

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

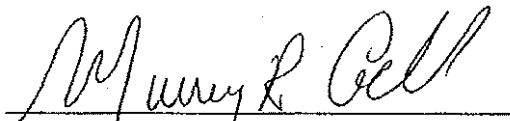
Order in Council No. 812, Approved and Ordered DEC - 3 2010

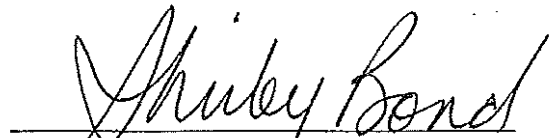

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Emission Offsets Regulation, B.C. Reg. 393/2008, is amended as set out in the attached Schedule.

DEPOSITED
DEC 06 2010
B.C. REG. 347/2010


Minister of Environment


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Greenhouse Gas Reduction Targets Act, S.B.C. 2007, c. 42, s. 12

Other: OIC 905/2008

November 4, 2010

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Resub 2/R/457/2010/14

SCHEDULE

- 1 *Section 1 (1) of the Emission Offsets Regulation, B.C. Reg. 393/2008, is amended by repealing the definitions of “validation body” and “verification body” and substituting the following:*

“validation body”, in respect of a project plan, means

- (a) a person accredited to conduct validations of project plans within the sectoral scope of the project
 - (i) by a member of the International Accreditation Forum,
 - (ii) in accordance with ISO 14065, and
 - (iii) through a program developed under ISO 17011, or
- (b) subject to section 10.1, a person enrolled in a program for accreditation, as described in paragraph (a), to conduct validations of project plans within the sectoral scope of the project, but only for one year after the date on which the person or an authorized individual on behalf of the person first signs a statement of assurance under section 4 (5) in respect of a project within that sectoral scope;

“validator” means an individual employed or contracted by a validation body for the purpose of conducting a validation of a project plan;

“verification body”, in respect of a project report, means

- (a) a person accredited to conduct verifications of project reports within the sectoral scope of the project
 - (i) by a member of the International Accreditation Forum,
 - (ii) in accordance with ISO 14065, and
 - (iii) through a program developed under ISO 17011, or
- (b) subject to section 10.1, a person enrolled in a program for accreditation, as described in paragraph (a), to conduct verifications of project reports within the sectoral scope of the project, but only for one year after the date on which the person or an authorized individual on behalf of the person first signs a statement of assurance under section 6 (5) in respect of a project within that sectoral scope;

“verifier” means a person employed or contracted by a verification body for the purpose of conducting a verification of a project report.

- 2 *Section 4 is amended*

(a) *in subsections (5) and (6) by striking out “a member of the validation body” and substituting “the validation body or an individual authorized by the validation body,”*

(b) *by repealing subsection (5) (f) and substituting the following:*

- (f) an assertion that the individual signing the statement of assurance is the validation body or is authorized to sign the statement of assurance on behalf of the validation body.

(c) in subsection (6) (a) by striking out "the education," and substituting "the names, education," and

(d) by repealing subsection (6) (b) and substituting the following:

- (b) in the case of a validation body that is accredited in the sectoral scope of the project, the accreditation program under which the validation body is accredited and the sectoral scopes to which that accreditation relates;
- (b.1) in the case of a validation body that is not accredited in the sectoral scope of the project,
 - (i) how the education, experience, accreditation, professional designation and knowledge of the individuals described under paragraph (a) enable the validation body to perform work in that sectoral scope, and
 - (ii) the accreditation program in which the validation body is enrolled, the sectoral scopes to which the accreditation program relates and the date the verification body or an authorized individual on behalf of the validation body first signed a statement of assurance under subsection (5) in respect of a project within that sectoral scope; .

3 Section 6 is amended

(a) by adding the following subsection:

- (4.1) A verification body may not make a verification under subsection (1) in respect of a project report if the verification body acted as the validation body for the project plan in respect of the same project. ,

(b) in subsections (5) and (6) by striking out "a member of the verification body" and substituting "the verification body or an individual authorized by the verification body,"

(c) by repealing subsection (5) (g) and substituting the following:

- (g) an assertion that the individual signing the statement of assurance is the verification body or is authorized to sign the statement of assurance on behalf of the verification body. ,

(d) in subsection (6) (a) by striking out "the education," and substituting "the names, education," and

(e) by repealing subsection (6) (b) and substituting the following:

- (b) in the case of a verification body that is accredited in the sectoral scope of the project, the accreditation program under which the verification body is accredited and the sectoral scopes to which that accreditation relates;
- (b.1) in the case of a verification body that is not accredited in the sectoral scope of the project,
 - (i) how the education, experience, accreditation, professional designation and knowledge of the individuals described under paragraph (a) enable the verification body to perform work in that sectoral scope, and

- (ii) the accreditation program in which the verification body is enrolled, the sectoral scopes to which the accreditation program relates and the date the verification body or an authorized individual on behalf of the verification body first signed a statement of assurance under subsection (5) in respect of a project within that sectoral scope; .

4 Section 9 is amended by adding the following subsection:

- (3) The Pacific Carbon Trust, on request of the director, must provide to the director within 60 days of the request a specific project plan or project report that is in the possession of the Pacific Carbon Trust.

5 The following section is added:

Determination respecting unaccredited validation or verification body

- 10.1** (1) The director may determine in respect of a validation body or verification body described in paragraph (b) of the definitions of those terms in section 1 (1)
- (a) that the validation body or verification body is not, or its validators or verifiers are not, qualified to perform, under this regulation, the functions of a validation body or verification body in respect of a sectoral scope; or
 - (b) that the quality of work performed by the validation body or verification body, or its validators or verifiers, is inadequate for the purposes of this regulation in respect of a sectoral scope.
- (2) If the director makes a determination under subsection (1) in respect of a validation body or a verification body, or the validators or verifiers of the validation body or verification body,
- (a) on and after the date of the notice under subsection (6), and
 - (b) until the validation body or verification body is accredited as described in paragraph (a) of the definitions of those terms in section 1 (1) in respect of the sectoral scope to which the determination relates,
- the validation body or verification body is not qualified to perform the functions of a validation body or verification body under this regulation in respect of projects within that sectoral scope.
- (3) In a determination under subsection (1) or by amendment to a determination under that subsection, the director may specify validations or verifications made by the validation body or verification body that, subject to subsection (5), are unacceptable for the purposes of this regulation.
 - (4) A determination under subsection (1) does not affect a validation or verification completed by the validation body or verification body before the date of the notice under subsection (6), except a validation or verification specified under subsection (3).
 - (5) A determination under subsection (1) does not affect a verification completed by the verification body if the verification is respecting greenhouse gas reductions the title for which is or was held by the Pacific Carbon Trust.

- (6) The director must serve notice of a determination under subsection (1) and of an amendment under subsection (3) on
 - (a) the validation body or verification body to which the determination or amendment relates,
 - (b) the proponent of any project in respect of which the project plan or project report is specified under subsection (3), and
 - (c) the Pacific Carbon Trust.
- (7) A notice under subsection (6) may be served
 - (a) personally, or
 - (b) by registered mail sent to the last known address of the person.