets out timelines for the Province and the First Nation to develop collaborative plans for managing natural resource sector activities in parts of Blueberry River's claim area, including watershed, timber, wildlife, and oil and gas strategies. It also includes a three-year review and sets out a \$200 million restoration fund for the area, which is expected to be in place by June 2025.

According to the Province, the agreement also provides certainty for existing authorized activities in the claim area to continue, and for some timber harvesting and oil and gas activities to proceed.

B.C. Not Legally Required to Provide 'Quantitative Data' on Meeting GHG Targets, Court Rules

In a request for judicial review, heard at a Vancouver Supreme Court in October 2022, lawyers for Sierra Club BC argued that the government's latest report on how it would achieve its emission reduction targets didn't go far enough, and essentially amounted to a "vague plan to make a plan."

"We are pleased with the court's ruling," said a spokesperson for the Ministry of Environment and Climate Change Strategy. "B.C. has some of the strongest climate accountability measures in Canada, ensuring credibility and transparency."

The case turned on a key piece of legislation known as the [Climate Accountability Act](#), which is meant to provide transparency around the government's emission reduction targets. Read the [BIV article](#).

B.C. Wood Manufacturers to Get Bigger Cut of the Cut

Wood manufacturers in B.C. that have little or no Crown tenure will get increased access to logs through BC Timber Sales.

B.C. Forests Minister Bruce Ralston Tuesday [January 24] announced a new program – the BC Timber Sales (BCTS) Value-Added Manufacturing Program – that will set aside 10% of BC Timber sales for qualifying businesses.

It will not be open to conventional lumber producers. Only higher value-added manufacturers will qualify. That includes veneer and plywood, engineered wood products, shakes and shingles, log home manufacturing, decking and flooring. Read the [BIV article](#).

Canadian Government Amends Regulation Setting Out Specified Gases and Their Global Warming Potentials

The schedule to the [Carbon Neutral Government Regulation](#) setting out the Specified Gases and Their Global Warming Potentials was amended by [OIC 682/2022](#), effective December 19, 2022, to adjust the 100 year time horizon global warming potential figures for the various specified gases.

The Carbon Neutral Government Regulation (the "Regulation") creates the requirement for all public sector organizations to determine, report and verify greenhouse gas emissions from buildings, vehicles and paper use, and establishes the requirement to purchase emission offsets in order to become carbon neutral. Public sector organizations are also required to verify data and emissions information, and report annually on their progress through the *Carbon Neutral Action Report*. Read [full article](#) by [Dean Dalke](#) and [Caroline Yao](#) with DLA Piper.

Court Denies Province's Appeal to Reject Greengen Lawsuit

The B.C. Court of Appeal recently dismissed an appeal filed by the provincial government's Ministry of Forests, Lands and Natural Resource Operations; regional water manager; and the Ministry of Environment against Greengen Holdings Ltd., thus setting the stage for a trial this spring.

This dispute started back in August 2009 after Greengen was denied a permit by the provincial government for a hydropower project in Fries Creek, a stream that leads into the Squamish River near Judd Slough. That decision by the province was partially due to a land use agreement it had with the Skwxwú7mesh Úxwumixw 2023 (Squamish Nation). Read the [BIV article](#).

Climate Change Suits Against the Government: The Limits of Court Action

In recent years, governments in Canada have been sued in various ways in respect of climate change. Invariably, the government will seek to have the claim dismissed because it is not "justiciable". Justiciability is a legal doctrine that applies when the subject matter of a case is too political in nature to be properly adjudicated by the courts. Justiciability recognizes the separation of powers between courts and legislatures and that some subjects – like making policy choices and legislating – are not appropriate for a court. Recent case law, including a B.C. Supreme Court decision released in January 2023, shows the limits of what courts have been willing to do when governments are sued regarding climate change. Read the [full article](#) by [Peter Kolla](#), [Monica Creery](#) and [Gillian Olsen](#) with Goodmans LLP.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [The Board of Education of School District No. 43 v. Director, Environmental Management Act](#) [Summary Dismissal Decision – Granted; Costs Ordered]
- [Richmond Steel Recycling Ltd. v. Director, Environmental Management Act](#) [Decision on Application for Document Production – Denied]
- [Richmond Steel Recycling Ltd. v. Director, Environmental Management Act](#) [Decision on Application for Document Production – Denied]

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



FORESTRY AND ENVIRONMENT

Act or Regulation Affected	Effective Date	Amendment Information
Code of Practice for Agricultural Environment Management (8/2019)	Jan. 21/23	by Reg 264/2022
Hunting Licensing Regulation (8/99)	Jan. 30/23	by Reg 16/2023
Hunting Regulation (190/84)	Jan. 30/23	by Reg 16/2023
Integrated Pest Management Regulation (604/2004)	Jan. 21/23	by Reg 264/2022 and Reg 265/2022
Limited Entry Hunting Regulation (134/93)	Jan. 30/23	by Reg 16/2023
Private Managed Forest Land Council Regulation (9/2023)	Jan. 24/23	by Reg 9/2023
Public Access Prohibition Regulation (187/2003)	Jan. 24/23	by Reg 10/2023
Recycling Regulation (449/2004)	Jan. 1/23	by Reg 162/2020
Renewable and Low Carbon Fuel Requirements Regulation (394/2008)	Jan. 1/23	by Reg 280/2022
Wildlife Act Commercial Activities Regulation (338/82)	Jan. 30/23	by Reg 16/2023



OCCUPATIONAL HEALTH AND SAFETY NEWS

Balancing Act: Facilitating Trade and Worker Protection under the Hazardous Products Regulations

Key amendments to the federal [Hazardous Products Regulations](#) (the Regulations) are now in effect, which, among other things:

- update the Regulations to be in line with the most recent standards under the *Globally Harmonized System of Classification and Labelling of Chemicals* (GHS), leading to decreased costs and trade benefits for suppliers navigating Canadian and U.S. regulatory requirements; and
- improve protections for workers against product hazards handled in the workplace.

The amendments came into effect on December 15, 2022, though the [Regulations Amending the Hazardous Products Regulations](#) and the [Order Amending Schedule 2](#) to the [Hazardous Products Act](#) (the Order) were published in the *Canada Gazette, Part II* on January 4, 2023. The amendments will be phased in through a three-year transition period ending on December 14, 2025. Read the [full article](#) by Radha Curpen, Sharon Singh, Venetia Whiting and Clare Gibson with Bennett Jones LLP.

Consultation on Proposed Amendments to Part 6 of the Occupational Health and Safety Regulation

from [WorkSafeBC](#):

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to Part 6, Substance Specific Requirements, sections 6.1–6.2.3, of the [Occupational Health and Safety Regulation](#). The amendments are related to asbestos certification and licensing. The consultation phase gives stakeholders an opportunity to share feedback before the proposed amendments are taken to public hearing. View the [proposed regulatory amendments](#) and information on how to provide feedback. Please provide your feedback by **4:30 p.m. on Tuesday, February 28, 2023**.

Mining Safety Expert Worries about Attracting Workers

Mike Parent knows 2023 will test the mining industry. After spending more than 25 years in the sector, the vice president of prevention services at Workplace Safety North has the experience and foresight to recognize the safety obstacles that lie ahead. And he says one of the biggest hurdles will be attracting and training skilled workers. "Unfortunately, there's a bit of a perception that mining is [dangerous]. If there is a bad thing that happens in mining, it seems to catch the eye of the media, and that seems to paint the sector with that stigma." Read the [full article](#) by [Shane Mercer](#) on *Canadian Occupational Safety*.

Five New Training Centres for Health Workers in BC

Five new health and safety satellite training centres have opened in British Columbia for the province's healthcare workers. They are meant to support continuing and long-term care workers who have experienced some of the highest incidents of workplace violence and injury rates due to staff shortages, fatigue, and burnout. The training centres in Kelowna, Williams Lake, Burnaby, Lumby, and Salmon Arm are part of a partnership between SafeCare BC and AgeCare. Read the [full article](#) by [Shane Mercer](#) on *Canadian Occupational Safety*.

Conducting Effective and Fair Workplace Investigations

When issues regarding safety, harassment or discrimination arise in a business, employers may need to conduct a workplace investigation. An employer's failure to conduct a proper investigation can make an already complicated situation much worse for an organization and trigger harsh penalties. If you are in a situation where a workplace investigation is required, consider the following tips for conducting one fairly and effectively. Read the [full article](#) published on the Overholt Law LLP Blog.

OHS Policies/Guidelines – Updates

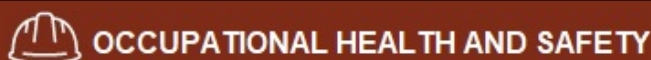
Guidelines – Occupational Health and Safety Regulation

February 2, 2023

The following guideline was revised:

- Part 7 Radiation
 - [G7.19\(5\) Exposure to non-ionizing radiation – Ultraviolet radiation](#)

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



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

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