



WHAT WE HEARD:

MODERNIZING BC'S EMERGENCY MANAGEMENT LEGISLATION

August 31, 2020



Minister's Message

On October 28, 2019, I released a public discussion paper on “Modernizing BC’s Emergency Management Legislation”, as a means of gathering valuable input to help shape new, modernized legislation to guide emergency management in BC. At that time, no one anticipated the unprecedented public health emergency on the horizon. The global COVID-19 pandemic has confirmed the need to update our emergency management legislation.

In reading this report, it may seem odd that none of the content relates to the COVID-19 pandemic or to health emergencies in general. That’s because the Discussion Paper and the responses pre-dated the pandemic, and it’s fair to say they were informed more by other types of events such as floods, wildfires, and earthquakes. Our government will, however, ensure that the lessons learned from our experience managing the COVID-19 emergency are considered in the new legislative framework.

The COVID-19 pandemic has stretched the resources and capacity of our emergency management partners at all levels of government and in the private and non-profit sectors, requiring collaboration and coordination on a province-wide scale. There are a lot of lessons to be learned from this challenge, but foremost is the importance of coordinating our response and recovery efforts.

One immediate consequence of the COVID-19 pandemic is that we will not be able to deliver a complete, brand-new emergency management Act by Fall 2020. We are now targeting Spring 2021 to deliver the new legislation. While it has changed our timelines, the pandemic has also shown how important it is to update our legislation and shift to a disaster risk management approach.

Through the Discussion Paper engagement process, the public, our partners and stakeholders were invited to submit comments until January 31, 2020 on the proposed legislative changes. We committed to reporting back on what we heard with a summary report. While the COVID-19 pandemic thwarted the goal of publishing a What We Heard Report earlier this spring, we are now able to fulfill our commitment.

We received 239 distinct submissions from members of the public, other ministries and levels of government, communities, First Nations, business and industry as well as from our vital non-profit and volunteer organizations and emergency management practitioners.

The response was substantial, thoughtful and largely positive. I am encouraged by the depth of engagement and shared concern for public safety

expressed by all who responded. My sincere thanks for the time and energy you invested in helping us move this new legislation forward.

When British Columbia became the first province to adopt the United Nations Sendai Framework for Disaster Risk Reduction (Sendai Framework) it was an acknowledgement of the need to embrace a broader vision of disaster risk management and emergency management, one that emphasizes the importance of identifying and mitigating risk before events occur and recognizes the complexities of recovery and the wisdom in building back better after events.

We are reminded daily of the increased risks we face from climate change and, through the COVID-19 pandemic, risks associated with our global interconnectedness in trade and travel. Anticipating and mitigating these risks will inform the provincial government's actions regarding community and public safety and disaster risk and emergency management.

Our government has also taken important steps to develop a new relationship with First Nations and Indigenous peoples, as reflected in the Declaration on the Rights of Indigenous Peoples Act (Declaration Act). Indigenous communities often bear the

greatest impact from events such as wildfires and flooding. Indigenous leaders and emergency management practitioners have told us that Nations must have a strong, self-determined role in emergency management. We must forge new and stronger relationships that are collaborative and that better respect the unique perspectives and needs of Indigenous peoples.

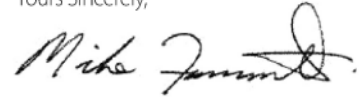
The thoughtful comments and suggestions we received represent a valuable resource, not just for shaping the new legislation but also for the development of regulations, policy and practices. I want to assure all those who responded that while they may not see their comments and suggestions reflected directly in the new legislation, their input is important when we move forward to develop new regulations and adapt our policies and practices to better meet society's changing needs.

One of the significant underpinnings of the Sendai Framework and our new legislation is the understanding that addressing disaster risk management and our emergency management needs is an all of society challenge. The current pandemic and the response from all levels of government and all segments of society demonstrate the far-reaching ramifications a major event can have for people and communities.

Our partners, our communities and our people have all stepped up to do their part. The efforts to keep our essential services going and provide the vital services we rely on for our health and safety need to be acknowledged.

The risks to people and society from a major emergency event are very real and we need to be prepared to mobilize all our resources to prepare for, mitigate, respond to and recover from such events. The significant and substantive response to our call for input on modernizing our emergency management legislation reflects that this is a message we all embrace, and that we are all in this together as we work to continuously improve the emergency management system for our people and communities.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Mike Farnworth". The signature is fluid and cursive, with a large, stylized "M" and "F".

The Honourable Mike Farnworth

Public Safety and Solicitor General and Minister
Responsible for Emergency Management BC



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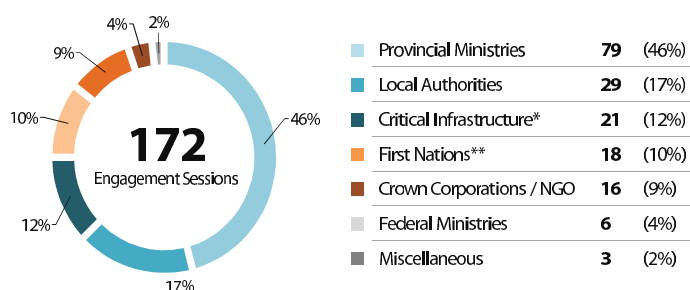
Introduction

On October 28, 2019, Emergency Management BC (EMBC) released a Discussion Paper on Modernizing BC's Emergency Management Legislation, which outlined a series of policy proposals for consideration in new emergency management legislation, replacing the existing Emergency Program Act (EPA).

This report summarizes the feedback received in response to the Discussion Paper up to the January 31, 2020 close of the engagement period. During this time, EMBC conducted some 172 meetings, webinars and teleconferences with partners and stakeholders, and received 239 written submissions. This included five regional Indigenous engagement sessions reflecting the perspectives of approximately 80 Indigenous participants from 61 First Nations communities. The Union of British Columbia Municipalities (UBCM) Flood and Wildfire Advisory Committee was a key contact point with local government elected officials and senior staff.

This Report summarizes the feedback received and how it will be reflected as legislative development moves forward.

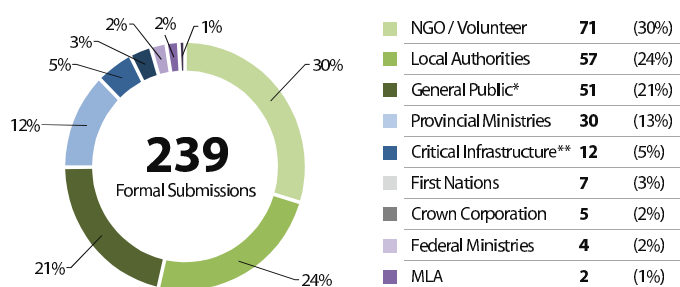
of Engagement Sessions by Sector



* Critical infrastructure engagement sessions were sectoral and included over 30 participants.

** Indigenous engagement sessions include 5 regional sessions with 80 participants from 61 Nations.

Formal Submissions Received



* A majority of the public submissions were focused on animal well-being issues.

** Critical infrastructure submissions were largely sector-based with multiple signatories.



Overarching Themes

There was broad consensus on the need to modernize BC's emergency management legislation and widespread support for almost all of the specific proposals in the Discussion Paper. The engagement process surfaced several key themes which are identified below.

Theme #1

Climate change must be reflected in the legislation.



Moving forward:

In keeping with international best practices, the Act will include recognition of climate change as a key driver and consideration. New regulations regarding the content of emergency management plans and requirements for hazard, risk and vulnerability assessments will include requirements to consider the impacts of climate change. The Discussion Paper proposal to require greater consideration of current and future risk when making building and development decisions includes risk associated with climate change.

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.



Moving forward:

The modernized legislation will incorporate key elements of the Sendai Framework. For example:

- 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.

Theme #3

Additional resources and capacity will be needed to deliver on the new requirements.



Moving forward:

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.

Theme #4

First Nations, including the First Nations Leadership Council (FNLC), stated their expectation that the proposed legislation will adhere to the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) and reflect First Nations' right to self-determination.



Moving forward:

The Province is committed to operating within the context of the Declaration Act and will engage with the First Nations Leadership Council and key Indigenous organizations as the new legislation is developed.

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.



Moving forward:

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.

Theme #6

Critical infrastructure operators, provincial ministries, Crown corporations and public sector agencies called for avoiding regulatory duplication and requested a system of equivalencies recognizing that legislative requirements may also be met through existing regulatory frameworks and requirements.



Moving forward:

Participating entities will be prescribed by regulation, with clarity about the requirements they must meet, and equivalencies will be established.

Theme #7

A number of animal welfare organizations and members of the public stated that the legislation should specifically address animals, including domestic pets, animals in captivity, livestock and wildlife.



Moving forward:

The new legislation will clarify the powers available to protect animals and livestock during a state of emergency. In addition, new regulations regarding the content of emergency management plans will specify that consideration must be given to domestic animals, animals in captivity, and livestock. EMBC will work closely with stakeholders such as the BC Cattlemen's Association to further strengthen policies and practices regarding livestock, and with the BCSPCA regarding domestic animals and animals in captivity. It should be noted that the proposed legislation will not address wildlife.

Quotes



"The BC Chamber of Commerce fully supports the BC Government's Emergency Program Act Modernization efforts, and are especially happy to see the Discussion Paper... highlights many of the concerns and solutions we brought forward to government."

- BC Chamber of Commerce



"In our view, the proposed direction set out is well crafted and would clearly establish British Columbia as the leader in Canada in emergency management."

- Institute for Catastrophic Loss



"UBCM wishes to express its support for the Province's commitment towards the Sendai Framework on Disaster Risk Reduction, including the 'all of society' approach... UBCM recommends... that EMBC develop an ongoing sustainable funding framework for local governments to address emergency management responsibilities."

- Union of BC Municipalities



"The proposed changes to [the] EPA provide enhancement to emergency response and recovery processes in BC. But I believe the [discussion paper] comes short of proposing what is needed for building a strong disaster risk reduction approach and capacity in BC... The language and content of this document is not comprehensive nor strong enough for bringing the shift in focus and approaches that is required for [avoiding new and reducing existing risk]."

- Sage on Earth Consulting





"The BC Emergency Program Act Modernization Discussion Paper... and intentions for the modernization of emergency management need to be approached through the lens of [the Declaration on the Rights of Indigenous Peoples Act]."

- First Nations Leadership Council



"Every program and plan should be inclusive of people with disabilities and other high-risk populations."

- Disability Alliance of BC



"BCSPCA recommends that... the province mandate the inclusion of animals in emergency planning and response. Specifically, the legislation and accompanying policy should incorporate domestic animals and cover animals held in captivity."

- BC Society for the Prevention of Cruelty to Animals



"Ranchers and farmers are pivotal in keeping their animals safe and managed during natural disasters, as not all livestock are able to be transported out of an emergency zone and instead need to be managed within that emergency zone."

- BC Cattlemen's Association



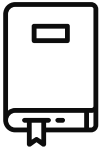
"The Advisory Group calls on BC to provide more consideration to First Nations funding needs and the funding and capacity implications of modernized EPA legislation. The discussion paper is inadequate in its attention to the financial implications for First Nations and the need for sufficient resources."

- Indigenous Advisory Group on the Tripartite Memorandum of Understanding on Emergency Management



"We realize that there is a need for change... however the extent of the changes we are seeing could be and will be extensive and expensive.... Small communities such as Chetwynd do not have the staff, tax base, budget and expertise to complete the requirements of the new Emergency Program..."

- District of Chetwynd



Definitions

A wide range of respondents provided specific feedback on the proposed definitions, including suggestions for changes to proposed definitions and proposals for additional definitions.

There were many suggestions to adopt the Sendai Framework definition for “disaster” (rather than “emergency”) and support for the Sendai Framework definitions of prevention/mitigation, preparedness, response and recovery.

The majority of respondents who commented on the definition of

“emergency” supported the proposed addition of damage to the environment and significant Indigenous sites. Many respondents suggested including “Indigenous cultural values” as well as Indigenous cultural sites; others suggested including other sites with cultural or heritage value more broadly.

In response to the proposal to enable groups of willing First Nations, municipalities, and/or electoral areas to be prescribed as a unified Local Authority, several submissions noted that mechanisms already exist to allow such collaborative arrangements.

Quotes



“The framing of causation as the central aspect of an emergency (e.g., “accident, fire, explosion, technical failure or a force of nature”) is limiting. This only accomplish[es] limiting... communities’ ability to determine for themselves what is and is not an emergency. The important and defining aspect of an emergency is not what caused it, but rather what the consequences are to the community experiencing it.”

- First Nations Health Authority



“FVRD recommends the Province of BC adopt a set of terms already defined by either the UN Office for [Disaster Risk Reduction] or Public Safety Canada. Using common language that has consistent meaning across Canada will lead to greater interoperability...”

- Fraser Valley Regional District

Moving Forward

While some respondents recommended eliminating the definition of “emergency”, it will be retained as emergency management is still an important component of the new legislation, along with disaster risk management. The definition proposed in the Discussion Paper will be modified to include damage to cultural sites or cultural values, including those that are significant to an Indigenous Nation.

In keeping with the calls to better align with definitions in the Sendai Framework, EMBC will adopt those definitions for many key

concepts (e.g., disaster, prevention/mitigation, preparedness, response and recovery), with minor modifications to recognize our specific operational context in BC.

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.



States of Emergency

Local Authorities provided most of the feedback on states of emergency; the majority supported the proposals for 14-day durations for states of local emergency and extensions, and 28-day durations

for states of provincial emergency and extensions. There were a few cautions about the use of extraordinary powers for longer periods.

Quotes



“This change [extending the SOLE duration from 7 to 14 days] will provide much needed stability during incidents and events when public communications are critical to ensure the safety of responders and the public.”

- Regional District Fraser-Fort George



“The extended duration to State-of-Local-Emergency and Provincial-State-of-Emergency are more reflective of what we have learned through previous declarations of states of emergency.”

- Resource Municipalities Coalition

Moving Forward

Following release of the Discussion Paper, EMBC reviewed the suite of powers available to the Minister and Local Authorities during a state of provincial emergency and a state of local emergency, respectively. Based on recent experience in other jurisdictions and the current experience with COVID-19, additional powers may be added, such as the ability to order businesses to close for reasons of public safety and/or the ability to ration key items. In addition, it is proposed to enable the Province to assume direction and control from a Local Authority (at

the Province's discretion) and to require a Local Authority to support emergencies outside their jurisdictions (e.g., to receive evacuees).

In response to concerns about animals (see page 9), the existing power related to "evacuation of persons and the removal of livestock, animals and personal property" will be split into two separate provisions to enhance clarity.



Enhancing Confidence in the Emergency Management System

There is general support for increasing transparency within the emergency management system, provided it is done in accordance with the Freedom of Information and Protection of Personal Privacy Act and other relevant information management standards with appropriate protection of sensitive information. Concerns were expressed about how data would be stored, accessed and used, and potential risks if confidential or proprietary information is publicly accessible. 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.

While there was no objection to registering emergency management plans with EMBC, the proposed audit function provoked significant comment. Concerns included the protection of confidential information and privacy, EMBC's capacity to audit, and the need for best practices and standards. Several respondents noted the perception that audits are punitive, and called for a more collaborative, incentives-based approach. Alternatives to auditing were proposed, including exercising to test plans. Some respondents felt the proposal duplicates accreditation and review requirements already in place for organizations such as Health Authorities.

Quotes



"BCREA strongly supports a legislative requirement to centralize and make available data on hazard, risk and vulnerability assessments or mitigation planning documents conducted or prepared by provincial ministries, Crown corporations and agencies, Local Authorities and critical infrastructure operators. This is an area where more detail is required, including who will have access to the data and where will it be centralized."

- BC Real Estate Association



"The sharing of emergency plans with EMBC is fully supported by the CSRD and auditing the plan with a collaborative approach focused on continuous improvement is welcomed. There are concerns with having the audited results made public. Audited results, positive or negative, can be misconstrued. It is important that the Province and the local authority collaborate prior to any information being made public to ensure confidential or sensitive information is not released."

- Columbia Shuswap Regional District

Moving Forward

Concerns about centrally housing hazard, risk and vulnerability data will be addressed during implementation. 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. A system of equivalencies will be developed, so that a review function is not unnecessarily layered onto existing requirements for certain emergency management partners.



Provincial Ministries, Crown Corporations, and Public Sector Agencies

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”. Some respondents noted that there are opportunities for climate change considerations to be included in both business continuity plans and emergency management plans.

Quotes

“A requirement is needed for school districts, independent schools, universities and colleges... to have a continuity plan and to share their continuity plans with each respective Local Authority in which they operate.”

- Fraser Valley Regional District

“The Province must address the urgent need for up-to-date flood mapping that incorporates climate change adjusted assumptions concerning future flood levels and return periods.”

- Canadian Home Builders Association

Moving Forward

In keeping with calls for greater clarity, participating Crown corporations and public sector agencies will be prescribed by regulation, with a single set of clear requirements, including consideration of climate change impacts. For Crown corporations, the focus will be on large organizations with significant service delivery responsibilities and those that serve vulnerable populations. Public

sector agencies will focus on boards of education, public post-secondary institutions, and health authorities.

A system of equivalencies will be established to ensure that prescribed entities do not have to meet multiple requirements.





Local Authorities

There was significant support for the proposal to require Local Authorities and the Province, through the Ministry of Transportation and Infrastructure's (MOTI) subdivision approval authority in unincorporated areas, to give greater consideration to current and future risk when making building and development decisions in hazardous areas. That said, there were also many requests for more clarity about the proposal and how it would work in practice. Significant concern was raised about whether this would expose local governments to increased liability, whether from not approving or from allowing development to proceed in hazardous areas.

While a legislated requirement to identify, understand, and assess hazards, risks and vulnerabilities was generally supported in principle, there was also a desire for more clarity. 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. Some respondents suggested a role for traditional knowledge and rural landowner knowledge in understanding risks and hazards.

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.

Several Local Authorities raised concerns about the proposal that recovery funding would be conditional on a post-disaster needs assessment and post-disaster recovery plan, which may generate delays, additional costs and uncertainty as communities transition from response to recovery. Commenters advocated for a flexible model with provisions for timely support in the short term, while still requiring needs assessments and recovery plans based on the nature of the disaster.

The proposal to enable Local Authorities to make emergency amendments to an Official Community Plan, Regional Growth Strategy, zoning or bylaws was not widely supported. Local Authorities stated that tools already exist to enable these actions. A new idea expressed by some respondents is that emergency management should be built into Official Community Plans.

The proposal to allow the Minister to grant a Local Authority the use of specific powers for a "transition period" of up to 90 days was widely supported. Local Authorities saw this as a useful tool to bridge between response and recovery and lessen the reliance on extensions of SOLEs. However, the term "transition period" did not resonate with respondents.

Quotes



"Moving forward, mandating greater consideration of current and future risk when considering development in hazardous areas does not pose a significant issue. Stronger legislation to enable local authorities to say "no" would be helpful in this regard, as there is a real cost to mitigating against potential risks."

- City of Vernon



"[Local governments] have little to no authority over what occurs on Crown land, yet are often left to lead the response and recovery when hazards occur on Crown land but impact private property."

- Regional District of Central Kootenay



"BCCA would urge government to connect and utilize rural landowners' knowledge of the landscape to assist with better understanding the current risks at large. Local knowledge is one of the most efficient ways to survey and categorize areas of high or low risk"

- BC Cattlemen's Association



"Delays in the delivery of recovery support may be worse than the initial emergency event. The RDKB is concerned that the need for recovery plans – prior to any recovery funding being released by the Province – would cause serious delays in securing recovery support for those affected."

- Regional District of Kootenay Boundary

Moving Forward

The proposals identified in the Discussion Paper will proceed. EMBC will work with the Ministry of Municipal Affairs and Housing (MAH) and UBCM to further explore the proposal to enable local governments to make emergency or temporary amendments to an Official Community Plan, Regional Growth Strategy, zoning or bylaws and to consider whether Official Community Plans should include an emergency

management lens. In addition, it will be made clear that funding for initial, urgent recovery action will not be delayed; post-disaster needs assessments and post-disaster recovery plans will be required in order to receive longer term recovery funding.

Further work will be done, in conjunction with MAH, to address the

many calls for more clarity about the proposal to require that local governments give greater consideration to current and future risk when making building and development decisions. This includes aligning the proposal with the complex development approvals process.

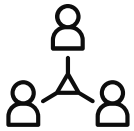
In response to comments about the term “transition period”, the concept will now be referred to as “recovery powers”.

EMBC will work with MAH and the Ministry of Indigenous Rights and Reconciliation to develop guidance for Local Authorities regarding the requirement to collaborate and engage with First Nations.

Additional work will be done to explore the following issues that arose

through the engagement period:

- The potential to reflect emergency management and disaster risk reduction considerations in Official Community Plans and/or Regional Growth Strategies;
- Hazards that originate on Crown land but may have downstream impacts on Local Authorities;
- The need to expedite provincial permitting processes during response and recovery; and,
- The concept of a provincial equivalent to the recovery powers proposed for Local Authorities.



First Nations as Emergency Management Partners

While there was a general sense that the proposals related to First Nations were appropriate, individual representatives and Indigenous organizations were clear that some refinements were needed to better incorporate an Indigenous world view. Respondents stated that Indigenous Nations must be able to decide for themselves what constitutes an emergency and to take actions to prevent/mitigate, prepare for, respond to, and recover from emergencies, with or without other government partners. At the same time, there is strong interest in

partnerships and collaboration. Some participants questioned whether provincial legislation can apply on federal reserve lands. A key message was that First Nations often lack capacity and capability when it comes to emergency management.

The First Nations Leadership Council clearly stated its expectation that it will be involved in developing the new legislation, in keeping with the Declaration Act.

Quotes



"As the Province moves forward with the modernization of the EPA, the FNLC highlights the importance and necessity of honouring the Declaration of the Rights of Indigenous Peoples Act and supporting the core principles of self-determination, self-government, participation in decision-making, and free, prior and informed consent."

- First Nations Leadership Council



"Under the present emergency management structures, it is difficult for First Nation communities... to participate in the decisions leading to the declaration of an emergency. This is a challenge as even though the new legislation acknowledges damages to Indigenous cultural sites and the environment, only EMBC can declare an emergency."

- Indigenous Advisory Group on the Tripartite Memorandum of Understanding on Emergency Management



"The term 'cultural safety' is an extremely important added element to this document. There must be a clear definition of what this term is designed to achieve and how it will be received. Furthermore, it must be defined by Indigenous Peoples."

- Simpcw First Nation



"The focus on proactive disaster risk reduction, and strengthened reconciliation and recognition of Indigenous emergency management partners are important values that should be at the heart of any contemporary emergency management legislation."

- City of Enderby

Moving Forward

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. EMBC will work with the Tripartite Memorandum of Understanding Technical Working Group on First

Nations Emergency Management on policy discussions in support of the legislative drafting process and subsequent development of regulations, policies, and processes.

- The new legislation will recognize First Nations as self-determining emergency management partners.
- First Nations will be able to declare their intent to assume some or all of the responsibilities under the new Act and to establish a local emergency management organization on treaty, title or federal reserve lands, and enter into agreements to describe roles for the Province and other parties.
- First Nations will explicitly be able to declare a state of emergency and access the extraordinary powers to manage an emergency.
- It will be made clear that jurisdictional areas for Local Authorities do not extend to treaty settlement lands, title lands, or reserve lands. Existing and new partnerships will be encouraged as a matter of policy so that plans can be developed jointly, and resources can be shared between authorities.
- Local Authorities and First Nations will be required to collaborate and engage with each other on evacuation alerts, orders, and re-entry.
- Bodies preparing emergency management plans or delivering services will be required to consider cultural safety and the needs of First Nations members living both in and away from First Nations communities.



Critical Infrastructure Operators

There was general support for the proposed approach for critical infrastructure, as well as general support from the critical infrastructure operator community with respect to the overall intent of the proposals. However, there were also strong concerns — even opposition — around proposals to audit plans and numerous cautions to avoid regulatory duplication. Another strongly heard theme

was management of sensitive information. There were also several recommendations to alter the scope of critical infrastructure, including adding or removing specific sectors and sub-sectors. Finally, there was strong interest to be provided additional information on the details of the proposals and how they would work.

Quotes



"We recognize that many changes have occurred in emergency management practices in BC over the years and we are supportive of the government's intent to modernize its approach to emergency management throughout the province."

- Canadian Association of Petroleum Producers



"We strongly support BC's focus on further improving the four above pillars of emergency management with the objective of implementing the Sendai Framework's All-of-Society approach."

- Telecommunication Service Provider Joint Submission (Telus, Shaw, Rogers, and Bell/MTS)



"CEPA and its members are concerned that some aspects of the discussion paper may either duplicate or be inconsistent with current provincial and federal legislation, regulation and policy. Consistency with current provincial and federal requirements is critical for effective and efficient response in the pipeline industry."

- Canadian Energy Pipeline Association



"Establishing requirements and expectations for sharing plans and hazard information between critical infrastructure and government is important and will support and enhance emergency management planning in the region."

- Integrated Partnership for Regional Emergency Management

Moving Forward

To address concerns about the potential for duplicative requirements, the new emergency management legislation and subsequent regulations will recognize equivalencies with existing federal and provincial statutes and regulations. To address concerns about sensitive information, the Province will continue working with emergency management partners to further refine the balance between information provision and information security and will ensure appropriate security protections are in place. The proposal for EMBC to audit emergency management documentation will not proceed.

With respect to the many recommendations provided on defining critical infrastructure and the scope of potential requirements across and within sectors, the Province will use this feedback in combination with risk-based criteria to clearly articulate, in legislation and regulation, what entities will be considered critical infrastructure operators and what requirements they will have. EMBC will continue working closely with other provincial agencies and the federal government to ensure alignment wherever possible.



Supporting Volunteers and Non-Governmental Organizations

There was extensive support for the proposals to enhance support for volunteers. Responses reflected recognition and appreciation for the value that volunteers contribute and their passion.

The proposed new definitions were supported, although there were some suggestions for fine-tuning the definitions. A small number of respondents suggested different terminology, such as “affiliated and non-affiliated volunteers” or “spontaneous volunteers”. The proposal to include a definition of service provider is supported, with some respondents noting that their organizations provide comprehensive services in partnership with the Province, rather than episodic services.

Several respondents suggested certain categories of volunteers (generally referred to as Public Safety Lifeline Volunteers) should be specifically identified in the definition of registered volunteer or in the new legislation, although there was little consistency about which categories to include.

There was significant support for strengthening legal protection for volunteers and others, and to provide employment protection for registered volunteers. Some submissions suggested extending employment protection to volunteers from non-governmental organizations (NGOs) and other recognized service providers (such as the Canadian Red Cross, Canadian Disaster Animal Response Team, Salvation Army and others) when deployed during an emergency or disaster. There was some concern about the potential administrative burden of the proposed process for employers to dispute ongoing deployment as a volunteer where an employee is critical to business continuity or other hardship. There were also some requests to clarify whether and how WorkSafe BC provisions apply to volunteers.

There were also many issues raised about implementation and/or operational policy, such as the process to register, certify and train volunteers.

Quotes



“The CRC respectfully suggests that, in order to truly adopt a whole of society approach, the revised Act should offer further details on the role of “Service Providers” and include additional processes for partnering agencies that have existing knowledge, experience and capabilities within Emergency Management, like the Canadian Red Cross, to reflect the reality that full-service humanitarian organizations have an essential role in the delivery of services.”

- Canadian Red Cross



“The BCSARA board is delighted to see increased support for volunteers highlighted in the Discussion Paper... Job protection is very important to [Ground Search and Rescue] and other Public Safety Lifeline Volunteers; there have been instances during large scale emergencies where SAR volunteers were informed they had lost their jobs due to being away assisting in evacuations or other tasks when requested by the Province and/or Local Authorities.”

- BC Search and Rescue Association



“...IBC recommends that government ensure that all volunteers, including professionals, are protected from general liability and professional liability when working on behalf of the Province, either through a private liability insurance policy or civil liability coverage provided by the government.”

- Insurance Bureau of Canada

Moving Forward

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.



Supporting and Empowering Residents, Visitors and Businesses

The Province was encouraged to take a stronger role in public education and awareness. Specific suggestions included: mandating personal preparedness curriculum in elementary schools; increasing the use of public media channels; creating reward and incentive campaigns; increasing communications about emergency programs and protocols prior to an emergency and during response and recovery; and making preparedness literature and campaigns available in multiple languages, including sign language.

Some respondents noted there was little reference to business and the economy in the Discussion Paper. Some respondents called for requirements that businesses (and organizations that care for others, including animals) have business continuity and/or emergency

management plans, have emergency supplies on hand, and conduct annual training and exercises.

While insurance was not covered in the Discussion Paper, it was raised by some respondents, although there was little consistency in the comments. There were some suggestions that residential property owners and renters be required to have insurance on property and contents. Other commentators supported a stronger role for the Province; ideas ranged from directly offering pooled insurance for property owners and/or renters, to increasing awareness about the benefits of obtaining insurance privately, to addressing the gap between insurance and government funding mechanisms.

Quotes



"As part of the modernization project, intense public education and awareness campaigns will be critical to support shifting expectations from an outwards emphasis to an inwards focus when it comes to disaster mitigation."

- Northern Rockies Regional Municipality



"We recommend... creat[ing] procedures for distributing emergency information to visitors via tourism operators and the visitor centre network through the use of regional tourism emergency programs as strategic partners."

- Tourism Industry Association of BC

Moving Forward

The Act will note the need to work with individuals and businesses to strengthen resilience through an all-of-society approach to disaster risk management and emergency management. Through regulation, Local Authorities could be required to engage with individuals and businesses in the development of their emergency management plans. The small business sector will also be considered when the Compensation and Disaster Financial Assistance Regulation is revised.

EMBC will explore with the insurance industry how businesses and homeowners can be better supported by insurers through education programs about the types of insurance coverages available, as well as potential expansion of the types of perils insured and how to assist owners of high-risk properties. EMBC is also working with the federal government on a national program for homeowners through its Flood Working Group, co-chaired by Public Safety Canada and the Insurance Bureau of Canada.



Compliance and Enforcement

The Discussion Paper invited readers to provide ideas about tools, incentives, penalties and enforcement mechanisms. While there were not many comments on this topic, there was a clear interest in emphasizing incentives around compliance, with a few respondents supporting financial penalties for non-compliance.

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.

Quotes



"Incentives to ensure compliance should be tied to UBCM activities and awards for local governments. Stiff financial penalties must be incorporated to ensure participations. This must be balanced with the ability to carry out the work and the financial implications to smaller and rural communities."

- City of Port Coquitlam



"Regulated entities should be given time and clear direction on how to comply before any punitive measures are implemented."

- City of Vancouver

Moving Forward

A suite of tools, both legislative and non-legislative, will be developed to build the capacity and capability of local authorities and promote compliance with the new Act. These tools will focus on providing incentives that empower local authorities to embrace a disaster risk reduction mindset and take action to become resilient in the face of emergencies and disasters. For example, new tools coupled with better information and expert support could help planning efforts. New funding mechanisms may also be developed to support planning and training, and foster increased collaboration.

A compliance and enforcement regime will also be developed that emphasizes informal approaches such as partner-to-partner dialogue and continuous improvement, coupled with progressive formal compliance tools ranging from notifications of non-compliance to administrative penalties. Offences would apply only where individuals or corporations do not comply with the conditions set under a state of provincial or local emergency.

Conclusion

The feedback received will inform BC's modernized emergency management legislation, which is now targeted for the Spring 2021 legislative session. EMBC will continue to engage with local authorities, First Nations, Indigenous organizations and other partners and stakeholders as legislation is drafted, and during subsequent development of regulations, policies and processes.

