



June 13, 2014

Cindy Bertram
PO Box 28159, Westshore RPO
Victoria BC V9B 6K8

Dear Ms. Bertram:

Re: UBCM Comments on the Land Based Spill Preparedness and Response 2nd Intentions Paper

Thank you for the opportunity to comment on the *Land Based Spill Preparedness and Response in British Columbia 2nd 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.

The 2nd intentions paper highlights seven guiding principles and three Ministry intentions. Our response will make reference to the guiding principles and Ministry intentions. Overall, UBCM supports the Province's proposal to shift to an industry funded framework for land based spills in BC, as well as a government regulated, industry funded provincial response organization. This is a timely endeavor as our membership is very concerned with the increase in the transportation of dangerous and/or toxic products.

GUIDING PRINCIPLES

Prevention and Preparedness are essential

Since 1992 UBCM's membership has called for the provincial government to establish hazardous materials teams to address spills around the province (Resolution 1992 – B28). With the Province's focus on expanding exports of hazardous materials, UBCM's membership has increased its calls for effective spills preparedness and response both on land and for our coastal waters (Resolutions 2012 – B122, 2011 – B149, 2010-B87, 2008-B32, 2007-B143, 2003-B48). In these resolutions, UBCM's membership has sought:

- an emergency fund to fully compensate for spills, including those where a Responsible Party cannot be identified
- funding for research for improved clean-up methods,
- government to review emergency response capabilities appropriate to the quantities and class of hazardous materials being transported
- the Province to ensure trained professionals to evaluate and respond to spills, including any remediation necessary
- legislation that includes wildlife rescue and ecosystem recovery
- provincial government to ensure improvements to rural capacity spill response

Polluter pays for prevention, preparedness, response and recovery

Our members support the approach that industrial and commercial sectors that pose a risk to the environment and public safety take responsibility to address the risks and impacts to human health and the environment. UBCM members endorsed Resolution 2012-B122 that supports this principle. Specifically, the resolution asks that legislation be created to require shippers of dangerous goods and cargo, as well as the manufacturers, to pay into an emergency fund designed to clean up and compensation of any and all damages as well as to fund a sustained increase in provincial spill prevention, preparedness, mitigation, and response resources.

For wildlife and ecosystem recovery, the UBCM membership has supported that provincial and federal governments enact legislation to require payment of those costs attributable to wildlife rescue and ecosystem recovery caused by spill events to be borne by the Responsible Party (Resolutions 2008 – B32, 2007-B173).

Government provides strong oversight

UBCM's membership has sought improved government oversight of spill preparedness and response in resolutions calling for stronger legislative requirements for industry, government review of emergency capabilities, and greater funding for the provincial Environmental Management Branch (Resolutions 2012-B122, 2011-B149, 2010-B87, 2008-B32, 2007- B173)

Requirements are based on risk

The issue of risk and risk assessment has not been a key to any of the UBCM resolutions related to land based spill. However, resolutions have called for recognizing the unique needs of rural communities that may be affected by a spill, recovery measures needed for wildlife and ecosystems, and emergency response capabilities for increased quantities of materials being transported (2011-B149, 2008-B32, 2007-B173, 2003-B78).

Avoid unnecessary duplication

While UBCM's membership has not called for avoiding unnecessary duplication amongst regulators, resolutions have sought the provincial and federal governments work together effectively on legislation designed to address spill preparedness and response (2012-B122, 2011-B149, 2008-B32, 2007-B173, 2007-B6, 2006-LR2). It is important to achieve this while still ensuring world-leading preparedness and response.

Public accountability and transparency

UBCM's membership has called for provincial and federal governments to recognize local governments within environmental emergency response protocols as active participants, through meaningful consultation with local governments and compensation for local resources utilized during the response and restoration period (2006-LR2). Adopting measures to ensure meaningful consultation and financial compensation for local and First Nation governments will help support increased transparency in spill responses and strengthen public confidence in the approach.

Continuous improvement

UBCM's membership has endorsed a resolution calling for continuous improvement in spill preparedness and response, with industry to pay into an emergency fund designed to:

- Fund research into improving clean-up methods to deal with spills, and
- Fund a sustained increase in provincial spill prevention, preparedness, mitigation and response resources (2012-B122).

MINISTRY INTENTIONS

1. Spill preparedness, response and restoration requirements

The Ministry intends to develop and implement clear and effective standards for preparedness, response and restoration. UBCM's membership supports clear and effective standards designed and monitored by the government, and has specifically called for:

- More frequent and more stringent commercial vehicle inspection and testing specifically for those vehicles carrying hazardous material (2003-B48)
- HazMat Response Teams to be located central to identified highway corridors (2003-B48)
- Federal and provincial governments to recognize local governments within environmental emergency response protocols as active participants, where there is meaningful consultation with local government and compensation for any local resources utilized.
- Legislation to require wildlife rescue and ecosystem recovery be part of standard oil spill response activities either on land or in water (2007-B173, 2008-B32)
- Federal and provincial governments to conduct a review to determine whether emergency response capabilities are appropriate for the quantities and class of hazardous materials now being transported (2011-B149)
- Clean up and compensation for any and all damages, including capital devaluation, social, cultural and ecological damage caused by an accident involving dangerous goods and cargo (2012-B122)

As part of developing standards, the Ministry is recommending drills, exercises and community readiness. When planning for this, UBCM membership has sought governments to recognize the need to improve rural community response capacity (2007-B6), and well as the need to compensate for any local resources utilized (2006-LR2).

2. A provincially regulated preparedness and response organization

UBCM's membership supports provincially regulated preparedness and response that is appropriately funded by industry. As part of the appropriate level of funding to a response organization, UBCM members have sought provincial and federal government explore the feasibility of a Liability Trust Fund to provide funding for spill event remediation when the Responsible Party cannot be identified or held accountable (2007-B173, 2008-B32).

Given the risk of unaccountable parties to a spill, it would be beneficial for the success of the response and preparedness approach that all industry partners that produce, store or transport hazardous materials are required to participate in the provincially regulated preparedness and response organization. This requirement will help to avoid situations of unaccountable spills and inadequate spill preparedness and response.

It is recommended that the Ministry consider a funding mechanism for the provincially regulated preparedness and response organization that will be equitable across industry members, such as a cost/litre for hazardous material that is produced, stored and transported in BC. We feel that this may help streamline the process for funding and create a level playing field for industry to participate in the spill preparedness and response organization. We would encourage considering equitable models that are outlined in the 'Additional Technical Information' section of the 2nd intentions paper.

UBCM's membership has also endorsed compensation for any local resources utilized during the response and restoration period (2006-LR2).

3. An enhanced provincial Environmental Emergency Program

UBCM's membership has sought that the Province allocate adequate funding for the provincial Environmental Management Branch [Provincial Environmental Emergency Program] to ensure effective spill response and remediation work (2010-B87).

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

UBCM understands that the 2nd intentions paper remains at a high level and that we will be part of discussions to establish more concrete outcomes, such as establishing restoration standards and realistic response times. Other items that are still unclear at this time include how a "significant spill" will be defined, what "cost-effective response and recovery of the environment" will entail, and the timeline for post-incident reviews. We look forward to continued discussions with your ministry to define these key issues for our membership.

UBCM is concerned, however, that the Province's commitment to compensate local and First Nations governments for resources expended to address a spill is not firm and definitive. The intentions paper states only that "the Ministry is *considering* extending existing provincial cost recovery mechanism to local governments and First Nations who incur costs while responding to spills in their communities." We would strongly encourage the Ministry to ensure that local and First Nations governments are fully compensated for any costs incurred when assisting in a spill.

In summary, UBCM's membership supports the 2nd intentions paper including the polluter pay approach, the proposal to increase staff for emergency response, and planned environment restoration. However, UBCM is concerned about the Province's commitment to compensation for local and First Nation governments.

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 mstanborough@ubcm.ca or (604) 270 8226 x113. Attached is a copy of relevant UBCM resolutions for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Stanborough', written in a cursive style.

Maria Stanborough
Senior Policy Analyst,
for the UBCM Environment Committee

attached: UBCM Resolutions related to Spill Preparedness and Response

THEREFORE BE IT RESOLVED that the UBCM urge the provincial government to conduct an immediate and comprehensive review of legislation and policies affecting emergency preparedness to B.C. This review should focus on the adequacy of preparations for a major earthquake or other disaster that could seriously affect many neighbouring municipalities at the same time to include:

- a) delegation of regional emergency planning authority with post disaster decision making, coordination and communication and responsibility to conduct intermunicipal response;
- b) Creation of emergency radio communication systems which will function in the event of a prolonged telephone system failure;
- c) Clarify authorities for post disaster inspection of facilities and structures;
- d) Provide support for neighbourhood emergency preparedness programs such as Coquitlam Block Watch HEROS (Home Emergency Response Organization System) to improve our population ability to survive and recover the economy after a major disaster;
- e) Integrate Search and Rescue with all other aspects of Emergency Preparedness on a province wide basis.
- f) That the provincial government establish and equip a hazardous material team to deal with hazardous chemical spills around the province.

CONVENTION DECISION: ENDORSED AS AMENDED

2003 B48 **HAZARDOUS MATERIALS
EMERGENCY RESPONSE**

Cowichan Valley RD

WHEREAS hazardous materials are transported through communities in British Columbia by commercial and industrial vehicles on a daily basis;

AND WHEREAS local fire departments across the province, in particular on Vancouver Island, have little or no hazardous materials response training and equipment but are expected to respond to motor vehicle accidents and hazardous materials incidents in the community and on transportation corridors including those under the jurisdiction of the Province:

THEREFORE BE IT RESOLVED that:

1. The Province provide more frequent and more stringent commercial vehicle inspection and testing for commercial vehicles, and specifically those vehicles carrying hazardous material;
2. The Province require industry to fund and support regional HazMat Response Teams, to be located central to identified highway corridors, including Vancouver Island, on a 24/7/12 basis and also provide funding for fire department *HazMat Awareness* training;
3. The Province support regional governments in recovering costs associated with response to HazMat incidents that occur outside of municipal boundaries.

CONVENTION DECISION: **ENDORSED**

PROVINCIAL RESPONSE

MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES

The Ministry of Public Safety and Solicitor General advises that the transportation of dangerous goods is a federal regulation adopted by the Province as the *Transportation of Dangerous Good Act*. Any changes to that regulation would need to come from the Federal government.

In regard to part 2 of the resolution: the provision of Hazardous Materials response is a local government responsibility. The level and type of services provided is decided by local councils based on their willingness and ability to fund that service.

MINISTRY OF WATER, LAND AND AIR PROTECTION

In regard to part 3 of the resolution: the Province supports regional governments in recovering costs associated with response to a HazMAT incident from the party responsible for the hazardous material when that party requests regional government assistance. This point addresses most incidents where the responsible party is providing the response. The legislation states that the responsible party is in charge of spill response. The ministry and regional government may expend resources for regulatory activities associated with the spill. Costs associated with these regulatory duties are not cost recoverable.

The Province also supports regional governments in recovering costs associated with response to a HazMat incident where the province has requested regional government assistance. This point addresses situations where the provincial government has assumed the responsibilities of the responsible party (e.g. abandoned drums, emergency declarations). The province may request assistance from regional government. The provincial government may adjudicate the bills submitted or join with regional governments and seek cost recovery from the responsible

was submitted or joint with regional governments and seek cost recovery from the responsible party.

RESOLUTIONS COMMITTEE COMMENTS

In 1992 UBCM delegates endorsed resolution B28 on several Emergency Preparedness issues. One of those issues was "that the provincial government establish and equip a hazardous material team to deal with hazardous chemical spills around the province."

2006 LR2 **LOCAL GOVERNMENT A
STAKEHOLDER IN ENVIRONMENTAL
DISASTERS**

Squamish

WHEREAS on August 5, 2005 a Canadian National Railway train derailed in Squamish, resulting in 40,000 litres of Sodium Hydroxide being spilled in the Cheakamus River and Squamish River systems, with the provincial Ministry of Environment responding as the government having jurisdiction;

AND WHEREAS on August 4, 2006 a ship (the Westwood Anette) became damaged while leaving port, resulting in 29,000 litres of bunker oil spilled in the Squamish Harbour, causing substantial environmental damage within the Squamish Estuary and land areas within the Squamish Harbour, with the provincial Ministry of Environment and the Canadian Coast Guard responding as the governments having jurisdiction;

AND WHEREAS although the governments having jurisdiction respond on the basis of their policies, pursuant to statute and regulation, with immediate cleanups and remediation, local governments remain the recipient of long-term socio-economic and environmental impacts of the incidents that occur within their areas:

THEREFORE BE IT RESOLVED that the UBCM and FCM petition the federal and provincial governments to recognize local governments within environmental emergency response protocols as active participants, where there is meaningful consultation with local governments and compensation for any local resources utilized during the response and restoration period.

CONVENTION DECISION: **ENDORSED AS AMENDED**

PROVINCIAL RESPONSE

MINISTRY OF ENVIRONMENT

The Ministry of Environment's (Ministry) policy is to actively involve all impacted local governments and other stakeholders in its emergency response activities related to the spill of hazardous materials. This is typically achieved through the use of the Incident Command System and Unified Command to manage the incident.

The Ministry has recently completed a review of its existing environmental emergency legislation. The Ministry is now in the process of organizing a working group to review the findings and identify possible future changes that might include expanding the scope of our existing spill cost recovery regulation.

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The British Columbia Emergency Management Structure supports an integrated response to emergencies. The Province of British Columbia, along with federal agencies, work closely with local authorities to determine any risk to the public.

The Compensation and Disaster Financial Assistance Regulation provides the mechanism to compensate local authorities for operational expenditures.

FEDERAL RESPONSE

MINISTRY OF FISHERIES AND OCEANS

In Resolution LR2, UBCM and the Federation of Canadian Municipalities urge the federal government to recognize local governments as active participants during environmental emergency response measures. Indeed, DFO and the Canadian Coast Guard (CCG) make a concerted effort to involve local governments wherever it is appropriate, recognizing that they have an intimate knowledge of the needs of their communities. While CCG is part of the first line of response to marine pollution incidents, Environment Canada and the British Columbia Ministry of Environment share the lead on spill response in British Columbia. I note that you have sent a copy of your letter to my colleague, the Honourable John Baird, Minister of the Environment. I recommend you also contact the British Columbia Ministry of Environment on this matter.

OTHER RESPONSE

FEDERATION OF CANADIAN MUNICIPALITIES

Resolution CSCP072.06 - Local Government a Stakeholder in Environmental Disasters was categorized as "A" and adopted at the 2007 Annual Conference.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee notes that the bunker oil spill occurred at the Squamish Harbor after the June 30th resolutions deadline, which qualifies the resolution for emergency consideration. The Committee also notes that the UBCM membership has not previously considered any resolutions requesting that local governments be recognized by statute, and under federal and provincial funding programs, as a stakeholder in responses to local environmental disasters.

According to existing legislation, provincial and federal agencies take the lead in co-ordinating and responding to environmental disasters. The Canadian Coast Guard (Fisheries and Oceans Canada) is the lead federal agency under the Canada Shipping Act for responding to major spills in marine waters involving vessels. Under the Emergency Act, Environment Canada, in collaboration with provincial authorities, is responsible for assessing and mitigating incidents causing pollution of the environment, including mystery spills and land-based spills from federal facilities or property.

Given the impact of environmental disasters on local ecosystems, some local governments have expressed their desire to have more substantive roles on both the planning and operational side of disaster responses. Meaningful consultation and participation within the response structure could capitalize upon local knowledge and/or resources to help mitigate the effects of an environmental disaster. The proposed amendment would achieve the goal of recognizing local governments as significant participants in the response and mitigation of environmental disasters.

WHEREAS on June 22, 2006, local governments were notified that key transport development initiatives in northern British Columbia will potentially result in a high level of risk for uncontrollable major spills resulting from the transport of hazardous goods;

AND WHEREAS existing private hazardous material response resources are located far away from the North, causing actual deployment of qualified personnel to take days to reach the North in sufficient strength;

AND WHEREAS the initial burden to respond to hazardous spill incidents rests with the local communities and minimal agency resources:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the provincial and federal governments to take measures to improve the rural community response capacity in light of the potential increase in hazardous goods traffic.

CONVENTION DECISION: ENDORSED

PROVINCIAL RESPONSE

MINISTRY OF ENVIRONMENT

Local governments are responsible for planning and preparing for the hazards and risks that face their communities. The Ministry of Environment (Ministry) currently supports local governments on hazardous materials issues and incidents, as required, through the regionally based Environmental Emergency Response Officers, and through two ministry Incident Management Teams.

The Ministry's Environmental Emergencies Program has commenced a review of the existing Environmental Emergency Legislation and will be seeking comment on any proposed changes via a policy intentions paper. The creation of an industry funded response cooperative for hazardous material spills is one of the issues that has been flagged for consideration in the review.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee notes that this resolution was originally submitted as 2006-LR7 and, since it did not meet the criteria for emergency debate, was automatically referred to the 2007 resolutions cycle.

The sponsor indicates that this is not a new issue as "local emergency services in northern communities have long expressed concerns regarding their severely limited ability to respond to emergencies involving hazardous materials." The lack of adequate emergency services may become a bigger issue, however, as a result of expanding economic activity and the increasing use of rail and roads to haul hazardous materials.

The Committee would note that the UBCM has previously endorsed requests for the Province to provide funding for fire department HazMat awareness training and to require industry to fund and support regional HazMat response teams (2003-B48; 1992-B28).

2007 B173 **WILDLIFE RESCUE & ECOSYSTEM
RECOVERY COST ACCOUNTABILITY**

Burnaby

WHEREAS financial accountability for wildlife rescue and ecosystem recovery during, and subsequent to, oil spill response procedures is not currently part of the required cost liability for standard spill response costs undertaken by the Responsible Party in Canadian waters;

AND WHEREAS the recovery and rehabilitation of the detrimental impacts to wildlife and ecosystems following oil spill events require adequate resources;

AND WHEREAS wildlife rescue and ecosystem recovery are not currently a requirement of the emergency spill response process;

AND WHEREAS government agency responsibilities for the management of oil spill events and their effects are fragmented;

AND WHEREAS the inclusion of financial accountability for wildlife rescue and ecosystem recovery along the US west coast would be familiar both in concept and in business practice to industry;

AND WHEREAS the US Environmental Protection Agency has an Oil Spill Liability Trust Fund which supplies adequate funding for wildlife rescue and ecosystem recovery costs in the event that a Responsible Party is either not identifiable or not able to be held accountable:

THEREFORE BE IT RESOLVED that:

1. The provincial and federal governments enact legislation to require that wildlife rescue and ecosystem recovery be part of standard oil spill response activities either on land or in water;
2. The provincial and federal governments explore appropriate measures to streamline governmental responsibilities in spill events;
3. The provincial and federal governments enact legislation to require payment of those costs attributable to wildlife rescue and ecosystem recovery caused by spill events to be borne by the Responsible Party;
4. The provincial and federal governments explore the feasibility of a Liability Trust Fund to provide funding for spill event remediation when the Responsible Party cannot be identified or held accountable.

CONVENTION DECISION: **ENDORSED**

PROVINCIAL RESPONSE

MINISTRY OF ENVIRONMENT

The Ministry should continue to press the federal government to adopt a national incident management system based on the Incident Command System. This would include adopting Unified Command to ensure the federal response to all types of emergencies is consistent with the approach taken by the Province of British Columbia (Province), industry, local government, and most jurisdictions in North America.

The Environmental Emergencies Program has formed a legislative review team that will recommend changes to the existing environmental emergency legislation. The scope of this review includes oiled wildlife response, and the creation of an industry-funded hazardous material spill response cooperative.

The Province should continue to advocate that Transport Canada (as the responsible federal agency) require the existing marine response cooperative to develop an appropriate oiled wildlife response capacity and capability.

The Ministry is in the process of developing an oiled wildlife response plan to provide clear direction to a Responsible Party. Ministry staff will meet the Canadian Wildlife Service and other stakeholders to discuss the draft plan in the near future.

FEDERAL RESPONSE

MINISTRY OF TRANSPORTATION

With respect to resolution B173 pertaining to oil spill response procedures in regard to wildlife rescue, such a project would not be eligible within the categories under the Building Canada Fund.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee notes that the UBCM membership has not previously endorsed a resolution specifically requesting either the enactment of legislation that would require wildlife rescue and ecosystem recovery to be part of standard oil spill responses or the enactment of legislation that would make the responsible party bear the costs of recovery efforts. However, the membership has called for the protection of wildlife from oil spills (2003-B23) and for industry's responsibility for response capabilities to spills (1993-B48). In addition, the membership supported calling on the federal and provincial governments to recognize local governments within environmental emergency response protocols as active participants and provide compensation for any local resources utilized during the response and restoration period (2006-LR3).

The Committee would note that support for this resolution was also received from the City of Langley. In addition, this resolution was adopted as a Category A resolution by the Federation of Canadian Municipalities at its 2007 conference.

2008 B32 **WILDLIFE RESCUE & ECOSYSTEM
RECOVERY COST ACCOUNTABILITY**

Burnaby

WHEREAS financial accountability for wildlife rescue and ecosystem recovery during and subsequent to oil spill response procedures is not currently part of the required cost liability for standard spill response costs undertaken by the responsible party in Canadian waters;

AND WHEREAS the recovery and rehabilitation of the detrimental impacts to wildlife and ecosystems following oil spill events require adequate resources;

AND WHEREAS wildlife rescue and ecosystem recovery are not currently a requirement of the emergency spill response process;

AND WHEREAS government agency responsibilities for the management of oil spill events and their effects are fragmented;

AND WHEREAS the inclusion of financial accountability for wildlife rescue and ecosystem recovery along the US west coast would be familiar both in concept and in business practice to industry;

AND WHEREAS the US Environmental Protection Agency has an Oil Spill Liability Trust Fund which supplies adequate funding for wildlife rescue and ecosystem recovery costs in the event that a responsible party is either not identifiable or not able to be held accountable:

THEREFORE BE IT RESOLVED that the provincial and federal governments be requested to:

1. enact legislation to require wildlife rescue and ecosystem recovery be part of standard oil spill response activities either on land or in water;
2. explore appropriate measures to streamline governmental responsibilities in spill events;
3. enact legislation to require payment of those costs attributable to wildlife rescue and ecosystem recovery caused by spill events to be borne by the Responsible Party;
4. explore the feasibility of a Liability Trust Fund to provide funding for spill event remediation when the Responsible Party cannot be identified or held accountable.

CONVENTION DECISION: **ENDORSED**

PROVINCIAL RESPONSE

Ministry of Environment

Amendments were made to the Environmental Management Act in May, 2008 which clarify and strengthen the responsibility of spillers to fund oiled wildlife response. The Environmental Emergencies Program is looking at potential changes to the existing environmental emergency legislation. These include the approach to oiled wildlife response and the creation of a Contingency Fund as a source of funds for spill response when the spiller is either unwilling or unable to carry out response in a timely manner, or is unknown.

The Ministry of Environment is in the process of developing an oiled wildlife response plan to provide clear direction to spillers. Ministry staff has met with the Canadian Wildlife Service and other stakeholders to discuss the draft plan.

The Province will continue to advocate that Transport Canada (as the responsible federal agency) require the existing marine response cooperative to develop an appropriate oiled wildlife response capacity and capability.

capacity and capacity.

FEDERAL RESPONSE

Ministry of Transport, Infrastructure and Communities

[...] the polluter pays all reasonable costs of an oil spill in Canadian waters. In the event that the polluter is unknown, or unwilling or unable to cover the clean-up costs of an oil spill, including reasonable costs to wildlife and ecosystem recovery, compensation can be sought from the Ship-Source Oil Pollution Fund.

The Ship-Source Oil Pollution Fund is a special account in the Accounts of Canada, delivered by an administrator accountable only to Parliament. The Fund acts as an independent domestic compensation fund, which was established under Part 6 of the Marine Liability Act.

The Fund also acts as a first resort for claims for all oil spills from all classes of ships at any place in Canada, or in Canadian waters, including the Exclusive Economic Zone, whether or not the ships fall under the international regime. Therefore, funding is not limited to seagoing oil tankers or to persistent oil, as is the case with the International Fund. The Ship-Source Oil Pollution Fund can pay claims for oil spills from all other classes of ships, including oil from ship bunkers and other spills from unknown sources.

It would not be feasible for the federal government to explore another liability trust fund to provide funding for a marine spill when the responsible party cannot be identified or held accountable.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee notes that UBCM members have previously considered and endorsed this same resolution in 2007 (B173). The Ministry of Environment consulted UBCM on the resolution in late 2007. Bill 29, which received Royal Assent on May 29th, will make amendments to Section 80 of the Environmental Management Act. These amendments will provide the provincial government with the tools to take action on wildlife recovery, rehabilitation, and habitat restoration and recover the costs for doing so from a party that is responsible for the spill.

WHEREAS the provincial Environmental Management Branch has been responsible for a wide array of environmental management regulatory programs, including environmental emergency response and spill reporting, but is now limiting their spill response to local governments based on resources available and sensitivity of the spill;

AND WHEREAS local governments do not have the in-house expertise or financial resources necessary to respond to and evaluate the hazards associated with spills that occur on public or private property within the local government boundaries:

THEREFORE BE IT RESOLVED that the Province allocate adequate funding for the provincial Environmental Management Branch that will ensure that all spills that occur in the province can be evaluated for hazards and environmental impact by the Environmental Management Branch and be responded to by the trained professionals at the Environmental Management Branch including any remediation necessary, rather than relying on local governments to take the lead.

CONVENTION DECISION: ENDORSED

PROVINCIAL RESPONSE

Ministry of Environment

Under the Emergency Program Act, local authorities must prepare or cause to be prepared local emergency plans respecting preparation for, response to and recovery from emergencies and disasters.

Ministry of Environment is designated under the Emergency Management Program Regulation as the lead ministry for hazardous material spills and is to provide professional and technical advice and direction at hazardous material or pollution spills.

The Ministry's Environmental Emergency Program (EEP) receives reports of spills in the province and determines the level of response required based on an initial risk assessment.

The EEP provides regulatory oversight, technical assistance, and may take over the management of a spill response if the responsible party (i.e. the spiller) is unable, unwilling, unidentified or is deemed not to be providing the appropriate level of response required.

The program has undertaken a review of existing environmental emergency legislation and is currently evaluating options that could address the issues raised in this resolution. Local governments continue to have a role to play in spill response within their communities to ensure public safety, protect municipal infrastructure and mitigate the effects of spills wherever possible (example: fire department and public works) until the responsible party or ministry-directed spill response contractors can arrive on-scene.

EEP staff will continue to assist local governments as requested and ensure appropriate actions are undertaken by the responsible party to address the spill incident. Where no responsible party exists, EEP staff will fulfill their role in ensuring appropriate response occurs either directly or through the use of spill response contractors.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution requesting that the Province allocate funding to the provincial Environmental Management Branch (EMB) to ensure that:

- the EMB can evaluate all spills occurring in BC for hazards and environmental impact; and*
- trained professionals from the EMB can respond to spills and provide any remediation necessary, rather than relying on local governments to take the lead.*

However, members endorsed resolution 1992-B28, which requested in part that the provincial government establish and equip a hazardous material team to deal with hazardous chemical spills around the province. Resolution 2008-B32 was also endorsed, which called on the provincial and federal governments to:

- enact legislation to require wildlife rescue and ecosystem recovery be part of standard oil spill response activities either on land or in water;*
- explore appropriate measures to streamline governmental responsibilities in spill events;*
- enact legislation to require payment of those costs attributable to wildlife rescue and ecosystem recovery caused by spill events to be borne by the Responsible Party; and*
- explore the feasibility of a Liability Trust Fund to provide funding for spill event remediation.*

2011 B149 TRANSPORTATION OF HAZARDOUS MATERIALS

Telkwa

WHEREAS the new Asia Pacific Gateway has, and will contribute to, increased freight transportation along the Highway 16 corridor, including hazardous materials;

AND WHEREAS the federal *Transportation of Dangerous Goods Act* regulates the transportation of hazardous materials including the emergency response support capabilities of shippers, carriers, and/or consignees:

THEREFORE BE IT RESOLVED that UBCM request that the federal and provincial governments conduct a review to determine whether the emergency response capabilities are appropriate for the quantities and class of hazardous materials now being transported along the new Asia Pacific Gateway corridor.

CONVENTION DECISION: ENDORSED AS AMENDED

PROVINCIAL RESPONSE

Ministry of Transportation & Infrastructure

The Ministry of Transportation and Infrastructure recognizes that the safe transit of goods and commodities on Highway 16 and the adjacent rail corridor is a concern of local governments. To ensure the safe transit of dangerous goods, and provide improved spill response capability, the Ministry of Environment, as part of its Environmental Emergency legislative review process and as the lead provincial ministry for hazardous material spill response, has been reviewing measures that could be implemented to improve spill response capability and capacity in the province while ensuring that those sectors that present the risk bear the costs.

The Ministry of Environment is currently examining the concept of both an industry funding model to support prevention, preparedness and response activities of the Ministry's Environmental Emergency Program, as well as the creation of a regulated terrestrial spill cooperative by industry to ensure that geographic response plans are developed and the required capability and capacity to respond effectively to spills exists. Government will be review the options being prepared by ministry staff to determine how best to protect British Columbians from the increasing risk of hazardous material spills and ensure a true polluter pay system is in place.

FEDERAL RESPONSE

Minister of Transport, Infrastructure & Communities

In Canada, the transportation of dangerous goods is strictly regulated under the Transportation of Dangerous Goods Act, 1992. The Act was designed with the sole purpose of maintaining public safety during the import, handling, offering for transport and transport of dangerous goods.

The Transportation of Dangerous Goods (TDG) program is based on the premise that properly classifying dangerous goods and ensuring that they are transported in an appropriate means of containment along with the use of proper safety markings, shipping documents, emergency response assistance plans, and training are all essential elements of a preventative safety program.

There are more than 30 million shipments of dangerous goods in Canada every year, with 99.999% of them reaching their destination without incident. A person who imports, handles, offers for transport or transports dangerous goods must comply with the Act, its regulations and standards. Compliance is verified through inspection by TDG inspectors. Ports and modal modes of transportation of dangerous

verified through inspection by TDG inspectors. Ports and modal modes of transportation of dangerous goods are inspected regularly as part of the TDG inspection program.

As you may be aware, Canada leads the world in the use of industry emergency response assistance for first responders. Emergency Response Assistance Plans (ERAPs) are required by the Transportation of Dangerous Goods Regulations (set out in Schedule 1 of the Regulations) for certain dangerous goods that necessitate special expertise and response equipment. Any person who offers for transport or imports one of these dangerous goods must submit a plan to the TDG Directorate, which will then review the plan and, if it is found adequate, approve it. There are currently about 1,000 ERAPs that have been approved by Transport Canada.

ERAPs are intended to assist local emergency responders by providing them with technical experts and specialized equipment at accident sites. Such assistance is available to local firefighters at no cost in response to an incident involving an ERAP dangerous good in transport.

Transport Canada takes the lead for Canada at international dangerous goods meetings. The Department leads a federal delegation at the United Nations Dangerous Goods Committee, International Civil Aviation Organization, International Maritime Organization and the North American Free Trade Agreement dangerous goods meetings. Transport Canada is also a technical advisor at the International Atomic Energy Agency meetings (led by the Canadian Nuclear Safety Commission). The Canadian regulations are harmonized or aligned with international trading partners as appropriate to ensure not only a level playing field, but also the highest level of public safety possible as established by the Act.

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Should you have any particular questions with regard to the dangerous goods program, I would invite you to contact Ms. Marie-France Dagenais, Director General, Transportation of Dangerous Goods Directorate, at 613-990-1147 or at marie-france.dagenais@tc.gc.ca.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution requesting that a review be undertaken of the emergency response capabilities for hazardous materials along the new Asia Pacific Gateway corridor.

An amendment is proposed as the federal and provincial governments have legislative/regulatory responsibility for the transportation of hazardous materials and for setting the emergency response standards that are required. The federal and provincial governments have the technical expertise and financial resources to undertake a review to determine whether the emergency response capabilities are appropriate, whereas the NCLGA and UBCM do not have the expertise or resources.

2012 B122 SHIPPING OF DANGEROUS GOODS LIABILITIES

Prince Rupert

WHEREAS the amount of ocean traffic is increasing along the West Coast of British Columbia due to increased economic activity, which increases the risk of accidents and spills, particularly from ships carrying dangerous and/or toxic products;

AND WHEREAS current environmental measures are not able to adequately clean up damages caused by these types of large scale spills or disasters, and continual cuts are being made that undermine the ability of our Coast Guard to address such disasters in a timely and adequate manner:

THEREFORE BE IT RESOLVED that UBCM petition the provincial and federal governments to create legislation that requires 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;

AND BE IT FURTHER RESOLVED that UBCM petition the provincial and federal governments to create legislation that requires shippers of dangerous goods and cargo, as well as the manufacturers, be required to pay into an emergency fund designed for three purposes:

1. 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;
2. to fund research into improving clean-up methods to deal with the eventuality of such spills; and
3. to fund a sustained increase in provincial spill prevention, preparedness, mitigation and response resources;

AND BE IT FURTHER RESOLVED that UBCM petition the federal government to restore the Coast Guard complement and safety measures along our coast to a standard that protects our coastline from the dangers of such accidents, and mitigates the amount of damage that would occur from the result of any such incidents.

CONVENTION DECISION: ENDORSED AS AMENDED

PROVINCIAL RESPONSE

RESPONSE: Ministry of Environment

The Province recognizes that resource development that involves the movement of goods along our coast brings an element of risk to the environment from spills. In response to the increase in pipeline proposals, BC has established five requirements for support for any for proposal for the shipment of "heavy oil" including:

- *World-leading marine oil spill response, prevention and recovery systems for BC's coastline and ocean to manage and mitigate the risks and costs of heavy oil pipelines and shipments*
- *World-leading practices for land-based oil spill prevention, response and recovery systems to manage and mitigate the risks and costs of heavy oil pipelines;*

Recognizing that marine spill response is the jurisdiction of the Federal Government, BC is committed to working with Transport Canada and the Canadian Coast Guard to strengthen marine spill requirements and capacity on the west coast.

The Ministry of Environment is also currently reviewing options for an industry funded model to support increased capacity for planning, spill response and restoration of land impacted by spills.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee advises that the UBCM membership has not previously considered a resolution calling for: the enactment of legislation that requires the liability for cargo on a ship to be the responsibility of both the carrier and the shipper; the creation of legislation that requires the shippers and manufacturers of dangerous goods and cargo to pay into an emergency clean-up fund; and to restore the Coast Guard compliment and safety measures along the coast.

However, the membership has endorsed resolutions calling for industry to assume greater responsibility in covering costs associated with hazardous materials spills that occur outside of municipal boundaries (2003-B48). In particular, resolution 2008-B32 called for the enactment of legislation that would require responsible parties to pay for the costs of wildlife rescue and ecosystem recovery caused by spills, as well as an exploration of the feasibility of creating a Liability Trust Fund to provide funding for spill event remediation when responsible parties cannot be identified or held accountable. In addition, the membership has endorsed resolutions calling for “a modern, suitably equipped and staffed Coast Guard service” as well as an expansion of funding for the Coast Guard Auxiliary (2002-LR3, 2004-B50).

See also resolution C22.

2012 C16 OIL TANKER TRAFFIC IN COASTAL WATERS

Metchosin

WHEREAS a crude oil spill could have devastating and long lasting effects on British Columbia's unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic wealth of coast communities including First Nations communities:

THEREFORE BE IT RESOLVED that UBCM oppose projects furthering the expansion of tanker traffic through coastal waters and without substantive increases of safeguards in place.

CONVENTION DECISION: NOT ADMITTED FOR DEBATE

RESOLUTIONS COMMITTEE COMMENTS

Refer to resolution A8.

WHEREAS a crude oil spill would have devastating and long lasting effects on British Columbia's unique and diverse coast, which provides critical marine habitat and marine resources that sustain the social, cultural, environmental and economic health of coastal and First Nations communities;

AND WHEREAS citizens of British Columbia, particularly those living in coastal communities, and First Nations communities and environmental groups have expressed well-founded concerns over the expansion of oil pipelines and oil tankers:

THEREFORE BE IT RESOLVED that UBCM oppose projects that would lead to the expansion of oil tanker traffic through BC's coastal waters;

AND BE IT FURTHER RESOLVED that UBCM urge the Premier of British Columbia, the Leader of the Official Opposition and members of the Legislative Assembly to use whatever legislative and administrative means that are available to stop the expansion of oil tanker traffic through BC's coastal waters.

CONVENTION DECISION: ENDORSED

PROVINCIAL RESPONSE

RESPONSE: Ministry of Environment

British Columbia recognizes increased risk to the environment posed by an increase in tanker traffic linked to approval of pipelines transporting Alberta bitumen to the coast.

British Columbia has publicly released its technical analysis "Requirements for British Columbia to Consider Support for Heavy Oil Pipelines." Within that analysis, BC outlines five conditions for formal support. These include: 1. Joint Review Panel Approval; 2. World Class Coastal Protection Regime; 3. Terrestrial Protection and Spill Prevention; 4. Appropriate Aboriginal Engagement, Participation and Accommodation; and 5. Improved Fiscal Benefits to British Columbia.

A key condition requires world leading marine spill preparedness and response systems for British Columbia. Within that requirement, there are 11 recommendations the Province sees as necessary to bring British Columbia to that standard.

In order for there to be any possibility of heavy oil projects receiving the support of the Province, each of the five principles must be satisfactorily addressed in advance of formal support being considered by British Columbia.

RESOLUTIONS COMMITTEE COMMENTS

The Resolutions Committee notes that the UBCM membership has consistently endorsed resolutions opposing the expansion of oil tanker traffic on the coast of British Columbia (2010-B139, 2010-B140, 2008-B143).

Resolution 2010-B139 opposed the expansion of tanker traffic, and further, requested a legislated ban on bulk crude oil tanker traffic through Dixon Entrance, Hecate Strait and Queen Charlotte Sound.

Resolution 2010-B140 expressed UBCM opposition to tar sands oil being shipped in pipelines across northern BC for loading onto crude oil tankers, especially as related to the proposed Enbridge Northern Gateway Pipelines (NGP) project.

In response to Resolution 2010-B139 the Province pointed out that “coastal communities, including Vancouver Island, are able to obtain supplies of oil and gasoline by barge and tanker transport. It is important for tankers to reach our ports.” However, the Province indicated that the federal government has regulatory authority over tanker traffic on the British Columbia coast.

In their responses to 2010-B140, the federal Ministry of Natural Resources and Ministry of Environment both stated that comments regarding the Enbridge Project specifically are welcome through the review process. The Ministry of Environment also stated that “(w)ith regard to oil tanker traffic, although a moratorium exists on oil and gas exploration and development off the coast of British Columbia, it does not apply to tanker traffic. Under federal and provincial law, tankers are free to travel to and from British Columbia ports. There is, however a Tanker Excursion Zone, which is a voluntary measure negotiated between Canada and the United States. This applies only to loaded southern-bound oil tankers en route from Alaska and would not apply to the proposed Enbridge Gateway Pipeline Project.”

The Committee also notes that the membership endorsed a related resolution, 2011-LR6, which requested that any applications to expand the amount of oil transported by pipeline or tanker in BC undergo the highest degree of environmental assessment and meaningful public consultation, including local government and First Nations.

See also resolutions C16, C17 and C18.

2011 B149 TRANSPORTATION OF HAZARDOUS MATERIALS

Telkwa

WHEREAS the new Asia Pacific Gateway has, and will contribute to, increased freight transportation along the Highway 16 corridor, including hazardous materials;

AND WHEREAS the federal *Transportation of Dangerous Goods Act* regulates the transportation of hazardous materials including the emergency response support capabilities of shippers, carriers, and /or consignees:

THEREFORE BE IT RESOLVED that UBCM request that the federal and provincial governments conduct a review to determine whether the emergency response capabilities are appropriate for the quantities and class of hazardous materials now being transported along the new Asia Pacific Gateway corridor.

CONVENTION DECISION: ENDORSED AS AMENDED

PROVINCIAL RESPONSE

Ministry of Transportation & Infrastructure

The Ministry of Transportation and Infrastructure recognizes that the safe transit of goods and commodities on Highway 16 and the adjacent rail corridor is a concern of local governments. To ensure the safe transit of dangerous goods, and provide improved spill response capability, the Ministry of Environment, as part of its Environmental Emergency legislative review process and as the lead provincial ministry for hazardous material spill response, has been reviewing measures that could be implemented to improve spill response capability and capacity in the province while ensuring that those sectors that present the risk bear the costs.

The Ministry of Environment is currently examining the concept of both an industry funding model to support prevention, preparedness and response activities of the Ministry's Environmental Emergency Program, as well as the creation of a regulated terrestrial spill cooperative by industry to ensure that geographic response plans are developed and the required capability and capacity to respond effectively to spills exists. Government will be review the options being prepared by ministry staff to determine how best to protect British Columbians from the increasing risk of hazardous material spills and ensure a true polluter pay system is in place.

FEDERAL RESPONSE

Minister of Transport, Infrastructure & Communities

In Canada, the transportation of dangerous goods is strictly regulated under the Transportation of Dangerous Goods Act, 1992. The Act was designed with the sole purpose of maintaining public safety during the import, handling, offering for transport and transport of dangerous goods.

The Transportation of Dangerous Goods (TDG) program is based on the premise that properly classifying dangerous goods and ensuring that they are transported in an appropriate means of containment along with the use of proper safety markings, shipping documents, emergency response assistance plans, and training are all essential elements of a preventative safety program.

There are more than 30 million shipments of dangerous goods in Canada every year, with 99.999% of them reaching their destination without incident. A person who imports, handles, offers for transport or transports dangerous goods must comply with the Act, its regulations and standards. Compliance is verified through inspection by TDG inspectors. Ports and modal modes of transportation of dangerous

verified through inspection by TDG inspectors. Ports and modal modes of transportation of dangerous goods are inspected regularly as part of the TDG inspection program.

As you may be aware, Canada leads the world in the use of industry emergency response assistance for first responders. Emergency Response Assistance Plans (ERAPs) are required by the Transportation of Dangerous Goods Regulations (set out in Schedule 1 of the Regulations) for certain dangerous goods that necessitate special expertise and response equipment. Any person who offers for transport or imports one of these dangerous goods must submit a plan to the TDG Directorate, which will then review the plan and, if it is found adequate, approve it. There are currently about 1,000 ERAPs that have been approved by Transport Canada.

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