



REPORT

To: Chair and Directors

Report Number: CS-BRD-015

From: Trish Morgan, General Manager of Community Services

Date: September 3, 2020

Subject: Modernizing Emergency Management Legislation – What We Heard Report

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board approve the September 10, 2020 letter of response to the Province of BC, regarding the discussion paper “What We Heard: Modernizing Emergency Management Legislation”, reiterating the Board’s position that:

- states of local emergencies should be increased to 14 days;
- critical infrastructure operators, including Crown corporations, should be required to educate the public on the hazards, risks and impacts that could occur should there be an infrastructure failure; and
- the “expense authorization form” system, utilized during emergency response and recovery to approve expenses, be examined; with particular attention being targeted at finding ways to speed up approval processes in order to keep pace with the emergency.

BACKGROUND/RATIONALE:

In October 2019, Emergency Management BC (EMBC) released a discussion paper explaining the need for new legislation and outlined the proposed policy direction for modernized emergency management legislation. With the discussion paper, the Provincial Government was seeking comment and feedback from emergency management partners and the public. The Regional Board provided comment on the discussion paper on January 24, 2020 (see attached).

EMBC has now released the “[What We Heard: Modernizing BC’s Emergency Management Legislation](#)”, which summarizes the comments received from local governments and other stakeholders. Due to the COVID-19 response, the timeline to introduce new legislation has been amended as follows:

Timeline

Dates	Activities
January - September 2019	Initial Engagement (complete)
October 28, 2019	Discussion Paper posted (complete)
October 28 - January 2020	Comment Period on Discussion Paper (complete)
August 31, 2020	What We Heard report posted (complete)
September 2020	30 day comment period for What We Heard Report
Spring 2021	Modernized legislation introduced

The report notes that many of the lessons learned from the COVID-19 response have not been included in the discussion paper, as the feedback was received prior to the pandemic. However, moving forward, the proposed legislation will include lessons from the pandemic response.

EMBC is welcoming feedback on the report until September 30, 2020. The following summarizes the comments sent by the Regional Board in January 2020, and notes if these comments were addressed in the discussion paper.

PRRD Comment (summary)	What We Heard Report Green – addresses the concern Blue – more work is needed to address the concern Red – did not address the concern
1(1) That the Province create a trust fund to ensure long-term sustainable funding for structural mitigation works.	Theme #3: Additional resources and capacity will be needed to deliver on the new requirements. Response: The Province acknowledges that strengthening disaster risk and emergency management will require additional investment by both the Province and its emergency management partners. Local Authorities and First Nations will require support and time to develop the capacity needed to implement new requirements.
1(2) That the Province consider whether elector approval is required to raise funds for mitigation works.	No discussion on this item
2(1) That the Province of BC provide further information on what they propose the role of local government be in relation to protecting significant Indigenous cultural sites or the environment.	Theme #5: Calls for more detail and clarity on specific proposals and how the new legislation will be implemented. Requests for ongoing involvement as the legislation is developed, including an opportunity to review and comment on draft legislation. Response: EMBC will continue to engage with partners, Treaty First Nations, Indigenous organizations and stakeholders as legislation is drafted and in the subsequent development of regulations, policies and processes.
2(2) That the Province of BC provide further information on whether the Lieutenant Governor could order a local government to take action in relation to an emergency that is outside the scope described by the definition under the current and proposed Act.	Theme #5: Calls for more detail and clarity on specific proposals and how the new legislation will be implemented. Requests for ongoing involvement as the legislation is developed, including an opportunity to review and comment on draft legislation. Response: EMBC will continue to engage with partners, Treaty First Nations, Indigenous organizations and stakeholders as legislation is drafted and in the subsequent development of regulations, policies and processes.
3(1) That the Province of BC clearly define the criteria and process under which they will consider creating a new local authorities.	Theme #5: Calls for more detail and clarity on specific proposals and how the new legislation will be implemented. Requests for ongoing involvement as the legislation is developed, including an opportunity to review and comment on draft legislation. Response: EMBC will continue to engage with partners, Treaty First Nations, Indigenous organizations and stakeholders as legislation is drafted and in the subsequent development of regulations, policies and processes.

<p>3(2) That unincorporated communities with no defined boundaries, governance structure or funding mechanisms not be considered by the Province when prescribing new local authorities.</p>	<p>The proposed definition of Local Authorities will proceed, including the ability to designate new Local Authorities will proceed, as it could support inclusion of Treaty First Nations, depending on the terms and implementation stage of their Final Agreements, and an appropriate body in the Stikine region. (p. 11)</p> <p>(note definition proposed: Add the ability for the Minister to prescribe by regulation a new “Local Authority”. This could include a Treaty First Nation whose Final Agreement defines it as a Local Authority, an appropriate body within the Stikine, or a group of willing First Nations, municipalities and/or electoral areas that wish to form a unified Local Authority for the purposes of undertaking some or all emergency management functions.)</p>
<p>4(1) That the Province of BC amend the Disaster Financial Assistance regulation to provide greater flexibility to recipients so that they can build back stronger and faster.</p>	<p>Theme #2: The Act should have a stronger connection to the Sendai Framework, disaster risk management, and disaster risk reduction, including the issues and challenges faced by vulnerable populations.</p> <p>Response: The modernized legislation will incorporate key elements of the Sendai Framework. For example:</p> <ul style="list-style-type: none"> • the Act will include principles from the Sendai Framework; • the Sendai Framework definitions of certain key concepts will be adopted, with some modifications to reflect the BC context; • disaster risk governance will be addressed by extending disaster risk management responsibility across government and through periodic disaster risk management reporting; and, • there will be a clear emphasis on disaster risk management in emergency management plans. In addition, new regulations regarding the content of emergency management plans will include requirements to consider the needs of vulnerable populations.
<p>5 The Board provided general support to the proposal of increasing the term of a state of local emergency from 7 days to 14 days</p>	<p>Not addressed – while it was supported by those who provided feedback, the discussion paper does not clearly identify whether this proposal will move forward, except states that the additional extraordinary powers may be added to the Act.</p>
<p>6(1)) That the Province of BC clearly define the roles and responsibilities of all provincial ministries, Crown Corporations and agencies with respect to their roles and responsibilities in all four pillars of emergency management including how they will work as partners with local governments</p>	<p>The proposals for provincial ministries, Crown corporations and public sector agencies to have business continuity plans and emergency management plans were supported, with some requests for more clarity about roles, responsibilities, and plan requirements. For example, Crown corporations that operate critical infrastructure want clarity about which requirements they will have to meet, and that there should be no “doubling up”. (p. 14)</p>

<p>6(2) That the Province of BC ensure that staff working for provincial ministries, Crown Corporations and agencies be trained and exercised in the BC Emergency Management System.</p>	<p>Not addressed directly but may be covered under the following:</p> <p>The proposals for provincial ministries, Crown corporations and public sector agencies to have business continuity plans and emergency management plans were supported, with some requests for more clarity about roles, responsibilities, and plan requirements. For example, Crown corporations that operate critical infrastructure want clarity about which requirements they will have to meet, and that there should be no “doubling up”. (p. 14)</p>
<p>6(3) That the Province of BC be responsible for responding to emergencies that occur on Crown land and/or affect provincially owned infrastructure and further be responsible for assessing the associated risks and impacts and conducting mitigation works on Crown land</p>	<p>Several Local Authorities suggested that the Province should be responsible for hazards that originate on Crown land and/or affect provincially-owned infrastructure that may have downstream impacts on Local Authorities’ jurisdictions. (p. 15)</p> <p>Additional work will be done to explore the following issues that arose through the engagement period: ... Hazards that originate on Crown land but may have downstream impacts on Local Authorities; (p. 16)</p>
<p>7(1) That the Province of BC develop a “best practices guide” for local authority emergency management plans and programs to assist local governments and First Nations; and further, that there is recognition from the Province that every local government and First Nation is unique which may be reflected in their plans and approach to emergency response and recovery.</p>	<p>There was general support for proposals around collaboration, coordination, and partnerships, and for standardized programs and plans. That said, there were several questions about how these proposals would be implemented, including: requests for guidance on engagement with First Nations; how to deal with sensitive information in emergency plans; what is appropriate to share with other jurisdictions and partners; and a desire to maintain some flexibility rather than having “cookie cutter” plans. (p.15)</p> <p>The proposal for EMBC to audit emergency management plans will not proceed; this aspect of quality assurance will focus instead on a review function that relies more on support and collaboration. (p. 13)</p>
<p>7(2) That the Province of BC provide funding support to local governments to revise and update emergency management plans to meet best practices set forth by the Province.</p>	<p>Theme #3: Additional resources and capacity will be needed to deliver on the new requirements.</p> <p>Response: The Province acknowledges that strengthening disaster risk and emergency management will require additional investment by both the Province and its emergency management partners. Local Authorities and First Nations will require support and time to develop the capacity needed to implement new requirements.</p>
<p>7(3) That should the Province of BC wish to audit local government emergency management plans, that they do not make the results public and instead work as partners with the local government to make changes to their plans.</p>	<p>Response: The proposal for EMBC to audit emergency management plans will not proceed; this aspect of quality assurance will focus instead on a review function that relies more on support and collaboration. (p. 13)</p>

<p>8(1) & 9(1) That the Province of BC provide support (funding and expertise) and guidance to local governments and First Nations to assist in understanding and interpreting hazard and risk data in order to develop plans to address impacts and vulnerabilities within our regions.</p>	<p>Caution was also expressed about making the location of hazards publicly available, including the potential impact on property values. This was countered by a call to make more risk information — such as disclosure of risk upon property purchase — available to the public. Several respondents suggested including hazard, risk and vulnerability data from reputable agencies and organizations outside the provincial government, such as hazard modelling and mapping and risk assessments. (p. 12)</p> <p>Response: Concerns about centrally housing hazard, risk and vulnerability data will be addressed during implementation. (p.13)</p>
<p>10(1) That the Province of BC create “best practice” guidelines for reciprocal consultation between local governments and First Nations, rather than regulating consultation requirements.</p>	<p>While the specific proposals in the Discussion Paper were supported, the overall approach to First Nations emergency management will shift to be more inclusive and holistic. (p. 18)</p>
<p>10(2) That the Province of BC provide sustainable funding for both local governments and First Nations to increase capacity to conduct consultation and engagement.</p>	<p>Theme #3: Additional resources and capacity will be needed to deliver on the new requirements.</p> <p>Response: The Province acknowledges that strengthening disaster risk and emergency management will require additional investment by both the Province and its emergency management partners. Local Authorities and First Nations will require support and time to develop the capacity needed to implement new requirements.</p>
<p>11(1) That the Province of BC require critical infrastructure operators, including Crown corporations, to educate the public on the hazards, risks and impacts that could occur should there be an infrastructure failure.</p>	<p>Not addressed – the paper discusses ensuring there is not any duplication of requirements for CI operators to develop their plans, however, there is no discussion about the responsibility to inform the public of the hazards, risks and impacts as a result of their infrastructure.</p>
<p>12(1) That the Province of BC develop a system and criteria to pay volunteers who have been deployed for long-term durations similar to volunteer fire fighters.</p>	<p>The proposals identified in the Discussion Paper will proceed, with some clarification of the definitions for types of volunteers. Classes or groups of volunteers, such as Public Safety Lifeline Volunteers, may be prescribed by regulation, which allows for more flexibility than embedding them in the legislation. Additional work is being done on the issue of WorkSafe BC coverage for volunteers. Many of the comments related to volunteers will be addressed through regulation, policy and guidance documents. (p.22)</p>
<p>12(2) That the Province of BC consider providing greater flexibility with respect to Work Safe BC and liability coverage so that public safety lifeline volunteers, particularly search and rescue volunteers, can assist with a greater variety of tasks during a response.</p>	<p>Additional work is being done on the issue of WorkSafe BC coverage for volunteers. (p.22)</p>
<p>13(1) That the Province of BC examine the “expense authorization form” system utilized during emergency response and recovery to approve expenses, with particular attention being targeted at finding ways to speed up approval processes in order to keep pace with the emergency.</p>	<p>Not addressed</p>

14(1) That the Province of BC include in the modernized Emergency Program Act legislation, provisions to enforce evacuation orders and apply penalties for those who chose to willingly violate them.	<p>A small number of submissions focused on evacuation orders, with opinion divided between allowing people to defend their properties if they choose and more stringent enforcement to ensure everyone leaves an evacuation area.</p> <p>Response: Offences would apply only where individuals or corporations do not comply with the conditions set under a state of provincial or local emergency. (p.24)</p>
15(1) That the Province of BC implement any changes to the Act utilizing a phased approach in order to provide local governments and First Nations time to make suitable changes and increase capacity.	<p>Not addressed in the report, however, EMBC advised the UBCM Flood & Wildfire Advisory Committee that all changes would be implemented in phases.</p>
15(2) That the Province of BC guarantee the provision of long-term sustainable funding to local governments and First Nations to increase human resource capacity to address any changes brought forward through legislation.	<p>Theme #3: Additional resources and capacity will be needed to deliver on the new requirements.</p> <p>Response: The Province acknowledges that strengthening disaster risk and emergency management will require additional investment by both the Province and its emergency management partners. Local Authorities and First Nations will require support and time to develop the capacity needed to implement new requirements.</p>

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Responsive Service Delivery
 - ☒ Enhance Emergency Planning and Response Capacity
- ☒ Advocacy
 - ☒ Emergency Response Capacity for Local Governments

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

A draft letter for the Regional Board's consideration that highlights the areas that the Board identified in January 2020 that have not been addressed in the "What We Heard Report" has been included.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. August 31, 2020: What We Heard Summary Brief
2. August 31, 2020: What We Heard: Modernizing BC's Emergency Management Legislation
3. September 10, 2020: Draft letter to Emergency Management BC
4. January 24, 2020: Letter to Emergency Management BC RE: Emergency Program Act Modernization