



February 25, 2013

Lance Sundquist  
Director, Environmental Protection Division  
Ministry of Environment

Dear Mr. Sundquist:

**Re: UBCM Comments on the Land Based Spill Preparedness and Response Intentions Paper**

Thank you for the opportunity to comment on the *Land Based Spill Preparedness and Response in British Columbia* policy intentions paper.

The Union of British Columbia Municipalities (UBCM) represents 100% of local governments in BC and has advocated for policy and programs that support local government needs since 1905.

UBCM supports the Province's proposal to shift to an industry funded framework for land based spills in BC, which would apply a polluter pay principle and ensure an adequate level of annual funding to respond to spills across the province. This is a timely endeavor as our membership is very concerned with the increase in the ocean traffic along the West Coast of BC and particularly from ships carrying dangerous and/or toxic products; and have advised that the current environmental measures are not able to adequately clean up damages caused by these types of large scale spills or disasters. As all types of spills remain an issue for our membership, local governments would view the shift in responsibility to industry for land-based spills in a positive light.

**Polluter Pay Principle**

With respect to the polluter pay principle, our members agree that industrial and commercial sectors that pose a risk to the environment and public safety have the responsibility to address the risks and impacts to human health and the environment.

UBCM members recently endorsed resolution 2012- B122, which supports this principle. Specifically, the resolution asked that legislation be created to require:

- that liability for cargo on a ship be the responsibility of both the carrier and the one who sold the cargo until such time as the cargo reaches its final destination, and/or is outside of Canadian waters;
- that shippers of dangerous goods and cargo, as well as the manufacturers, to pay into an emergency fund designed to clean up.

Local governments ask that the emergency fund be used to clean up, and compensate

for any and all damages, including capital devaluation, social, cultural, and ecological damage, caused by an accident involving said goods and cargo; fund research into improving clean-up methods to deal with the eventuality of such spills; and fund a sustained increase in provincial spill prevention, preparedness, mitigation and response resources.

### **Emergency Management as a Shared Responsibility**

One of the guiding principles in the intentions paper states that emergency management is a shared responsibility among federal, provincial and local government agencies, as well as the private sector and not-for-profit organizations whose interests are directly affected by a spill. It further notes that those who have the capability to respond have a shared role in emergency preparedness and response.

UBCM is concerned with this statement on shared responsibility, as it appears to be in conflict with the polluter pay principle where industry would be responsible for the impacts of spills on humans and the environment.

If local governments were expected to share in the responsibility for emergency management of land based spills, it would require significant financial and staffing resources from BC communities that are currently unavailable. Local governments would need to be provided with adequate resourcing from the industry funded framework as well as liability protection to cover all costs associated with the emergency response.

Our position on this issue is clear and is reinforced by resolution 2006-LR6 which asked that local governments be compensated for any local resources utilized during the response and restoration period of an environmental emergency.

### **Increased Staff and Prevention, Preparedness and Response Capacity**

The paper indicates that the funding mechanism would be used for two specific purposes: 1) establishment of a provincial spill response fund; and 2) increased staff and prevention, preparedness and response capacity. Additional program staff could be dedicated to spill related research; and liaison and training support for local and regional response agencies and organizations.

UBCM supports the proposal to increase staff using the funding mechanism. Recognizing that the Canadian Coast Guard (Fisheries and Oceans Canada) is the lead federal agency under the Canada Shipping Act responsible for responding to major spills in marine waters involving vessels, our members have asked for a suitably equipped and staffed Coast Guard service as well as an expansion of funding for the Coast Guard Auxiliary. At a provincial level, local governments support adequate funding for the provincial Environmental Management Branch so that professionals at that Branch can lead the emergency response, rather than relying on local governments to take lead.

Local governments are also in favour of additional spill related research and industry funded training for regional response teams and fire departments.

## **Developing Effective and Efficient Rules for Restoration of the Environment Following a Spill**

The paper notes that the province will move from its policy of “removal and remediation” to a more formal process that includes restoration of damaged species, habitats, and loss of public access and use.

Our members support this approach and have previously asked that legislation be established to require that wildlife rescue and ecosystem recovery be part of standard oil spill response activities either on land or in water; and that the legislation require payment of those costs attributable to wildlife rescue and ecosystem recovery caused by spill events to be borne by the Responsible Party; and that a Liability Trust Fund be created to provide funding for spill event remediation when the Responsible Party cannot be identified or held accountable (Resolution 2007- B173).

In summary, BC local governments would support the intentions paper, including the polluter pay approach, the proposal to increase staff for emergency response, and the planned environment restoration. However, UBCM is concerned about the statement on shared responsibility for emergency response and encourage the provincial government to provide more clarity on this issue.

Thank you again for the opportunity to consult on the intentions paper. Should you have any questions about our comments, please feel free to me at [mchiang@ubcm.ca](mailto:mchiang@ubcm.ca) or (604) 270 8226 x110.

Sincerely,



Marylyn Chiang  
Staff Support for the Environment Committee