

31 January 2020

Emergency Management BC  
Ministry of Public Safety and Solicitor General

Via email: [EmergencyProgramAct@gov.bc.ca](mailto:EmergencyProgramAct@gov.bc.ca)

Dear Emergency Management BC,

**Re: Emergency Management Costs and the Fossil Fuel Industry**

We write in response to your discussion paper, *Modernization of BC's Emergency Management Legislation*<sup>1</sup> (the Discussion Paper). While the Discussion Paper briefly acknowledges both the need for legal tools to fund emergency management and the contribution of climate change to emergency events, it does not address either the massive emergency management costs associated with the changing climate or legal tools to recover a share of those costs from the fossil fuel industry and others that benefit financially from the fossil fuel economy.

The Province must:

- Begin to assess and document the contribution of climate change to the province's emergency preparedness costs; and
- Enact climate damages recovery legislation to ensure that fossil fuel companies and other global corporations that play a lead role in causing climate change pay their fair share of those costs.

**The emergency costs of climate change**

British Columbia will need to devote billions of dollars to emergency management in the coming decades as a direct result of climate change. Unfortunately, while the Discussion Paper acknowledges that “[d]riven by climate change, natural disasters are increasing in frequency and severity,”<sup>2</sup> it does not begin to grapple with the magnitude of this problem.<sup>3</sup>

<sup>1</sup> Ministry of Public Safety and Solicitor General. *Modernizing BC's Emergency Management Legislation*. (Victoria, BC: Province of BC, 2019), available on-line at [https://engage.gov.bc.ca/app/uploads/sites/121/2019/10/modernizing\\_bcs\\_emergencymanagement\\_legislation.pdf](https://engage.gov.bc.ca/app/uploads/sites/121/2019/10/modernizing_bcs_emergencymanagement_legislation.pdf).

<sup>2</sup> Discussion Paper, p. 5.

<sup>3</sup> The Discussion Paper hints at the huge burden facing taxpayers when it states that “\$1.6 billion ... was spent on flood and wildfire response and recovery in 2017 and 2018 alone.” (at p. 5) While not all of that \$1.6 billion is directly attributable to climate change, both provincial reviews and scientific studies have found that the forest fires and flooding were many times worse due to climate change. G. Abbott and M. Chapman. *Addressing the New Normal: 21st Century Disaster Management in BC*. (Victoria, BC:



**Georgia Strait Alliance**  
*Caring for Our Coastal Waters*



A better sense of the magnitude of climate emergency costs facing British Columbia can be gleaned from the province's *Preliminary Strategic Climate Risk Assessment* (the Risk Assessment),<sup>4</sup> released last July, which examined the increased frequency and severity of 15 possible "provincially significant risk events" resulting from climate change between now and 2050. All of the risk events will be significantly more likely by 2050, with many likely to result in loss of life, massive economic loss and costs to the Province and other impacts.

The risk of severe wildfire seasons, similar to those seen in 2017 and 2018, are expected to occur every 3-10 years by 2050, and with the potential of each occurrence to result in 10-100 deaths (direct and indirect) and \$1 billion in economic losses.<sup>5</sup> In addition to BC's own experience in 2017 and 2018, the current wildfires in Australia, and recent wildfires in California and elsewhere demonstrate the challenges posed by a warming climate for forest management.

While less likely, the Risk Assessment confirmed significant increases (by about 5 or more times) in the frequency of what are currently one in 500-year flood or storm surge events in the Lower Mainland. Either event could be "the costliest natural disaster to date in Canadian history," causing an estimated 10-100 deaths and approximately \$22.9 billion or \$24.7 billion in economic losses respectively.

While there is nothing inconsistent between the Discussion Paper and the other alarming disasters outlined in the Risk Assessment, the failure of the Discussion Paper to emphasize what climate change means for Emergency Risk Management in BC is disappointing. British Columbians need to begin a discussion about how our communities and our province can prepare for "franken-disasters" – disasters that are no longer purely natural – and how we can afford the costs of doing so.

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Province of British Columbia, 2018), pp. 11, 14, 34-35; M. C. Kirchmeier-Young et al. (2019). Attribution of the influence of human-induced climate change on an extreme fire season. *Earth's Future*, 7, 2– 10. <https://doi.org/10.1029/2018EF001050>, which found that the area burnt in BC in 2017 was 7-11 times larger as a result of climate change; Li, C., Zhang, X., Zwiers, F., Fang, Y. and Michalak, A.M. (2017), Recent Very Hot Summers in Northern Hemispheric Land Areas Measured by Wet Bulb Globe Temperature Will Be the Norm Within 20 Years. *Earth's Future*, 5: 1203-1216. doi:[10.1002/2017EF000639](https://doi.org/10.1002/2017EF000639).

<sup>4</sup> Ministry of Environment and Climate Change Strategy. Preliminary Strategic Climate Change Risk Assessment. (Victoria, BC: Ministry of Environment and Climate Change Strategy, 2019), available on-line at <https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/prelim-strat-climate-risk-assessment.pdf>.

<sup>5</sup> Ibid, pp. 74-78.



## Who should pay for these unnatural disasters?

In the 1990s, the Province of BC realized that BC taxpayers were paying increasing health-care dollars to deal with cancer and other health impacts associated with tobacco use. Imperial Tobacco, Phillips Morris International and other cigarette companies had manufactured, advertised and profited from the sale of cigarettes and used their huge profits to encourage British Columbians to smoke more, while misleading the public on the links between smoking and cancer and other health risks.

The Province enacted the *Tobacco Damages Recovery Act*, setting out the rules for lawsuits against global tobacco giants. No longer could tobacco companies assume that they could profit from cigarettes while British Columbians paid the price.

In 2018 BC enacted similar legislation to recover health care costs from pharmaceutical giants that knowingly manufactured and marketed addictive opioids.

Hotter forest fire seasons, storms and melting snowpack leading to flooding and landslides, and other climate-related emergencies are all a direct result of climate change. As with smoking, choices made by British Columbians have played a role in creating these risks, but corporate advertising, lobbying and business decisions have played a much larger role.

Chevron, ESSO, Shell and other global fossil fuel companies have known since the 1960s that their products would increase global temperatures and contribute to wildfires, flooding and other disasters.<sup>6</sup> They, like Big Tobacco, invested in lobbying against climate action and public misinformation on the science, while increasing their investment in a lucrative – but ultimately harmful – product.

Although the Discussion Paper flags the need for adequate Emergency Management funding, and invites “input on any new or emerging funding approaches,”<sup>7</sup> it does not actually identify any legislative measures aimed at securing such funding. Instead, the Discussion Paper contemplates leaving the funding of emergency management largely to taxpayers.



<sup>6</sup> Center for International Environmental Law. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis* (Nov 2017), available at <https://www.ciel.org/reports/smoke-and-fumes/>.

<sup>7</sup> Discussion paper, p. 44.

We call on the Province to include mechanisms to hold fossil fuel companies accountable for a share of emergency management costs caused by their products in BC's "modernized" Emergency Management legislation. In doing so, we reiterate a request previously made by local governments representing over a quarter of the province's population.<sup>8</sup> It is also consistent with BC's obligations under the United Nations Declaration on the Rights of Indigenous Peoples, recently recognized in BC law, to provide legal recourse to First Nations whose territory or culture are impacted by climate change.

Several legal and academic commentators have written about the potential for such laws that define the legal responsibilities of fossil fuel companies and other industries that contribute to the climate crisis for the resulting costs.<sup>9</sup> West Coast Environmental Law has drafted a model Climate Compensation Law while the Ontario Official Opposition introduced a *Liability for Climate-related Harms Act* in that province's Legislature.

It is also essential that BC stop subsidizing fossil fuel development. Such subsidies will ultimately make the climate crisis worse, increasing the harm suffered by British Columbians and communities around the world.

Having taxpayers pay everything, while those who profit from fossil fuels pay nothing, is not only unfair; it's also bad economics. It encourages those corporations to continue to sell ever greater and unsustainable quantities of oil, gas and coal while lobbying against climate action.

## **Conclusion**

British Columbia needs to begin a conversation about how to pay for the increasing costs associated with the climate crisis – and particularly the billions of dollars we need to avoid and minimize the impacts of these disasters (climate adaptation), and to recover and rebuild when they occur in any case.

While BC taxpayers will ultimately need to deal with more and more severe emergencies as a result of climate change, it is unfair and unsustainable to expect them to pay 100% of the costs of emergency preparedness, response and recovery. If we are serious about climate change, we cannot simply ignore the link between these franken-disasters and the profits of the fossil fuel industry. We cannot give the fossil fuel industry permission to continue making profits without regard to the harm that they are causing to our province and our communities.

## **Signatories:**

Association of Whistler Area Residents for the Environment (AWARE)

Burnaby Residents Opposed to Kinder Morgan Expansion (BROKE)

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<sup>8</sup> Bowen Island, Burnaby, Port Moody, qaThet Regional District, Richmond, Vancouver, Victoria, West Vancouver have all sent letters requesting legislation of this type. We also note that many of the signatories to this letter also signed a previous letter asking for such legislation sent to the Premier in July 2018.

<sup>9</sup> Olszynski, Martin Z.P., Sharon Mascher and Meinhard Doelle. 2017. "From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability" *Georgetown Environmental Law Review* 30(1): 1-45 (available at <https://ssrn.com/abstract=2957921>); Collins & McLeod-Kilmurray, *ibid.*, p. 291; Gage, A. and M. Wewerinke. *Taking Climate Justice into our own Hands*. (Vancouver, BC: West Coast Environmental Law, 2015); M. Byers, A. Gage and K. Franks. *The Internationalization of Climate Damages Litigation*. (2017) Vol. 7:2 *Washington Journal of Environmental Law and Policy* 264 at 302-310.

Canadian Centre for Policy Alternatives - BC Office  
Citizens Against Urban Sprawl Society (a.k.a. The Footprint Press)  
Council of Canadians  
Council of Canadians - Nelson Chapter  
Dogwood BC  
Douglas Channel Watch  
Friends of Wild Salmon  
Georgia Strait Alliance  
Greenpeace Canada  
Kitimat Terrace Clean Air Coalition  
Leadnow  
Pacific Wild  
Public Health Association of BC  
RightOnCanada.ca  
Sierra Club of BC  
Stand.earth  
Sunshine Coast Alliance for Democracy  
UBC Environmental Law Group  
Union of BC Indian Chiefs (UBCIC)  
West Coast Environmental Law  
Wilderness Committee  
Wildsight  
Yellow Point Ecological Society

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