

West Coast Environmental Law



The BC provincial government set a target of eliminating one third of all regulations. Despite promising to do this while maintaining high environmental standards, it is becoming apparent that both standards and the ability to enforce them are suffering under the deregulation and budget cutting initiatives.

Water

The provincial government's new Riparian Areas Regulation weakens protection for fish habitat, giving wriggle room for developers who want to build close to the banks of fish bearing streams. However, local governments can still protect the environment by developing more stringent protection for fish-bearing streams

Mining

BC's mining industry opposed many of the environmental reforms of the 90's proposing legislative rollbacks and deregulation. The new government has responded and West Coast has tracked the changes and reports on their potential impacts.

Wildlife

Amendments to the *Wildlife Act* to enhance endangered species protection sound like a good thing, but Bill 51 proposes to put political decisions ahead of science. While the amendments do expand provincial powers to protect species at risk, there is no requirement to identify and protect the species that really need help.

Pesticides

On May 13, 2003 the Minister of Water, Land, and Air Protection introduced Bill 53, a new *Integrated Pest Management Act*, which will replace British Columbia's *Pesticide Control Act*. Theoretically, government's role will shift from 'front end' authorization to detecting and punishing companies that are not following their own plans or government technical standards after the fact. However, when these changes are coupled with staff and budget cuts, it is questionable whether government will in fact be able to effectively monitor the amount of pesticides applied in BC and sanction against misuse.

Pollution

The BC government passed the new *Environmental Management Act* on October 21, 2003. When it is brought into force, the Act will replace BC's main pollution law, the *Waste Management Act*, with a new regime that is part of the BC government's deregulation initiative. The Waste Disposal Regulation, created under the *Environmental Management Act*, is expected to eliminate about 80% or more of existing waste permits.

Parks

Bill 84, the *Parks and Protected Areas Statutes Amendment Act*, 2003, weakens *Park Act* restrictions on development in provincial parks, authorizes petroleum and natural gas removal from parks and changes seven park boundaries.

Environmental Assessment

The BC government has rewritten the *Environmental Assessment Act*, replacing the previous assessment process. West Coast's analysis shows how this is a dramatic step backward for environmental assessment in BC.

Agricultural Land and Greenbelt Protection

Bill 21, the *Agricultural Land Commission Act* replaces the previous *Agricultural Land Reserve Act* incorporating many of the provisions of the old Act, along with a number of key structural and substantive changes.

Forestry

The BC government introduced what it called "results based" forest management legislation in the fall of 2002. The legislation - following on the heels of changes to the *Forest Act* - deregulates forest management in BC and enables future "results based" regulations.

Contaminated Sites

Following industry complaints, the BC Government struck an Advisory Panel to recommend changes to BC's Contaminated Sites Regulations. West Coast's analysis of the Panel's interim report shows the recommendations will likely lead to more contaminated site problems and increased liability for the taxpayer.

For more information, check out
www.wcel.org/issues/deregulation