

DATE: January 22, 2020

FILE: 7130-01

TO: Chair and Directors
Comox Valley Regional District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Emergency Program ACT Modernization Project- Proposing Revision of Legislation

Purpose

To provide the Board with the Modernizing BC's Emergency Management Legislation Discussion Paper technical review submission created through the support from Comox Valley Regional District (CVRD), City of Courtenay, Comox Valley Emergency Program (CVEP) personnel and members of the Mid- Island Emergency Coordinators and Managers (MIECM) professional group.

Recommendation from the Chief Administrative Officer:

THAT Comox Valley Regional District submission to the Province for the technical review of the Modernizing BC's Emergency Management Legislation Discussion Paper be endorsed by the board.

THAT the Board resolve to write a letter to the Ministry and copy the Union of British Columbia Municipalities to support the advancements, but express the need for the Ministry to provide meaningful consultation with all local governments and consider new financial resources to support the response by local governments prior to any legislative changes.

Executive Summary

The provincial government has embarked on a consultation process to review the *Emergency Program Act* (EPA) to ensure that it provides a solid legal foundation. In October 2019 they released the Modernizing BC's Emergency Management Legislation Discussion Paper and offered the opportunity for all stakeholders, including public, to review and provide their submissions by January 31, 2020.

CVEP provided the EPA discussion paper and support materials to its Emergency Planning Committee, the CVRD, Comox Valley local authorities and K'ómoks First Nation and offered the opportunity to submit their comments into the CVEP technical review of the Modernizing BC's Emergency Management Legislation Discussion Paper or separately submit on their own.

Comments and/or concerns were received from its Emergency Planning Committee, the CVRD, the City of Courtenay as well as contributions from members belonging to the MIECM professional group.

The CVEP technical submission can be found in Appendix A along with the Modernizing BC's Emergency Management Legislation Discussion Paper and support materials as Appendix B.

Relevant Policies:

1. *Emergency Program Act*:

- establishes requirement for maintaining an emergency management program

2. Local Authority Emergency Management Regulation:

- establishes requirements to develop and implement emergency plans and other measures

The new direction for the EPA goes beyond the typical function of the current emergency management services scope. Its potential requirements could also have considerable impacts to other local government departments such as but not limited to; planning, corporate services and critical infrastructure. The new cost implications on demands/requirements to local governments are unclear and there are concerns regarding funding and shifting of responsibility to local government may result from the EPA changes.

It is our hope that before Emergency Management BC (EMBC) recommends any potential legislative changes it will share their draft to all regional districts and local governments for review.

Prepared by:

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Concurrence:

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Doug DeMarzo
General Manager of Community
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Stakeholder Distribution (Upon Agenda Publication)

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| City of Courtenay, Town of Comox, Village of Cumberland, K’ómoks First Nation | ✓ |
| Union of British Columbia Municipalities | ✓ |
| Mid- Island Emergency Coordinators and Managers | ✓ |

Background/Current Situation

The Provincial Government has embarked on a consultation process to review the EPA to ensure that it provides a solid legal foundation. The initial consultation period began January 11, 2016, with the release of the Prepared and Resilient Discussion Paper in 2016. This has been followed by the release of the Modernizing BC’s Emergency Management Legislation Discussion Paper in October of 2019.

An online request was made by the province for comments from all stakeholder, including the public, on the current discussion paper, with a submission deadline of January 31, 2020.

The information provided in the discussion paper is not sufficient to understand the full impact to the CVRD or local governments. This opportunity to provide a submission is the next step toward ongoing consultation on the draft revision of the EPA. The draft revision of the EPA will provide a better understanding of the direct impact to the CVRD and local governments.

CVEP provided the EPA discussion paper and support materials to its Emergency Planning Committee, the CVRD, Comox Valley local authorities and K’ómoks First Nation and offered the opportunity to submit their comments into the CVEP technical review of the Modernizing BC’s Emergency Management Legislation Discussion Paper or separately submit on their own.

Comments and/or concerns were received from its Emergency Planning Committee, the CVRD, the City of Courtenay as well as contributions from members belonging to the Mid- Island Emergency Coordinator and Managers professional group.

Though comments, concerns and many questions have been offered in that the technical summary, we feel there will a clearer idea of potential legislative changes EMBC will recommend.

The new direction for the EPA goes beyond the typical function of the current emergency management services scope. Its potential requirements could also have considerable impacts to other local government departments such as but not limited to; planning, corporate services and critical infrastructure. The new cost implications on demands/requirements to local governments are unclear and we are concerned funding and shifting responsibility to local government may result from the EPA changes.

It is our hope that before EMBC recommends any potential legislative changes it will share their final report and/or draft recommendations of those legislative changes to all regional districts, First Nations and local governments for further review.

Relevant Policies:

1. *Emergency Program Act*:

- establishes requirement for maintaining an emergency management program

2. Local Authority Emergency Management Regulation:

- establishes requirements to develop and implement emergency plans and other measures

Some key reason for the province pursuing the EPA modernization project:

The *Emergency Program Act*

- Established 1993;
- adopting the Sendai Framework which identifies the need to address all four pillars of emergency management;
- shift to doing more mitigation (every \$1 of mitigation saves \$6 of response costs) and recovery;
- more complex hazards that are increasing in severity and frequency;
- climate change;
- First Nations are not fully or adequately recognized as partners in emergency management;
- more responsive, flexible mechanisms for funding; and
- lack of information sharing amongst province, local governments and critical infrastructure operators.

Next steps:

We will submit our technical review of the Modernizing BC's Emergency Management Legislation Discussion Paper for the January 31, 2020 deadline.

Send the proposed CVRD Board letter to the Ministry and copy UBCM to support the advancements, but express the need for the ministry to further their local government engagement and share new financial resources prior to any legislative changes.

Share our technical review submission of the Modernization Review Discussion Paper to all Comox Valley local governments, the Union of BC Municipalities and the Mid-Island Emergency Coordinators and Managers.

Factors

No financial requirements at this time.

Through the EPA discussion-paper there appeared the possibility for increased requirements and/or responsibilities being placed on local governments. There was little mention of any funding being made available to support them.

Legal Factors

The EPA modernization may bring updates to Provincial legislation that places regulatory requirements onto local governments. The specific requirements are not clearly defined and as such it is difficult to fully appreciate any operational and financial impacts. As contained in the summary submissions, staff are seeking clarity on the legislative impacts and would look forward to greater detail in the next round of consultation with EMBC.

Regional Growth Strategy Implications

The EPA modernization and possible legislative changes could bring further requirements on how local governments may be required to manage regional growth in the following areas:

- Public health and safety;
- Climate change;
- Infrastructure;
- Food system to support and enhance the agriculture sectors and increase local food security.

Intergovernmental Factors

It is understood by all in the emergency management field, emergencies and disasters have no boundary. So it is important that we work in collaboration to offer a strong regional voice on the EPA Modernization Project prior to EMBC proposing legislative changes. To achieve this, CVEP presented the project, its discussion paper and support materials to its Emergency Planning Committee, the CVRD, Comox Valley local authorities and K'ómoks First Nation and offered the opportunity to submit their comments into the EPA Modernization Review CVEP Submission Summary document or separately submit on their own.

Interdepartmental Involvement

The EPA Modernization Review CVEP Submission Summary document, the EPA Modernization discussion-paper and support materials were shared with several CVRD departments to ensure a wide perspective of the review could be achieved.

Citizen/Public Relations

An online request and media releases were made by the province for comments from all stakeholders, including the public, on the current discussion paper, with a submission deadline of January 31, 2020.

Attachments: Appendix A – “EPA Modernization Review CVEP Submission Summary”
Appendix B – “Modernizing BC’s Emergency Management Legislation Discussion Paper and support materials”



File: 7130-03

Emergency Program Act Modernization
Technical Review Summary Paper



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Introduction

The Comox Valley Emergency Program (CVEP) provided the *Emergency Program Act* (EPA) modernization discussion paper and support materials to its Emergency Planning Committee, the Comox Valley Regional District (CVRD), Comox Valley local authorities and K'ómoks First Nation and offered the opportunity to submit their comments into the CVEP technical review of the Modernizing BC's Emergency Management Legislation Discussion Paper or separately submit on their own.

Comments and/or concerns were received from its Emergency Planning Committee, the CVRD, the City of Courtenay as well as contributions from members belonging to the Mid-Island Emergency Coordinators and Managers (MIECM) professional group.

The new direction for the EPA goes beyond the typical function of the current emergency management services scope. Its potential requirements could also have considerable impacts to other local government departments such as but not limited to; planning, corporate services and critical infrastructure. The new cost implications on demands/requirements to local governments are unclear and we are concerned funding and shifting responsibility to local government may result from the EPA changes.

Though comments and some questions have been offered in our technical summary, we feel there will be more once we have a clearer idea of potential legislative changes EMBC will recommend.

It is our hope that before these potential changes are taken forward, the draft document(s) will be shared to all local governments for review.

Background

Feedback due to EMBC by January 31, 2020

The *Emergency Program Act* (EPA)

- Established 1993
- Historically focused on readiness to respond

Key Factors for the EPA Change:

- adopting the Sendai Framework which identifies the need to address all four pillars of emergency management (*Page 5 of Modernizing BC's Emergency Management Legislation*);
- shift to doing more mitigation (every \$1 of mitigation saves \$6 of response costs) and recovery;
- more complex hazards in BC;
- climate change;
- increase in severity and frequency of natural disasters will continue;
- more need to focus on vulnerable citizens;
- First Nations are not fully or adequately recognized as partners in emergency management.
- more responsive, flexible mechanisms for funding;
- lack of information sharing amongst province, local governments and critical infrastructure operators; and

- does not recognize regional planning or emerging best practices.

Adopting Sendai Framework

Page 5

The Sendai Framework for Disaster Risk Reduction 2015-2030

- Is a voluntary agreement that recognizes the responsibility for reducing disaster risk is shared between the State and other emergency management partners.
- The ‘All of Society’ approach is a key element of the United Nations’ Sendai Framework that acknowledges the contribution of and important role played by all relevant partners in the four pillars of emergency management: Preparedness, Mitigation, Response and Recovery.
- Relevant emergency management partners include individuals, families, communities, private businesses, Local Authorities, First Nations, and the Federal and Provincial Governments.
- Emergency management partners are encouraged to communicate, collaborate and coordinate in the design and implementation of emergency management legislation, regulations and policies.
- Strengthening overall society disaster resilience includes leveraging existing knowledge, experience and capabilities through accessible, inclusive and empowering engagement processes.

Comments/Concerns:

Will this framework:

- Address Catastrophic Disaster planning? (EMBC Earthquake Response plan)
- Address Mass Care planning more effectively?
- Create more provincial support to Local Government with mass evacuation planning and exercising the process/procedures as host?
- Identify the gap in providing a resources on Vancouver Island for delivery and funding Light Urban Search & Rescue Services?

Key Definitions

Emergency (pg. 14)

Proposal:

Define “emergency” as:

A present or imminent event or circumstance that:

- is caused by accident, fire, explosion, technical failure, or a force of natures;
- requires prompt coordination of action or special regulation of persons or property to protect 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

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| <ul style="list-style-type: none"> any other situation prescribed by the Lieutenant Governor in Council (LGIC). |
| <p>Comments/Concerns:</p> <ul style="list-style-type: none"> Sec (a) - Does terrorism need to be included? Pandemic? Sec (b) - Suggest changing to 'significant cultural sites (Indigenous and others)' Careful consideration must be given to changes that may create new responsibilities for local governments that do not currently exist and will create new resource and cost pressures. |
| <p>Local Authority (pg. 15) Proposal: 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>Comments/Concerns: Supportive of the inclusion of First Nations to help ensure the principal of shared responsibility</p> |
| <p>4 Pillars of Emergency Management (pg. 16-17) Proposal: Define Mitigation as: The phase of emergency management in which proactive steps are taken to prevent a hazardous event from occurring by eliminating the hazard, or to reduce the severity or potential impact of such an event before it occurs. Mitigation protects lives, property, cultural sites, and the environment, and reduces vulnerabilities to emergencies and economic and social disruption.</p> |
| <p>Comments/Concerns: The EPA focuses mainly on Response. The shift appears to be more on the all four pillars, with more focus on Mitigation and Prevention being higher. (\$1 of Mitigation can save \$6 of response) We have substantial concerns on the mitigation process in many areas as these costs can be very high and are often decisions made by other governments or local government departments outside of EPA in the past that has now created hazards. Long term concerns on the transfer of liability for some mitigation activities.</p> |
| <p>Define Preparedness as: The phase of emergency management during which action is taken to ensure readiness to undertake emergency response and recovery. It includes, but it not limited to, hazard, risk, and vulnerability assessment, planning, resource planning, volunteer management, training, exercises, public/stakeholder education, and continuous improvement.</p> |
| <p>Comments/Concerns: Supportive</p> |

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| <p>Define Response as:</p> <p>The phase of emergency management during which actions are taken in direct response to an imminent or occurring emergency in order to prevent, limit and manage impacts. Response includes the initiation of plans and actions to support recovery and may include deployment of registered volunteer resources.</p> |
| <p>Comments/Concerns: Supportive</p> |
| <p>Define Recovery as:</p> <p>The phase of emergency management during which action is taken to re-establish social, cultural, physical, economic, personal and community well-being through inclusive measures that reduce vulnerability to emergencies, while enhancing sustainability and resilience. It includes taking steps to repair a community impacted by an emergency and restore conditions to a level that could withstand a potential future event or, when feasible, improve them to increase resilience in individuals, families, organizations, and communities.</p> |
| <p>Comments/Concerns: Supportive Careful consideration must be given to changes that may create new responsibilities for local governments that do not currently exist and will create new resource and cost pressures.</p> |

States of Emergency

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| <p>State of Local Emergency (pg. 19)</p> <p>Proposal:</p> <p>The duration of a State of Local Emergency (SOLE) be set at 14 days, with extensions of 14 days at a time approved by the Minister or designate. Extensions may include changes to the geographical scope of the SOLE.</p> <p>The duration of a SOLE be set at 14 days (replacing seven days) with extensions of 14 days (replacing 14 days) at a time approved by the Minister or designate. Extensions may include changes to the geographical scope of the SOLE.</p> |
| <p>Comments/Concerns: No concerns. Currently SOLE's are set at seven days with seven day extensions As long as the referral process used by ESS will be grant to match the 14 day duration and NOT just three day (72 hours at a time)</p> |
| <p>Provincial State of Emergency (pg. 19)</p> |

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| <p>Proposal:</p> <p>The duration of a Provincial State of Emergency (PSOE) be set at a maximum of 28 days, with extensions of 28 days at a time approved by the LGIC. Extensions may include changes to the geographical scope of the PSOE.</p> |
| <p>Comments/Concerns:</p> <p>No concerns. Currently PSOE's are set at 14 days with 14 day extensions.</p> |
| <p>Powers Available During State of Local Emergencies and Provincial State of Emergencies (pg. 20)</p> <p>Proposal:</p> <ul style="list-style-type: none"> • Clearly set out the powers available to the Minister and to Local Authorities, respectively, by listing these powers; and • Clarify that the Minister and Local Authorities may do all acts and implement all procedures necessary to mitigate, prepare for, respond to or recover from the effects of an emergency. |
| <p>Comments/Concerns:</p> <p>The paper states that these changes 'are proposed to ensure an appropriate suite of powers is in place during states of emergency'. It does not however state what the powers are. Will they be any different then what is in the act currently?</p> |
| <p>Continued Use of State of Local Emergency (pg. 20)</p> <p>Proposal:</p> <p>Introduce a new provision to allow the Minister to grant a Local Authority the use of specific powers for a transition period between response and recovery of up to 90 days. A Local Authority would make an application to the Minister, citing what powers are required and demonstrating that they are in the public interest; necessary or desirable to ensure a timely and effective recovery; and proportionate in the circumstances. The Minister could approve multiple extensions, for up to 90 days each. Local Authorities would be required to report publicly on their use of the transition powers.</p> |
| <p>Comments/Concerns:</p> <p>Supportive</p> |
| <p>Powers During Catastrophic Events (pg. 20)</p> <p>Proposal:</p> <p>S. 10(1) would clarify that for the duration of a PSOE, the Minister may do all acts and implement all procedures considered necessary to mitigate, prepare for, respond to or recover from the effects of an emergency; and</p> <p>S. 26 would clarify that unless otherwise provided for in a declaration of a State of Emergency, if there is a conflict between the <i>Emergency Management Act</i>, the regulations, orders, or authorized</p> |

actions made under the Act, and the regulations, orders, or authorized actions under other Acts, the *Emergency Management Act* and its regulations, orders, or authorized actions prevail.

Comments/Concerns:

The paper states that these changes 'are proposed to clarify how these powers apply during a catastrophic event'. It does not however, state what the powers are. Will they be any different then what is in the act currently?

It also does not seem to define catastrophic.

Entering into Agreements

Accessing Support (pg. 21)

Proposal:

Clarify that the Minister can enter into agreements with international jurisdictions. Agreements could include arrangements with one or more other jurisdictions to share resources in relation to emergency management.

Comments/Concerns:

None

Partnership with First Nations (pg. 21)

Proposal:

Provide clear authority for the Minister and for Local Authorities to enter into emergency management agreements with First Nations. Agreements could address issues such as collaborative hazard and risk assessment and/ or planning; delivery of emergency management services or programs; and/or joint recovery activities.

Comments/Concerns:

None

Emergency Management System

Transparency (pg. 22)

Proposal:

Clarify that the Minister can enter into agreements with international jurisdictions. Agreements could include arrangements with one or more other jurisdictions to share resources in relation to emergency management.

Comments/Concerns:

None

Will FOIPPA policies and process then need to be reviewed?

Quality Assurance (pg. 22)**Proposal:**

- Require Provincial Ministries, Crown Corporations and agencies, Local Authorities, and critical infrastructure owners/operators to register their emergency management plans with EMBC; and
- Enable EMBC to audit emergency management plans. In the spirit of continuous improvement, audit results would be shared with the planning body and made public.

Comments/Concerns:

Quality assurance is only as effective as the guidelines and templates are consistent while also recognizing the capacity of different sized communities. While supportive EMBC will have to ensure a “one size fits all” is not adopted.

Who will the stakeholders that will be engaged to develop the process?

Preparedness for Ministries, Crown Corporations and Agencies**Business Continuity Plans** (pg. 26)**Proposal:**

- Require all Ministries, Crown Corporations, and agencies to have programs and plans to deal with the continuity of services. This could include school districts, universities, colleges, health authorities, and others;
- Enable the prescription (in regulation) of standards for plan content, process, training, exercising and review; and
- Establish a mechanism to enable EMBC to collect, review, and audit business continuity plans.

Comments/Concerns:

None

Emergency Management Plans (pg. 26)**Proposal:**

- Require ministries, Crown Corporations, agencies and other public sector entities to develop emergency plans, participate in the development of integrated plans for which they are not the lead, and perform hazard, risk and vulnerability assessment, mitigation, preparedness, response, and recovery duties as assigned by the Minister. This could include school districts, universities, colleges, health authorities, and others;
- Enable the prescription (in regulation) of specific roles and responsibilities for mitigation, preparedness, response, and recovery, plan content, process, training, exercising and review; and

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| <ul style="list-style-type: none"> Establish a provincial obligation to provide hazard and coordinate with Local Authorities and First Nations as available and requested. |
| <p>Comments/Concerns: Minor concerns around confidentiality of vulnerability assessments especially related to the tech industry and critical major infrastructure</p> |
| <p>Continuity After a Catastrophe (pg. 26) Proposal:</p> <p>Require the Province to develop continuity of government plans that ensure the continued operation of the executive, judicial, and legislative arms of government.</p> |
| <p>Comments/Concerns: None</p> |

Mitigation for Local Authorities

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| <p>Building and Development (pg. 27) Proposal:</p> <ul style="list-style-type: none"> Require Local Authorities, and the Province (through the Ministry of Transportation and Infrastructure’s subdivision approval authority in unincorporated areas) to give greater consideration of current and future risk for new development approvals in hazardous areas; and Require sustainable long-term mitigation measures when building and development is approved in hazardous areas. |
| <p>Comments/Concerns:</p> <ul style="list-style-type: none"> Greater consideration of current and future risk. Could this create liability issues for the RD? What does greater consideration mean? Requires long-term mitigation in hazardous areas. Hazardous areas are not defined. Long-term mitigation not defined. What costs would be incurred? Will EMBC be offering more monies to local governments to achieve build back better? What does “Greater Consideration” mean? May involve changes in Planning and Building legislation? Who is responsible for “Sustainable Long Term Mitigation”? |
| <p>Hazard and Risk Identification (pg. 28) Proposal:</p> <p>Include legislative and regulatory requirements for Local Authorities to identify, understand and assess hazards, risks, and vulnerabilities, and establish associated mitigation plans for risks and consequences.</p> |

Comments/Concerns:

The Province needs to take on more responsibility especially regards to fire, flooding and sea level rise impacts.

Work to better coordinate provincial Climate Change initiatives with local governments' land use planning, emergency planning departments and community growth planning.

Assessing and establishing mitigation plans could be onerous and costly.

Need to better understand legislation and regulatory requirements around "Hazards" etc. This has huge potential implications.

City of Courtenay:

Redefining the local authority statutory obligations of "Preparation, Response and Recovery" in the Emergency Program Act [s. 6(3) as per see link below] to "Mitigation, Preparation, Response and Recovery" **without immediate and substantial senior government financial support is, by definition, a download.**

We understand the good intentions behind this – particularly in view of the impacts of Climate Change (e.g. the Australian bush fires), but the imposition on local governments a new senior government policy objective without providing the necessary resources to achieve those policy objectives violates the principles of Part 1 of the Community Charter (second link below).

http://www.bclaws.ca/civix/document/id/complete/statreg/96111_01

http://www.bclaws.ca/civix/document/id/complete/statreg/03026_01

Collaboration and Coordination (pg. 28)**Proposal:**

- Enable the Minister or designate to direct Local Authorities to collaborate and coordinate at a regional scale for risk assessment, mitigation planning and mitigative works; and
- Enable the establishment of non-regulatory or regulatory incentives to enhance regional collaboration and coordination for risk assessment, mitigation planning and mitigative works.

Comments/Concerns:

How will this be mandated? - Local Government legislation or new *Emergency Program Act*?

What would the non-regulatory or regulatory incentives look like or mean?

Preparedness for Local Authorities**Standardized Programs and Plans (pg. 28)****Proposal:**

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| <ul style="list-style-type: none"> • Establish a comprehensive list of requirements including: hazard, risk, and vulnerability assessment; mitigation plans; response; recovery; business continuity plans; training; exercising; and a review cycle; and • Through regulation, provide detailed program and plan content requirements. |
| <p>Comments/Concerns: Depending on what the regulations are will determine how we sit relative to business continuity.</p> |
| <p>Collaborative Planning and Partnerships (pg. 29) Proposal:</p> <ul style="list-style-type: none"> • Require Local Authorities to provide plans to neighbouring jurisdictions (Local Authorities and First Nations), to the Province, and stakeholders such as critical infrastructure operators, school districts, and health authorities and consider any feedback; • Enable Local Authorities and First Nations to enter into agreements with one another for the purposes of integrated or multi-jurisdictional plans; and • Introduce a requirement for Local Authorities preparing Emergency Management Plans to consult with First Nations. Consultation standards for Local Authorities could be specified in regulation or guidelines. |
| <p>Comments/Concerns: None</p> |

Recovery for Local Authorities

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| <p>Recovery Plan Incentives (pg. 30) Proposal:</p> <p>Enable regulations that would require post-disaster needs assessments and post-disaster recovery plans as a condition of receiving provincial recovery funds and the renewal of recovery powers. Four recovery sectors that will need to be considered:</p> <ul style="list-style-type: none"> ▪ People & Community ▪ Infrastructure ▪ Environment ▪ Economy |
| <p>Comments/Concerns: It appears that funds will be held pending a needs assessment and development of a recovery plan. These could be costly and time-consuming. Have insurance companies been consulted regarding their role in post disaster recovery? Assistant minister assigned to overseeing each recovery section would be a good step. Assuming this is post emergency to assist in recovery.</p> |
| <p>Transitioning out of a State of Local Authority (pg. 30)</p> |

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| <p>Proposal:</p> <p>Introduce a 90-day “transition period” where Local Authorities can request the use of specific SOLE powers for up to 90 days at a time. Powers would be selected and justified for the circumstance, based on the whether the transition powers are in the public interest, necessary and desirable, and proportionate to the circumstances.</p> |
| <p>Comments/Concerns:</p> <p>None</p> |
| <p>Tools to Support Recovery (pg. 30)</p> <p>Proposal:</p> <p>Enable Local Authorities, in consultation with the Minister responsible for the Community Charter, Vancouver Charter and <i>Local Government Act</i> and the Minister responsible for emergency management, to make emergency amendments to an Official Community Plan, Regional Growth Strategy, zoning, or bylaws.</p> |
| <p>Comments/Concerns:</p> <p>Any concerns for Corporate Services or Planning Departments?</p> |

First Nations as Partners

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| <p>First Nations as Partners (pg. 32)</p> <p>Proposal:</p> <ul style="list-style-type: none"> • Expand the definition of “emergency” to include actions to protect community well-being, significant Indigenous cultural sites and the environment; • Provide clear authority for the Minister responsible for emergency management and for Local Authorities to enter into emergency management agreements with First Nations or First Nations groups, including Treaty First Nations. Agreements could address issues such as collaborative hazard and risk assessment and/or planning; delivery of emergency management services or programs; mutual aid; and/or joint recovery activities; • Introduce a requirement for Local Authorities preparing emergency management plans to consult with First Nations; • Introduce a requirement for critical infrastructure owners/operators to provide non-sensitive information to First Nations upon request. (Note: information would also be provided to Local Authorities and/or the public upon request.); • Require consideration of Indigenous and traditional knowledge in the development of hazard risk and vulnerability assessments by provincial entities and Local Authorities. The entity conducting the assessments could be encouraged to communicate the results to affected First Nations; • Establish that provincial entities and Local Authorities must consider cultural safety and inclusiveness when developing and implementing emergency management plans. |
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Specific requirements could be established in regulation and supported by policies and guidance material.

Comments/Concerns:

Careful consideration will have to be given to the extent of partnerships and an understanding of resource capacities to meet these objectives. Not all information to inform the process is readily available.

Preparedness for Critical Infrastructure

A Cross Sector Approach (pg. 35)

Proposal:

- Establish a power to allow for creation of a registry that captures specific critical infrastructure assets and their respective emergency management planning documentation, which may include information on risks, contacts, operating procedures, resource requirements, and resource availability. This registry would also serve to clarify which critical infrastructure operators and respective assets are subject to the regulatory requirements, as it may include “tiers” to ensure appropriate attention is paid to the assets and systems with greater risk and/or consequence; and
- Establish cross-sector regulation for critical infrastructure emergency management activities to ensure consistency. This would include activities required for critical infrastructure sectors as defined by EMBC and include supplementary aspects to existing statutes and regulations with respect to their requirements related to emergency management activities. Attention will be paid to ensuring that existing requirements and efforts are not duplicated.

Comments/Concerns:

Supportive of the initiatives if they are led by the province or other partners.

Risk and Resource Needs (pg. 35)

Proposal:

Require critical infrastructure operators to develop specific emergency management planning documentation, which would be inclusive of planning for hazards created by the critical infrastructure, business continuity planning for service disruptions, and considerations for downstream impacts of service disruptions.

Comments/Concerns:

Will this be required for Local Governments or be focused at Provincial Ministries, and Crown Corporations?

Ask, will private critical infrastructure services be included?

Overall this should be the responsibility of the province to collect this information as much of the critical infrastructure is owned by the province or owned/managed by large entities that operate throughout the province.

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| <p>Information Sharing and Security (pg. 36)</p> <p>Proposal:</p> <p>Require that Emergency Management Planning documentation be developed into two parts:</p> <ol style="list-style-type: none"> 1. Information such as risks to critical infrastructure, risks caused by the critical infrastructure, general operating procedures, consequence of loss, estimated restoration timelines, anticipated resource requirements, and primary contact information; and, 2. Sensitive information that exposes vulnerabilities and any additional details within the plan such as additional staff contact information, internal procedures <p>Require that Part 1 be provided to the Province, and/or made available upon request to Local Authorities, First Nations, and/or the public.</p> |
| <p>Comments/Concerns: None</p> |
| <p>Quality Assurance (pg. 36)</p> <p>Proposal:</p> <ul style="list-style-type: none"> • Require certain critical infrastructure operators to provide a “Statement of Assurance” that would advise of measures they have taken to ensure that their emergency management documentation is of adequate quality. The Province would have authority to engage an accredited subject matter expert to validate the “Statement of Assurance”; and • Conduct prioritized audits of emergency management planning documentation. These audits would be done by either EMBC alone, or with the assistance of ministries with leadership/ regulatory roles for a particular sector. |
| <p>Comments/Concerns: None</p> |
| <p>Testing and Integration of Plans (pg. 37)</p> <p>Proposal:</p> <ul style="list-style-type: none"> • Require critical infrastructure operators to conduct mandatory exercises for specific assets as designated by the Province through regulation or policy at a defined frequency and level (tabletop, full-scale, etc.); and • Require critical infrastructure operators to invite provincial regulators and emergency management authorities, as well as local participants such as Local Authorities, First Nations, and local organizations, to the mandatory exercises. |
| <p>Comments/Concerns:</p> |

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|--|
| None |
| <p>Improving Information Sharing (pg. 37) Proposal:</p> <p>Require critical infrastructure operators to provide emergency management information beyond that identified in Part 1 (see above) as requested by EMBC (or another provincial agency at the request of EMBC) including sensitive event-specific information, additional contact information, or internal procedures.</p> |
| <p>Comments/Concerns: None</p> |

Strengthening Supports for Volunteers & NGO's

| |
|--|
| <p>Helping Volunteers Help BC (pg. 39) Proposal:</p> <ul style="list-style-type: none"> • Increase support and formal oversight of volunteers; • Increase access to broader resources, including volunteers affiliated with third parties such as NGOs, and continue the ability of NGOs, philanthropic organizations, societies, and other organizations to enter into agreements with BC; • Create more equitable treatment between a person ordered to provide support in an emergency and one who willingly provides support; and, • Recognize that service provider organizations can be impacted by emergencies and may need support during response and recovery. |
| <p>Comments/Concerns: Bullet 1 - What does formal oversight mean? It would be helpful to introduce basic provincial standards for training for all volunteers. Resources for local government to provide the coordination at this level critical Bullet 2 - Hopefully this does not reduce support for Emergency Support Services. Could this mean a move to more privatization? Bullet 3 - If this is referring to volunteers versus those paid during a response: strongly support. I feel both groups providing a service, why differentiate? Bullet 4 – There need to be more training, engagement and emotional support for volunteers. As well as additional support during response and recovery. – where are resources for the support coming from?</p> |

Preparedness for Volunteers & NGO's

| |
|---|
| <p>Registered Volunteers (pg. 40) Proposal:</p> |
|---|

Have new definitions that would clearly distinguish the difference between a registered volunteer, convergent volunteer, and service provider:

Registered volunteers would be specialized disciplines prescribed by regulation and:

- Receive no remuneration for their service;
- Be provided with civil liability protection under the Act, workers' compensation and liability insurance;
- Obtain and retain registered status with the Province or other entities according to the regulation;
- Operate under Local Authority or direction of the requesting agency;
- May provide direction to convergent volunteers;
- Operate in all phases of emergency management; and,
- May receive time limited employment protection according to the Act.

Comments/Concerns:

None Registered volunteers? Onerous?

Convergent Volunteers (pg. 40)

Proposal:

Convergent volunteers would not be registered and would:

- Receive no remuneration for their service;
- Arrive on scene offering support and assistance;
- Be supervised by the Local Authority, the Province, or a registered volunteer to be able to receive workers' compensation and other benefits; and,
- Receive civil liability protection under the Act.

Comments/Concerns:

None

Service Providers (pg. 40)

Proposal:

Service Providers may be a registered charity, philanthropic organization, society or other organization. The new legislation will include an explicit authority for the Minister (or designate) and Local Authorities to enter into agreements with Service Providers. Such agreements could:

- Authorize the Service Provider to deliver emergency response or recovery services or arrange for the deployment of staff or affiliated volunteer personnel. For clarity, personnel deployed on behalf of a Service Provider will be protected under workers' compensation and insurance policies secured by the Service Provider.

Comments/Concerns:

| |
|---|
| <p>Why is this necessary? Are we not already able to enter into these agreements?</p> |
| <p>Legal Certainty (pg. 41) Proposal:</p> <p>Ensure that the new legislation contains an authority to prescribe classes of registered volunteers, rules around supports for volunteers, and develop and implement a supporting regulation. Having the ability to prescribe classes of registered volunteers in a regulation allows for flexibility over time to accommodate new areas of specialized volunteer disciplines. Policy instruments would continue to be used for discipline-specific program rules and guidelines such as reimbursement rates and safety conditions.</p> |
| <p>Comments/Concerns:</p> <p>Careful consideration will have to be given to ensure the outcomes of volunteers do not cross into the employment realm. Note the impact of collective agreements on all areas of volunteers. Is it feasible to have blanket provincial article around response in the event of emergency in all collective agreements so it isn't a one by one plan on how to get agreement on response with unions?</p> |
| <p>Job-Protected Leaves (pg. 41) Proposal:</p> <p>Carry forward the existing section 25 of the EPA that provides that persons ordered to assist during a declared Provincial State of Emergency or a State of Local Emergency cannot have their employment terminated for complying with that order.</p> <p>Establish job-protected leave without pay for “registered volunteers.” This provision would be restricted to those registered volunteers specifically requested by a Local Authority or a BC agency to support emergency response. Job-protected leaves would not be conditional on a State of Local Emergency or Provincial State of Emergency being declared.</p> |
| <p>Comments/Concerns:</p> <p>This is definitely impacted by collective agreements. Note that impact and how that will be addressed</p> |
| <p>Ensuring Fairness to Employers (pg. 42) Proposal:</p> <p>Require Local Authorities or a BC agency requesting the registered volunteer to:</p> <ul style="list-style-type: none"> • Document their initial request for the volunteer; • Confirm the duration of the deployment; • Confirm that the volunteer was in fact present for the emergency response; and |

| |
|---|
| <ul style="list-style-type: none"> • Make this documentation available on request of the employer. <p>Provide a process by which an employer could dispute the ongoing deployment of the employee in a volunteer capacity with the responsible Local Authority or BC agency because the employee is critical to business continuity or other hardship.</p> |
| <p>Comments/Concerns: Would be hard to prove this...</p> |
| <p>Protection From Civil Liability (pg. 42)</p> <ul style="list-style-type: none"> • Include a civil liability protection provision for registered and convergent volunteers, boards of search and rescue societies, authorized persons offering support from another jurisdiction, persons authorized or ordered to provide assistance under a State of Local Emergency or Provincial State of Emergency, provincial government employees and officials, Local Authority employees and officials, the Minister and the Provincial government as a whole, similar to what is set out in the <i>Wildfire Act</i>; • A new civil liability clause will clarify that no legal proceedings can be commenced or maintained against a protected person or entity because of anything done or omitted in the course of undertaking a power, duty or obligation resulting from the legislation or associated regulations. Including the BC government and Local Authorities as protected entities is intended to acknowledge that unavoidable property damage or losses can result from governments' response to a given hazard, and that climate change is increasing the overall frequency of events; and • Bad faith or grossly negligent actions or omissions will be exempt from civil liability protection, as is the case under the current EPA. |
| <p>Comments/Concerns: None</p> |
| <p>Financial Considerations (pg. 44) States: The resourcing implications for Provincial Government Bodies, Local Governments, First Nations, other emergency management partners and stakeholders required to deliver on any new emergency management obligations will be considered as legislation is developed, recognizing the importance of supporting their capacity to deliver. The capacity of partners to deliver will also inform the phasing-in of any new obligations.</p> |
| <p>Comments/Concerns: The resourcing/higher expectations becomes more specialized in nature and I suspect volunteers would not be readily available or interested resulting in increased staffing or the need for consultants. This becomes greater pressure on our limited tax resources.</p> <p>Glad they recognize this maybe a financial burden and phasing in may take time. The province will need to clearly articulate in their guidelines timing to meet many of these new regulatory requirements as it significantly impacts current resources in smaller communities.</p> |

In General Terms

- We are not supportive of initiatives where there are new cost implications or resource demands increasing on local governments, especially where those costs are currently covered by the Provincial Government.
- Some of the presentation material was too vague for meaningful comment.
- Financing for smaller centres may struggle to meet these objectives. Perhaps it is not a one size fits all model.
- Positive relations with First Nations are great however full consultation may not be a viable option for all communities
- Focus on mitigation and prevention is supported
- Focus on greater degree of volunteer recognition is supported but the administrative burden for the amount of potential levels of training without emergency to respond too may make retention challenging
- Focus on mitigation in rural areas will need the support of the province or perhaps be lead by the province.
- The path of responsibility for critical infrastructure is not clear.



MODERNIZING BC'S EMERGENCY MANAGEMENT LEGISLATION



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Minister's Message

When our government came into office, the province was in a provincial state of emergency. That time is still very vivid for me because of how widespread the impacts were. 2017 and 2018 were two of the worst flood and wildfire seasons this province has ever seen. Tens of thousands of people were evacuated from their homes. Cities, towns and villages were affected in every corner of the province. Transportation routes were shut down, and some communities were cut off completely, with remote and First Nations communities disproportionately affected by these events.

Business as usual just isn't enough anymore. We need to do more than just learn from these experiences – we must use them to drive real change in the way we manage emergencies. We're taking the lessons learned from the Abbott-Chapman Report, the report by the Tsilhqot'in National Government on the 2017 wildfires, and numerous after-action reports and bringing them into the way we do business.

The Government of Canada has embraced the United Nations' Sendai framework, which is an internationally-acknowledged approach to emergency management disaster risk reduction. British Columbia is the first province to officially adopt the Framework, and our way forward will

reflect these international best practices. We're developing new relationships with indigenous communities as emergency management partners, and we're finding ways to better support and provide protections to the thousands of volunteers BC's emergency system relies on every year for things like ground search and rescue, emergency support services, and evacuation centres. Many community partners – such as Prince George, Kamloops and Tk'emlúps First Nation – have worked hard to support evacuees from around the province during times of crisis.

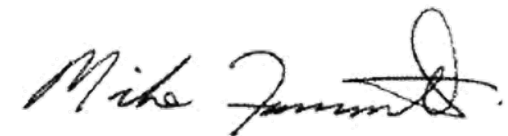
All these critical shifts are reflected as we work to bring the Emergency Program Act in line with today's changing needs and realities. As BC's primary piece of legislation for emergency management, this act is the backbone of what we do, and it needs to be updated to reflect what we know, what we've learned, and how we must work together going forward.

Through this discussion paper, we hope to hear diverse views and get insights from all levels of government, Indigenous communities, partners and stakeholders. We want to know your views on how to modernize our emergency management approach to help mitigate risk, ensure we are better prepared, and strengthen our response efforts to

more effectively recover from the psycho-social, financial and economic impacts of disasters.

The feedback will help government move forward with a clear legislative direction – one that reflects the challenges, needs and thoughts of communities, partners and stakeholders – when a modernized act is introduced in the fall 2020 legislative session.

Our government recognizes that the environment is changing in ways that will challenge all of us, and we're working towards a goal of a more resilient province. While many changes have already been made we also need the best legislative foundation to build on. I hope you take the time to provide your thoughts, input and suggestions into this legislative change, so we can move forward together to protect our communities.



Honourable Mike Farnworth

Minister of Public Safety and Solicitor General



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At a Glance: What will Change with Emergency Management Modernization?

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Introduction

British Columbia's **Emergency Program Act (EPA)**, which was passed in 1993, has its roots in Canada's **War Measures Act**, particularly the declaration of states of emergency and the powers available to the provincial government and Local Authorities through those declarations. The EPA has guided the province through events such as the Kelowna interface fires in 2003, the Johnson's Landing landslide in 2012, and the Grand Forks flooding in 2018.

However, several factors are driving the need to modernize our approach to emergency management:

- BC's geography, geology and climate present diverse and complex hazards such as earthquakes, wildfires, flooding, and severe weather events (e.g., ice, snow and windstorms);
- Driven by climate change, natural disasters are increasing in frequency and severity, making it imperative for governments, businesses, non-profit organizations, citizens and visitors to be prepared and ready;
- Emergencies have devastating impacts – often long-lasting – on citizens, visitors, communities, businesses, and critical infrastructure. During the 2017 wildfires, over 65,000 people were evacuated and over 200 homes were lost;
- Responding to and recovering from these events takes a financial toll on governments, businesses, and individuals. From 2009 to 2018, the BC provincial government spent over \$3.3 billion under the EPA and the **Wildfire Act**. \$1.6 billion of this was spent on flood and wildfire response and recovery in 2017 and 2018 alone;
- Indigenous communities are often disproportionately impacted by emergencies, due to their relatively remote locations, lack of access to services, and reliance on natural ecosystems;
- The needs of our most vulnerable citizens are not always sufficiently considered; and
- The recent unprecedented flood and wildfire seasons surfaced a number of gaps in the current legislation; applying the lessons learned from those events will ensure that BC continues to be resilient in the face of disasters and remains a recognized leader in emergency management.



2003: The Okanagan Mountain Park wildfire in Kelowna burned over 25,900 hectares and over 33,000 people were forced to evacuate.



2012: A landslide severely impacted the community of Johnsons Landing, causing four deaths and completely destroying four homes.



2018: Severe flooding occurred in and around the city of Grand Forks, damaging more than 400 homes and 100 businesses.



Adopting the Sendai Framework

While the EPA itself hasn't changed significantly since 1993, BC's approach to emergency management has evolved. Practices, policies and processes have been strengthened in response to after-action reviews and more substantial reviews such as the 2014 Renteria Report on Earthquake Preparedness, the Auditor General's 2018 report on Managing Climate Change Risks, the Abbott-Chapman report on the 2017 wildfire and flood season, the Tsilhqot'in National Government report *The Fires Awakened Us*, and the Nadleh Whut'en report *Trial by Fire*. Local Authorities and First Nations have entered into a number of innovative and collaborative arrangements to plan, prepare for, and respond to emergencies. Provincial agencies such as Emergency Management BC (EMBC) and the BC Wildfire Service have improved their communications protocols and adopted a more inclusive approach, including respect for Indigenous knowledge and culture.

In Canada, provincial and territorial governments have primary responsibility for emergency management. In an emergency, the first response is almost always by the Local Authority or at the provincial or territorial level because most emergencies occur at a local or regional scale. If a provincial or territorial government requires resources beyond its capacity, the federal government will provide assistance. Canada is responsible for reserve lands, and this responsibility is delegated to the Minister of Indigenous Services. Indigenous Services Canada supports emergency mitigation, preparedness, response and recovery on-reserve, and has a service agreement with Emergency Management BC to ensure that First Nations have access to the provincial emergency management system.

But with increasing pressure on emergency management organizations, businesses and individual citizens, it is time to take a serious

look at our approach. In 2015, in response to the challenges faced by jurisdictions around the world, the United Nations developed the Sendai Framework for Disaster Risk Reduction (Sendai Framework). The Sendai Framework has been adopted by 187 countries, including Canada. In October 2018, BC became the first province to adopt it. The Sendai Framework marks a shift from focusing on emergency preparedness and response to recognizing that risk identification and mitigation are key to managing hazards and reducing the impact of events. It aims for substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries and calls for **all of society** to share responsibility for reducing disaster risk. Modernizing our legislation is one of the first key steps to implement the Sendai Framework.

1 Understanding disaster risk.



2 Strengthening disaster risk governance to manage disaster risk.




3 Investing in disaster risk reduction for resilience.



4 Enhancing disaster preparedness for effective response and to “build back better” in recovery, rehabilitation, and reconstruction.



The Sendai Framework’s All-of-Society Approach

- The Sendai Framework for Disaster Risk Reduction 2015-2030 is a voluntary agreement that recognizes the responsibility for reducing disaster risk is shared between the State and other emergency management partners.
- The ‘All of Society’ approach is a key element of the United Nations’ Sendai Framework that acknowledges the contribution of and important role played by all relevant partners in the four pillars of emergency management: Preparedness, Mitigation, Response and Recovery.
- Relevant emergency management partners include individuals, families, communities, private businesses, Local Authorities, First Nations, and the federal and provincial governments.
- Emergency management partners are encouraged to communicate, collaborate and coordinate in the design and implementation of emergency management legislation, regulations and policies.
- Strengthening overall society disaster resilience includes leveraging existing knowledge, experience and capabilities through accessible, inclusive and empowering engagement processes.

The Four Recovery Sectors:



People & Communities

- Physical, mental, and social wellbeing
- Health and safety
- Mental health
- Community psycho-social, emotional, cultural, and spiritual wellbeing
- Interim housing



Infrastructure

- Private and public physical infrastructure
- Critical infrastructure such as utilities, communication networks, roads and bridges, and transportation
- Residential and commercial buildings
- Infrastructure planning



Environment

- Land degradation and contamination
- Biodiversity and ecosystem impacts
- Natural resource damage and loss



Economy

- Small, medium, and large enterprise
- Tourism
- Cultural livelihood
- Agriculture
- Broader economy

Interim Disaster Recovery Framework

Given the recovery challenges in 2017 and 2018, it was recognized that a new approach was needed in advance of developing new emergency management legislation. In May 2019, BC developed an Interim Disaster Recovery Framework for the 2019 and 2020 flood and wildfire seasons, establishing a strategic approach and clear roles and responsibilities, ensuring accountability, and providing overall guidance to recovery operations.

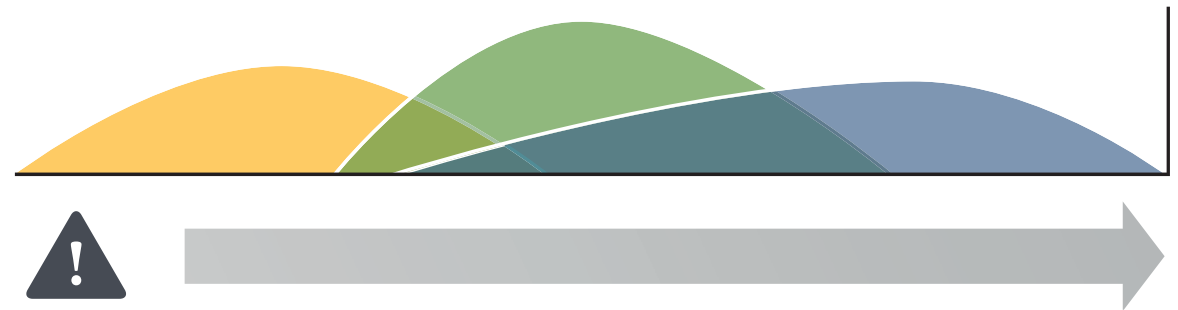
The interim framework organizes recovery by four sectors: People and Communities, Environment, Economy, and Infrastructure, each of which has an Assistant Deputy Minister responsible for overseeing the sector's recovery strategies and ensuring inclusivity and coordination with partners. It leverages existing operational and governance structures at the local, regional, and provincial levels. Similar to response operations, the Ministers' and Deputies' Emergency Council can be convened to ensure a coordinated provincial approach for significant recovery events such as the Telegraph Creek wildfires and Grand Forks flooding. The interim framework will need to be reassessed and finalized once the emergency management legislation is revised.

The Three Stages of Recovery:

Recovery consists of three stages – short-medium- and long-term – and works towards minimizing future damage to communities and the environment.

The interim framework recognizes that there isn't a clear dividing line between response and recovery and that the earlier recovery efforts are initiated during response, the more effective those efforts will be. Recovery can take months or even years, particularly if additional events produce cumulative impacts.

BC's emergency management system is a true partnership, including federal, provincial, local and First Nations governments; critical infrastructure operators; thousands of volunteers; businesses; and people. This discussion paper outlines the key proposed attributes of a new emergency management Act, focusing on what would be new or different. Some of the proposed provisions will be supported by regulations to spell out requirements in more detail. We invite all British Columbians, stakeholders and emergency management partners, to tell us what they think about the proposals outlined in this paper to help us shape the new legislation and supporting regulations.



| Short-Term (DAYS - WEEKS) | Medium-Term (WEEKS - MONTHS) | Long-Term (MONTHS - YEARS) |
|--|--|--|
| <ul style="list-style-type: none"> ■ Recovery Unit, Emergency Operations Centre(s) ■ Reception Centre(s) ■ Emergency Shelter ■ Rapid Damage Assessment ■ Public Information/Information posts ■ Initial Debris Clearance ■ Critical Infrastructure Restoration ■ Business Continuity ■ Disaster Psycho-social Support ■ Initial Post-Disaster Needs Assessment | <ul style="list-style-type: none"> ■ Recovery Operations Centre(s) ■ Resilience Centre(s) ■ Temporary Lodging ■ Inspection/Damage Assessments ■ Demolition/Disaster Debris Management ■ Critical Infrastructure Repair ■ Business Resumption ■ Emotional/Psycho-social Support ■ Post-Disaster Needs Assessment | <ul style="list-style-type: none"> ■ Recovery Steering Committee ■ Long-Term Recovery Structure ■ Permanent Housing ■ Engineering Assessment/Land Use Planning ■ Media and Community Services ■ Final Debris Disposal/Recycling ■ Critical Infrastructure Rebuild ■ Business Recovery ■ Counseling and Support Programs ■ Demobilization |



A Four Pillars Approach to Emergency Management

Emergency management is a universal term for the systems and processes used for preventing or reducing the impacts of emergencies on communities. Emergency management is conceptualized in four phases:

- mitigation;
- preparedness;
- response; and
- recovery.

This approach is an internationally recognized system for defining and understanding different aspects of emergency management and is integral to the systems and processes used in BC to minimize exposure and vulnerability to hazards, prepare for and manage emergencies, and rebuild afterwards.

While the EPA is strong on the preparedness and response pillars, there are significant gaps when it comes to mitigation (pre-emergency activities) and recovery (post-event activities). The new Act will encompass all four pillars of emergency management, specifying the obligations of emergency management partners in each area.

Reconciliation

The Province of British Columbia has committed to full implementation of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration), the Truth and Reconciliation Commission's (TRC) Calls to Action and the principles articulated in the Supreme Court of Canada's *Tsilhqot'in* decision, and to reviewing its policies, programs and laws to bring these commitments into action.

Modernizing BC's emergency management legislation presents an opportunity to re-examine how the provincial government, Canada, Local Authorities and critical infrastructure operators work with First Nations on wildfire, flooding and other emergencies, and improve recognition of First Nations as partners in emergency management.

Long-standing, traditional knowledge about the land and natural forces has been handed down through generations since time immemorial—these stories and oral traditions are a rich and valuable source of knowledge that can complement scientific data and modern approaches to emergency management. For example, Indigenous prescribed burning practices

were done in the past to reduce fuel loads, remove disease, and cleanse the land. Reduction in these practices over time has increased fire risk, but acknowledgement of the value of these traditions, and a renewed focus on practice, is being revitalized in BC.

Indigenous Nations and peoples have their own laws, governments, political structures, social orders, territories and rights inherited from their ancestors. Recognition of Indigenous peoples as emergency management decision-makers based on their inherent rights of self-government and self-determination will advance government's reconciliation efforts, facilitate a coordinated response to emergencies, and help create more predictability for other users of the land.

On October 24, 2019, BC introduced legislation that creates a framework for reconciliation in BC. The legislation will mandate government to bring provincial laws into alignment with the Declaration over time. This reconciliation legislation will also seek to create more flexibility for the legal status of Indigenous governments in BC, and to create opportunities for decision-making for Indigenous governments.



What Have We Done? What's Next?

In January 2016, EMBC issued a discussion paper outlining potential changes to the EPA. EMBC hosted a 15-week online consultation forum to allow an opportunity for the public, partners and stakeholders to submit input. EMBC received over 70 submissions from stakeholders, as well as comments from forum participants. With the 2017 provincial election and the scale of emergency events in both 2017 and 2018, work on the EPA was paused. The Province is now proceeding with a more comprehensive approach to prepare an entirely new Act that will replace the EPA. The feedback that was provided

in 2016 has been considered in developing the proposals outlined in this discussion paper.

Keeping in mind that emergency management is a shared responsibility, EMBC had extensive discussions to inform the development of the proposals in this discussion paper. EMBC staff met with every provincial ministry, consulted with staff from Public Safety Canada and Indigenous Services Canada, briefed numerous groups, engaged with key partners such as the Union of BC Municipalities (UBCM), the First Nations Leadership Council, the

First Nations Health Authority (FNHA), and the First Nations Emergency Services Society (FNESS), and conducted an all-day session with Indigenous emergency management champions.

The proposals in this discussion paper have been informed by experience, research into other leading jurisdictions, and the voices of emergency management partners. Over the next three months, engagement will broaden, welcoming input and dialogue from partners, stakeholders, and the public.

The Path to Modernization:





DESIGN PRINCIPLES FOR MODERNIZATION

Seven design principles are guiding development of BC's modernized emergency management legislation. The design principles reflect the key strategic shifts that underpin a more modern approach to emergency management in BC.



A Four-Pillar Approach

The Act will encompass all stages of emergency management: mitigation, preparedness, response, and recovery.



Shifting How We Think

The Act will reflect a shift from disaster response to managing and reducing disaster risk.



An All-of-Society Approach

Emergency management is a shared responsibility: individuals, governments, communities, private and non-profit sectors.



Putting Safety First

Protection of life, health, and safety is paramount.



Transparent Decisions

Decisions made under the Act and regulations will be transparent.



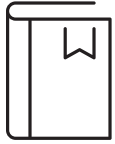
A Funding Mechanism that Works

Responsive, flexible and disciplined funding mechanisms.



Focus on Inclusion

The Act will be inclusive and will consider the needs of vulnerable citizens.



KEY DEFINITIONS

The starting point for discussion about modernizing BC's emergency management legislation is the key definitions that will underpin the new Act. The following definitions are proposed.



Emergency

The definition of emergency is essential to emergency management legislation. In the current EPA, the term gives meaning to other important concepts such as emergency plans and measures, and states of emergency.

It is proposed to define "emergency" as:

A present or imminent event or circumstance that:

- (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 proposed definition adds damage to "significant Indigenous cultural sites or the environment". The former has been raised in a number of after-action reviews, while the latter has been adopted by a number of other provinces. The proposed definition also adds a new provision that would allow the provincial government to declare through an order-in-council that an event constitutes an emergency. Examples could include events with significant impacts on human health (such as foreign animal disease outbreaks or pandemics) or economic crises. This would give Cabinet the ability to direct EMBC into action if deemed necessary.



Local Authority

Local Authorities are defined in the EPA as:

- (a) For a municipality, the municipal council;
- (b) For an electoral area in a regional district, the board of the regional district; or
- (c) For a national park, the park superintendent.

There are additional circumstances under which it may be appropriate to designate an entity as a Local Authority:

- Under the terms of modern treaties, Treaty First Nations are considered Local Authorities under the EPA; however, there is no reference in the legislation itself to Treaty First Nations;
- The Stikine region is the only area of BC where there is no Local Authority; and,
- Many regions of the province have initiated collaborative emergency management partnerships across multiple municipalities or within an entire regional district (for example, through the Integrated Partnership for Regional Emergency Management in Metro Vancouver and the Regional Emergency Management Partnership in the Capital Regional District).

It is therefore proposed to:

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.





KEY DEFINITIONS: *The Four Pillars of Emergency Management*

1. Mitigation

In keeping with the Sendai Framework, and with a view to future risk associated with climate change, mitigation will be built into the new Act in order to:

- Enhance information about hazards, risks and vulnerabilities;
- Improve integration and hazard and risk information flow between communities, ministries, Crown corporations, and critical infrastructure operators;
- Mandate greater consideration of current and future risk when considering development in hazardous areas; and,
- Build resiliency and social cohesion of communities.

It is proposed to define “mitigation” as:

The phase of emergency management in which proactive steps are taken to prevent a hazardous event from occurring by eliminating the hazard, or to reduce the severity or potential impact of such an event before it occurs. Mitigation protects lives, property, cultural sites, and the environment, and reduces vulnerabilities to emergencies and economic and social disruption.

2. Preparedness

Building on the strong preparedness and planning requirements in the EPA, modernized emergency management legislation will:

- Establish clear and expanded emergency management responsibilities for key partners;
- Improve integration and information flow between ministries, Crown corporations, Local Authorities, First Nations, and critical infrastructure operators; and,
- Enhance emergency plan quality including more rigour on risk assessment, mitigation and recovery.

It is proposed to define “preparedness” as:

The phase of emergency management during which action is taken to ensure readiness to undertake emergency response and recovery. It includes, but is not limited to, hazard, risk, and vulnerability assessment, planning, resource planning, volunteer management, training, exercises, public/stakeholder education, and continuous improvement.

3. Response

Building on the response provisions in the EPA, modernized emergency management legislation will:

- Allow for setting standards for emergency public notifications and warnings to ensure clear responsibilities, timeliness, and accuracy;
- Enable the Province to enter into aid agreements with other jurisdictions (for example, to provide emergency management and other accredited professionals to assist during a catastrophic event); and,
- Clarify distinct powers for both the Province and Local Authorities during states of emergency, and the duration of states of emergency.

It is proposed to define “response” as:

The phase of emergency management during which actions are taken in direct response to an imminent or occurring emergency in order to prevent, limit and manage impacts. Response includes the initiation of plans and actions to support recovery and may include deployment of registered volunteer resources.



4. Recovery

The Sendai Framework includes the concept of “building back better” during recovery from events to reduce future risk and enhance resilience. A 2018 report prepared under the auspices of the World Bank expands this concept:

- Building back **stronger** refers to reconstructing buildings and infrastructure to ensure the built environment is better able to withstand future emergencies;
- Building back **faster** reduces disaster impacts by accelerating reconstruction through measures such as contingent reconstruction plans, pre-approved contracts, and financial arrangements; and,
- Building back **more inclusively** ensures that the most disproportionately impacted can access the support they need to rebuild. In the absence of such support, they are the most likely to experience the long-term consequences caused by health issues and disability, loss of schooling and education, or simply the inability to save or borrow to rebuild or replace lost assets.

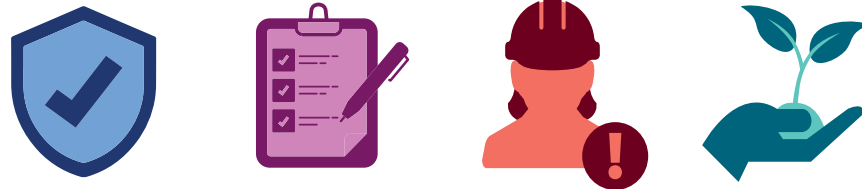
With this in mind, modernized emergency management legislation will:

- Ensure Local Authorities, ministries, Crown corporations, First Nations, and critical infrastructure operators are prepared to recover from emergency events; and,
- Give Local Authorities and ministries the tools and powers required to build back stronger, faster, and inclusively.

It is proposed to define “recovery” as:

The phase of emergency management during which action is taken to re-establish social, cultural, physical, economic, personal and community well-being through inclusive measures that reduce vulnerability to emergencies, while enhancing sustainability and resilience. It includes taking steps to repair a community impacted by an emergency and restore conditions to a level that could withstand a potential future event or, when feasible, improve them to increase resilience in individuals, families, organizations, and communities.





Stepping Up & Sharing Responsibility

A Blueprint for 21st Century Emergency Management

While the provincial government has a leadership role in emergency management, fully committing to the Sendai Framework means that responsibility is shared with other partners including Local Authorities, First Nations, critical infrastructure operators, the private sector, industry, non-governmental organizations (NGOs), citizens and volunteers. We recognize that many of these proposals would impose additional obligations on emergency management partners, which will raise issues of capacity and resources and will require time to develop and implement new approaches. The Province is committed to work with emergency management partners to ensure the necessary supports are in place so that the proposed new framework can be delivered.

This section outlines the key proposed changes for BC's emergency management partners that would be incorporated in a modernized Act.

Minister Responsible for Emergency Management

Under the EPA, the Minister has a number of duties and powers, including preparing emergency plans, entering into agreements, conducting public information, training and exercising programs, and reviewing and recommending modifications to Local Authorities' plans. The Minister may declare a provincial state of emergency (PSOE) and must approve extensions to states of local emergency (SOLEs).

States of Emergency



The provisions in the EPA dealing with states of emergency have their roots in Canada's War Measures Act. A **state of emergency** is an extraordinary measure that provides powerful tools to provincial and/or local governments that curtail rights and freedoms.

SOLE Durations

Currently, SOLEs are initially established at seven days and may be extended for further seven-day periods; the Minister's approval is required for extensions. Experience has shown that SOLEs are frequently renewed, often repeatedly, to deal with high-impact events.



It is proposed that:

- The duration of a SOLE be set at 14 days, with extensions of 14 days at a time approved by the Minister or designate. Extensions may include changes to the geographical scope of the SOLE.

PSOE Durations

Currently, PSOEes are initially established at 14 days and may be extended for further 14-day periods, with approval of the Lieutenant Governor in Council (LGIC).



It is proposed that:

- The duration of a PSOE be set at a maximum of 28 days, with extensions of 28 days at a time approved by the LGIC. Extensions may include changes to the geographical scope of the PSOE.



Powers Available During PSOEs & SOLEs

The EPA sets out the powers available to the Minister during a provincial state of emergency (s. 10(1)) and to a Local Authority for a local state of emergency (s. 13(1)). ***In order to ensure an appropriate suite of powers is in place during states of emergency, the following is proposed.***



It is proposed to:

- Clearly set out the powers available to the Minister and to Local Authorities, respectively, by listing these powers;
- Clarify that the Minister and Local Authorities may do all acts and implement all procedures necessary to mitigate, prepare for, respond to or recover from the effects of an emergency.

Continued use of a SOLE

Experience in 2017 and 2018 showed that continued use of a SOLE is not an appropriate tool as communities transition from response to recovery. ***To support Local Authorities to transition from reliance on SOLEs to their regular decision-making processes, the following is proposed.***



It is proposed to:

- Introduce a new provision to allow the Minister to grant a Local Authority the use of specific powers for a “transition period” between response and recovery of up to 90 days. A Local Authority would make an application to the Minister, citing what powers are required and demonstrating that they are in the public interest; necessary or desirable to ensure a timely and effective recovery; and proportionate in the circumstances. The Minister could approve multiple extensions, for up to 90 days each. Local Authorities would be required to report publicly on their use of the transition powers.

Powers During Catastrophic Events

Careful consideration was given to whether an additional suite of powers should be available to the Minister for a catastrophic event such as a subduction earthquake. The existing powers under the EPA, specifically section 10(1) and section 26, are extremely powerful. ***Minor amendments are proposed to clarify how these powers apply during a catastrophic event.***



It is proposed that:

- **S. 10(1)** would clarify that for the duration of a provincial state of emergency, the Minister may do all acts and implement all procedures considered necessary to mitigate, prepare for, respond to or recover from the effects of an emergency; and,
- **S. 26** would clarify that unless otherwise provided for in a declaration of a state of emergency, if there is a conflict between the emergency management Act, the regulations, orders, or authorized actions made under the Act, and the regulations, orders, or authorized actions under other Acts, the emergency management Act and its regulations, orders, or authorized actions prevail.



Accessing Support

The Minister currently has the authority to “enter into agreements with the government of Canada or any other province, or with any agency of such a government, dealing with emergency plans and programs.” ***In order to ensure that BC can quickly and effectively access support from other jurisdictions as and when needed, the following is proposed.***



It is proposed to:

- Clarify that the Minister can enter into agreements with international jurisdictions. Agreements could include arrangements with one or more other jurisdictions to share resources in relation to emergency management.

Partnerships with First Nations

A number of First Nations have entered into emergency management agreements with the Province and/or local governments. For example, in 2018 the Central Coast Regional Emergency Management Partnership Memorandum of Understanding was signed between the Nuxalk Nation, Central Coast Regional District, and EMBC. In April 2019, a tripartite agreement was signed by Canada, BC and the First Nations Leadership Council to establish a formal relationship to hold collaborative, constructive and regular dialogue on emergency management issues. ***In order to facilitate partnerships with First Nations, the following is proposed.***

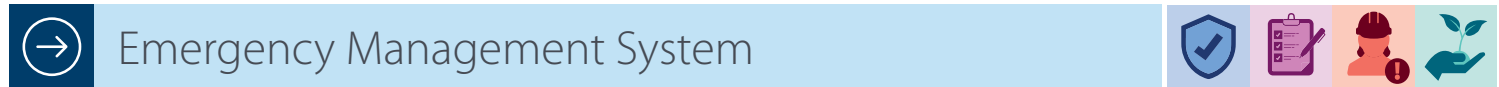


It is proposed to:

- Provide clear authority for the Minister and for Local Authorities to enter into emergency management agreements with First Nations. Agreements could address issues such as collaborative hazard and risk assessment and/or planning; delivery of emergency management services or programs; and/or joint recovery activities.

Enhancing Confidence in the Emergency Management System

BC is already a recognized leader in emergency management. Modernizing our legislative framework underscores our commitment to continuous improvement and will enshrine in legislation many of the best practices that are already commonplace in our province. That said, it is also important for the public to have confidence in our emergency management regime. To that end, we are proposing measures to enhance transparency and quality assurance.



Transparency

To increase transparency around risk, and coordination and consolidation of risk assessments and hazards across the province, the following is proposed.



It is proposed to:

- Establish a legislative requirement for the Province to centrally house and provide transparent data on hazard, risk and vulnerability assessments, or mitigation planning documents which are conducted or prepared by other bodies (provincial ministries, Crown corporations and agencies; Local Authorities; and critical infrastructure operators).

Quality Assurance

To provide quality assurance of emergency management plans prepared by other bodies, the following is proposed.



It is proposed to:

- Require provincial ministries, Crown corporations and agencies, Local Authorities, and critical infrastructure owners/operators to register their emergency management plans with EMBC; and
- Enable EMBC to audit emergency management plans. In the spirit of continuous improvement, audit results would be shared with the planning body and made public.

Provincial Ministries, Crown Corporations & Agencies

Provincial government bodies must lead by example to adopt a four-pillar approach to emergency management and increase confidence in the quality of emergency plans. This includes expanding the public sector entities required by law to do emergency planning. Under the EPA, all ministries and certain Crown corporations are required to prepare emergency plans to be followed in the event of an emergency or disaster. These plans can be divided into two categories: business continuity plans, which focus on the continuity of services, and emergency management plans. Content requirements for business continuity plans are identified in policy, not in regulation. The Emergency Management Program Regulation delegates responsibilities for some hazard-specific planning to some ministries but there is otherwise little direction on what content should be included in ministry emergency management plans. Currently, ministries are not obligated to include risk mitigation or recovery within their plans. The following table shows key hazards and the primary provincial ministries responsible for provincial level activities to provide expertise and direct support to Local Authorities in managing an incident.

Ministry Hazard Responsibilities (1/3)

| HAZARD GROUP | HAZARD | MINISTRY |
|--------------------------------|--|---|
| Accidents | Air crashes | Public Safety & Solicitor General |
| | Marine accidents | |
| | Motor vehicle crashes | |
| Atmosphere | Snowstorms | Emergency Management BC |
| | Blizzards | |
| | Ice storms | |
| | Fog | |
| | Hailstorms | |
| | Lightning | |
| | Hurricanes | |
| | Tornadoes | |
| | Heat waves | |
| Dam Failure | Dam failure (includes foundations and abutments) | Forests, Lands, Natural Resource Operations & Rural Development |
| Disease & Epidemics | Human diseases | Health |
| | Animal diseases | Agriculture |
| | Plant diseases | |
| | Pest infestations | |

Ministry Hazard Responsibilities (2/3)

| HAZARD GROUP | HAZARD | MINISTRY |
|-----------------------------------|--|---|
| Explosions & Emissions | Gas and gas leaks (pipeline) | Environment |
| | Gas and gas leaks (gas wells) | Energy, Mines & Petroleum Resources |
| | Mine | |
| | Other explosions | Municipal Affairs & Housing |
| Fire (Urban & Rural) | Fire (urban and rural — excludes interface fire) | Emergency Management BC; Forests, Lands, Natural Resources & Rural Development |
| Geological | Avalanches: highways/other | Transportation & Infrastructure; Emergency Management BC |
| | Debris avalanches and debris flows | Forests, Lands, Natural Resources & Rural Development |
| | Submarine slides | |
| | Landslides: highways/other | Transportation & Infrastructure; Emergency Management BC |
| | Land subsidence | Energy, Mines & Petroleum Resources |
| Hazardous Materials | Hazardous spills (on site or transport routes) | Environment |
| | Radiation | Health |
| | Infectious materials | |
| Hydrologic | Drought | Forests, Lands, Natural Resources & Rural Development |
| | Flooding | |
| | Erosion and accretion | Environment |
| | Ice jams | Transportation & Infrastructure |

Ministry Hazard Responsibilities (3/3)

| HAZARD GROUP | HAZARD | MINISTRY |
|---------------------|--|--|
| Power Outage | Electrical power outage | Emergency Management BC |
| Riots | Riots & public disorder | Public Safety & Solicitor General |
| Seismic | Ground motion effects | Emergency Management BC |
| | Tsunamis | |
| Space Object | Space object crash | Emergency Management BC |
| Structural | Structural collapse | Emergency Management BC |
| Terrorism | Terrorism (hostile act against state) | Public Safety & Solicitor General |
| Volcanic | Ash falls | Emergency Management BC |
| | Pyroclastic flows | |
| | Lava flows | |
| | Mudflows | |
| Wildfire | Wildfire (includes interface fire) | Forests, Lands, Natural Resource Operations & Rural Development |



Preparedness for Provincial Ministries, Crown Corporations & Agencies

Business Continuity Plans

To ensure transparency, consistency, quality, and oversight and to enhance information sharing of business continuity plans, the following is proposed.



It is proposed to:

- Require all ministries, Crown corporations, and agencies to have programs and plans to deal with the continuity of services. This could include school districts, universities, colleges, health authorities, and others;
- Enable the prescription (in regulation) of standards for plan content, process, training, exercising and review; and
- Establish a mechanism to enable EMBC to collect, review, and audit business continuity plans.

Emergency Management Plans

To ensure transparency, consistency, quality, and oversight and enhance information sharing of emergency management plans, the following is proposed.



It is proposed to:

- Require ministries, Crown Corporations, agencies and other public sector entities to develop emergency plans, participate in the development of integrated plans for which they are not the lead, and perform hazard, risk and vulnerability assessment, mitigation, preparedness, response, and recovery duties as assigned by the Minister. This could include school districts, universities, colleges, health authorities, and others;
- Enable the prescription (in regulation) of specific roles and responsibilities for mitigation, preparedness, response, and recovery, plan content, process, training, exercising and review; and
- Establish a provincial obligation to provide hazard data and coordinate with Local Authorities and First Nations as available and requested.

Continuity After Catastrophe

To ensure continuity of government operations following a catastrophic event such as a damaging earthquake, the following is proposed.



It is proposed to:

- Require the Province to develop continuity of government plans that ensure the continued operation of the executive, judicial, and legislative arms of government.

Local Authorities

Under the EPA, Local Authorities include municipal councils and regional district boards. Successful emergency management must be driven by, and responsive to, local communities. Local Authorities therefore have a vital role in emergency management at the community and regional level, as they are responsible for preparing and implementing emergency plans. However, events in 2017 and 2018 highlighted the importance of strengthening both up-front risk mitigation and post-event recovery. A modernized approach to emergency management can increase community resiliency by:

- Increasing the specificity of emergency planning requirements, including obligations to identify hazards, vulnerabilities, and risk and implement risk reduction measures;
- Enhancing community consultation and coordination;
- Empowering new and existing partnerships; and
- Providing a new “transition period” to enable a more seamless transition from response to recovery by allowing specific powers to continue for a longer period of time while providing public accountability on the use of the powers.



Mitigation for Local Authorities

Building & Development

Risk reduction starts with making sound decisions about where and how to build. To facilitate risk-based decision-making about building and development in hazardous areas, the following is proposed.



It is proposed to:

- Require Local Authorities, and the Province (through the Ministry of Transportation and Infrastructure’s subdivision approval authority in unincorporated areas) to give greater consideration of current and future risk for new development approvals in hazardous areas; and,
- Require sustainable long-term mitigation measures when building and development is approved in hazardous areas.

Hazard & Risk Identification

To enhance the capacity to prevent and mitigate emergencies, and close gaps that exist in hazard and risk identification, the following is proposed.



It is proposed to:

- Include legislative and regulatory requirements for Local Authorities to identify, understand and assess hazards, risks, and vulnerabilities, and establish associated mitigation plans for risks and consequences.

Collaboration & Coordination

To increase transparency around risk, and enhance coordination and consolidation of risk assessments and hazards across the province, the following is proposed.



It is proposed to:

- Enable the Minister or designate to direct Local Authorities to collaborate and coordinate at a regional scale for risk assessment, mitigation planning and mitigative works; and
- Enable the establishment of non-regulatory or regulatory incentives to enhance regional collaboration and coordination for risk assessment, mitigation planning and mitigative works.



Preparedness for Local Authorities

Standardized Programs & Plans

To increase standardization and alignment of Local Authority emergency management programs and plans, the following is proposed.



It is proposed to:

- Establish a comprehensive list of requirements including: hazard, risk, and vulnerability assessment; mitigation plans; response; recovery; business continuity plans; training; exercising; and a review cycle; and
- Through regulation, provide detailed program and plan content requirements.

Collaborative Planning & Partnerships

To increase collaboration, enable community-driven planning and partnerships, provide transparency and accountability among partners and stakeholders, and enable the Province to understand local capacities and needs, the following is proposed.



It is proposed to:

- Require Local Authorities to provide plans to neighbouring jurisdictions (Local Authorities and First Nations), to the Province, and stakeholders such as critical infrastructure operators, school districts, and health authorities and consider any feedback;
- Enable Local Authorities and First Nations to enter into agreements with one another for the purposes of integrated or multi-jurisdictional plans; and
- Introduce a requirement for Local Authorities preparing emergency management plans to consult with First Nations. Consultation standards for Local Authorities could be specified in regulation or guidelines.



Response for Local Authorities

Response Provisions

Proposed changes to response provisions for Local Authorities are outlined in the section on the Minister's powers.



See Page 19



Recovery for Local Authorities

Recovery Plan Incentives

To provide incentives to develop strong recovery plans, the following is proposed.



It is proposed to:

- Enable regulations that would require post-disaster needs assessments and post-disaster recovery plans as a condition of receiving provincial recovery funds and the renewal of recovery powers.

Transitioning out of a SOLE

As described in the section on the Minister's powers, to create a mechanism for the use of emergency powers over an extended period of time and recognize the transition between response and recovery, the following is proposed.



It is proposed to:

- Introduce a 90-day "transition period" where Local Authorities can request the use of specific SOLE powers for up to 90 days at a time. Powers would be selected and justified for the circumstance, based on whether the transition powers are in the public interest, necessary and desirable, and proportionate to the circumstances.

Tools to Support Recovery

To provide Local Authorities with additional tools to support recovery, particularly during the transition from response to recovery, the following is proposed.



It is proposed to:

- Enable Local Authorities, in consultation with the Minister responsible for the Community Charter, Vancouver Charter and Local Government Act and the Minister responsible for emergency management, to make emergency amendments to an Official Community Plan, Regional Growth Strategy, zoning, or bylaws.

Advancing Reconciliation with Indigenous Peoples

First Nations representatives have demonstrated a strong interest in all aspects of BC's emergency management regime. First Nations know their communities best, including making decisions on how and when to respond to events that impact their values and people.

Modernizing the legislation provides an opportunity to advance reconciliation with Indigenous peoples and address many of the challenges that were identified in 2017 and 2018, including investing in community planning, preparedness and mitigation, and respecting Indigenous knowledge and practices. Taking steps to recognize First Nations as partners in emergency management will demonstrate progress towards implementing the recommendations in First Nations community reports, the Abbott-Chapman Report, the Tsilhqot'in National Government report *The Fires Awakened Us*, and the Nadleh Whut'en report *Trial by Fire*.

Canada is responsible for reserve lands, and this responsibility is delegated to the Minister of Indigenous Services. Under the Emergency Management Act (2007), each federal minister is required to identify risks within their areas of responsibility and maintain emergency management plans to mitigate those risks. Indigenous Services Canada supports the four pillars of emergency management (mitigation,

preparedness, response and recovery) on-reserve and has a service agreement with EMBC to ensure that First Nations have access to the provincial emergency management platform.

BC will continue to work with First Nations and Canada to provide clarity on jurisdictional roles and responsibilities for reserve lands and community members who live off-reserve.

First Nations, along with the federal, provincial and local governments, have already embarked on the path to partnerships. In addition to the tripartite agreement between Canada, BC and the First Nations Leadership Council that was mentioned earlier in this discussion paper, a number of First Nations have entered into collaborative arrangements, including:

- The ***Collaborative Emergency Management Agreement*** between the Tsilhqot'in National Government, Canada and BC;
- The ***Central Okanagan Regional Emergency Plan***, which supports local governments, the Regional District of Central Okanagan, and the Westbank First Nation; and,
- The ***Tofino-Ahousaht Protocol Agreement*** on areas of mutual interest, including infrastructure, health and emergency planning.

Under the Final Agreements of modern treaties, Treaty First Nations have the same powers, duties and responsibilities under the EPA as Local Authorities. Westbank First Nation and shíshálh Nation are self-governing, with the power to regulate public order, safety and emergency preparedness. Shíshálh Nation is a member of the Sunshine Coast Regional District Emergency Program and Westbank First Nation is a member of the Regional District of Central Okanagan Emergency Program.

The First Nations Health Authority (FNHA) coordinates activities in response to emergencies that may impact the health of BC First Nations community members. Since 2017, FNHA has strengthened its capacity to support First Nations communities to prepare for, respond to and recover from emergencies by establishing emergency management policies and procedures, developing an Emergency Operations Centre response mechanism, and creating additional staff positions focused on leading and supporting emergency management within its organization.

The First Nations Emergency Services Society (FNESS) works closely with First Nations communities, EMBC, Indigenous Services Canada (ISC) and other partners to support emergency management for First Nations communities in BC.



First Nations as Partners



It is recognized that First Nations will have interests in all the legislative changes under consideration. In order to further strengthen First Nations as partners in the governance and operations of emergency management and improve communications before, during and after an emergency, the following changes are proposed.

It is proposed to:

- Expand the definition of “emergency” to include actions to protect community well-being, significant Indigenous cultural sites and the environment;
- Provide clear authority for the Minister responsible for emergency management and for Local Authorities to enter into emergency management agreements with First Nations or First Nations groups, including Treaty First Nations. Agreements could address issues such as collaborative hazard and risk assessment and/or planning; delivery of emergency management services or programs; mutual aid; and/or joint recovery activities;
- Introduce a requirement for Local Authorities preparing emergency management plans to consult with First Nations;
- Introduce a requirement for critical infrastructure owners/operators to provide non-sensitive information to First Nations upon request. (Note: information would also be provided to Local Authorities and/or the public upon request.);
- Require consideration of Indigenous and traditional knowledge in the development of hazard risk and vulnerability assessments by provincial entities and Local Authorities. The entity conducting the assessments could be encouraged to communicate the results to affected First Nations; and,
- Establish that provincial entities and Local Authorities must consider cultural safety and inclusiveness when developing and implementing emergency management plans. Specific requirements could be established in regulation and supported by policies and guidance material.

Critical Infrastructure Operators

Federal, provincial and territorial governments in Canada define critical infrastructure as the processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of people and the effective functioning of government. There are ten recognized critical infrastructure sectors:

Critical Infrastructure Sectors

| SECTOR | SUB-SECTOR |
|-------------------------------|--|
| Energy & Utilities | Electricity; Petroleum and Crude Oil; Natural Gas; Other |
| Communications | Telecommunications; Radio; Broadcasting; Satellite |
| Transportation | Rail; Road; Marine; Air |
| Water | Potable Water; Wastewater; Dams |
| Health | Critical Care; Extended Care; Blood/Organ Facilities; Pharmaceutical Facilities |
| Safety | Police/Law Enforcement; Fire; Ambulance; Emergency Management |
| Government | Federal; Provincial; First Nations; Local Authority |
| Food | Farming/Production; Processing/Packaging; Storage/Distribution |
| Finance | Banking/Financial Institutions; Securities/Investments; Point of Sale/ATM Machines |
| Manufacturing | Defense Industrial Base Manufacturing*; Critical Manufacturing** |

* Defense industrial base manufacturing consists of businesses and government organizations involved in research, development, production and service of military equipment and facilities.
 ** Critical manufacturing varies across five key areas: primary metals, machinery, electrical equipment, transportation and heavy equipment, and chemical manufacturing.

The EPA does not reference critical infrastructure; it is regulated at both the provincial and federal levels within legislation that is typically specific to a single sector or sub-sector. This means that the requirements for emergency management activities are not consistent across sectors and may not be integrated with provincial or Local Authorities' emergency management plans.





In BC, many critical infrastructure operators already demonstrate exceptional emergency management practices, often going beyond existing regulatory requirements, as observed during the 2017 and 2018 flood and wildfire events as well as in many other instances. The proposals outlined below would serve to strengthen certain practices and close any gaps. It is recognized that the Province must respect federal jurisdiction over certain critical infrastructure sectors.

These recommendations are centered on adopting a cross-sector approach that defines expectations with respect to the development of four-pillar emergency management planning documentation that is registered provincially, exercised, subject to audit, and integrated with government emergency plans. The intention of these activities is to enhance the resilience of critical infrastructure in British Columbia, as well as those that rely on its services. The resilience of critical infrastructure assets and systems is essential to the functionality of critical supply chains such as food, water, fuel, shelter, and medical supplies, and is also a vital component of efficient and effective response and recovery efforts. Furthermore, awareness of downstream risks (i.e., scenarios that may result in critical service losses)

and interdependencies (where one critical infrastructure asset relies on another, or there is a mutual dependency) may also help the Province, Local Authorities, First Nations, and other critical infrastructure operators develop and update their emergency management planning documentation appropriately.

In addition, consistent emergency management planning documentation can help ensure effective and efficient resource-sharing, as critical infrastructure operators are often the source of specialized resources and personnel. Understanding the needs of critical infrastructure operators in greater depth may also allow the Province to explore additional opportunities to provide support in return before, during, and after emergency events.

A modernized approach to emergency management would:

- Improve information sharing and coordination between critical infrastructure operators, the Province, Local Authorities, and First Nations; and,
- Establish minimum standards for emergency management and business continuity plans for critical infrastructure operators.



Preparedness for Critical Infrastructure

A Cross-Sector Approach

To build a foundation for a cross-sector approach that outlines expectations around emergency management planning, business continuity planning, information sharing, and exercising, the following is proposed.



It is proposed to:

- Establish a power to allow for creation of a registry that captures specific critical infrastructure assets and their respective emergency management planning documentation, which may include information on risks, contacts, operating procedures, resource requirements, and resource availability. This registry would also serve to clarify which critical infrastructure operators and respective assets are subject to the regulatory requirements, as it may include “tiers” to ensure appropriate attention is paid to the assets and systems with greater risk and/or consequence; and
- Establish cross-sector regulation for critical infrastructure emergency management activities to ensure consistency. This would include activities required for critical infrastructure sectors as defined by EMBC and include supplementary aspects to existing statutes and regulations with respect to their requirements related to emergency management activities. Attention will be paid to ensuring that existing requirements and efforts are not duplicated.

Risk and Resource Needs

To increase understanding of risk and resource needs of critical infrastructure operators, and increase coordination with other emergency partners, the following is proposed.



It is proposed to:

- Require critical infrastructure operators to develop specific emergency management planning documentation, which would be inclusive of planning for hazards created by the critical infrastructure, business continuity planning for service disruptions, and considerations for downstream impacts of service disruptions.

Information Sharing and Security

To improve coordination and information sharing while respecting critical infrastructure operators' proprietary information and minimize information security issues, the following is proposed.



It is proposed to:

Require that emergency management planning documentation be developed into two parts:

1. Information such as risks to critical infrastructure, risks caused by the critical infrastructure, general operating procedures, consequence of loss, estimated restoration timelines, anticipated resource requirements, and primary contact information; and,
2. Sensitive information that exposes vulnerabilities and any additional details within the plan such as additional staff contact information, internal procedures, etc.

Require that Part 1 be provided to the Province, and/or made available upon request to Local Authorities, First Nations, and/or the public.

Quality Assurance

To increase quality assurance of emergency management planning documentation, the following is proposed.



It is proposed to:

- Require certain critical infrastructure operators to provide a "Statement of Assurance" that would advise of measures they have taken to ensure that their emergency management documentation is of adequate quality. The Province would have authority to engage an accredited subject matter expert to validate the "Statement of Assurance"; and,
- Conduct prioritized audits of emergency management planning documentation. These audits would be done by either EMBC alone, or with the assistance of ministries with leadership/ regulatory roles for a particular sector.

Testing and Integration of Plans

To ensure that critical infrastructure emergency management and business continuity plans are tested consistently and to provide opportunities to integrate plans with other emergency plans, the following is proposed.



It is proposed to:

- Require critical infrastructure operators to conduct mandatory exercises for specific assets as designated by the Province through regulation or policy at a defined frequency and level (tabletop, full-scale, etc.); and,
- Require critical infrastructure operators to invite provincial regulators and emergency management authorities, as well as local participants such as Local Authorities, First Nations, and local organizations, to the mandatory exercises.

Improving Information Sharing

To increase information sharing both during and outside of emergency events, and to enhance planning related to catastrophic events, the following is proposed.



It is proposed to:

- Require critical infrastructure operators to provide emergency management information beyond that identified in Part 1 (see above) as requested by EMBC (or another provincial agency at the request of EMBC) including sensitive event-specific information, additional contact information, or internal procedures.



Supporting Volunteers & Non-Governmental Organizations

People who offer their services without expectation of compensation are a critical component of the emergency management process and contribute to an all-of-society approach, along with the many non-profit organizations involved in all four pillars of emergency management.

Currently, Public Safety Lifeline Volunteers provide services in five distinct functions:

- Search and Rescue services to locate and retrieve injured, lost, or missing individuals;
- Road Rescue services to extricate motorists trapped by an accident;
- Emergency Support Services to meet the temporary accommodation, meals and incidental needs of individuals and families evacuated during an emergency;
- Provincial Emergency Radio Communications services to provide additional or alternate radio connections in support of managing an emergency; and,
- Provincial Emergency Program Air to enable searches from the air, conduct reconnaissance (i.e., damage assessment), communications relay or transport personnel and supplies.

The Province also provides a means for a Local Authority or First Nation to organize convergent volunteers for general service tasks such as filling sandbags.

The skills and experiences of volunteers often go beyond their core functions, such as ensuring that in an emergency, residents are notified and advised of actions to take, or as a member of an Emergency Operations Centre. The Province supports these volunteers by providing training, reimbursing operational costs and providing WorkSafe and liability coverage.

Beyond formal provincially organized lines, volunteers make invaluable contributions to emergency management through non-government organizations (NGOs), community service organizations and other mechanisms.



Strengthening Supports for Volunteers & NGOs



Helping Volunteers Help BC

To strengthen support for the thousands of volunteers essential to emergency management, the following is proposed.



It is proposed to:

- Increase support and formal oversight of volunteers;
- Increase access to broader resources, including volunteers affiliated with third parties such as NGOs, and continue the ability of NGOs, philanthropic organizations, societies, and other organizations to enter into agreements with BC;
- Create more equitable treatment between a person ordered to provide support in an emergency and one who willingly provides support; and,
- Recognize that service provider organizations can be impacted by emergencies and may need support during response and recovery.



Preparedness for Volunteers & NGOs

New Definitions

To ensure consistent interpretation of new and existing laws and regulations related to volunteers and enable the Province to enter into agreements with third-party service providers, the following is proposed.



It is proposed to:

Have new definitions that would clearly distinguish the difference between a registered volunteer, convergent volunteer, and service provider:

Registered volunteers would be specialized disciplines prescribed by regulation and:

- Receive no remuneration for their service;
- Be provided with civil liability protection under the Act, workers' compensation and liability insurance;
- Obtain and retain registered status with the Province or other entities according to the regulation;
- Operate under Local Authority or direction of the requesting agency;
- May provide direction to convergent volunteers;
- Operate in all phases of emergency management; and,
- May receive time limited employment protection according to the Act.

Convergent volunteers would not be registered and would:

- Receive no remuneration for their service;
- Arrive on scene offering support and assistance;
- Be supervised by the Local Authority, the Province, or a registered volunteer to be able to receive workers' compensation and other benefits; and,
- Receive civil liability protection under the Act.

Service Providers may be a registered charity, philanthropic organization, society or other organization. The new legislation will include an explicit authority for the Minister (or designate) and Local Authorities to enter into agreements with Service Providers. Such agreements could:

- Authorize the Service Provider to deliver emergency response or recovery services or arrange for the deployment of staff or affiliated volunteer personnel. For clarity, personnel deployed on behalf of a Service Provider will be protected under workers' compensation and insurance policies secured by the Service Provider.

Legal Certainty

To provide greater legal certainty around the process to access workers compensation for injured volunteers and clarify provincial support and governance related to volunteers, the following is proposed.



It is proposed to:

- Ensure that the new legislation contains an authority to prescribe classes of registered volunteers, rules around supports for volunteers, and develop and implement a supporting regulation. Having the ability to prescribe classes of registered volunteers in a regulation allows for flexibility over time to accommodate new areas of specialized volunteer disciplines. Policy instruments would continue to be used for discipline-specific program rules and guidelines such as reimbursement rates and safety conditions.

Job-Protected Leaves

To provide job-protected leaves for persons ordered to provide assistance and for those registered volunteers specifically requested to provide support, the following is proposed.



It is proposed to:

Carry forward the existing section 25 of the EPA that provides that persons ordered to assist during a declared Provincial State of Emergency or a State of Local Emergency cannot have their employment terminated for complying with that order.

- Establish job-protected leave without pay for “registered volunteers.” This provision would be restricted to those registered volunteers specifically requested by a Local Authority or a BC agency to support emergency response. Job-protected leaves would not be conditional on a State of Local Emergency or Provincial State of Emergency being declared.

Ensuring Fairness to Employers

To ensure fairness to affected employers, the following is proposed.



It is proposed to:

- Require Local Authorities or a BC agency requesting the registered volunteer to:
 - Document their initial request for the volunteer;
 - Confirm the duration of the deployment;
 - Confirm that the volunteer was in fact present for the emergency response; and,
 - Make this documentation available on request of the employer.
- Provide a process by which an employer could dispute the ongoing deployment of the employee in a volunteer capacity with the responsible Local Authority or BC agency because the employee is critical to business continuity or other hardship.

Protection from Civil Liability

To protect volunteers and others from civil liability, the following is proposed.



It is proposed to:

- Include a civil liability protection provision for registered and convergent volunteers, boards of search and rescue societies, authorized persons offering support from another jurisdiction, persons authorized or ordered to provide assistance under a State of Local Emergency or Provincial State of Emergency, provincial government employees and officials, Local Authority employees and officials, the Minister and the Provincial government as a whole, similar to what is set out in the Wildfire Act;
- A new civil liability clause will clarify that no legal proceedings can be commenced or maintained against a protected person or entity because of anything done or omitted in the course of undertaking a power, duty or obligation resulting from the legislation or associated regulations. Including the BC government and Local Authorities as protected entities is intended to acknowledge that unavoidable property damage or losses can result from governments' response to a given hazard, and that climate change is increasing the overall frequency of events; and,
- Bad faith or grossly negligent actions or omissions will be exempt from civil liability protection, as is the case under the current EPA.

Supporting & Empowering Citizens, Visitors & Businesses

Citizens can be encouraged to participate in an all-of-society approach to emergency management through information, education, building codes, access to information about hazards, risk, preparedness and response (e.g., evacuation routes), purchasing adequate personal insurance, and taking active roles during recovery. It's also important to provide citizens and visitors with accurate and timely information before, during and after emergencies, and to ensure that public notifications and warnings are widespread and well-understood.

The Province is not contemplating legislative changes that would specifically address the role of citizens and businesses in emergency management. We will build on existing programs and actions by enhancing the promotion of citizen and business involvement across all four emergency management pillars — mitigation, preparedness, response and recovery. This would build on current education and promotional initiatives at the provincial and local levels, such as:

- Strengthening provincial education and preparedness and mitigation initiatives such as Partners in Preparedness, Master of Disaster, High Ground Hikes, and FireSmart;

- Making materials available in additional languages;
- Developing initiatives to better reach vulnerable people;
- Strengthening and expanding the role of business partnerships (e.g., with the real estate community and tourism sector);
- Expanding social media such as Twitter, Facebook and webpages;
- Encouraging local governments to undertake more education and promotion and to encourage citizen participation in emergency management planning; and,
- Increasing citizens' awareness and participation in emergency planning, at an individual and community level, through transparent access to hazard information.

Citizen Preparedness

There are no identified jurisdictions that legislate citizens to be prepared or to undertake mitigation measures. Even Japan — often characterized as the “most prepared country in the world” for disasters — does not appear to mandate citizen preparedness, favouring instead robust public awareness programs, including regular drills (some of which involve hundreds of thousands of citizens), guides and brochures, and access to hazard and response planning information.



Financial Considerations

The Province recognizes that not all of the financial elements required to support the modernization of the emergency management system will be enabled through changes to legislation.

Signalling a commitment to a modernized emergency management system will require new investment with the objective of ensuring all four pillars are supported by stable, responsive and transparent funding mechanisms while meeting the Province's fiscal mandate and maintaining the flexibility to invest year-end funds when available.

The resourcing implications for provincial government bodies, local governments, First Nations, other emergency management partners and stakeholders required to deliver on any new emergency management obligations will be considered as legislation is developed, recognizing the importance of supporting their capacity to deliver. The capacity of partners to deliver will also inform the phasing-in of any new obligations.

The Province will continue to work to maximize opportunities to partner with the federal

government to fund or co-fund emergency management activities as their support is essential in modernizing the emergency management system. The Province will also continue to advocate at the federal level for increased funding supports to meet the needs of British Columbians.

The Province continues work to improve its policies, procedures and administrative processes to ensure Local Authorities, First Nations, and service providers are transparently and efficiently reimbursed for response and recovery costs.

The Province recognizes that investments in mitigation and preparedness can reduce risk and reduce or avoid expenditures associated with emergency events.

In addition to traditional financial approaches currently being utilized, the Province will be guided in this consultation process with input on any new or emerging funding approaches, such as incentives to shift behaviour, as well as public and private partnerships that encourage disaster mitigation efforts.

Compliance & Enforcement

Many of the proposed changes to BC's emergency management legislation involve obligations for emergency management partners to reduce risk and enhance resilience. The Province will work with partners on voluntary measures to enhance compliance with these requirements (e.g. training, guidance documents, phased implementation, planning assistance, etc.). Voluntary compliance is the preferred mechanism for reducing risk and improving resilience. At the same time, mechanisms are required to ensure that obligations under the Act are met where voluntary compliance is not achieved.

The current EPA does not have an extensive compliance and enforcement regime. It includes a provision that creates an offence for any contravention of the Act or its regulations or for interference with the exercise of powers or performance of duties under the Act. The penalty for committing an offence is imprisonment for not more than one year or a fine of not more than \$10,000, or both. As part of modernizing the Act, consideration will be given to what additional compliance and enforcement provisions (e.g., fines or other penalties) may be appropriate.

Tell us more:

- What tools should be available (in legislation or otherwise) to ensure compliance with the new Act?
- What incentives may be useful or appropriate?
- What penalties or enforcement mechanisms may be appropriate for non-compliance with the new Act?

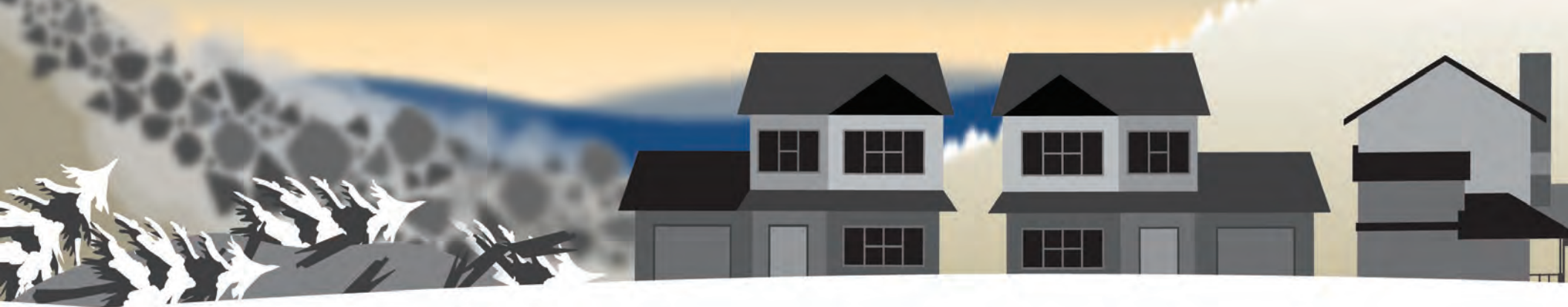
Next Steps & How to Participate

Comments on the proposals outlined in this discussion paper can be submitted online at engage.gov.bc.ca/govtogetherbc/consultation/emergency-program-act-modernization, or by email at EmergencyProgramAct@gov.bc.ca, until January 31, 2020.

Questions to consider include:

- Will the proposed legislative changes promote a shift to a focus on disaster risk reduction?
- Will the proposals encourage an all-of-society approach to emergency management?
- Are there other measures that could be considered to improve our approach to emergency response?
- Are the proposed new recovery tools useful and appropriate?
- Are there other ways to advance reconciliation and recognize First Nations as emergency management partners?
- What issues are important to consider with regard to critical infrastructure?
- What support would be needed to implement these proposals? Examples include training on the new requirements, templates for emergency management plans, and additional expertise and capacity.

Feedback will inform next steps regarding the proposed changes to ensure they successfully deliver a modernized emergency management framework. In the spring of 2020, we will release a What We Heard report that summarizes the feedback received. The feedback will be used to inform and shape the final legislative changes, culminating in a new emergency management Act planned to be introduced in the Legislative Assembly in the fall of 2020.



What Will Change with Emergency Management Modernization? A Hypothetical Scenario

Scenario:

In December, a massive landslide occurs in BC's interior. Road access is cut off to a small municipality and a First Nations reserve. Several homes in a new subdivision within the municipality suffer major damage. A natural gas pipeline is damaged. Supply is interrupted, and service may need to be shut off to communities in the Lower Mainland. With a forecasted long-term cold spell, there are significant concerns about homes, businesses and critical infrastructure, such as schools and health care facilities, having heat during the winter.

The reason for the landslide is still being investigated, but slope instability due to a wildfire five years ago and associated deforestation are main contributors.



See the next page for an illustration of how this event could unfold under the current EPA, compared to under a modernized emergency management act.

How this hypothetical event could unfold under the current Emergency Program Act (EPA):

- As is the case with many emergencies, the landslide catches the impacted municipality and First Nation by surprise.
 - The risk of such a landslide was not assessed by the municipality, in part because its plan was not updated for post-wildfire risks.
 - Provincially-held post-wildfire risk data for previous years was not readily available to the municipality through a central location.
 - As a result, planning for alternate supply and egress routes for the municipality and the First Nation did not occur, resulting in significant challenges (e.g. transport of acute care patients to hospital, and delivery of food and fuel to the community).
- Landslide risk was not accounted for when the new subdivision was approved. Without a full risk assessment or mitigation strategies, some houses were constructed in a landslide hazard area.
- The municipality's emergency plan was not exercised, leading to confusion and delays in the early stages of response for both the municipality and the neighbouring First Nation.
- Response efforts by the Province are hampered by a lack of information regarding the gas line operator's emergency plan. While the gas line owner has plans in place, these plans have not been shared with EMBC, the municipality, or the First Nation.
- The Lower Mainland municipalities that may have their gas supply cut off are unaware that a shutoff strategy is included in the gas line operator's plan regarding pipeline breaches and are unaware that service may take up to three months to restore if it is shut off.
- The municipality's emergency plan does not address the recovery phase, hampering community recovery efforts in the coming weeks and months.

How this hypothetical event could unfold under a modernized emergency management act:

- The event creates challenges, but the impacted partners are not caught by surprise and are able to mount a quick and cohesive response effort.
- The risk of a landslide is identified in the municipality's mandated emergency plan. Risk identification and assessment are aided by simplified access to provincially-held risk data.
- The placement of several lots in the new subdivision was altered to account for the landslide risk, and no homes are significantly damaged in the landslide.
- Based on the identified landslide risk, the community has established access to an adjacent Forest Service Road to act as an alternate supply and egress route.
- The municipality and the First Nation recently held a small joint exercise of their mutually-shared emergency plans, which greatly improves response operations following the landslide.
- The Province, impacted municipality and First Nation, and Lower Mainland municipalities have access to key information about the gas line operator's emergency plan, allowing them to plan for gas line risks and interruptions. Lower Mainland municipalities work with the gas line operator to suggest customer prioritization (e.g. critical facilities and vulnerable populations) and shutdown procedures that will safeguard public safety. Emergency Management BC and the Ministry of Energy, Mines and Petroleum Resources have already worked with the gas line operator to complete provincial energy disruption planning.
- The municipality has a basic plan in place for the recovery phase, which speeds recovery in the weeks and months ahead.
- Overall, the partners can respond to and recover from this event, having previously identified the risks, engaged in mitigation where practical and cost effective, and shared and exercised plans together.

Modernizing BC's Emergency Management Legislation: Key Policy Shifts at a Glance

All four emergency management pillars (mitigation, preparedness, response, recovery) are recognized in legislation:

- Require provincial ministries, Crown corporations and agencies to:
 - Have programs and plans to deal with continuity of services;
 - Develop emergency management plans;
 - Exercise and review their plans; and
 - Carry out duties related to mitigation, preparedness, response and recovery as assigned by the Minister responsible for emergency management.
- Require Local Authorities to:
 - Meet clear requirements for the content and exercising of plans, and their review cycle;
 - Identify, understand and assess hazards, risks and vulnerabilities, and establish associated mitigation plans for high-risk hazards; and,
 - Develop post-disaster needs assessments and post-disaster recovery plans.
- Require Local Authorities and provincial subdivision approving officers to give greater consideration to current and future risk for development and building approvals, and require mitigation measures when development and building are approved in hazardous areas.

First Nations are recognized as emergency management partners:

- Expand the definition of "emergency" to include actions to protect community well-being, significant Indigenous cultural sites, and the environment;
- Provide clear authority for the Minister and Local Authorities to enter agreements with individual First Nations or First Nations groups;
- Require Local Authorities preparing emergency management plans to consult with First Nations;
- Require critical infrastructure operators to provide emergency management information to First Nations upon request;
- Require consideration of Indigenous and traditional knowledge in the development of hazard risk and vulnerability assessments by provincial entities and Local Authorities; and,
- Establish that provincial entities and Local Authorities must consider cultural safety and inclusiveness when developing and implementing emergency management plans.

Greater recognition of critical infrastructure as an integral part of emergency management:

- Enable creation of a registry of critical infrastructure to better understand both risk and the assets available during response and recovery and inform development of supply chain management strategies;
- Require critical infrastructure emergency plans to address all four pillars; and,
- Require specific emergency management planning documentation, which could include a “statement of assurance” for certain operators, to ensure information is readily available before, during and after events.

Better tools for response and recovery:

- Set the initial duration and renewal period for a provincial state of emergency at a maximum of 28 days (currently 14) and for a local state of emergency at 14 days (currently 7);
- Create a new provision to allow the Minister to grant a Local Authority the use of specific powers for a “transition period” between response and the end of the recovery phase of up to 90 days;
- Enable Local Authorities to make emergency amendments to Official Community Plans, Regional Growth Strategies, zoning, or bylaws;
- Enable, by regulation, standards for emergency public notifications and warnings; and,
- Clarify how existing provincial powers would apply during a catastrophic event.

Greater recognition and protection for volunteers:

- Define service providers and provide clear authority for the Minister to enter into agreements with them;
- Clearly define different types of volunteers;
- Modernize civil liability protection to better deter nuisance lawsuits; and,
- Establish job-protected leaves for volunteers with specialized skill sets.

Stronger coordination, collaboration and provision of information between emergency management partners:

- Require ministries, Crown corporations, agencies and other public sector entities (such as school districts, universities, colleges, and health authorities) to participate in the development of integrated plans for which they are not the lead;
- Enable Local Authorities and First Nations to enter into agreements to do integrated or joint planning and to voluntarily form unified Local Authorities to do some or all emergency management functions;
- Enable the Minister to direct Local Authorities to collaborate and coordinate at a regional scale for risk assessment, mitigation planning and mitigative works, and enable establishment of regulatory or non-regulatory incentives for collaboration and coordination;
- Require Local Authorities to provide plans to neighbouring jurisdictions (including First Nations), to the Province, and stakeholders such as critical infrastructure operators and consider any feedback; and,
- Require Local Authorities preparing emergency plans to consult with First Nations.

Greater confidence in the emergency management system:

- Establish a requirement for the Province to centrally house and provide transparent 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;
- Require provincial ministries, Crown corporations and agencies and Local Authorities to register their emergency management plans with EMBC; and,
- Enable EMBC to audit emergency management plans and make the results public.



Modernizing BC's Emergency Management Legislation

Mid-Island Emergency Coordinators and Managers

November 20, 2019



BRITISH
COLUMBIA



Current Emergency Program Act

- Dates from 1993
- Focuses on: preparing and implementing plans; states of emergency; the role of the Province and Local Authorities
- Supported by three regulations

2017 & 2018 Wildfires

3,415
wildfires

71,000
evacuees

2.5 M
hectares burned

660
structures damaged or
destroyed

2 Provincial states of emergency
(71 days & 24 days)

\$1.6 B spent in response and recovery





2018 Floods

400+ homes

severely damaged

100 businesses

severely damaged

\$70 M+

in recovery funding to date

Driving Modernization: Addressing Challenges

- Increasing complexity, frequency and severity of disasters (**floods, wildfires**)
- Impacts of disasters (**economic, psycho-social, fiscal**)
- Implement Sendai Framework
- Indigenous communities disproportionately impacted
- Needs of vulnerable people not always sufficiently considered
- Address gaps surfaced by events in 2017 and 2018

Key Gaps in Current Emergency Management Legislation (1/2)

- No explicit requirements to assess and mitigate disaster risk (UN Sendai Framework)
- Lack of recovery planning and tools prolongs recovery and does not support resilience
- Integration between plans
- No requirements to provide event-related information





Key Gaps in Current Legislation (2/2)

- First Nations are not yet adequately recognized as partners
- No assurance that cohesive plans and strategies are in place for critical infrastructure
- Current system does not represent an all-of-society approach



DESIGN PRINCIPLES FOR MODERNIZATION

Seven design principles are guiding development of BC's modernized emergency management legislation. The design principles reflect the key strategic shifts that underpin a more modern approach to emergency management in BC.



A Four-Pillar Approach

The Act will encompass all stages of emergency management: mitigation, preparedness, response, and recovery.



Shifting How We Think

The Act will reflect a shift from disaster response to managing and reducing disaster risk.



An All-of-Society Approach

Emergency management is a shared responsibility: individuals, governments, communities, private and non-profit sectors.



Putting Safety First

Protection of life, health, and safety is paramount.



Transparent Decisions

Decisions made under the Act and regulations will be transparent.



A Funding Mechanism that Works

Responsive, flexible and disciplined funding mechanism.



Focus on Inclusion

The Act will be inclusive and will consider the needs of vulnerable citizens.

Proposed Changes: Key Definitions

- Full list in discussion paper
- Expanded definition of “emergency”
- Prescribe new Local Authorities through regulation
- New definitions for four pillars:
 - Mitigation
 - Preparedness
 - Response
 - Recovery



Proposed Shift: Ministries, Crowns and Agencies

- Increased emergency and business continuity planning
- Exercises
- Information sharing
- Continuity of government





Proposed Shift: Local Authority Planning and Powers

- Emergency and business continuity planning
- Exercises
- Hazard and risk identification
- Land development and building decisions
- Recovery powers
- Coordination and regional approaches

Proposed Shift:

First Nations as Partners

- Expanded definition of emergency
- Clear authority to form partnerships and enter into agreements
- Consideration of Indigenous and traditional knowledge, cultural safety and inclusiveness
- Requirement for Local Authorities and CI operators to consult with First Nations



Proposed Shift:

Critical Infrastructure

- Emergency and business continuity planning
- Exercises
- Registry
- Coordination and regional approaches
- CI sectors likely phased in

In Canada and British Columbia, critical infrastructure (CI) refers to the processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government.

Proposed Shift:

Volunteers and NGOs

- Clearer definitions of types of volunteers
- Registered volunteers:
 - Civil liability protection
 - Job-protected leaves
- Define service providers and provide clear ability for the Minister to enter into agreements with them

Other Proposed Shifts (1/2)

- Quality Assurance:
 - Requirement to provide plans to EMBC
 - Establish ability for EMBC to audit plans





Other Proposed Shifts: (2/2)

- Citizens /small business – incentives and education (non-legislative)
- Duration of states of emergency
- Potential standards for public notification and warning
- Compliance and enforcement

Next Steps

- ✓ **Oct. 28, 2019**
Discussion paper released October 28, 2019
- ✓ Engage with all levels of government, Indigenous Nations, industry and the public
- ✓ **January 31, 2020**
Comment period ends
- ✓ **Spring 2020**
“What We Heard” report released
- ✓ **Fall 2020**
Legislation introduced
- ✓ **Spring 2021**
Regulations, policy, guidelines, templates, tools and education
- ✓ **Spring 2021**
Act in force. Phased implementation

What We Heard Report

- What We Heard Report released in spring 2020
- This report will summarize all of the feedback received
- The report will be publicly posted on the GovTogether website
- Regular project updates on the EMBC website under ‘Legislation and Regulation’ here:
<https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/emergency-management-bc/legislation-and-regulations>

Submitting Feedback

- GovTogetherBC hosting the engagement process:
- <https://engage.gov.bc.ca/govtogetherbc/consultation/emergency-program-act-modernization>
- Includes the discussion paper, engagement dates and a link to submit feedback.
- All feedback will be considered by EMBC in drafting new legislation and regulations.
- Email EmergencyProgramAct@gov.bc.ca if you have questions about content or process.

