

EHS

REGULATORY ALERT

Issue date: February 15, 2022

Featuring new regulatory developments in:

- Environment & climate change
- Environment and energy
- Workplace health & safety
- EHS Standards, codes & guidelines
- EHS law and due diligence
- Chemical compliance

Compiled and curated bi-monthly by the editors at:
Templegate Information Services Inc.

Environment & climate change

CANADA LEGISLATURE

The first session of the 44th Parliament extends from November 22, 2021, to the present. The House of Commons reconvened on **January 31, 2022**. The following lists the progress of current environment-related Bills:

GOVERNMENT BILLS

• **Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act.** Short title: Strengthening Environmental Protection for a Healthier Canada Act. Passed First Reading in the Senate: **February 9, 2022** - now at Second Reading. First, the bill introduces a right to a healthy environment for the first time in a federal statute in Canada. The bill would also encourage businesses to transition to the production and use of chemicals that are safer for the environment and human health.

In addition, the bill would require the development of a new plan of chemicals management priorities and would propose a new regime to manage toxic substances of highest risk. With the proposed amendments, CEPA would require that risk assessments consider real life exposure to the cumulative effects of substances on Canadians or the environment. Proposed amendments would also lead to the creation of a new publicly available Watch List so Canadians and businesses could see which substances they may wish to avoid.

Specifically, the enactment amends the Canadian Environmental Protection Act, 1999 to, among other things:

- expand certain regulation-making, information-gathering and pollution prevention powers under that Act, including by adding a reference to products that may release substances into the environment;
- expand the powers of the Minister of the Environment to vary either the contents of a significant new activity notice with respect to a substance not on the Domestic Substances List or to the contents of the List itself;
- extend the requirement to notify persons of the obligation to comply with the significant new activity provisions of the Act when a substance that is subject to those provisions is transferred to them;
- require that confidentiality requests made under section 313 of the Act be accompanied by reasons, and to allow the Minister of the Environment to disclose the explicit chemical or biological name of a substance or the explicit biological name of a living organism in certain circumstances.

The enactment also makes related amendments to the Food and Drugs Act to enable the assessment and management of risks to the environment associated with foods, drugs, cosmetics and devices by, among other things, enabling the Minister of Health to take measures in respect of the risks to the environment that a drug may present throughout its life cycle. Finally, the enactment repeals the Perfluorooctane Sulfonate Virtual Elimination Act. Access Bill S-5 at: <https://www.parl.ca/DocumentViewer/en/44-1/bill/S-5/first-reading>

PRIVATE MEMBERS BILLS

- **Bill S-234, An Act to amend the Canadian Environmental Protection Act, 1999 (final disposal of plastic waste).** First Reading in the Senate: **December 16, 2021**. This Private Member's Bill would prohibit the export of certain types of plastic waste to foreign countries for final disposal. Access Bill S-234 at: <https://www.parl.ca/DocumentViewer/en/44-1/bill/S-234/first-reading>
- **Bill C-234, An Act to amend the Greenhouse Gas Pollution Pricing Act.** First Reading on **February 7, 2022**. This Private Member's Bill would amend the Greenhouse Gas Pollution Pricing Act to expand the definition of eligible farming machinery and extend the exemption for qualifying farming fuel to marketable natural gas and propane. Access at: <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-234/first-reading>
- **Bill C-235, An Act respecting the building of a green economy in the Prairies.** First Reading on **February 7, 2022**. This Private Member's Bill would require the government to develop a framework for local cooperation and engagement in the implementation of federal programs across various sectors to build a green economy in the Prairie provinces. Access at: <https://www.parl.ca/legisinfo/en/bill/44-1/c-235>

CANADA GAZETTE NOTICES

February 12, 2022, Canada Gazette Part I

Public consultation process for the development of recycled content for certain plastic manufactured items regulations under the Canadian Environmental Protection Act, 1999.

The Government of Canada is seeking feedback from interested parties on the proposed development of regulations under the Canadian Environmental Protection Act, 1999 (CEPA) that would set minimum recycled content requirements for certain plastic manufactured items.

This notice of intent is to inform, and seek early feedback from, interested parties regarding the development of the regulations.

The Regulations would establish recycled content requirements on the basis of product application (for example, beverages) and format (for example, rigid containers). They could apply to any business that manufactures, imports, or sells the items in Canada.

Environment and Climate Change Canada (ECCC) proposes to target packaging in the initial version of the proposed Regulations. Packaging formats can include bottles, rigid, flexible, and foam containers, film (for example, shrink wrap), and others.

Short-term (for example, 2025) and longer-term (for example, 2030) requirements, with percentage targets differentiated for each of the following categories:

- Beverage containers;
- Bottles (other than those in direct contact with food);
- Non-bottle rigid containers and trays (other than those in direct contact with food);
- Foam packaging (other than those in direct contact with food);
- Film and flexible plastic packaging (other than those in direct contact with food);
- Garbage bags, excluding organic bin liners; and
- Waste bins.

Timeline: The Department of the Environment will be consulting stakeholders and interested parties on this proposal through early 2022, including through virtual engagement sessions. Parties interested in attending these sessions are asked to contact the Department at the following address:

ContenuRecycleRecycledContent@ec.gc.ca

A technical issues paper outlining more details of the proposed regulations is available at:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/technical-issues-paper-recycled-content-plastic-manufactured-regulations.html>

Background: The vast majority of plastic products on the market today are made from primary (virgin) resins, which are derived from non-renewable fossil sources (oil, gas or coal). The success of recycling in "closing the material loop" relies on the use of recycled plastics in the manufacture of new products. The main goal of minimum recycled content requirements would be to strengthen the market demand for recycled plastics. This in turn would create market pressures for increased collection, sorting and recycling of plastic waste. It would also create incentives for investments in supportive infrastructure and in innovation, such as in improved product design for recycling.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-02-12/html/notice-avis-eng.html#ne2>

CANADA GAZETTE NOTICES

February 12, 2022, Canada Gazette Part I

Notice with respect to the substances in the National Pollutant Release Inventory (NPRI) for 2022, 2023 and 2024

This notice sets out the requirements for reporting to the NPRI for three individual calendar years - 2022, 2023 and 2024. Information for the 2022 calendar year must be submitted by **June 1, 2023**. Information for the 2023 calendar year must be submitted by June 3, 2024. Information for the 2024 calendar year must be submitted by June 2, 2025.

Changes to reporting requirements which are in effect as of the 2022, 2023 and 2024 calendar years include the deletion of two substances from the Part 1, Group A, list: Hexachlorocyclopentadiene (CAS RN 77-47-4) and Methyl iodide (CAS RN 74-88-4); and the addition of one substance to the Part 1, Group B, list: Chlorhexidine and its salts (CAS RN 55-56-1).

Changes that apply to all substances

- Facilities are now required to indicate the reason a substance is being reported for the first time.
- Facilities are now required to report any applicable identification number for their provincial or territorial operating permit, approval, authorization, licence, or certificate or any other applicable provincial or territorial environmental program identifier.
- Two new bases of estimate have been added to the list that facilities are permitted to use to estimate substance quantities: remote quantification and speciation profile.
- The names of three categories of air releases have been changed:
 - "Storage or handling releases" has been changed to "storage tank and related handling releases." Releases that are not associated with storage tanks that were previously reported under this category will now be reported as stack or point releases or fugitive releases.
 - "Spills" has been changed to "spills or other accidental releases." This is a change to the name only.
 - "Road dust" has been changed to "unpaved road dust." This is a change to the name only.

Changes to the requirements for reporting Part 4 Criteria Air Contaminants

Among other things:

- Changes have been made to the requirements for Part 4 criteria air contaminants (CACs) in order to increase individual stack reporting.
- Facilities reporting stack or point releases of PM_{2.5}, PM₁₀ or total particulate matter must now indicate if their reported releases include condensable particulate matter.

Changes to the requirements for reporting Part 5 substances

Among other things:

- Changes have been made in order to simplify the requirements for reporting Part 5 speciated volatile organic compounds (VOCs).

Reporting requirements

For those who meet the requirements of this notice, reporting is mandatory. Obtaining the relevant guidance documents is the responsibility of the person required to report under this notice. Visit the NPRI website at: <https://www.canada.ca/en/services/environment/pollution-waste-management/national-pollutant-release-inventory.html> or contact Environment and Climate Change Canada for guidance documents.

Persons who submitted reports for a previous year are strongly encouraged to update their information, through the Single Window reporting system or by contacting Environment and Climate Change Canada directly, if there has been a change in the name, telephone number, or email address of the contacts identified for the facility since the submission of the report for the previous year; there is a change in the owner or operator of a facility for which a report has been submitted for the previous year; or

the person becomes aware that the information submitted for any previous year was mistaken or inaccurate.

Reports should be made using Environment and Climate Change Canada's Single Window reporting system at: <https://www.canada.ca/en/environment-climate-change/services/reporting-through-single-window.html>

For more information, access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-02-12/html/sup1-eng.html>

February 5, 2022, Canada Gazette Part I

Guidelines for Canadian drinking water quality for 2,4-dichlorophenoxyacetic acid (2,4-D)

2,4-D is an herbicide used mainly to control broadleaf weeds. In 2018 (the most recent year for which data are available), it was one of the top 10 active ingredients sold in Canada.

The maximum acceptable concentration (MAC) for 2,4-D in drinking water - now set at: 0.10 mg/L (100 µg/L) - is considered to be protective against health effects from exposure to 2,4-D in drinking water over a lifetime.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nb4>

CANADA GAZETTE NOTICES (continued)

February 5, 2022, Canada Gazette Part I

Notice of intent to implement enhanced train control standard in Canada

In part in response to the negative human health and environmental impacts associated with train derailments, Transport Canada has posted notice that it intends to move forward with amendments to the regulatory framework to ensure the safety benefits of "enhanced train control" (ETC) are realized in Canada.

As a starting point, Transport Canada has entered a Memorandum of Understanding with the Standards Council of Canada to develop a national technical specification on "interoperability". This technical specification will be an essential first step for ETC implementation, ensuring that critical information, such as train position and train speed, can be communicated reliably and securely between railways, notwithstanding the chosen train control technology. Comment deadline: **until April 30, 2022**. Access Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nc2>

CANADA CONSULTATIONS

- **Draft refrigeration protocol for reducing GHG emissions.** Environment and Climate Change Canada (ECCC) is seeking input on the development of a draft protocol on Reducing Greenhouse Gases from Refrigeration Systems. Access the Protocol at:

<https://www.canada.ca/en/environment-climate-change/services/climate-change/pricing-pollution-how-it-will-work/output-based-pricing-system/federal-greenhouse-gas-offset-system/reducing-greenhouse-gas-emissions-refrigeration-systems-protocol.html>

To submit feedback, email the Offsets and Emissions Trading Section at: creditscompensatoires-offsets@ec.gc.ca. The public comment period closes on **February 18, 2022**.

- **Draft protocol to reduce pollution from Canada's landfills.** New regulations are being proposed to encourage landfills to take action to reduce methane emissions and maximize methane recovery. To this end, the government has launched consultations on the draft Landfill Methane Recovery and Destruction protocol developed for use under the Greenhouse Gas Offset Credit System Regulations along with a discussion paper entitled *Reducing methane emissions from Canada's municipal solid waste landfills*. Comment deadline: **April 13, 2022**. Access consultation website at:

<https://www.canada.ca/en/environment-climate-change/news/2022/01/government-of-canada-seeks-feedback-on-new-measures-to-reduce-pollution-from-canadas-landfills.html>

- **Consultation on the development of recycled content for certain plastic manufactured items.** As reported on page 2 of this issue of *EHSRA*, the Government is seeking feedback on the proposed development of regulations that would set minimum recycled content requirements for certain plastic manufactured items. A technical issues paper outlining more details of the proposed regulations is available at:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/technical-issues-paper-recycled-content-plastic-manufactured-regulations.html>

The government will be consulting stakeholders and interested parties on this proposal through early 2022, including through virtual engagement sessions. Parties interested in attending these sessions should contact the Department at: ContenuRecycleRecycledContent@ec.gc.ca

- **Consultations on the availability of environmental occurrences notification agreements.** The government has negotiated an environmental occurrences notification agreement with the government of each of the following jurisdictions: Alberta, British Columbia, Manitoba, Ontario, Saskatchewan and Yukon. The agreements are available for consultation on the CEPA Environmental Registry website at:

<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/agreements/occurrences-notification.html>

Comment deadline: **March 28, 2022**. Access the January 29, 2022 Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-01-29/html/notice-avis-eng.html#n11>

- **Deadline extended on consultations on Canada's 2030 emissions reduction plan.** The government recently extended the initial consultation period on Canada's 2030 emissions reduction plan to January 21, 2022. Since the engagement process launched on December 10, 2021, the federal government has received approximately 20,000 public submissions on the plan. The government intends to finalize the plan no later than **March 29, 2022**.

Those interested in making a submission specific to the 2030 emissions reduction plan can do so at:

<https://eccc.sondage-survey.ca/f/LanguageSelection.aspx?s=4132165a-69ff-455b-9208-24be193aa656>

CANADA CONSULTATIONS (continued)

- **Proposed Single-Use Plastics Prohibition Regulations engagement ends March 5, 2022.** Access the consultation website at:
<https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/consultations/share-your-thoughts-proposed-single-use-plastics-prohibition-regulations.html>
- **Parks Canada National Planning Permit Process - Phase 2 engagement ends March 4, 2022.** Parks Canada are now seeking feedback on: the Land Use Planning Regulations and the accompanying Interpretive Guidelines. Access consultation website at: <https://parkscanadaplanningpermits.ca/>
- **St Lawrence Estuary Area of Interest - engagement ends March 31, 2022.** Fisheries and Oceans Canada is consulting on the design of a proposed St Lawrence Estuary Marine Protected Area (MPA). Access more information at: <https://www.dfo-mpo.gc.ca/oceans/canada-quebec-agreement-entente/index-eng.html#estuary>
- **Wave 2 engagement on policy and regulatory initiatives for fish and fish habitat protection.** The Fish and Fish Habitat Protection Program (FFHPP) is consulting while it deliberates the development of various initiatives, including a Prescribed Works and Waters Regulation and a Fisheries Act Registry. Comment deadline: **June 30, 2022.** Access consultation website at: <https://www.talkfishhabitat.ca/>

Species at Risk consultations - February 2022

- 2022-02-10 Management Plan for the Baikal Sedge (*Carex sabulosa*) in Canada [Proposed]
- 2022-02-10 Management Plan for the Evening Grosbeak (*Coccothraustes vespertinus*) in Canada [Proposed]
- 2022-02-10 Management Plan for the Spiked Saxifrage (*Micranthes spicata*) in Canada [Proposed]
- 2022-02-04 Species at Risk Act Annual Report 2020
- 2022-02-03 Management Plan for Yukon Podistera (*Podistera yukonensis*) in Canada [Proposed]
- 2022-02-02 Critical Habitat of the Gattinger's Agalinis (*Agalinis gattingeri*) Order
- 2022-02-02 Recovery Strategy and Action Plan for the Spotted Gar (*Lepisosteus oculatus*) in Canada [Proposed]
- 2022-02-02 Report on the Progress of Recovery Strategy Implementation for Western Silvery Minnow (*Hybognathus argyritis*) in Canada for the Period 2013 to 2019

For details and links relative to the above consultations, access the Species At Risk website at:

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/publications-news.html>

Impact Assessment Agency of Canada - Current consultations

- **Government of Canada Releases the Final Decision on the Énergie Saguenay Project.** On **February 7, 2022**, the Impact Assessment Agency of Canada (the Agency) concluded that the Énergie Saguenay Project is likely to cause significant adverse environmental effects related to an increase in the pollutant greenhouse gas emissions, marine mammals, including the St. Lawrence beluga whale, and the cultural heritage of the Innu First Nations. Subsequently, the Governor in Council determined the potential significant adverse effects of the project are not justified in the circumstances. Access the decision statement at:
<https://iaac-aeic.gc.ca/050/evaluations/document/142756?culture=en-CA>
- **Eskay Creek Revitalization Project - participant funding available.** Funding is available for eligible individuals and groups to participate in the impact assessment planning for an open-pit gold and silver mine located northwest of Stewart, British Columbia. Applications received by **March 3, 2022**, will be considered:
<https://iaac-aeic.gc.ca/050/evaluations/document/142694?culture=en-CA>
- **Upper Beaver Gold Project - Comment period on the draft Tailored Impact Statement Guidelines and draft Public Participation Plan.** The draft Guidelines outline the specific factors to be considered in the assessment of the Upper Beaver Gold Project, located 20 kilometres northeast of Kirkland Lake, Ontario. Comment deadline: **March 12, 2022:** <https://iaac-aeic.gc.ca/050/evaluations/document/142682?culture=en-CA>
- **Notice of Public Hearing for the Marathon Palladium Project.** The public hearing has been postponed to **March 14, 2022:** <https://iaac-aeic.gc.ca/050/evaluations/document/142333?culture=en-CA>
- **Roberts Bank Terminal 2 Project - public comments invited on additional information and potential conditions.**
- **Cedar LNG Project - participant funding available.** Applications received by **February 25, 2022**, will be considered. More details at: <https://iaac-aeic.gc.ca/050/evaluations/document/142646?culture=en-CA>

CANADA ANNOUNCEMENTS

- **Canada Launches Call for Proposals for Indigenous-led Clean Fuels Projects**

On **February 11, 2022**, the government launched a call for proposals for Indigenous-led projects to build new or expand existing clean fuel production capacity in Canada.

As a component of the Clean Fuels Fund, this Call for sProposals targets new production and feasibility projects at the commercial scale in advanced states of readiness. Projects for the production of clean liquid or gaseous fuels - such as hydrogen, advanced ethanol and renewable diesel - are eligible for consideration. Feasibility and front-end engineering design studies can receive up to 75 percent of eligible costs to a maximum of \$5 million, while production projects may receive support of up to 50 percent of total eligible costs to a maximum of \$150 million each. Access release at:

<https://www.canada.ca/en/natural-resources-canada/news/2022/02/canada-launches-call-for-proposals-for-indigenous-led-clean-fuels-projects.html>

- **Raising Awareness on Zero-Emission Vehicles in Canada**

On **February 11, 2022**, the government announced a combined investment totalling \$4,646,577 to 22 organizations in Canada to undertake zero-emission vehicle (ZEV) awareness projects. Federal funding for such projects is provided through Natural Resources Canada's Zero-Emission Vehicle Awareness Initiative. Access February 11 release at:

<https://www.canada.ca/en/natural-resources-canada/news/2022/02/government-of-canada-raises-awareness-on-zero-emission-vehicles.html>

Related announcement: On **February 8, 2022**, the government announced a combined investment of over \$450,000 to support two zero-emission vehicle (ZEV) awareness projects. Electric Autonomy Canada will receive a \$176,375 investment to develop and launch an awareness initiative for light- and medium-duty fleets on the benefits of electric vehicles (EVs). In addition, the Canadian Automobile Association (CAA) will receive a \$285,000 to develop an interactive EV Buyer's Guide that provides information on critical elements of EV ownership. Access February 8 release at:

<https://www.canada.ca/en/natural-resources-canada/news/2022/02/canada-raising-awareness-on-zero-emission-vehicles-in-canada.html>

- **New EV Chargers Coming to Alberta, New Brunswick and Ontario**

On **February 4, 2022**, the government announced an investment of \$3.9 million in Green Economy Canada to help support the installation of up to 350 electric vehicle (EV) chargers across Alberta, New Brunswick and Ontario. Access details at:

<https://www.canada.ca/en/natural-resources-canada/news/2022/02/new-ev-chargers-coming-to-alberta-new-brunswick-and-ontario.html>

- **Canada supporting sustainable and innovative construction with wood**

On **February 3, 2022**, the Honourable Jonathan Wilkinson, Minister of Natural Resources, announced an \$887,000 investment to support the replacement of the Duchesnay Creek Bridge that connects the City of North Bay and the Nipissing First Nation. Funding for this project is provided through Natural Resources Canada's Green Construction through Wood (GCWood) program, which encourages the use of wood in non-traditional construction projects, such as tall and low-rise non-residential buildings and bridges. Access details at: <https://www.canada.ca/en/natural-resources-canada/news/2022/02/canada-supporting-sustainable-and-innovative-construction-with-wood.html>

- **Pan-Canadian Geoscience Strategy endorsed**

On **February 3, 2022**, the Honourable Jonathan Wilkinson, Minister of Natural Resources, endorsed the Pan-Canadian Geoscience Strategy, outlining Canada's intention to produce world-leading geoscience to meet growing global demand for responsibly sourced minerals and metals. Access details at:

<https://www.canada.ca/en/natural-resources-canada/news/2022/02/pan-canadian-geoscience-strategy-enhancing-data-knowledge-and-access-for-a-stronger-future.html>

- **Canada supports the expansion of Kitaskino Nuwenënë Wildland Park**

On **February 2, 2022**, the Minister of Environment and Climate Change, the Honourable Steven Guilbeault, and Chief Peter Powder of the Mikisew Cree First Nation announced a large expansion of the Kitaskino Nuwenënë Wildland Park in Northern Alberta. Through \$5.3 million in funding under the Canada Nature Fund, the Mikisew Cree First Nation and the Government of Alberta have expanded the park's existing western border. Access details at:

<https://www.canada.ca/en/environment-climate-change/news/2022/02/government-of-canada-supports-the-expansion-of-kitaskino-nuwenene-wildland-park-and-boosts-conservation-efforts.html>

CANADA MANAGEMENT RESOURCES

Webinar series on Environmental Emergencies Regulations, 2019

Environment and Climate Change Canada will be hosting a webinar series in order to provide a better understanding of the requirements under the Environmental Emergency Regulations, 2019 (E2 Regulations, 2019). The E2 program has prepared five different webinars on specific E2 Topics to be presented over the next months.

1. An Introduction to the E2 regulations: February 22, 2022 1:00 pm – 2:00 pm ET
2. Container systems: March 23, 2022 – 1:00 pm – 2:00 pm ET
3. Development of scenarios in an E2 plan: April 20, 2022 – 1:00 pm – 2:00 pm ET
4. Simulation Exercises: May 25, 2022 – 1:00 pm – 2:00 pm ET
5. Public Notification: June 22, 2022 – 1:00 pm – 2:00 pm ET

Access more information at:

https://teams.microsoft.com/join/018MdludkGcyUVNvK5iA.H9QaX04X5kGjGspZSh6bFA.NrQFZoaBExKfCzY99BKQ.ajK1rS23_UqnSUJdyoRoTA.3_kjOUe00-FVUXThFK9kg.wlqLX035UuQtmZZN8A8A?mode=read&tenantid=740c5fd3-6e8b-4176-9cc9-4540be4e62c4&skipauthstrap=1

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ALBERTA LEGISLATURE

The second session of the 30th Legislature adjourned on December 8, 2021.

Recent environment and climate change Bills are as follows:

- **Bill 82, Mineral Resource Development Act.** Royal Assent: **December 2, 2021**. Among other things, the Bill aims to “provide for the responsible management of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants throughout their life cycles”:
https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211125_1330_01_han.pdf#page=19
- **Bill 83, Environmental Protection and Enhancement Amendment Act, 2021.** Royal Assent: **December 2, 2021**. The Bill sets the foundation for Alberta to implement an extended producer responsibility (EPR) system in 2022: https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20211125_0900_01_han.pdf#page=17
- **Bill 86, Electricity Statutes Amendment Act, 2021.** Passed Second Reading: **November 24, 2021**. The amendments allow the integration of energy storage into the interconnected electricity system. Access at: <https://www.assembly.ab.ca/assembly-business/bills/bill?billinfolid=11946&from=billshttps://www.assembly.ab.ca/assembly-business/bills/bill?billinfolid=11946&from=bills>
- **The Geothermal Resource Development Act, formerly Bill 36,** was proclaimed in force on **December 8, 2021**. The Act establishes the Alberta Energy Regulator (AER) as the primary regulator for deep geothermal energy developments in Alberta. For more information, email: geothermal@aer.ca.

ALBERTA GAZETTE NOTICES

January 15, 2022, Alberta Gazette

Activities Designation Amendment Regulation amended to accommodate hydrovac facilities

Reminder: The Activities Designation Regulation (AR 276/2003) is amended by Alberta Regulation 262/2021 to include new provisions related to the construction, operation or reclamation of a hydrovac facility that (i) accepts and treats not more than 50,000 tonnes of hydrovac waste per year, or (ii) accepts not more than 50,000 tonnes of hydrovac waste per year for reuse.

A new Hydrovac Code of Practice defines “hydrovac” as “an excavation process to create an opening in the ground surface and through the subsurface wherein pressurized water (liquid) is used to loosen surface or subsurface material, which is then vacuumed and removed from the excavation opening that is created”.

Access the Code at:

<https://open.alberta.ca/dataset/c1787ed5-bc33-4130-a528-e6ac3c3de636/resource/129eb14a-ed37-4e5b-a71a-a158fec6e6d4/download/aep-code-of-practice-for-hydrovac-facilities.pdf>

The Activities Designation regulation identifies activities affecting the environment for which approval, registration, or notifications are required. Access the Regulation (updated as of **January 2, 2022**) at:

https://www.qp.alberta.ca/1266.cfm?page=2003_276.cfm&leg_type=Regs&isbncIn=9780779828265

Access the Gazette Notice (page 1274) at:

https://www.qp.alberta.ca/documents/gazette/2022/pdf/01_Jan15_Part2.pdf

ALBERTA MANAGEMENT RESOURCES

- **Forest management units [map]**. Updated on **February 7, 2022**. A provincial map showing current forest management units. Access at:
<https://open.alberta.ca/dataset/c8820682-b6ef-45f6-839a-238a22d4ac1b/resource/83c5773d-ee30-4a50-96c3-a9af0361fb22/download/afred-provincial-fmu-map-2022-02-07.pdf>
- **Forest management agreement boundaries [map]** Updated on **February 7, 2022**. A provincial map showing forest management agreement boundaries. Access at:
<https://open.alberta.ca/dataset/365e56fd-1280-4e4a-afc0-59fbc7ce4932/resource/806f7f34-6652-4f1c-a993-e2ce337eca7d/download/afred-fma-boundaries-map-2022-02-07.pdf>
- **Oil Sands Environmental Monitoring Program Regulation [reminder]**. Posted on **January 31, 2022**, the updated regulation establishes the Oil Sands Environmental Monitoring Program and provides rules, provisions and stipulations enabling the collection of monitoring fees from oil sands operators, access to the land for monitoring, and for providing records necessary for the determination of an assessment. Access at:
https://www.qp.alberta.ca/1266.cfm?page=2013_226.cfm&leg_type=Regs&isbncIn=9780779828562
- **AMD reporting chapter: AMD notification template (AMD0) [reminder]**. Updated on **January 28, 2022**, this AMD notification template provides minimum requirements and submission guidelines for notifying the Director of specific air monitoring and industrial operation activities, as specified by the Air Monitoring Directive, Chapter 9 Reporting. Access at:
<https://open.alberta.ca/dataset/fe9655b6-82bf-420d-b57e-2054f674dc6a/resource/b0f9606d-3e91-4ca5-989e-8c8c76bd1423/download/aep-amd0-notification-template-2022-01.pdf>
- **Guidance on common air monitoring directive questions [reminder]**. Updated on **January 28, 2022**. This document provides guidance on common Air Monitoring Directive questions. Access at:
<https://open.alberta.ca/dataset/0d063d9c-5291-4af6-8e0f-8ddd8f87a1fd/resource/42b701e4-90ae-4cb4-9fd9-646fbd09cad7/download/amd-guidance-common-questions.pdf>
- **Human-induced intentional acts: Response and recovery plan. [reminder]**. Updated on **January 27, 2022**. In Alberta, a human-induced intentional act (HIIA) occurs when one or more persons use force or violence against persons or property and the responses to that act require the coordination of action between civil government and law enforcement to protect the safety, health, or welfare of people or to limit damage to property or the environment. This resource provides a hazard-specific consequence management plan that clarifies the roles, responsibilities, and communications pathways in respect to a HIIA. A HIIA is differentiated from other emergency and disaster response and recovery in that law enforcement has a defined police crisis management role separate from emergency management structures. This plan will apply when the coordination of crisis management and consequence management is necessary to resolve a HIIA. Municipalities are encouraged to update their emergency management plans to reflect the unique characteristics of a HIIA. Access at:
<https://open.alberta.ca/dataset/25a22f59-315c-489a-bb4a-b7d847f6e37c/resource/7d324c9f-4373-4cf7-8745-a9162fa5e3aa/download/jsg-human-induced-intentional-acts-response-and-recovery-plan-2022.pdf>

ALBERTA ENFORCEMENT

- **Enforcement actions [quarterly reports]**. Updated on **February 11, 2022**. This 18-page document lists enforcement actions under Alberta Environment and Parks current legislation over the past quarter. Access at:
<https://open.alberta.ca/dataset/63b4f75b-83b9-45a7-9532-bcfef225e69c/resource/839ff2f3-75c9-4c7b-a95d-4416f55ab648/download/aep-enforcement-actions-report-october-december-2021.pdf>

ALBERTA ANNOUNCEMENTS

Expanding the world's largest protected boreal forest

On **February 2, 2022**, the Alberta government announced that it was expanding Kitaskino Nuwenënë Wildland Provincial Park, nearly doubling the land area dedicated to conservation, recreation and supporting Indigenous People's traditional activities. The expansion adds more than 375,000 acres to the existing park in northeast Alberta, and to the largest contiguous area of protected boreal forest in the world. Access release at:
<https://www.alberta.ca/release.cfm?xID=81831505BD314-E6A4-4BC7-BAFF0D309BB93947>

BRITISH COLUMBIA LEGISLATURE

On **February 8, 2022**, Janet Austin, Lieutenant Governor of British Columbia, delivered the speech from the throne. Specific actions the government will take in the coming months include improving management of BC's land and resources by creating a new ministry to better support goals of reconciliation, economic development and environmental protection.

- **The Protected Areas of British Columbia Amendment Act, 2022.** Introduced in the Legislature on **February 10, 2022**, this legislation: adds lands to 10 existing parks; modifies the boundaries of two parks and two ecological reserves; and makes minor administrative changes to boundary descriptions. Access BC Parks legislation page at:
<https://bcparks.ca/about/legislation.html#:~:text=Protected%20Areas%20of%20British%20Columbia,and%20two%20ecological%20reserves%3B%20and>
- **Bill 24, Environmental Management Amendment Act, 2021.** Royal Assent: **November 25, 2021.** Among other things, Section 22 (2) is amended to prohibit or restrict the use, distribution, or sale of packaging, product containers or single-use products or any material used in packaging, containers or single-use products. Access at:
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/2nd-session/bills/progress-of-bills>
Related items: The Province announced it is expanding its CleanBC Plastics Action Plan to include a refund for milk and milk-substitute beverage containers. The deposit-refund system for milk containers comes into effect **February 1, 2022.** Access the Extended Producer Responsibility (EPR) Five-Year Action Plan at:
https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf

BRITISH COLUMBIA ANNOUNCEMENTS

Morrison Copper/Gold Mine refused environmental assessment certificate

On **February 7, 2022**, the Province announced that an environmental assessment certificate will not be issued to Pacific Booker Minerals Incorporated (PBM) for the Morrison Copper/Gold Project, following a decision by George Heyman, Minister of Environment and Climate Change Strategy, and Bruce Ralston, Energy, Mines and Low Carbon Innovation.

The company proposed an open-pit copper, gold and molybdenum mine and ancillary facilities with a project footprint of 2,028 hectares and production of 30,000 tonnes per day, located approximately 65 kilometres northeast of Smithers.

To view the ministers' reasons for decision and other information on the project, please visit the project page on the EAO website: <https://www.projects.eao.gov.bc.ca/p/588510b4aaecd9001b81467b/>
Access release at: <https://news.gov.bc.ca/releases/2022ENV0011-000166>

Province releases results of oil and gas royalty review public engagement

On **January 31, 2022**, the province announced that the majority of British Columbians who participated in the oil and gas royalty review public engagement are in favour of a revamped royalty system that puts the interests of British Columbians first and eliminates outdated, inefficient fossil-fuel subsidies, according to results published in a follow-up What We Heard report.

The majority of participants, at 77%, agreed with the conclusions of the government-commissioned independent assessment that the natural gas royalty framework is outdated and needs comprehensive reform with environmental protection being the most important goal. More than half of respondents also felt transitioning to a new royalty structure should be a priority.

The outcome of the royalty review is expected this spring.

Access the Royalty Review Engagement What We Heard report at:

<https://engage.gov.bc.ca/app/uploads/sites/121/2022/01/Royalty-Review-WWH-Report-Jan2022.pdf>

For more information about the Province's Royalty Review, visit: <https://engage.gov.bc.ca/royaltyreview>

Clean tech investments for industry to reduce emissions

On **January 31, 2022**, the province announced 25 projects that will support the adoption of cleaner technologies and reduce emissions in sectors such as pulp and paper, mining, oil and gas, and others. The funding brings the total emissions reduction from this program to six million tonnes of carbon dioxide equivalent (CO₂e).

The CleanBC projects are supported by more than \$70 million in carbon tax revenues paid by industry and are part of the program's Emissions Performance stream. Industry proponents are contributing \$74.5 million, with an additional \$22 million coming from sources such as BC Hydro, FortisBC and other government programs, for a total combined investment of more than \$166 million.

Access release at: <https://news.gov.bc.ca/releases/2022ENV0004-000139>

BRITISH COLUMBIA CONSULTATIONS

BC consulting on measures to secure watersheds

Reminder: On **January 25, 2022**, the Province announced that it is developing BC's first Watershed Security Strategy and Fund. The first step is to explore key themes, including governance, climate change, ecosystems and sources of drinking water, as well as community and economic stability, through the release of a discussion paper for feedback. The deadline for public comment on the discussion paper is **March 18, 2022**.

To share your thoughts about development of the strategy, visit: <https://engage.gov.bc.ca/watershedsecurity>

BRITISH COLUMBIA COMPLIANCE REMINDERS

March 1 deadline for groundwater users to apply for licence renewal

On February 2, 2022, the Province announced that the deadline to apply for a water licence for "existing groundwater users" is **March 1, 2022**. "Existing groundwater users" are those who were using groundwater from a well or dugout on or before February 29, 2016, for non-domestic purposes, such as irrigation, commercial or industrial use. There may be serious consequences for water use if the March 1, 2022, deadline is missed. Existing groundwater users who have not applied by the deadline will be unauthorized and must stop using water immediately. Those who miss the deadline will be treated as a "new user." Water licence applications made after the deadline will not benefit from the waived application fee and may require costly studies to support an application. To simplify compliance, the online application has been improved and one-on-one assistance for submitting an application is available through FrontCounter BC at email: FrontCounterBC@gov.bc.ca or through portal at: <https://portal.nrs.gov.bc.ca/web/client/contact>. More information about water licences can be found at: www2.gov.bc.ca/assets/gov/environment/air-land-water/water/gwlicensingqas-2020.pdf

Methane leak detection and repair (LDAR) reports requested by March 31, 2022 (INDB 2022-01)

The BC Oil and Gas Commission has moved up the date for the annual submission of methane leak detection and repair (LDAR) data pertaining to the 2021 reporting year to **March 31, 2022**. For information on the electronic submission of methane LDAR reports, refer to the eSubmission User Guide at: <https://www.bcogc.ca/files/operations-documentation/eSubmission/eSubmission-User-Guide.pdf>

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MANITOBA COURT DECISION

\$8B settlement in First Nations' drinking water class action 'historic' Manitoba chief says

Thousands of people who have been affected by years-long drinking water advisories could see compensation, after courts approved an \$8-billion class-action settlement in what one chief called a "historic moment" for First Nations in Canada.

On **December 24, 2021** Canada's Federal Court and Manitoba's Court of Queen's Bench issued a joint decision approving the settlement in two national class-action lawsuits launched against the federal government by First Nations living under drinking water advisories.

In *Tataskweyak Cree Nation v. Canada (Attorney General)*, the Courts determined that, in addition to an infrastructure commitment of at least \$6 billion to support reliable access to safe drinking water on reserves, \$1.5 billion should be awarded in compensation to individuals deprived of clean drinking water; and a \$400-million First Nation Economic and Cultural Restoration Fund should be created, along with the creation of a First Nations Advisory Committee on Safe Drinking Water.

The court determined the First Nations Drinking Water Settlement Agreement to be "fair and reasonable and in the best interests of the Class as a whole." Access the decision at:

https://www.manitobacourts.mb.ca/site/assets/files/1042/tataskweyak_cree_nation_et_al_v_canada_a_g_curve_lake_first_nation_et_al_v_canada_a_g_2021_mbcq_276.pdf

Access related article on this case and class actions generally by McCarthy Tétrault at:

<https://www.mccarthy.ca/en/class-action-litigation-drinking-water-advisories-first-nations>

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NEW BRUNSWICK LEGISLATURE

The Second Session of the Sixtieth Legislature formally opened on **November 2, 2021**.

- **Bill 70, An Act to Amend the Beverage Containers Act.** Royal Assent: **December 17, 2021**. Among other things, "no later than February 21, 2022, a distributor shall submit to the Minister a plan for the recycling or refilling of a beverage container for each type of beverage container used for beverages for which it will act as a distributor as of **April 1, 2022**". Access Bill 70 at: <https://www.gnb.ca/legis/bill/FILE/60/1/Bill-70-e.htm>

NEW BRUNSWICK CONSULTATIONS

Public participation process begins for renewal of air quality approval for McCain Foods

On **February 7, 2022**, the provincial government announced that it is starting the 180-day public participation process for the renewal of the Class 1 Air Quality Approval to Operate for the McCain Foods frozen food processing plant in Grand Falls. The company's current approval expires on August 15, 2022. Access the public participation website at: https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/air_quality/clean_air/current_public_reviewprocesses.html Class 1 major industries are required to comply with the Air Quality Regulation under the Clean Air Act, and to operate under the terms and conditions established in the approval to operate. Current and planned public review processes underway for Class 1 air quality approvals and air quality objectives include: Irving Pulp & Paper, Limited; Arauco Canada Limited; and Skretting.

Engagement to begin on renewed climate change action plan

Reminder: The standing committee on climate change and environmental stewardship recently announced that it will be hearing presentations re: updating its climate change action plan. The online public consultation period closes on **February 24, 2022**. The new plan is expected this summer. Access details at: https://www2.gnb.ca/content/gnb/en/news/news_release.2022.01.0006.html

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NEWFOUNDLAND & LABRADOR ANNOUNCEMENTS

Minister Davis Announces Call for Applications for Climate Change Challenge Fund

Reminder: On **January 27, 2022**, the Honourable Bernard Davis, Minister of Environment and Climate Change, announced a call for applications for the province's Climate Change Challenge Fund. The Fund is a competitive grant-based program designed to encourage the implementation of cost-effective greenhouse gas emission reduction projects. The program is open to organizations of all sizes across commercial, municipal, not-for-profit sectors, and Indigenous governments and organizations. Applications must be submitted no later than **March 18, 2022**. Projects must be completed no later than **December 31, 2023** to be eligible. Complete eligibility and application guidelines are available at: <https://www.gov.nl.ca/ecc/occ/low-carbon-economy-programs/climatechangechallenge/>. For questions about the program, call 709-729-1394 or email: climatechange@gov.nl.ca.

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NOVA SCOTIA LEGISLATURE

- **Bill 57, the Environmental Goals and Climate Change Reduction Act.** Royal Assent: **November 5, 2021**. This government Bill sets 28 new goals, including: phasing out coal-fired electricity generation by 2030; supplying 80 per cent of Nova Scotia's energy via renewable energy by 2030; conserving at least 20 per cent of total land and water mass; modernizing the environmental assessment process to include consideration of cumulative impacts; limiting annual solid waste disposal rates to 300 kilograms per person by 2030; and stipulating that 30 per cent of vehicle sales by 2030 must comprise zero-emission vehicles. Access Act at: <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-57>

Reminder: Stakeholder consultations on expanding the province's extended producer responsibility (EPR) program to include packaging, single-use plastics and paper, began on **January 10, 2021**. Input will be used to help design the new waste management model required by the Environmental Goals and Climate Change Reduction Act. Release: <https://novascotia.ca/news/release/?id=20211210007>

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ONTARIO LEGISLATURE

The second session of the 42nd Parliament opened on **October 4, 2021**. Recent environment-related Bills are as follows:

- **Bill 43, Build Ontario Act (Budget Measures), 2021**. Royal Assent: **December 9, 2021**. Among other things, Subsection 25 (3) of the Assessment Act is amended to provide that all disputes as to whether land is a pipe line for the transportation or transmission of gas are to be decided by the Ontario Energy Board (OEB). A new subsection 25 (3.1) of the Act sets out the conditions upon which an application to the OEB may be made. In addition, significant amendments are made with respect to the establishment of a joint body under section 7 of the Far North Act that would play an advisory role with respect to land use planning. The amendments require that the discussions be initiated by at least seven First Nations that meet the criteria set out in section 7. Access Bill 43 at: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-43>
- **Bill 13, Red Tape Reduction Bill, the Supporting People and Business Act**. Royal Assent: **December 2, 2021**. Among other things, Bill 13 amendments would give the government greater control over the type of environmental assessment a project requires. Access Bill 13 at: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-10/b013_e.pdf

ONTARIO ANNOUNCEMENTS

Ontario launches storm, wastewater consultation with new \$25M boost for infrastructure

On **February 5, 2022**, Ontario announced that it is investing \$15 million to help 18 municipalities optimize stormwater and wastewater infrastructure, plus another \$10 million to upgrade sewage monitoring and public reporting capacity, all while launching a new public consultation.

Eligible municipalities, including places like Toronto, Peterborough, Hamilton, Napanee, Niagara, and Kingston, can use the new funding to build stormwater and wastewater infrastructure, upgrade sewers and pumping stations, or clean out debris from stormwater management ponds.

In addition, new funding to improve monitoring and public reporting capacity of sewage overflows and by-passes will go to those municipalities that had the largest average yearly volume of combined sewage overflows across the province from 2015 to 2019 as reported through the federal Wastewater System Effluent Regulation.

Included are municipalities such as London, Ottawa, Thunder Bay, Windsor, Parry Sound and Hamilton.

An accompanying discussion paper seeks feedback about ideas and solutions for improving the management of municipal wastewater and stormwater issues in the province, including topics such as the management of hauled sewage from private septic systems; improving public access to data on wastewater and stormwater discharge; and changing the way stormwater is managed in urban areas.

The province is also seeking input on a proposed sub-watershed planning guide to help municipalities and other planning authorities with land use and infrastructure planning.

The proposals are featured in a series of postings on the Environmental Registry of Ontario, which are discussed in more detail in the ERO section below. Access the discussion paper at:

<https://prod-environmental-registry.s3.amazonaws.com/2022-01/Municipal%20Wastewater%20and%20Stormwater%20Discussion%20Paper%202022.pdf>

ONTARIO ENVIRONMENTAL REGISTRY (ERO) NOTICES

Note: Posts remain until the expiry of the comment deadline dates.

- **Low Impact Development Stormwater Management Guidance Manual**

ERO # 019-4971; posted by the Ministry of the Environment, Conservation and Parks on **January 27, 2022**; Comment deadline: **March 28, 2022**

This new guidance manual provides information on innovative stormwater management practices, including green infrastructure (also known as low impact development) that uses techniques that mimic the natural environment and allow rainwater to be absorbed where it falls. Examples include rain gardens, green roofs, urban trees, permeable pavement and rainwater harvesting that can minimize the harmful impacts of stormwater runoff. Access the draft guidance manual at:

<https://prod-environmental-registry.s3.amazonaws.com/2022-01/Draft%20LID%20Stormwater%20Management%20Guidance%20Manual%202022.pdf>

Access the ERO posting at: <https://ero.ontario.ca/notice/019-4971>

ONTARIO ERO NOTICES (continued)

Note: Posts remain until the expiry of the comment deadline dates.

• **Municipal Wastewater and Stormwater Management in Ontario Discussion Paper**

ERO # 019-4967; posted by the Ministry of the Environment, Conservation and Parks on **January 27, 2022**; Comment deadline: **March 28, 2022**

The discussion paper sets out the challenges and opportunities for improving municipal wastewater and stormwater management in Ontario. Access the discussion paper at:

<https://prod-environmental-registry.s3.amazonaws.com/2022-01/Municipal%20Wastewater%20and%20Stormwater%20Discussion%20Paper%202022.pdf>

Access the ERO posting at: <https://ero.ontario.ca/notice/019-4108>

• **Conservation Agreement for Boreal Caribou in Ontario**

ERO # 019-4995; posted by the Ministry of the Environment, Conservation and Parks on **February 4, 2022**; Comment deadline: **March 21, 2022**

The governments of Canada and Ontario are seeking input on proposals for a Conservation Agreement for Boreal Caribou in Ontario in order to improve the environmental conditions necessary for recovery of the boreal caribou at the range scale. Access details of the proposed agreement and how to submit feedback at:

<https://ero.ontario.ca/notice/019-4995>

• **Geologic Carbon Storage in Ontario**

ERO # 019-4770; posted by the Ministry of Northern Development, Mines, Natural Resources and Forestry on **January 11, 2021**; Comment by: **March 14, 2022**

The NDMNRF is proposing that changes be made to the Oil, Gas and Salt Resources Act that would:

- narrow the prohibitions on the injection of carbon dioxide so that the prohibition would only apply to the injection of carbon dioxide for the purpose of carbon sequestration, when used in association with a project to enhance the recovery of oil or gas; and
- add the government's ability to enter into agreements with companies that want to use wells to explore, test, pilot or demonstrate new technologies (such as carbon storage).

The Ministry is also proposing that changes be made to the Mining Act to permit it to grant authorizations to use Crown land for carbon storage activities. Access the ERO Notice at: <https://ero.ontario.ca/notice/019-4770>

• **Expanding administrative penalties for environmental contraventions**

ERO # 019-4108; posted by the Ministry of the Environment, Conservation and Parks on **January 27, 2022**; Comment deadline: **March 13, 2022**

Reminder: The Ministry is proposing to expand the use of administrative penalties to a broader range of environmental violations. The proposals would be introduced under 'plain language' regulatory amendments to the following (MECP) Acts: Environmental Protection Act; Nutrient Management Act, 2002; Ontario Water Resources Act; Pesticides Act; and Safe Drinking Water Act, 2002.

The following consequential amendments are to be made under the Environmental Protection Act:

- O. Reg. 675/98 - CLASSIFICATION AND EXEMPTION OF SPILLS AND REPORTING OF DISCHARGES will be updated to provide for electronic reporting regarding certain spills. Currently, the regulation requires that all reports regarding spills be made by phoning the Spills Action Centre. The reporting will also be amended to require all persons reporting spills to indicate if the pollutant spilled contains a toxic substance.
- O. Reg. 224/07 - SPILL PREVENTION AND CONTINGENCY PLANS will be amended to ensure the regulation continues to apply to those persons who own or operate plants that meet or met the criteria for environmental penalties as the environmental penalty regulations are being revoked. These are plants in nine industrial sectors – which are currently subject to the environmental penalty regulations.

The following consequential amendments are also proposed under the Safe Drinking Water Act, 2002:

- O. Reg. 242/05 - COMPLIANCE AND ENFORCEMENT will be amended by adding an administrative penalty as a type of mandatory action provincial officers can take in response to finding a deficiency during an inspection of a municipal residential drinking water system or finding an infraction at a licensed or eligible laboratory.

The Ministry is also proposing to update the ministry's compliance policy - specifically the compliance approach and compliance tools section, to incorporate the proposed administrative penalties. Updates to the compliance policy were recently posted on the Environmental Registry (Modernizing environmental compliance practices of the Ministry of the Environment, Conservation and Parks) at: <https://ero.ontario.ca/notice/019-2972>

Access details on the administrative penalties regulation in the "Consultation Guide on proposed regulations for the expansion of Administrative penalties" at:

<https://prod-environmental-registry.s3.amazonaws.com/2022-01/bi.%20Consultation%20Guide%20for%20Regulations%20to%20Expand%20A%20-%20Jan%202022%20-%20No%20LEG%20%20Clean.pdf>

Access the ERO posting at: <https://ero.ontario.ca/notice/019-4108>

ONTARIO ERO NOTICES (continued)

Note: Posts remain until the expiry of the comment deadline dates.

• Subwatershed Planning Guide

ERO # 019-4978; posted by the Ministry of the Environment, Conservation and Parks on **January 27, 2022**; Comment deadline: **March 13, 2022**

The best practices and practical approaches contained in this proposed Guide are intended to outline a general framework for subwatershed planning featuring information on, among other things: recommended steps, approach, and best practices for undertaking subwatershed planning; best practices for stakeholder and community engagement in the subwatershed planning process; and key technical tools and considerations to support subwatershed planning. Access the draft guide at:

https://prod-environmental-registry.s3.amazonaws.com/2022-01/DRAFT%20Subwatershed%20Planning%20Guide%202022_1.pdf

Access the ERO posting at: <https://ero.ontario.ca/notice/019-4978>

• Environmental assessment requirements for advanced recycling facilities under the EAA

ERO # 019-4867; posted by the Ministry of the Environment, Conservation and Parks on **January 14, 2022**; Comment deadline: **February 28, 2022**

The Ministry is developing new environmental assessment (EA) requirements for thermal treatment-based advanced recycling facilities under the Environmental Assessment Act.

Advanced recycling technologies recover materials that can be put to good use as feedstocks to create new products like lubricants, waxes and potentially the production of alternative fuels. The proposed changes will make it easier for advanced recycling facilities to obtain their environmental approval by clarifying how advanced recycling recovers resources from waste in ways similar to traditional recycling facilities. Access: *Advanced Recycling Backgrounder* at:

https://prod-environmental-registry.s3.amazonaws.com/2022-01/Advanced%20Recycling%20Backgrounder_Final.pdf

See also, *Plain Language Advanced Recycling Proposals* at:

https://prod-environmental-registry.s3.amazonaws.com/2022-01/Plain%20Language%20Advanced%20Recycling%20Proposals_Final.pdf

Access the ERO posting at: <https://ero.ontario.ca/index.php/notice/019-4867>

• Regulatory and policy proposals (Phase 2) under the Conservation Authorities Act

ERO # 019-4610; posted by the Ministry of the Environment, Conservation and Parks on **January 26, 2022**; Comment deadline: **February 25, 2022**

This proposal is predominantly financial and administrative in nature. Among other things, it lists municipal levy provisions, conservation authority (CA) budget processes, classes of programs and services that the Minister would approve for CAs to charge fees, and transparency of CA operations. To ensure a smooth transition by CAs to the new funding framework by **January 1, 2024**, the Ministry is proposing the next phase of regulatory and policy proposals as detailed in the CAA Phase 2 Regulatory and Policy Proposals Consultation Guide at:

https://prod-environmental-registry.s3.amazonaws.com/2022-01/CAA%20Phase%202%20Regulatory%20and%20Policy%20Proposals%20Consultation%20Guide_0.pdf

Access the ERO posting at: <https://ero.ontario.ca/notice/019-4610>

ONTARIO GAZETTE NOTICES

February 12, 2022, Ontario Gazette

Miscellaneous amendments made under the Endangered Species Act

The following amendments to the ESA posted to the Ontario Gazette all deal with the temporary suspension of statutory protections for Black Ash:

- O. Reg. 19/22: TEMPORARY SUSPENSION OF STATUTORY PROTECTIONS FOR BLACK ASH;
- O. Reg. 22/22: TEMPORARY SUSPENSION OF STATUTORY PROTECTIONS FOR BLACK ASH;
- O. Reg. 23/22: TEMPORARY SUSPENSION OF STATUTORY PROTECTIONS FOR BLACK ASH.

The following amendments to the ESA make additions and deletions to the Species at Risk in Ontario list:

- O. Reg. 24/22: SPECIES AT RISK IN ONTARIO LIST.

Miscellaneous amendments made under the Planning Act

The following amendments to the Planning Act posted to the Ontario Gazette deal with zoning orders:

- O. Reg. 37/22: ZONING ORDER—TOWN OF INNISFIL, COUNTY OF SIMCOE;
- O. Reg. 38/22: ZONING ORDER—CITY OF BRAMPTON, REGIONAL MUNICIPALITY OF PEEL;
- O. Reg. 39/22: ZONING ORDER—CITY OF RICHMOND HILL, REGIONAL MUNICIPALITY OF YORK;
- O. Reg. 40/22: ZONING ORDER—CITY OF KAWARTHA LAKES;
- O. Reg. 41/22: ZONING ORDER—TOWNSHIP OF ORO MEDONTE, COUNTY OF SIMCOE;
- O. Reg. 42/22: ZONING ORDER—CITY OF TORONTO.

Access the Gazette Notices at:

<https://www.ontario.ca/document/ontario-gazette-volume-155-issue-07-february-12-2022/publications-under-part-iii-regulations-legislation-act-2006>

QUEBEC LEGISLATURE

The National Assembly reconvened on **February 1, 2022**.

- **Bill 102, An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles.** Adopted on **December 1, 2021**. Currently under clause-by-clause consideration of the Committee on Transportation. Last sitting held on **February 10, 2022**.
 - **The bill amends the Dam Safety Act** to introduce a general requirement for owners to maintain their dams in working order such that they are unlikely to compromise the safety of persons or property.
 - **The bill amends the Pesticides Act** to regulate the use of seeds coated with pesticides, to provide powers in order to employ economic instruments and to establish rules for the possession of pesticides.
 - **The bill amends the Environment Quality Act** to require, in the case of an accidental release of contaminants, organizations to recover, clean or treat the matter contaminated by the release. In addition, the bill requires companies to record certain information relating to hazardous materials; and clarifies the Minister's powers and obligations to issue orders.
 - **With respect to the 2030 Plan for a Green Economy concerning zero emission vehicles**, the bill authorizes the Government to make a regulation limiting or prohibiting the sale or lease of certain classes of vehicles and authorizes the Minister to increase the number of zero-emission motor vehicles in Québec.Access the Bill at: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-102-42-1.html>

QUEBEC GAZETTE NOTICES

February 9, 2022; Gazette Officielle

Bill 59, An Act to modernize the occupational health and safety regime

The official version of this Act, assented to October 6, 2021, was published in the Gazette Officielle on **February 9, 2022**. Details of the main features of the legislation have been provided in previous issues of *EHSRA* and appear again in brief in the OH&S section of this issue on page 26.

Access the full text of the legislation in the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105493.pdf>

January 26, 2022; Gazette Officielle

Bill 103, An Act to amend various legislative provisions mainly for the purpose of reducing red tape

Reminder: The official version of this Act, assented to December 9, 2021, was published in the Gazette Officielle on **January 26, 2022**. Among other things, in the environmental sector, the Act extends the characterization study filing time to one year from the date of cessation of an industrial or commercial activity, while authorizing the minister responsible for the environment to grant additional time, and grants a 90-day period for filing a rehabilitation plan for approval if the study reveals the presence of contaminants.

Access the official text of Bill 103 in the Gazette at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105473.pdf>

January 26, 2022; Gazette Officielle

Draft Regulation under an Act to increase the number of zero-emission motor vehicles in Québec

Reminder: This draft Regulation progressively increases the number of credits that must be accumulated by an automobile manufacturer to meet its requirements in order to reach 100% of zero-emission motor vehicle sales in 2035. Access the draft regulation in the Gazette (p.194) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105485.pdf>

Limit on the number of credits that may be used by a motor vehicle manufacturer

Reminder: Among other things, this draft regulation governs the manner in which motor vehicle manufacturers will be able to meet the requirements of the zero emission vehicle standard after the 2025 model year. The changes are complementary to the amendments noted above.

Access the draft regulation in the Gazette (p.231) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105492.pdf>

QUEBEC GAZETTE NOTICES (continued)

January 26, 2022; Gazette Officielle

Draft Regulation re: deposit system for certain containers

Reminder: The draft Regulation requires certain persons to develop, implement and contribute financially to a deposit system for certain containers to allow them to be recovered and reclaimed. The draft Regulation determines the persons (referred to as “producers”) required to fulfill those obligations and the types of containers on which a deposit must be paid.

Under the draft Regulation, the Société québécoise de récupération et de recyclage can, within the time specified, designate a management body to assume, in place of producers, their obligations under the Regulation.

The draft Regulation includes an obligation for retailers operating a retail establishment in which a product is offered for sale in a container on deposit, to accept containers on deposit that are returned to them, to refund the amount of the deposit and to establish return sites for that purpose.

Finally, the draft Regulation sets out the terms and conditions that apply to the transportation, sorting, conditioning and reclamation of containers on deposit and to the entering of the contracts needed to implement those terms and conditions. Access the text of the draft regulation in the Gazette (p.198) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105485.pdf>

January 26, 2022; Gazette Officielle

Draft Regulation re: the system for selective collection of certain residual materials

Reminder: The object of the draft Regulation is to require certain persons (“producers”) to develop, implement and contribute financially to a system of selective collection of certain residual materials (essentially an ‘extended producer responsibility’ [EPR] system).

The draft Regulation defines “producers” and identifies the containers, packaging and printed matter that must be collected, transported, sorted and reclaimed through the EPR system of selective collection.

The draft Regulation also outlines conditions that apply to the collection, transportation, sorting, conditioning and reclamation of targeted residual materials including, in particular, those applicable to:

- residual materials from the residential sector, institutions, businesses, industries and outdoor spaces; and
- measures to promote the eco-design of containers, packaging and printed matter, information, awareness and education activities.

Access the text of the draft regulation in the Gazette (p.232) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105485.pdf>

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SASKATCHEWAN COMPLIANCE REMINDER

Amendments to GHG Gases Standards and Compliance Regulations expand the threshold for participation in the provincial OBPS

Reminder: The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations are amended as of **January 1, 2022**. Among the amendments is the addition of five sectors as regulated sectors: chemical manufacturing; wood product manufacturing; mineral product manufacturing; agricultural and industrial equipment manufacturing, and food and beverage processing. For details, access the Saskatchewan Gazette Part I, December 24, 2021, (p. 3904) via: <https://publications.saskatchewan.ca/#/products/115781>.

Access related January 19 news release at:

<https://www.saskatchewan.ca/government/news-and-media/2022/january/19/saskatchewan-expands-obps-to-protect-additional-sectors-from-the-federally-imposed-carbon-tax>

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THE TERRITORIES REMINDERS

NORTHWEST TERRITORIES

- **Revised Guidelines for Closure and Reclamation Cost Estimates for Mines released.** The Guidelines are intended to replace the version published in 2017 and may be accessed at: <https://mvlwb.com/release-updated-closure-cost-guidelines>.
- **New Bathurst Caribou Management Plan released.** Access the Plan at: <https://www.enr.gov.nt.ca/en/services/barren-ground-caribou/bathurstcaribou-management-plan>.

NUNAVUT

- **Draft Land Use Plan.** The Nunavut Planning Commission announced it is rescheduling the public hearings on the 2021 Draft Land Use Plan to **March 2022**. Written submissions are requested by **February 18, 2022**. Additional information is available at: <https://www.nunavut.ca/news>.

YUKON

- **Bill 5, an Act to Amend the Territorial Lands (Yukon) Act (2021).** Royal Assent: **December 2, 2021**. The Bill will "provide for the regulation of roads constructed or used to access resources such as mines and minerals and oil and gas (defined as "resource roads")". Access the Bill at: <https://yukonassembly.ca/sites/default/files/inline-files/35-1-Bill005-Act-to-AmendTerritorial-Lands-Yukon-Act-2021.pdf>.
- **Guide for Developing Water Quality Objectives for Quartz Mining Projects released.** Access the Guide at: <https://yukon.ca/sites/yukon.ca/files/env/env-yukon-guide-developing-waterquality-objectives-effluent-quality-standards-quartz-minig-projects.pdf>.
- **Consultation on Draft Policy for the Stewardship of Yukon's Wetlands.** Plans are to have a final wetlands policy by **May 2022**. A link to the draft policy is available at: <https://yukon.ca/en/news/wetlands-policy-out-final-public-review>.

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Environment & Energy

CANADA ENERGY REGULATOR (CER) POSTS

CER posts feedback on its proposal to implement new Cost Recovery Regulations

This month the CER posted "letters of comment" received in response to its **November 1, 2021** Regulatory Proposal seeking feedback on the proposed amendments for the cost recovery regulations under the Canadian Energy Regulator Act (CER Act).

The CER received 12 letters during the 30-day engagement period submitted by the following organizations: Many Islands Pipe lines (Canada) Limited; Enbridge Inc.; TC Energy; Canadian Association of Petroleum Producers; Alliance Pipeline; Canadian Natural Resources Limited; Montreal Pipe Line Limited; Cenovus Energy; LBX Pipeline Ltd.; Milk River Pipeline; Pembina Pipeline Corporation; and Campus Energy. The letters can be read by following the links at:

<https://www.cer-rec.gc.ca/en/about/acts-regulations/cer-act-regulations-guidance-notes-related-documents/canada-energy-regulator-cost-recovery-regulations-regulatory-proposal/letters-of-comment/index.html>

CER alerts industry to Public Review of the CSA Z662 oil and gas pipeline systems safety standard

Reminder: On **January 24, 2022**, the Canadian Energy Regulator (CER) gave notice that CSA Group is drafting their latest edition of the CSA Z662 oil and gas pipeline systems safety standard for public review. The Canadian Energy Regulator Onshore Pipeline Regulations include CSA Z662, which is updated regularly to assure the latest safety needs in the industry are being met. Comments on the latest edition of the standard will be accepted until **March 5, 2022**. Access the review draft of the document and provide comments at:

<https://publicreview.csa.ca/Home/Details/4450>

Access the Canadian Energy Regulator Onshore Pipeline Regulations at:

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-99-294/index.html>

CANADA REPORTS

The International Energy Agency's "Canada 2022: Energy Policy Review"

On **January 12, 2022**, the International Energy Agency (IEA) released a detailed 261-page report on Canada's energy resources and climate policies, entitled *Canada 2022 Energy Policy Review* (the 2022 Canada Report). The 2022 Canada Report provides a status report on Canada's path to energy system transformation and journey to net-zero by 2050. Among other things, the IEA recommends that Canada should:

- develop national emissions reduction strategies for key sectors such as transport, buildings and industry to meet the goals of a strengthened nationally determined contribution target by 2030 and net-zero by 2050;
- regularly update support for R&D and innovation of clean energy technologies to achieve 2050 targets; and
- ensure the timely deployment of technologies that can decarbonize fossil fuel production.

Access the report at:

<https://www.oecd.org/publications/canada-2022-energy-policy-review-a440d879-en.htm>

Access an analysis of the report by Michael Akins and Daisy Dai; Burnet, Duckworth & Palmer LLP at:

<https://www.bdplaw.com/energy/publications/good-start-but-more-to-be-done-the-international-energy-agencys-canada-2022-energy-policy-review/>

ALBERTA AER ENFORCEMENT ACTIONS

The Alberta Energy Regulator (AER) recently posted the following on the Compliance Dashboard:

i) An Administrative Penalty of \$39,500 was issued to AlphaBow Energy Ltd. related to the failure to reduce battery gas volumes at three different batteries as required by section 2.11.1(1) of Directive 060: Upstream Petroleum Industry Flaring, Incinerating, and Venting.

ii) Cancellations of four well licences issued to Spartan Delta Corp. were posted related to failure to acquire signed approval granting a mineral lease continuation from Alberta Energy.

iii) Notice of Noncompliance Pipeline were issued to:

- Coastal Resources Limited concerning improper installation and operation of pressure control systems.
- Razor Energy Corp. related to failure to monitor the effectiveness of internal corrosion control programs.

For these Notices, operations are suspended and the Licensee is to correct the noncompliance and develop and implement a plan to do so and prevent future occurrences.

iv) Orders:

- 2022-006 to Strategic Oil and Gas Ltd. and Paramount Resources Ltd. concerning well and facility licences and related physical infrastructure for which an Abandonment Order has been issued and for which no reclamation certificates have been issued.
- 2022-005 to Direct Oil & Gas Inc. and working interest participants concerning a facility site. The Order requires confirmation of the working interests and that reasonable care and measures be taken to prevent impairment or damage at the site.
- 2022-004 to Direct Oil & Gas Inc. and working interest participants concerning five well licences. The Order requires confirmation of the working interest, that reasonable care and measures are being taken on the sites, that the sites be abandoned in accordance with the Regulator's requirements, and that the Lands be reclaimed, and reclamation certificates applied for.
- 2022-003 to Direct Oil & Gas Inc. concerning multiple well, facility, and pipeline licences as well as physical infrastructure in relation to them. The Order requires work to confirm reasonable care and measures are in place, that the sites are abandoned, and that work is required to conserve and reclaim the sites.
- 2022-002 to Strategic Oil & Gas Ltd. concerning a facility licence and site where work is required to conserve and reclaim land at the site. The Order requires submission of a reclamation plan, that the work be completed, and that a reclamation certificate be applied for once the site meets the criteria.

Access the AER Compliance Dashboard at: <https://www1.aer.ca/compliancedashboard/index.html>

Source/courtesy: ESAA Regulatory Review by McLennan Ross LLP.

ALBERTA ENERGY REGULATOR (AER) POSTS

AER announces new industry levies to cover pipelines and larger facilities [Bulletin 2022-01]

Reminder: On **January 18, 2022**, the AER announced that, as a result of recent amendments to the province's Responsible Energy Development Act General Regulation which expanded the definition of "facility" to include pipelines and certain larger facilities, the Regulator will be making the following changes:

- A new levy on pipelines based on pipeline classes determined by pipe diameter will be phased in this spring.
- A new levy on certain larger facilities will be introduced. The levy would apply to 26 gas plants with approved inlet rates greater than 10 million m³/day and four stand-alone oil sands facilities. The levy will also be phased in for spring 2022.

Effective **April 1, 2022**, the AER will stop mailing paper copies of levy invoices to licensees and will send invoices by email only. Companies are requested to forward a preferred corporate email address or addresses to AdminLevyReview@ aer.ca by **March 15, 2022**. A generic email address is preferred to avoid issues resulting from staff turnover. Access full text of this bulletin at:

<https://www.aer.ca/regulating-development/rules-and-directives/bulletins/bulletin-2022-01>

BRITISH COLUMBIA OIL & GAS COMMISSION (OGC) BULLETINS

Disposal Well surveillance, compliance, and forecast tool now available (INDB 2022-04)

On **February 8, 2022**, the BC Oil and Gas Commission (Commission) introduced a tool called the 'Disposal Well Dashboard' (Dashboard). This tool combines operational data and approval information into plots and data tables for wells approved and operating for disposal of produced water and non-hazardous waste.

Additionally, the Dashboard utilizes this data to estimate and display the remaining volume and date of disposal capacity fill-up.

The Dashboard and an Instructions and background document are available at: bcogc.ca in the Data Center as well as in the Reservoir Management, Subsurface Disposal section.

Access at: <https://app.powerbi.com/view?r=eyJrjoiMWU1NzkyYmUjMjM0MTg3LTg1MDEiMDEwOWNINDRmMmE1IiwidCI6IjhhNTIwYzY4LWZlOTg1NDExYj04OTVhLTRkZGEyODk2Yj00MjI9&pageName=ReportSectiond9c7dc2c7f153acb8ea2>

Access bulletin at:

<https://www.bcogc.ca/news/disposal-well-dashboard-surveillance-compliance-and-forecast-tool-now-available-indb-2022-04/>

Methane leak detection and repair (LDAR) reports requested by March 31, 2022 (INDB 2022-01)

Reminder: The BC Oil and Gas Commission has moved up the date for the annual submission of methane leak detection and repair (LDAR) data pertaining to the 2021 reporting year to **March 31, 2022**. For information on the electronic submission of methane LDAR reports, refer to the eSubmission User Guide at:

<https://www.bcogc.ca/files/operations-documentation/eSubmission/eSubmission-User-Guide.pdf>

New Compliance Management Information System to launch on February 25, 2022 (INDB 2022-03)

Reminder: Effective **February 25, 2022**, the BC OGC will be launching a new portal for managing industry compliance called the Compliance Management Information System (CM-IS). As a result, permit holders can expect to see changes to how they receive administrative non-compliance notices (also known as

"administrative deficiencies") from the Commission. An online training session will be held on **February 8, 2022**, and a recording of the session will be made available on the Commission website. Register by email at:

CMSFeedback@bcogc.ca. Access bulletin at:

<https://www.bcogc.ca/news/launching-new-compliance-management-information-system-indb-2022-03/>

Workplace Health & Safety

CANADA GAZETTE NOTICES

February 12, 2022, Canada Gazette Part I

Orders issued by the Public Health Agency of Canada related to COVID-19 travel restrictions

- **Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada).** The Order maintains Canada's focus on reducing the introduction and spread of COVID-19 by decreasing the risk of importing cases from outside the country. The Order continues to prohibit foreign nationals from entering Canada from any country if they fail to meet the pre-entry obligations under the Quarantine Order. This Order also continues to prohibit entry of foreign nationals arriving from any country if they have COVID-19, have reasonable grounds to suspect they have COVID-19 or are exhibiting signs and symptoms of COVID-19, subject to certain narrow exceptions. All changes under the Order are described under the "Implications" section.

The Order expires on **February 28, 2022**. Access Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2021/2021-12-04/html/order-decret-eng.html#dd1>

- **Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations).** This Order, like its predecessor, maintains Canada's focus on reducing the introduction and further spread of COVID-19 and new variants of the virus into Canada by decreasing the risk of importing cases from outside the country. This Order continues to require all persons who enter Canada, whether by air, land, or water, to provide accurate contact information for the first 14 days in Canada, and to answer questions to determine if they have signs or symptoms of COVID-19. The Order maintains all requirements for unvaccinated travellers, subject to limited exceptions, to have a negative COVID-19 molecular test result before entering Canada (or positive result in some cases), to undergo testing when entering and once again later in the 14-day post-entry period, and to quarantine upon entry into Canada. Under this Order, mandatory traveller declarations on vaccination status, proof of vaccination, symptom monitoring, and testing requirements for fully vaccinated persons remain.

All changes to the Order are described under the "Implications" section. The new Order extends the duration of the measures until February 28, 2022. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-12/html/order-decret-eng.html#db1>

February 5, 2022, Canada Gazette Part I

Notice of intent for the implementation of enhanced train control standard in Canada

As noted in the 'Environment and Climate Change' section of this issue of *EHSRA*, Transport Canada has posted notice that it intends to move forward with amendments to the regulatory framework to ensure the safety benefits of "enhanced train control" (ETC) are realized in Canada.

As a starting point, Transport Canada has entered a Memorandum of Understanding with the Standards Council of Canada to develop a national technical specification on "interoperability". This technical specification will be an essential first step for ETC implementation, ensuring that critical information, such as train position and train speed, can be communicated reliably and securely between railways, notwithstanding the chosen train control technology.

The core objectives of ETC systems in Canada will be to prevent:

- train-to-train collisions;
- derailments caused by excessive train speed;
- unauthorized entry of a train into a work zone; and
- train movement through a misaligned track switch leading a train to be on the wrong track.

The Canadian rail industry is already supporting ETC by progressing risk-prioritization criteria and a methodology to rank corridors with respect to risk.

Risk assessments would consider both the likelihood of preventable derailments and collisions in each corridor (frequency of occurrence), as well as the potential consequences of such occurrences, with consideration of factors such as the corridor characteristics, passenger and freight traffic, dangerous goods. Questions and comments regarding this notice of intent can be submitted **until April 30, 2022**, and may be directed to the Director, Regulatory Affairs, Rail Safety, Transport Canada, ASRR, Enterprise Building, 427 Laurier Avenue West, 14th Floor, Ottawa, Ontario K1A 0N5, TC.RailSafetyConsultations-ConsultationSecuriteFerroviaire.TC@tc.gc.ca. Access Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nc2>

CANADA GAZETTE NOTICES

January 29, 2022, Canada Gazette Part I

Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 52

The Order, under the Aeronautics Act, updates rules governing prohibitions and preventative measures including notifications, health checks, temperature screening, face masks for crew and passengers, etc. With this notice, the Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 51, made on January 2, 2022, is repealed. Access order at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-01-15/html/notice-avis-eng.html#na4>

CANADA COMPLIANCE REMINDERS

New Canada Labour Code Regulations exempt certain transport drivers from Hours Of Work and scheduling rules

Effective **February 1, 2022**, new regulations made under the Canada Labour Code exempt specific classes of federally-regulated employees, including some transport drivers, from certain provisions concerning hours of work and scheduling. Access a summary of the regulatory exemptions from, and modifications to, the hours of work provisions that will apply to specific classes of employees at:

https://www.millerthomson.com/wp-content/uploads/2022/01/Employee-Class_chart.pdf

Accessible Canada Regulations now in force

Accessible Canada Regulations, SOR/2021-241 came into force on **December 13, 2021** and outline many of the initial obligations applicable to federally-regulated employers under the Accessible Canada Act, including best practices with regard to accessibility plans and progress reports; requirements for document retention; and timelines for compliance. Federal government departments, the Canadian Forces, agencies and Crown corporations must publish their initial accessibility plans by **December 31, 2022**. Access the Accessible Canada Regulations at:

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-241/index.html>

CANADA MANAGEMENT RESOURCES

Weekly summary of COVID-19 and re-opening requirements across Canada

Ongoing reminder re: An efficient method of tracking fast-changing COVID-19 rules

"2021 COVID-19 and Re-Opening Requirements across Canada" is a concise tracking sheet, updated weekly by the Canadian Centre for Occupational Health and Safety (CCOHS). The resource summarizes the status of business and community restoration plans across all Canadian jurisdictions and documents the local state of emergency orders and what phase of recovery each jurisdiction is in.

Access 2021 COVID-19 and Re-Opening Requirements across Canada at:

http://ccinfoweb2.ccohs.ca/legislation/documents/notes/oshleg/2020_COVID-19_Re-opening_Tracker.pdf

Step-by-Step guide for implementing a driver Fatigue Management Program

On **February 24, 2022**, the Commercial Vehicle Safety Alliance will conduct a webinar on the North American Fatigue Management Program (NAFMP) aimed at reducing fatigue-related crashes and improving commercial motor vehicle driver alertness, wellness and productivity. Among other things, CVSA Hazardous Materials Specialist Katie Morton, a subject matter expert on electronic logging devices and hours-of-service rules, will present a guide for motor carriers to develop, implement and evaluate a fatigue management program.

Access more information at: https://us02web.zoom.us/webinar/register/WN_0MvqpxusSKKXYPzmrhqK3Q

Guide for reporting dangerous goods incidents

Reminder: On **January 6, 2022**, Transport Canada posted a revised guide for reporting dangerous goods incidents. The guide is for any person involved in any way with the transport of dangerous goods. Access the guide at:

<https://tc.canada.ca/en/dangerous-goods/canutecc/reporting-requirements/guide-reporting-dangerous-goods-incidents>

ALBERTA ANNOUNCEMENTS

Province announces it is spending \$1.48 million on first responders' mental health initiatives

To support first responders and emergency health-care workers living with or at risk of developing Post-Traumatic Stress Injuries (PTSI), the Alberta government announced on **February 2, 2022**, that they are providing four non-profit organizations and seven researchers a total of \$1.48 million worth of grant funding under the province's relatively new Supporting Psychological Health in First Responders grant program. From 2015 to 2019, there were 685 Workers' Compensation Board (WCB) claims for first responders related to PTSI, totaling \$104 million worth of related treatment and compensation, according to the province. Apply for funding to provide or improve services for first responders living with, or at risk from, post-traumatic stress injuries at:

<https://www.alberta.ca/first-responders-mental-health-grants.aspx#:~:text=The%20Supporting%20Psychological%20Health%20in,or%20at%20risk%20for%20PTSI%20.>

ALBERTA COMPLIANCE REMINDERS

New administrative penalties under the Traffic Safety Act now in effect

Reminder: A series of (mainly minor) amendments updating contraventions and administrative penalties levied under the province's Traffic Safety Act took effect on **February 1, 2022**. Ten specific amendments were included in the December 15, 2021 edition of the Alberta Gazette. These were listed, along with their links in the January 15, 2022 edition of *EHSRA* on page 24.

ALBERTA MANAGEMENT RESOURCES

- **Potentially serious incidents program guide and 2020 reports.** The OHS Surveillance program has published the Potentially Serious Incidents (PSI) surveillance program guide. The guide outlines Alberta's PSI surveillance program and explains how to submit a PSI investigation report. As well, the program has published its 2020 PSI reports. Information includes incident types and sources, injury types, and injured worker occupations. Access at:

https://open.alberta.ca/publications/potentially-serious-incidents-surveillance-program-guide?_ccCt=cflw-2hkz49-sz1bg1-fpkqghw3

- **Human-induced intentional acts: Response and recovery plan.** Updated on **January 27, 2022**. **Reminder:** In Alberta, a human-induced intentional act (HIIA) occurs when one or more persons use force or violence against persons or property and the responses to that act requires coordination of action between civil government and law enforcement to protect the safety, health, or welfare of people or to limit damage to property or the environment. A fuller description appears on page 8 of this issue of *EHSRA*. Access at:

<https://open.alberta.ca/dataset/25a22f59-315c-489a-bb4a-b7d847f6e37c/resource/7d324c9f-4373-4cf7-8745-a9162fa5e3aa/download/jsg-human-induced-intentional-acts-response-and-recovery-plan-2022.pdf>

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BRITISH COLUMBIA CONSULTATIONS

Proposed policy amendments regarding permanent psychological disability benefits

Reminder: On **January 24, 2022**, WorkSafeBC released a discussion paper, with options and draft policy, on permanent psychological disability benefits. Comment deadline: **March 7, 2022**.

The discussion paper as well as information on how to provide feedback can be found at:

<https://www.worksafebc.com/en/law-policy/public-hearings-consultations/current-public-hearings-and-consultations/proposed-policy-amendments-regarding-permanent-psychological-disability-benefits>

WorkSafeBC seeking input on proposed policy amendments regarding suitable occupation for loss of earnings assessment

Reminder: On December 6, 2021, WorkSafeBC released a discussion paper, with options and draft policy, on *suitable occupation for loss of earnings assessment*. The definition of *suitable occupation* in WorkSafe BC's permanent partial disability policy sets out the factors to consider when estimating what a worker is capable of earning after a workplace injury results in a permanent partial disability (PPD). Comment deadline: **March 4, 2022**. Access the proposed policy amendments regarding suitable occupation for loss of earnings assessment discussion document at:

<https://www.worksafebc.com/en/law-policy/public-hearings-consultations/current-public-hearings-and-consultations/proposed-policy-amendments-regarding-suitable-occupation-for-loss-of-earnings-assessment>

BRITISH COLUMBIA CONSULTATIONS

WorkSafeBC seeking input on proposed policy amendments regarding suitable occupation for loss of earnings assessment

On December 6, 2021, WorkSafeBC announced that its Policy, Regulation and Research Department had released a discussion paper, with options and draft policy, on *suitable occupation for loss of earnings assessment*. The definition of *suitable occupation* in WorkSafe BC's permanent partial disability policy sets out the factors to consider when estimating what a worker is capable of earning after a workplace injury results in a permanent partial disability (PPD). Comment deadline: **March 4, 2022**. Access the proposed policy amendments regarding suitable occupation for loss of earnings assessment discussion document at:

<https://www.worksafebc.com/en/law-policy/public-hearings-consultations/current-public-hearings-and-consultations/proposed-policy-amendments-regarding-suitable-occupation-for-loss-of-earnings-assessment>

BRITISH COLUMBIA ENFORCEMENT

Recent work-related incidents reported to WorkSafeBC

Reminder: On **January 25, 2022**, WorkSafeBC posted a series of recent incident summaries. Details of incidents, edited to protect workers' privacy, are categorized based on the following sectors: primary resources, manufacturing; construction; transportation and warehousing; and public sector; and service sectors. Access summaries at: <https://www.worksafebcmedia.com/enews/nis/220125/220125.html>

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MANITOBA ANNOUNCEMENTS

\$280-million to strengthen fire safety measures at care homes and health care facilities

On **February 1, 2022**, Health Minister Audrey Gordon and Seniors and Long-Term Care Minister Scott Johnston announced that the Manitoba government is making progress on a \$280-million initiative to enhance fire and life safety at personal care homes, hospitals and health-care facilities.

As part of the fire and life-safety project led by Shared Health, all hospitals, personal care homes and health centres in Manitoba will have full or partial sprinkler systems installed over the next six to eight years with work prioritized to facilities that benefit most from upgrades.

In December 2021, Shared Health signed a multi-year agreement with a group of engineering firms to help manage upgrades to ensure an appropriately high level of fire prevention and safety measures are in place at 193 health-care facilities across Manitoba.

The group, collectively known as Project Engineering and Management Services (PEMS), includes SMS Engineering along with other sub-specialty consultants. PEMS is tasked with ensuring work is completed in compliance with provincial standards set by Shared Health and in order of priority following the recommendations of RJ Bartlett Engineering, an independent third-party fire and life safety engineering firm.

Access the release at: <https://news.gov.mb.ca/news/index.html?item=53255&posted=2022-02-01>

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NEW BRUNSWICK CONSULTATIONS

WorkSafeNB launches 2022-24 Strategic Plan

People, prevention and integrity form the three foundational pillars of WorkSafeNB's new 2022-24 Strategic Plan. For more details, access the Plan at: <https://people-prevention-integrity.ca/people/a>

WorkSafeNB seeks public's input on review of the OH&S Act General Regulation

On January 17, 2022, WorkSafeNB launched consultations on proposed amendments to General Regulation 91-191 under the Occupational Health and Safety Act. The proposed amendments aim to enhance workplace safety, specifically relating to: logging and silviculture; construction; occupational hygiene; X-ray equipment; materials containing asbestos; and mining. Access details of the proposed changes at:

<https://www2.gnb.ca/content/dam/gnb/Departments/eco-bce/pdf/pr/2022/01/20-143Bil.pdf>

Access release at:

<https://www.worksafenb.ca/about-us/news-and-events/news/2022/worksafenb-seeks-public-s-input-on-regulatory-review/>

NEW BRUNSWICK MANAGEMENT RESOURCES

New mental health support offered to first responders

As of **February 8, 2022**, public safety personnel now have access to a new online tool to help them manage and maintain their mental health and well-being.

The provincial government is providing first responders and other public safety personnel with access to PSPNET, an online cognitive behaviour therapy program offered through the Canadian Institute for Public Safety Research and Treatment at the University of Regina.

The departments of Health and Justice and Public Safety are providing a combined \$150,250 for the service during a two-year pilot project. Other contributors include Public Safety Canada and Medavie.

The program is offered for free to current and former first responders and other public safety personnel, including border services personnel, correctional workers, career and volunteer firefighters, operational and intelligence personnel, paramedics, police, public safety communicators such as dispatchers and 911 operators, and search and rescue personnel.

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NEWFOUNDLAND & LABRADOR LEGISLATURE

There are no new EHS-related developments to report for this issue.

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NOVA SCOTIA LEGISLATURE

There are no new EHS-related developments to report for this issue.

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ONTARIO LEGISLATURE

- **Bill 27, Working for Workers Act, 2021.** Royal Assent: **December 2, 2021.** **Reminder:** Among other things, the Bill amends the Employment Standards Act, 2000 to impose a requirement on employers that employ 25 or more employees to have a written policy with respect to disconnecting from work. The term “disconnecting from work” is defined to mean not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work. Access Bill 27 at: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2021/2021-12/b027ra_e.pdf

ONTARIO GAZETTE NOTICES

February 12, 2022, *The Ontario Gazette*

WSIA General regulation amended to include compensation for Parkinson's disease resulting from exposures to McIntyre Powder in the Mining industry

Miners who became ill after inhaling an aluminum-based powder mistakenly believed to protect them from exposure to silica dust can now make compensation claims to the province's Workplace Safety and Insurance Board (WSIB).

O. Reg. 28/22 made under the province's Workplace Safety and Insurance Act, amends Schedule 3 to Ontario Regulation 175/98 by adding the following item:

“31. Neurological Diseases — Parkinson's disease [related to] any process involving exposure to McIntyre Powder in the mining industry”.

According to the Ministry of Labour, in March of 2020 it received a report from a cancer specialist who “found a statistically significant increased risk of Parkinson's disease in miners exposed to McIntyre Powder.”

The regulation was filed on January 27, 2022.

Access the Ontario Gazette posting at: <https://www.ontario.ca/laws/regulation/r22028>

ONTARIO CONSULTATIONS

Consultations on regulating Firefighter Certification now underway

On **January 28, 2022**, the Ministry of the Solicitor General launched consultations on a proposal for a firefighter certification model that outlines the mandatory minimum standard and corresponding job performance requirements of firefighters delivering specific fire protection services. Comment deadline: **February 28, 2022**. Access regulatory register posting at:

https://www.ontariocanada.com/registry/view_posting.jsp;jsessionid=49P4OhPjU5Q0LHiUexHF7Q8?postingId=40668&language=en

Consultation on an Administrative Monetary Penalties regime for the Electrical Safety Authority

On **January 10, 2022**, the Ministry of Government and Consumer Services posted a proposal to enable the Electrical Safety Authority to issue monetary fines to prevent illegal electrical installations. Comment deadline: **February 24, 2022**. Access details at:

https://www.ontariocanada.com/registry/view_posting.jsp;jsessionid=SSKm5GGKOU3ZUIWTKthpBpz?postingId=40388&language=en

Employment Standards Act, 2000 (ESA) proposed policies on disconnecting from work

On **October 29, 2021**, the Ontario Ministry of Labour, Training and Skills Development (MLTSD) posted a proposal on the Regulatory Register to amend the ESA to require employers that employ 25 or more employees on January 1 of any year to have a written "disconnecting from work" policy in place by **March 1, 2022**. Access details at: https://www.ontariocanada.com/registry/view_posting.jsp;jsessionid=oA7w9xEHbtd3x-fPlfNhXPR?language=en&postingId=39527

Consultation on Occupational Disease Strategy extended

Also, as part of the WSIB's Occupational Disease strategy, the Workplace Safety & Insurance Board (WSIB) has extended the consultation period to seek stakeholder feedback on its draft Occupational Disease Policy Framework to **February 28, 2022**.

Access the strategy at: <https://www.wsib.ca/en/wsib-occupational-disease-moving-forward>

Access the draft Occupational Disease Framework at:

<https://www.wsib.ca/en/draft-occupational-disease-policy-framework-consultation-purposes>

Related item: Groups working together to create Occupational Disease Reform Alliance. Reminder: On **January 11, 2022**, CBC News reported that members of eight occupational disease clusters in Ontario that focus on workplace safety are joining together to form an Occupational Disease Reform Alliance to make changes to the Workplace Safety and Insurance Board (WSIB) system. The circumstances and claims resulting from these clusters are detailed at: <https://ofl.ca/advocacy-groups-odra/>

ONTARIO ANNOUNCEMENTS

WSIB posts most recent changes to its operational manual

On **January 21, 2022**, the following changes to the Workplace Safety & Insurance Board (WSIB) policy manual were posted on [wsib.ca](https://www.wsib.ca) on the policy updates/clarifications page at:

<https://www.wsib.ca/en/policy/policy-updates-clarifications>:

- Effective **February 8, 2022**, a minor clarification has been made to Operational Policy Manual (OPM) document 17-01-10, Cannabis for Medical Purposes. For more information on the independent scientific review and/or information on medical cannabis treatment for work-related injuries and illnesses, visit the WSIB's medical cannabis webpage at: <https://www.wsib.ca/en/medical-cannabis>.
- Effective **February 8, 2022**, revisions to Operational Policy Manual document 12-04-07, Pupils in Work Education Programs. Access a comparison document of the revised and prior version at: <https://www.wsib.ca/sites/default/files/2022-02/120407comparisondoc20220128.pdf>

New HEPA filters for congregate living settings will help keep agri-food workers safe

On **February 3, 2022**, the Ontario government announced that it is distributing up to 5,500 free HEPA filters to improve ventilation in agri-food congregate living settings. HEPA filter units, in conjunction with other prevention and control strategies, can help control and remove harmful airborne pathogens and improve air quality. The units will be deployed in partnership with the Ministry of Government and Consumer Services at no cost to employers through the voluntary Registry of Employers International Agri-food Workers. Access announcement at:

<https://news.ontario.ca/en/release/1001528/ontario-continues-to-protect-agri-food-workers>

PRINCE EDWARD ISLAND COMPLIANCE REMINDER

Employers should be aware that workplace harassment policies may be impacted by new New Non-Disclosure Agreements Act

On **May 17, 2022**, the PEI Non-Disclosure Agreements Act (Bill 118) will take effect, significantly restricting the use of non-disclosure agreements (NDAs) in PEI harassment cases.

In a recent article, Ryan McCarville of the Labour & Employment Law Team at McInnes Cooper, warns that the NDA provisions of the Act, coupled with the recently effected Workplace Harassment Regulations under the PEI Occupational Health & Safety Act, leaves no doubt that the Act targets workplace harassment – and by implication, employers.

McCarville recommends that “employers with PEI employees are wise to review their processes, procedures, and documentation related to harassment investigations and settlements, including any standard form of settlement agreement and release, to ensure they are consistent with the Act”.

The issue is explored in more depth in the article titled “*P.E.I. Non-Disclosure Agreements Act: 3 Key Facts for Employers*” at:

<https://www.mcinnescooper.com/publications/p-e-i-non-disclosure-agreements-act-3-key-facts-for-employers/>

Access Bill 118, the PEI Non-Disclosure Agreements Act at:

<https://docs.assembly.pe.ca/download/dms?objectId=d5010bfc-c1bf-400f-a3fc-15fccdad87aa&fileName=chapter-51.pdf>

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QUEBEC LEGISLATURE

- **Bill 14, An Act to ensure the protection of trainees in the workplace.** Adopted in principle on **February 8, 2022**. Access via: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-14-42-2.html>
- **Bill 96, An Act respecting French, the official and common language of Québec.** Adopted in principle. Last Sitting held on **February 10, 2022**. The bill introduces various measures to, among other things, extend “francization” to enterprises employing 25 or more persons. The bill also strengthens provisions relating to the use of French as the language of commerce and business - in particular regarding signs and posters and the drafting of certain documents, such as contracts relating to certain sales of immovable property. Access Bill 96 at: <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-96-42-1.html>

QUEBEC GAZETTE NOTICES

February 9, 2022; Gazette Officielle

Bill 59, An Act to modernize the occupational health and safety regime

The official version of this Act, assented to October 6, 2021, was published in the Gazette on **February 9, 2022**.

Among other things, the Bill amends the Act respecting industrial accidents and occupational diseases in order to:

- create a scientific committee on occupational diseases;
- allow the Commission to grant rehabilitation measures before the consolidation of an employment injury, and expand measures to favour workers’ reinstatement;
- revise the powers of the Bureau d’évaluation médicale with respect to employment injuries;
- establish an authorization and inspection regime with respect to suppliers of goods or services; and
- allow a person who is the subject of a decision of the Commission to elect to apply for a review of the decision before the Administrative Labour Tribunal.

As of **April 6, 2022**, employers will be required to do the following: (i) implement an OH&S prevention program, (ii) form a health and safety committee; and (iii) elect a health and safety representative. Additionally, Bill 59 now sets out an obligation for the employer to take the necessary measures in the workplace to ensure the protection of a worker exposed to physical or psychological violence, and explicitly states that the AOHS applies to teleworking. Other provisions of Bill 59 will gradually enter into force between 2022 and January 1, 2024. Access the full text of a related analysis at:

<https://mcmillan.ca/insights/bill-95-the-act-to-modernize-the-occupational-health-and-safety-regime/>

Access the full text of the legislation in the Gazette Notice at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105493.pdf>

QUEBEC GAZETTE NOTICES (continued)

January 26, 2022; Gazette Officielle

Occupational health and safety - Amendment (O.C. 49-2022) deals primarily with asbestos exposures

Reminder: The amendment comprises miscellaneous changes to the Regulation re: Occupational Health and Safety under the Act. Amendments cover such things as: prohibitions on the use of crocidolite, amosite or a product containing either of these substances; concentrations of airborne oxygen below 19.5%; and exposures to gases, fumes, vapours, dusts or mists including exposures in a work station located in a vehicle, wherever situated.

For more details, access Gazette Notice (p.189) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2021C22A.PDF>

Safety Code for the construction industry - Amendment (O.C. 48-2022) deals with asbestos exposures

Reminder: The amendment deals primarily with the provision of appropriate respiratory protections for construction workers exposed to various types of hazardous gases, fumes, vapours, dusts or mists - in particular those associated with asbestos. For more details, access Gazette Notice (p.187) at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2021C22A.PDF>

January 5, 2022, Gazette Officielle

Proposed amendments stipulate new requirements for 'enclosed areas' (confined spaces)

Reminder: The draft Regulation replaces the definition of "enclosed area" under the Regulation respecting Occupational Health & Safety by a definition with a greater focus on "atmospheric hazards". The draft Regulation also updates certain provisions re: best practices. Access the Gazette Notice [p.43] at:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=1&file=105457.pdf>

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SASKATCHEWAN LEGISLATURE

The Fall sitting ended on **December 9, 2021**.

- **Bill 60, the Saskatchewan Employment Amendment Act, 2021.** Royal Assent: **November 30, 2021**. Among other things, the Bill redefines 'harassment' as "any inappropriate conduct, comment, display, action or gesture by a person towards a worker that adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker to be humiliated or intimidated; that constitutes a threat to the health or safety of the worker; or any conduct, comment, display, action or gesture by a person towards a worker that is of a sexual nature; and that the person knows or ought reasonably to know is unwelcome".
Access Bill 60 via: <https://www.legassembly.sk.ca/media/1398/progress-of-bills.pdf> (Click #60 in the left hand column).
- **Bill 4, the Construction Codes Act.** The Bill aims to better align construction codes with accessibility standards to ensure that people with disabilities can better access and use buildings in Saskatchewan. The new Construction Codes Act (CCA) took effect on **January 1, 2022**. Access Bill 4 via:
<https://www.legassembly.sk.ca/media/1398/progress-of-bills.pdf> (Click #4 in the left hand column).

SASKATCHEWAN MANAGEMENT RESOURCES

WorkSafe Sask. announces new video training series to help support the prevention of firefighter cancer

On **January 31, 2022**, WorkSafe Sask announced it is launching a new video resource series to help firefighters better protect themselves from incidents and exposures on the job. To view the safe work practices video series and for more information on firefighter cancer prevention, visit: worksafesask.ca/firefighter-cancer-prevention.

SASKATCHEWAN ENFORCEMENT

Company Fined \$100,000 for OHS Violation Resulting in Serious Workplace Injury

On **February 2, 2022**, Labour Relations and Workplace Safety posted notice that, on November 30, 2021, Premium Brands Operating GP Inc. pleaded guilty to one violation of the Occupational Health and Safety Regulations, 1996.

The company was charged with contravening clause 140(2)(b) of the regulations after a worker was seriously injured while attempting to clean a piece of equipment while it was in motion or under power. The worker had not received adequate training in the appropriate work practices and procedures before being assigned the task.

Three other charges were stayed.

As a result of this violation, on January 24, 2022, the Court imposed a fine of \$71,429 along with a \$28,571 surcharge, for a total fine of \$100,000.

Access release at:

<https://www.saskatchewan.ca/government/news-and-media/2022/february/02/company-fined-100000-for-ohs-violation-resulting-in-serious-workplace-injury>

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THE TERRITORIES

YUKON

• **Bill 8, Workers' Safety and Compensation Act.** Royal Assent: **December 2, 2021.** [reminder]. The Act amalgamates the current Workers' Compensation Act and Occupational Health and Safety Act under a new Workers' Safety and Compensation Act. Notable elements include requiring hazard assessments in all workplaces, requiring health and safety management systems in larger workplaces and setting minimum requirements for such systems. Access Bill No.8 at:

<https://yukonassembly.ca/sites/default/files/inline-files/35-1-Bill008-Workers-Safety-Compensation-Act.pdf>

NWT

WSCC announces new Safe Workplace program

On **February 8, 2022**, the Workers' Safety and Compensation Commission (WSCC) launched Safe Workplace, a new health and safety program that recognizes employers for their safety performance. Registered WSCC employers can check their program status after handing in their annual payroll report (APR) for 2022, which is due by February 28, 2022.

Employers who qualify and are recognized by a third party occupational health and safety program in the NWT or Nunavut are deemed an "advanced safe workplace" and considered leaders in the safety field.

WSCC can assist those unqualified by identifying areas that the employer needs to look at and pointing them in the right direction.

Access release at: <https://www.nnsi.com/news/wsc-announces-new-safe-workplace-program/>

Entry Level Training Becomes Mandatory for Individuals seeking a Class 1 Driver's Licence

Reminder: On **January 17, 2022**, the Government of the Northwest Territories (GNWT) introduced mandatory entry level training for commercial truck drivers obtaining a Class 1 licence. The move aligns the NWT with other jurisdictions in Canada who have also implemented entry level training for Class 1 truck drivers. Drivers who already have a Class 1 licence are not required to take mandatory entry level training. Access release at:

<https://www.gov.nt.ca/en/newsroom/entry-level-training-becomes-mandatory-individuals-seeking-class-1-drivers-licence>

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Standards, codes and guidelines

Canadian Drinking Water standards

January 29, 2022, Canada Gazette Part I

- **Withdrawal of select guidelines for Canadian drinking water quality**

Health Canada, in collaboration with the Federal-Provincial-Territorial Committee on Drinking Water, recently posted notice that it is withdrawing the existing Guidelines for Canadian Drinking Water Quality (GCDWQ) for 17 chemical substances, including 13 pesticides. It was determined that the GCDWQ are no longer required since these contaminants are unlikely to be found in Canadian drinking water at levels that may pose a risk to human health. Access the supporting document on the Water Quality website at:

<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/water-quality.html>

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-01-29/html/notice-avis-eng.html#n12>

January 22, 2022, Canada Gazette Part I

- **Final guidelines for Canadian drinking water quality for diquat**

Reminder: The maximum acceptable concentration (MAC) for diquat in drinking water is 0.05 mg/L (50 µg/L). Diquat is an herbicide that is deliberately applied to food crops and to water sources for weed control. Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-01-22/html/notice-avis-eng.html#ne2>

January 15, 2022, Canada Gazette Part I

- **Final guidelines for Canadian drinking water quality for dicamba**

Reminder: The maximum acceptable concentration (MAC) for dicamba in drinking water is 0.11 mg/L (110 µg/L). Dicamba is a selective systemic herbicide registered for use on lawn and turf, as well as on industrial and agricultural sites. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-01-15/html/notice-avis-eng.html#na3>

Standards for public review

- **CSA Z662:23 - Oil and gas pipeline systems**

This Standard covers the design, construction, operation, maintenance, deactivation, and abandonment of oil and gas industry pipeline systems. Contact: sue.capper@csagroup.org (Sue Capper). Review end date:

March 5, 2022. Review draft standard (free log-in required) at: <https://publicreview.csa.ca/Home/Details/4450>

- **ISO 27916 - Carbon dioxide capture, transportation and geological storage - Carbon dioxide storage using enhanced oil recovery (CO₂-EOR) (New Standard)**

This document applies to carbon dioxide (CO₂) that is injected in enhanced recovery operations for oil and other hydrocarbons (CO₂-EOR) for which quantification of CO₂ that is safely stored long-term in association with the CO₂-EOR project is sought. Contact: lynn.barber@csagroup.org. Review end date: **April 1, 2022**. Review draft standard (free log-in required) at: <https://publicreview.csa.ca/Home/Details/4494>

- **Z1009 - Management of Work at Heights**

This Standard, following the principles set out in CSA Z45001, specifies requirements for establishing and maintaining a Working at Heights management system in accordance with OHSMS principles. The standard recognizes that a fall from any height may cause physical injury to a worker and applies to the management of all work at heights in the workplace. Contact: andrea.holbeche@csagroup.org.

Review end date: **February 21, 2022**. Review draft standard (free log-in required) at:

<https://publicreview.csa.ca/Home/Details/4445>

- **New edition of CAN/CGSB 43.125 addresses safe packaging for medical waste**

Reminder: A new edition of *CAN/CGSB 43.125 "Packaging of Category A and Category B infectious substances (Class 6, Division 6.2) and clinical, (bio) medical or regulated medical waste"* is now available.

Among other things, the standard includes packaging instructions for a new classification related to medical waste. Access a summary of changes between CAN/CGSB-43.125-2016 and the updated 2021 Standard at:

<https://tc.canada.ca/en/dangerous-goods/notification-standard-update-significant-changes-can-cgsb-43125-2016-can-cgsb-43125-2021>

EHS law and due diligence

IN THE COURTS

Inquest jury makes recommendations re: 2009 Metron Construction scaffolding collapse

On **February 4, 2022**, an inquest jury returned identical verdicts in the deaths of four workers in a 2009 scaffolding collapse and made seven recommendations to the Ontario Ministry of Labour, Skills and Development to prevent similar deaths in the future:

Background:

There was an agreed statement of facts in the inquest.

On Christmas Eve, 2009, seven workers boarded a swing stage to conduct balcony repairs on a high-rise apartment in Toronto. The employer, Metron Construction Corporation ("Metron"), employed a 'fall arrest system' to protect workers from the danger of a fall. The system requires every worker on a swing stage to be attached to a lifeline in case of a fall. On that day, there were only two lifelines in place for the seven workers. After completing their work, the workers, including Vadim Kazenelson, the project manager, boarded the swing stage to reach the ground level. Only one of the workers attached himself to one of the two lifelines. When the stage began to descend, the stage collapsed, and five of the workers plunged 100 feet to the ground. One of the workers survived the fall, although he suffered severe injuries. The worker who was tied off to a lifeline also survived. Mr. Kazenelson held on to a balcony when the collapse occurred.

Charges under the Criminal Code and the Occupational Health and Safety Act

On January 11, 2016, following a criminal trial, Mr. Kazenelson was convicted of four counts of criminal negligence causing death and one count of causing bodily harm. He was sentenced to three and a half years in prison. The Court held that Mr. Kazenelson's failure to take any steps to prevent the workers from using the swing stage constituted a clear breach of his duty under section 217.1 of the Code. This conduct amounted to a marked and substantial departure from what a reasonable supervisor would have done.

Mr. Kazenelson's conviction and sentence were upheld by the Ontario Court of Appeal on January 30, 2018.

Metron also pled guilty to one count of criminal negligence under the Code. The Court imposed a \$200,000 fine on the company. However, the Court of Appeal increased the fine to \$750,000 on appeal.

Joel Swartz, Metron's President and Director, was also charged under the Code. The charges were withdrawn. However, he pled guilty to four charges under the OHSA. He was fined \$90,000 for failing to ensure, among other things, that Metron's non-English speaking workers received written material in their native languages and for failing to ensure that the swing stage was not overloaded.

The inquest jury recommendations

To avoid a repeat of similar tragedy the inquest jury recommended the following:

- Amend the construction regulations to include a mandatory requirement for training health and safety representatives who work on construction projects.
- Amend the notification requirements under construction regulations to include a signed and dated attestation that the work platform will be installed, inspected, tested and maintained in accordance with the applicable regulations.
- Conduct scans of other jurisdictions' use of emerging technologies and partnerships in the proactive reduction of workplace injuries and fatalities.
- Add a requirement under Ontario regulations for any supervisor of workers working at heights, and/or using a suspended work platform, to take the working at heights training.
- Chief prevention officer to track effectiveness of the working at heights training program through regular evaluations and public-facing reporting to demonstrate the relationship between the program and falls from heights data generated through the prevention division. Make adjustments to program curriculum and delivery methods, according to gaps in opportunities identified.
- Consider additional fines/penalties for supervisors who are violating the regulations.
- Consider reviewing the mandatory frequency of refresher courses for suspended access equipment training.

Source/courtesy: *Legal analysis: "Inquest Into The 2009 Metron Scaffolding Tragedy Begins"* by Daniel Wong, Megan Mah and Alfred Pepushaj (Student-At-Law); WeirFoulds LLP; Feb. 4, 2022. Access the full text of this article at:

<https://www.weirfoulds.com/employer-alert-inquest-into-the-2009-metron-scaffolding-tragedy-begins>

Additional files courtesy: *The Toronto Star*, Feb. 4, 2022, at:

<https://www.thestar.com/local-toronto-etobicoke/news/2022/02/04/inquest-jury-makes-recommendations-in-2009-scaffolding-collapse-deaths-at-etobicoke-highrise.html?f>

IN THE COURTS (continued)

EHSRA readers - who have been prompted by recent blockades of cities and border crossings across Canada to examine possible legal instruments - will find the following report of a decision to extend an injunction restraining interference by protesters demonstrating against logging operations in the Fairy Creek watershed instructive.

• BC's Court Of Appeal Wades Into Fairy Creek

by Melanie J. Harmer, Komal Jatoi and Mala Milanese; McMillan LLP; February 3, 2022

Abstract: A unanimous decision from British Columbia's Court of Appeal has extended an injunction restraining unlawful interference by protesters demonstrating against logging operations in BC's Fairy Creek watershed.

This is the latest occasion where British Columbia's courts have been called upon to issue an injunction to respond to civil disobedience affecting a private entity. Though the dispute over logging in the Fairy Creek watershed on southern Vancouver Island has attracted significant national and international attention [...], there is a long history in British Columbia of civil courts being called upon to provide relief where protests against natural resource extraction cross the line from peaceful protest to unlawful conduct.

As said by the Supreme Court of Canada in upholding an injunction arising from the historically significant protests in Clayoquot Sound in the early-1990s, "the task of the courts is to find a way to protect the legitimate exercise of lawful private rights while preserving maximum scope for the lawful exercise of the right of expression and protest".

Comment: "In this latest ruling, British Columbia's Court of Appeal emphasizes that the court's role in issuing injunctions is not about the wisdom of governmental forest policy nor its own views on old-growth logging. Those are matters for elected governments. Nevertheless, the court's involvement in enjoining unlawful conduct is a necessary and fundamental aspect both of civil society and of the rule of law. In the case of the Fairy Creek watershed, the public interest in having the court uphold the rule of law resoundingly tipped the scales in favour of extending the injunction".

Access the full text of this article at:

<https://mcmillan.ca/insights/bcs-court-of-appeal-wades-into-fairy-creek/#:~:text=A%20unanimous%20decision%20from%20British,in%20the%20Fairy%20Creek%20watershed.>

• Frost on the Constitutional Windshield: Challenge to Critical Infrastructure Defence Act Struck by Alberta Court of Appeal

by Jennifer Koshan, Lisa Silver and Jonnette Watson Hamilton; ABLAWG; February 8, 2022

Case Commented on: Alberta Union of Public Employees v Her Majesty the Queen (Alberta), 2021 ABCA 416 (CanLII) (AUPE (ABCA))

Abstract: Alberta's Critical Infrastructure Defence Act, SA 2020, c C-32.7 (CIDA) has been in the news recently, with the truckers' blockade at Coutts, Alberta causing some to question the lack of enforcement of available legal sanctions. CIDA prohibits entering on to, damaging, or obstructing essential infrastructure in the province, amongst other activities. Essential infrastructure is broadly defined and includes highways and – as of October 2021– health care facilities (see Critical Infrastructure Defence Regulation, Alta Reg 169/2021). However, it appears that no charges have been laid under CIDA to date despite several disruptive COVID-19 related protests and blockades of essential infrastructure.

Only a few days after CIDA took effect, the Alberta Union of Public Employees (AUPE) brought a challenge alleging that the Act infringed multiple Charter rights, several sections of the Alberta Bill of Rights, and the constitutional division of powers between the federal and provincial governments. [...] However, in December 2021, the Alberta Court of Appeal allowed the government's appeal and struck AUPE's claim. Among other things, this article analyzes the Court of Appeal's unanimous reasons for its decision.

Access the full text of this article at:

<https://ablawg.ca/2022/02/08/frost-on-the-constitutional-windshield-challenge-to-critical-infrastructure-defence-act-struck-by-alberta-court-of-appeal/>

BC Supreme Court decides that company was not liable in action brought by the First Nations

The Supreme Court of British Columbia recently released its decision in *Thomas and Saik'uz First Nation v. Rio Tinto Alcan Inc.*, 2022 BCSC 15, where a First Nation group brought a tort action seeking to have Rio Tinto Alcan directed to re-align the Nechako River in order to rehabilitate the fishery that was adversely impacted from the Kenney Dam built in the 1950s as part of an aluminum smelting project.

The Court recognized the First Nation's Aboriginal rights relating to the fishery that had been impacted, and obligations owed by the Crown in that regard, but ultimately declined the bid to have Rio Tinto Alcan re-align the river. The Court accepted Rio Tinto Alcan's defence of statutory authorization - essentially accepting that the company was authorized to impact the environment and fishery based on the governmental authorizations that they had operated under.

Source/courtesy: ESAA Regulatory Review by McLennan Ross LLP.

Chemical compliance

Canada Gazette Notices and screening assessments

February 12, 2022, Canada Gazette Part I

Order 2022-87-01-02 Amending the Non-domestic Substances List

Part I of the Non-domestic Substances List footnote 1 is amended by deleting the following:

870-08-6 1889-67-4 10101-50-5 1684433-82-6

Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-12/html/notice-avis-eng.html#ne1>

February 5, 2022, Canada Gazette Part I

Final decision after screening assessment of a substance - fluorescent brightener 367

Following a screening assessment, the government has concluded that fluorescent brightener 367, CAS RN 5089-22-5, does not meet any of the criteria for toxicity set out in section 64 of the Canadian Environmental Protection Act, 1999 (CEPA 1999). Among other things, fluorescent brightener 367 is present in certain nail polishes. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nb1>

Final decision after screening assessment of a substance - heptamethylnonane (HMN)

Following a screening assessment, the government has concluded that heptamethylnonane (HMN) CAS RN 4390-04-9, does not meet any of the criteria for toxicity set out in section 64 of the Canadian Environmental Protection Act, 1999. The substance is primarily used as a skin conditioning agent, emollient, or solvent in self-care products. Access the Gazette Notice at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nb2>

Results of investigations and recommendations for a substance - 1-nitropropane

Following a screening assessment conducted on 1-nitropropane, it is concluded that the substance does not meet any of the toxicity criteria set out in section 64 of CEPA 1999. Reported uses of the substance in Canada include use in paints and coatings. It is also a solvent in markers and cosmetic nail brush cleaners. Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#nb2>

Notices amending the Domestic Substances List:

- **Notice of intent to amend the SNAc provisions covering 10 substances.** For details, access the Gazette Notice listing the substances at: <https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#na1>
- **Notice of intent to amend the SNAc provisions covering 46 substances.** For details, access the Gazette Notice listing the substances at:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-02-05/html/notice-avis-eng.html#na2>

Government seeking more information with respect to substances containing bisphenol A

Reminder: On November 13, 2021, the Minister of the Environment gave notice that the government requires industry to provide information to help assess whether 188 substances, including bisphenol A (BPA) and BPA structural analogues or functional alternatives, are toxic or are capable of becoming toxic. Responses to this notice shall be submitted to the Minister of the Environment, no later than **March 16, 2022**.

Access the Gazette Notice at: <https://gazette.gc.ca/rp-pr/p1/2021/2021-11-13/html/notice-avis-eng.html#na2>

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