



PEACE RIVER REGIONAL DISTRICT

January 24, 2020

Emergency Management BC
Attn: Citizen Engagement
PO BOX 9484 Stn Prov Govt
Victoria, B.C. V8W 9W6

EmergencyProgramAct@gov.bc.ca

RE: *Emergency Program Act* Modernization

To Whom It May Concern,

The Peace River Regional District (PRRD) respectfully submits the following feedback in response to the Discussion Paper: British Columbia – Modernizing BC’s Emergency Management Legislation.

The discussion paper outlines a number of principles and strategies, however, the PRRD has concerns regarding staffing capacity, costs and expertise required to fully implement some of the changes suggested.

1) Funding to conduct mitigation works

As noted in the discussion paper, the current legislation focuses largely on response and recovery. It is proposed that the modernized legislation take a four pillars approach to emergency management which will include mitigation and preparedness and will “[specify] the obligations of emergency management partners in each area.”

While the PRRD supports the idea of a taking a balanced approach to the four pillars, the PRRD is concerned with the cost to construct structural mitigation works and whether there will be long term and reliable provincial funding opportunities for these projects as well as long term funding for maintenance (e.g., flood mitigation works). Further, in the absence of provincial funding, will regional districts be required to create service areas and a service function to requisition for the construction and maintenance of structural mitigation works and if these service areas will be required to be established through an elector approval process? If service areas are required to be established by elector approval, what will be the result if the electorate does not approve them (i.e., they are unwilling to pay for the project and maintenance)? Will local governments be held liable for failing to prevent an emergency or disaster?

Recommendations:

- 1) That if the Province of BC increases the obligations of local governments to conduct structural mitigation works, that the Province create a trust that would ensure long-term sustainable funding support for local governments for the construction and long-term maintenance of structural mitigation projects.

diverse. vast. abundant.

PLEASE REPLY TO:

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- 2) That if the Province of BC requires local governments to contribute funding for the construction and maintenance of structural mitigation works, that consideration be given to whether an elector approval process would be required to establish service areas.

2) Definition of “Emergency”

The discussion paper proposes that the definition of an “emergency” be expanded to include damage to “Indigenous cultural sites or the environment” or “Any other situation prescribed by the Lieutenant Governor in Council.”

Proposed additions in red:

- (a) Is caused by accident, fire, explosion, technical failure or a force of nature; and
- (b) Requires prompt coordination of action or special regulation of persons or property to protect the health safety or well-being of a person or community or to limit the damage to property, **significant Indigenous cultural sites or the environment; or**
- (c) **Any other situation prescribed by the Lieutenant Governor in Council.**

The PRRD is concerned with the expectations of the Province with respect to the role local governments will play in protecting significant Indigenous cultural sites or the environment. Further, will the Lieutenant Governor be able to order a local government to respond to an emergency that is not outlined in the current definition, such as one that has impacts on human health (such as foreign animal disease or pandemic) or economic crises? Many local governments in BC, particularly in the north, are limited in staffing capacity and do not have the knowledge or expertise in these areas to support emergencies of this type.

Recommendations:

- 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.
- 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.

3) Local Authority

The discussion paper proposes that the Minister would be able to prescribe by regulation new “local authorities” for the purposes of undertaking some or all emergency management functions.

While the PRRD supports the idea of collaboration and coordination between regional districts, municipalities and First Nations, the PRRD is concerned whether the Province will consider creating local authorities that include unincorporated communities with no defined boundaries, governance structure or funding mechanisms.

Recommendations:

- 1) That the Province of BC clearly define the criteria and process under which they will consider creating a new local authorities.
- 2) That unincorporated communities with no defined boundaries, governance structure or funding mechanisms not be considered by the Province when prescribing new local authorities.

4) Definition of Recovery

The discussion paper proposes “to give local authorities and ministries the tools and powers required to build back stronger, faster and inclusively.” The PRRD supports this concept and recommends that the Province amend the Disaster Financial Assistance (DFA) legislation to allow for this. Currently the requirements under DFA do not allow recipients to build to a higher standard or make modifications to what was pre-existing prior to an emergency event, even if it contributed to impacts associated with the event. In order to mitigate future events, recipients of DFA needs to have the flexibility to be able to make changes to alterations to their homes, businesses, and infrastructure so that they are prepared to withstand future events.

Recommendation:

- 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.

5) Changes to States of Local Emergencies

The PRRD supports the concept proposed in the discussion paper whereby the duration of states of local emergencies (SOLE's) would increase from 7 days to 14 days and provincial state of emergencies from 14 days to 28 days. Additionally, introducing a provision that would allow local authorities to utilize one or more of the extraordinary powers when transitioning to recovery and without the use of a SOLE, would reduce the administrative burden associated with response and recovery.

6) Provincial Ministries, Crown Corporations & Agencies

The discussion paper proposes that the “Provincial government must lead by example to adopt a four-pillar approach to emergency management...” While it is encouraging that it is proposed that provincial ministries, Crown Corporations and agencies will be required to develop and maintain business continuity and emergency management plans, these plans need to clearly outline and define roles and responsibilities as well as how they will work with local governments as partners in emergency management – not download responsibilities to local governments. Provincial experts play an important role in emergency management and response in particular and as such it is important that they are trained in the BC Emergency Management System and are able to fully support and lead emergency response efforts.

Further, provincial ministries, Crown Corporations and agencies need to be responsible for 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. While local governments are responsible for ensuring that our citizens

are cared for during an emergency, local governments should not be responsible for coordinating a response on Crown land or in relation to Crown assets.

Recommendations:

- 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.
- 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.
- 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.

7) Quality Assurance & Standardized Programs & Plans

The discussion paper proposes to provide EMBC with the ability to audit emergency management plans and the results would be made public. As voiced by many other local governments, the PRRD is concerned how this information may be used if made public and whether it could open a local government to possible liability and litigation following an emergency response.

Further in the discussion paper it is proposed that emergency program and plan content requirements be prescribed through regulation. Given the uniqueness of each local government and First Nation in BC, the PRRD is concerned that a regulated “one-size fits all” approach would not provide the flexibility needed to approach emergency programming and planning in such a way as to recognize the diversity that exists throughout BC.

Recommendations:

- 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.
- 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.
- 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.

8) Responsibilities of Provincial Ministries, Crown Corporations & Agencies

The PRRD supports the proposal that provincial ministries, Crown corporations and agencies be required to develop emergency plans and participate in the development of plans where they are not the lead.

The PRRD further supports establishing a provincial obligation to provide hazard data and coordinate with local authorities and First Nations, however, is concerned with whether there will be support provided to interpret and analyze this data. Most local governments do not have the capacity or in-house expertise to be able to utilize data that may be provided regarding hazards, risks and potential impacts in their regions. Support from provincial experts will be required in order to fully understand and address hazards through planning and mitigation and preparations for response and recovery.

Recommendation:

- 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.

9) Building & Development

The discussion paper proposes that local authorities and the Province (through subdivision approval) give greater consideration for current and future risk for new development approvals in hazardous areas. It is important for the Province to understand that while development approval may be provided once a property is subdivided, there may be tens of years between the time that a subdivision is approved and an owner builds on the property. And while it is the responsibility of the property owner to educate themselves of any notices or covenants on title, many are often not aware of covenants requiring to address known hazards.

Additionally, many regional districts in BC do not require building permits in portions of their electoral areas and therefore may only become aware of new construction when a property owner is seeking a civic address. In these cases property owners are able to build however they like and wherever they like without regard for mitigating known hazards on their properties. Building permits are a tool for local governments to require property owners to not only follow the BC Building Code, but to also build in such a way as to reduce their risk from a known hazard. Due to the lack of building inspection in many rural areas, regional districts often don't become aware of issues such as building too close to water bodies, or in or near steep slopes, etc. until there is an emergency and properties have become impacted and require assistance.

Recommendation:

- 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.

10) Collaborative Planning & Partnerships

The discussion paper proposes that local governments be required to consult with First Nations on their emergency plans. While the PRRD supports the idea of working with our First Nations neighbors whenever possible and where there is capacity to do so, there is concern over

prescribing through legislation or regulation the standard to which consultation must take place. Many small local governments and First Nations do not currently have the human resource capacity that may be required to conduct consultation or engagement.

Recommendations:

- 1) That the Province of BC create “best practice” guidelines for reciprocal consultation between local governments and First Nations, rather than regulating consultation requirements.
- 2) That the Province of BC provide sustainable funding for both local governments and First Nations to increase capacity to conduct consultation and engagement.

11) Critical Infrastructure Operators

The discussion paper proposes that critical infrastructure (CI) operators be required to develop specific emergency management plans and to be inclusive of hazards created by CI. While this is a first step, it is also important for CI operators to educate the public and local authorities on the hazards that may be created through their infrastructure. Local authorities do not have the expertise to educate those that may be impacted as a result of a CI failure.

For instance, BC Hydro has constructed hydroelectric dams across BC and while they currently have emergency plans in place to respond to a failure, they do not educate the residents and businesses located within their inundation zones on the hazard and risks. Local governments do not have dam engineers that can speak to the possible causes of a dam failure, what might happen, the rate of release, etc. This information is best communicated by BC Hydro engineers to those who could be impacted. This approach is taken throughout northern BC with respect to oil and gas operators who are required by legislation to meet with anyone who could be potentially impacted by a failure in their infrastructure.

Recommendation:

- 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.

12) Volunteers & Non-Governmental

The discussion paper proposes providing more support to volunteers through creating more equitable treatment between those ordered to provide support in an emergency and those who willingly do so. Since 2016 the Province has experienced a number of emergencies that have required, not only long-term deployment of volunteers, but also a greater number of volunteers. Many have volunteered to assist with response and recovery efforts and have done so without pay and have put their jobs in jeopardy to assist others.

While the PRRD supports the concept of providing volunteers with “time limited employment protection,” the Province should also consider criteria paying those who volunteer during an emergency. Standards and criteria would have to be developed to determine when, how and who should be paid for their time similar to volunteer fire fighters who are deployed by the Office of the Fire Commissioner.

Further, the Province should also consider de-categorizing public safety lifeline volunteers. For instance, there is no reason why a search and rescue volunteer, if trained, could not assist with ESS or rapid damage assessment. Under the current system there is no liability or WCB protection for search and rescue (SAR) volunteers to assist with these response tasks as part of their SAR organizations.

Recommendations:

- 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.
- 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.

13) Financial Considerations

The discussion paper notes that the “Province continues to work to improve its policies, procedures and administrative processes to ensure Local Authorities “are reimbursed for response and recovery costs.” While the PRRD supports this concept, the Province should also examine the expense authorization process that is utilized during response and recovery. Many local governments have voiced frustration with the process that requires emergency operations centres to receive pre-approval for expenses associated with response and recovery costs. Often approvals are delayed because they require multiple levels of approval from EMBC and can slow the ability of incident command and the EOC to respond.

Recommendation:

- 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.

14) Compliance & Enforcement

The current legislation (and presumably the proposed legislation) provides local authorities with the ability to initiate an evacuation when there is an imminent risk to public safety. Although adults currently have the option to decide whether to stay and defend their properties while under evacuation order, once they leave the order area, they are not allowed to re-enter without authorization. The challenge that is faced by many local governments is that there is limited enforcement of evacuation order areas by the RCMP and there is no penalty for those who violate evacuation orders and lead others into evacuated areas.

Recommendation:

- 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.

15) Phased Approach to Implementation & Sustainable Funding

Given the number of proposals that the Province is currently considering, including in the new legislation, it will take time and resources for local governments and First Nations to fully implement changes in their emergency programs and plans. Therefore if any changes are brought forward it would be important to do so in a phased approach over a number of years and with funding support to help increase long-term human resource capacity. Many local governments and First Nations communities do not have the staffing capacity or the funding to increase staffing to fully implement the changes recommended in the discussion paper - a guarantee of long-term sustainable funding will be crucial to implementing changes.

Recommendations:

- 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.
- 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.

Should you have any questions regarding our feedback please feel free to contact Trish Morgan, General Manager of Community Services, at 250 784-3200 or trish.morgan@prrd.bc.ca.

Yours truly

A handwritten signature in black ink, appearing to read 'B. Sperling', with a stylized flourish at the end.

Brad Sperling, Chair