



Environmental Health & Safety Audit Protocol British Columbia, Canada 2021

release notes

STP ComplianceEHS (STP) announces the release of its recently updated EHS audit protocol for British Columbia, Canada. This audit protocol, which covers relevant provincial and national EHS requirements, was previously updated in March 2016. The regulatory date for the current release is April 2021 for the provincial legislation and January 2021 for the national legislation. The table below shows the extent of regulatory changes that have occurred since the previous update.

Number of Legislative Instruments and their Status
(since March 2016)

Protocol Section	No Change	New	Amended	Repealed
General Environmental	4	10	3	2
Air Emissions	3	14	11	2
Solid and Hazardous Waste	2	0	10	0
Water Resources	6	2	13	2
Above and Below Ground Tank Management	1	0	0	0
Community Noise	0	0	0	0
PCBs	2	0	3	0
Asbestos	0	1	4	1
General Health and Safety	1	1	6	1
Equipment, Machine and Electrical Safety	0	0	7	0
Material Handling and General In-Plant Safety	0	0	1	0
Fire Safety	2	0	3	0
Transport of Dangerous Goods	2	1	3	0
Industrial Hygiene	0	2	3	0
Chemical Management	11	3	13	0
Construction Work Site Safety	0	0	2	0

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highlights of selected new legislation

- **Notice with Respect to Substances in the National Pollutant Release Inventory (NPRI) for 2020 and 2021 [Canada Gazette, Part I, Vol. 154, No. 7, February 15, 2020]**, covering calendar years 2020 and 2021, requires certain types of facilities where there are releases, disposal and/or transfer for recycling of the substances listed in Schedule I of the Notice above a listed threshold, to report release information by June 1 of the following calendar year. Certain kinds of facilities are exempted. Typically, a notice applies for two reporting years.

- **Spill Preparedness, Response and Recovery Regulation [B.C. Reg. 185/2017], Spill Reporting Regulation [B.C. Reg. 187/2017], and Spill Contingency Planning Regulation [B.C. Reg. 186/2017]** were adopted to implement a new regime of spill management in British Columbia. The regulations include requirements in relation to maintaining spill contingency plans, developing spill response plans, as well as reporting and managing spills.

- **Impact Assessment Act (IAA) [S.C. 2019, c. 28, s.1]** came into effect on August 28, 2019. The Act and its regulations establish a new process for conducting impact assessments of designated projects proposed to be conducted within federal lands or supported with federal funding. Designated projects and physical activities required to undergo an impact assessment are defined in the *Physical Activities Regulations [SOR/2019-285]*, which also came into effect on August 28, 2019. The assessment considers potential environmental, health, social and economic impacts of proposed projects, including benefits, with specific consideration of effects upon Indigenous people. The process requires that the newly formed Impact Assessment Agency of Canada provide frequent notice of its assessment activities and obtain input from potentially impacted parties. The IAA repealed and replaced the *Canadian Environmental Assessment Act, 2012 (CEAA) [S.C. 2012, c. 19, s. 52]*.

- **Physical Activities Regulations [SOR/2019-285]** establish a list of designated projects and physical activities that will or may require an impact assessment under IAA, c. 28, s. 1.

- **Designated Classes of Projects Order [SOR/2019-323]** establishes a designated class of projects that are expected to cause only insignificant adverse environmental effects and are, therefore, excluded from impact assessment review requirements.

- **Information and Management of Time Limits Regulations [SOR/2019-283]** describe the circumstances in which the time limits in the Impact Assessment Act may be suspended, as well as information requirements for the initial and detailed description of projects.

- **Environmental Assessment Act [S.B.C. 2018, c. 51] and Reviewable Projects Regulation [B.C. Reg. 243/2019]** repealed and replaced legislation of the same name. The new legislation implements the framework for obtaining environmental assessment certificates for any work associated with reviewable projects.

- **Environmental Impact Assessment Regulation [B.C. Reg. 330/81]** was added to incorporate requirements for conducting environmental impact assessments when required by the British Columbia Minister of Environment and Climate Change Strategy.

- **Notice with Respect to the Reporting of Greenhouse Gases (GHGs) for 2020 [Canada Gazette Part I, Vol. 155, No. 7, February 13, 2021]**, covering calendar year 2020, informs facilities of the government's intention to collect data on greenhouse gas emissions for the purpose of conducting research, creating a national inventory, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment. Similar Notices for the reporting on greenhouse gas emissions have been published annually since 2004. Reporting requirements under this Notice are essentially the same as was required for the 2019 reporting year. This Notice also applies to reporting required by the *Output-Based Pricing System Regulations [SOR/2019-266]* which took effect in January 2019.

- **The Greenhouse Gas Pollution Pricing Act [S.C.2018, c. 12, s. 186, last amended by SOR/2019-268]** has been added to this update. This Act sets forth the carbon pricing scheme that applies in select provinces and territories where the system applies. The carbon pricing scheme consists of two components: a federal fuel charge; and a regulatory trading system for large industry, known as the federal Output-Based Pricing System (OBPS).

- **Output-Based Pricing System Regulations [SOR/2019-266; last amended by SOR/2020-114]** were promulgated in 2019. These Regulations implement the greenhouse gas regulatory trading system for large industrial operations established under the *Greenhouse Gas Pollution Pricing Act*. The Regulations include methods: to be used by a covered facility, as defined under Part 2 of the Act to quantify the GHGs from a covered facility and the production from each specified industrial activity at the covered facility; to determine the covered facility's GHG emissions limit based on the facility's production from each specified industrial activity and the applicable output-based standard; and that set forth the manner in which compensation is to be provided by the covered facility for excess emissions and how surplus credits are issued. The Regulations replace the *Notice Establishing Criteria Respecting Facilities and Persons* and *Publishing Measures of October 19, 2018 [SOR/2018-213]*, 2018 and the *Greenhouse Gas Emissions Information Production Order, October 19, 2018, [SOR/2018-214]*, both of which were previously used to implement the Output-Based Pricing System (OBPS) and were repealed by the *Order Repealing Certain Legislative Instruments [SOR/2019-268]*, June 28, 2019.

- **Greenhouse Gas Emission Control Regulation [B.C. Reg. 250/2015]** establishes the framework for the B.C. Carbon Registry to monitor compliance unit transactions and enable the issuance, transfer and retirement of compliance units. This Regulation also provides that regulated operators whose emissions exceed prescribed limits can purchase offsets from the market or funded units from the government. Offset units can also be earned through the removal or reduction of GHG emissions via approved emission offset projects verified by third-party verification procedures.

- **Carbon Tax Act [S.B.C. 2008, c. 40]** creates the framework for a carbon tax, which applies to the purchase and use of fossil fuels in British Columbia. years.

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- ***Benzene in Gasoline Regulations [SOR/97-493]*** limit the benzene content in gasoline and gasoline-like blendstock produced, imported, and sold in Canada. They also specify methodologies for determining benzene concentration and record keeping and reporting requirements.
- ***Gasoline and Gasoline Blend Dispensing Flow Rate Regulations [SOR/2000-43]*** provide maximum dispensing flow rates for nozzles used to dispense gasoline and gasoline-like blendstock containing benzene. The regulations do not apply to nozzles solely dispensing gasoline or a gasoline-like blendstock into heavy-duty vehicles.
- ***Regulations Limiting Carbon Dioxide Emissions from Natural Gas-fired Generation of Electricity [SOR/2018-261]*** establish a regime for limiting CO₂ emissions that result from the generation of electricity by means of thermal energy from the combustion of natural gas.
- ***Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations [SOR/2009-264]*** limit the concentrations of VOCs in architectural coatings. They also specify record keeping and labeling requirements.
- ***Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations [SOR/2009-197]*** limit the concentrations of VOCs in automotive refinishing products. They also specify record keeping and labeling requirements.
- ***Reduction of Carbon Dioxide Emissions from Coal-fired Generation of Electricity Regulations [SOR/2012-167]*** establish a regime to reduce carbon dioxide emissions that result from using coal as a fuel to produce electricity.
- ***Ozone-Depleting Substances and Halocarbons Alternatives Regulations [SOR/2016-137; last amended by SOR/2020-177]*** repealed and replaced the *Ozone-Depleting Substances Regulations, 1998* as of December 29, 2016. The new version of the regulations is intended to ensure that Canada's international obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer are met and introduce a new permitting and reporting system for the import, manufacture, and export of HFCs. The Regulations continue to require reductions in production and import of various ODS substances according to a phase-out schedule. They require reduction of hydrochlorofluorocarbon (HCFC) emissions and other ODS, such as chlorofluorocarbons (CFCs). The Regulations also contain prohibitions, a permit system, reporting and record keeping requirements.
- ***Multi-Sector Air Pollutants Regulations [SOR/2016-151; last amended by SOR/2020-205]*** establish mandatory national performance standards for the cement sector, gaseous-fossil-fuel-fired boilers and heaters, and stationary spark-ignition gaseous-fuel-fired engines. The performance standards limit the quantity of nitrogen oxide and sulphur dioxide that can be

emitted from cement manufacturing facilities, and they limit the rate at which nitrogen dioxide can be emitted from the boilers and heaters and stationary engines. Most of the legislation entered into force on June 17, 2016; however, there are some provisions that will be phased in on January 1, 2021, 2023, 2026 and 2036.

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- **Open Burning Smoke Control Regulation [B.C. Reg. 152/2019]** establishes the conditions under which open burning of vegetation can be conducted during agricultural, forestry, or development activities with the goal of resulting in minimal risk to air quality.
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- **The Navigation Protection Act (E.S.C. 1985, c. N-22)** was amended and renamed the *Canadian Navigable Waters Act [R.S.C. 1985, c. N-22; last amended by SOR/2019-321]*. The amendments expanded the Act to regulate major works and obstructions on all navigable waters, including those not included on the Schedule 1. The amendments also added requirements related to completion of minor works in, on, under, over, or through any navigable water in Canada. The Act creates a new category for “major” works that are likely to substantially interfere with navigation and that will always require approval from Transport Canada, regardless if the navigable waters are listed on Schedule 1. The *Major Work Order [SOR/2019-320]*, 2019 was issued designating those major works likely to substantially interfere with navigation.
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- **Fish Toxicant Regulations [SOR/88-258; as last amended by SOR/2008-322]** establish an exemption that allows the deposit of fish toxicants in the waters of the provinces of Saskatchewan and Alberta and the non-tidal waters of the provinces of Ontario, Quebec and Manitoba if the deposit will not adversely affect fish in the waters adjacent to the waters where the deposit is made and if the deposit is used to eradicate any fish considered a pest in order to enhance fishing in those waters.
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- **Prohibition of Asbestos and Products Containing Asbestos Regulations [SOR/2018-196]** seek to prevent new asbestos and products containing asbestos from entering the Canadian marketplace. In general, the import, use, sale and manufacture of processed asbestos fibres, products containing processed asbestos fibers or any consumer product containing asbestos is prohibited. Specific activities are excluded from this prohibition and are subject to asbestos management plans and annual reporting of asbestos-related activities.
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- **Workers Compensation Act [R.S.B.C. 2019, c. 1]** repealed and replaced the *Workers Compensation Act, [R.S.B.C. 1996, c. 492]*. The 2019 Act continues to establish the rights and responsibilities of employers and workers with regard to occupational health and safety.
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- **Transportation of Dangerous Goods by Rail Security Regulations [SOR/2019-113]** provides security requirements associated with the use of rail for transport of dangerous goods.
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- **Nuclear Safety and Control Act [S.C. 1997, c. 9]** regulates the development, production, and use of nuclear energy and the production, possession, and use of nuclear substances.

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- **Radiation Protection Regulations [SOR/2000-203]** establish the requirements for licensees and nuclear energy works defined by the *Nuclear Safety and Control Act*, including provisions on radiation dose limits and the establishment of radiation protection plans.
- **Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Toluene Diisocyanates, February 16, 2019** requires the preparation and implementation of pollution prevention plans for Toluene Diisocyanates. It applies to owners of facilities who, in 2018 or any time thereafter, release into the ambient air 100 kg or more of toluene diisocyanates (TDSis) per calendar year.
- **Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Reaction Products of 2-Propanone with Diphenylamine (PREPOD), CAS Rn 68412-48-6, in Industrial Effluents, June 15, 2019** requires the preparation and implementation of pollution prevention plans PREPOD in industrial effluents. It applies to owners or operators of facilities within the chemical manufacturing or rubber products manufacturing sectors, that in 2019 or any year thereafter, have an industrial effluent and that manufacture or use PREPOD, or a mixture or compound containing PREPOD, in a quantity greater than 100 kg per calendar year.



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