
TO: CITY MANAGER **DATE:** 2016 February 10

FROM: DIRECTOR FINANCE **FILE:** 23000-02

SUBJECT: CONSULTATION ABOUT REVISIONS TO THE EMERGENCY PROGRAM ACT, RSBC 1996 (THE ACT)

PURPOSE: To provide staff comments and suggestions to Minister of State for Emergency Preparedness in response to their document, *Prepared and Resilient: A discussion paper of the legislative framework for emergency management in British Columbia*.

RECOMMENDATIONS:

1. **THAT** Council approve the submission of this report to the Province of British Columbia in response to their invitation to participate in consultation and engagement on the Emergency Program Act.
2. **THAT** a copy of this report be sent to the Province of British Columbia, Minister of State for Emergency Preparedness at citizenengagement@gov.bc.ca before Friday, February 19, 2016, at 4:00 p.m.
3. **THAT** a copy of this report be sent to the Public Safety Committee for information purposes.

REPORT

1.0 INTRODUCTION

On 2015 July 31 the Premier mandated the Minister of State for Emergency Preparedness to “Lead a review of the Emergency Preparedness Act to ensure the legislation is up to date and effective in managing the impacts of emergencies in British Columbia, reporting to the Cabinet Committee of Secure Tomorrow by March 31, 2016.”

On 2016 January 11 the Minister of State for Emergency Preparedness, Naomi Yamamoto, invited local governments to participate in an online consultation about the current Emergency Program Act. This report provides background and staff comments for consideration by Council and to seek Council approval to send comments to the Provincial Ministry.

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2.0 BACKGROUND

The Emergency Program Act (RSBC1996-106) has been in its current version since 1996. It sets out the roles and responsibilities of local authorities, provincial ministries and crown corporations, provides the framework for the provincial emergency management program (Emergency Management BC, or EMBC, previously the Provincial Emergency Program, or PEP), and empowers elected officials and emergency management personnel to take actions to, mitigate or prevent, prepare for, respond to, and recover from an emergency or disaster.

3.0 THE DISCUSSION PAPER

Prepared and Resilient: A discussion paper of the legislative framework for emergency management in British Columbia (the Discussion Paper) is attached under separate cover, and presents eleven (11) discussion items set out in three (3) distinct areas.

3.1 Discussion Area A: Modernizing Fundamental Concepts and Structure of the Act

Discussion 1: The phases of emergency management

This proposes to rename the Act to *The Emergency Management Act* and update it to include internationally recognized standards to define aspects of emergency management.

Staff Comment –

This is supported in principle, subject to the following:

- Terms such as “Emergency Plan”, “Emergency Management”, “Prevention and Mitigation”, “Preparedness”, “Response”, “Recovery”, and “Business Continuity” should expand to include the definitions or a hybrid of the definitions as provided in Canadian Standards Association CSA-Z731-03(R2014) Emergency Preparedness and Response and CSA Z1600-14 Emergency Management and Business Continuity. Both of these standards undergo periodic review, the last in 2014, and were, at that time, either reaffirmed (R2014) or revised (XXX-14). The Canadian Standards Association (operating as “CSA Group”) develops standards through a consensus standards development process approved by the Standards Council of Canada. This process brings together volunteers representing varied viewpoints and interests to achieve consensus and develop the standard.

Discussion 2: Definition of “emergency”

This addresses limitations of the current separate definitions of “Emergency” and “Disaster” and proposes to re-define “emergency” to include disaster, and consider including damage to the environment in the definition.

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Staff Comment –

This is supported in principle, subject to the following:

- The Province of BC should expand the definition of “Emergency” it include the definition as provided in Canadian Standards Association CSA-Z731-03(R2014) Emergency Preparedness and Response.

Discussion 3: Definition of “local authority”

It is proposed to change the definition of ‘Local Authority’ to include Treaty First Nations, including the Nisga’a Lisims Government.

Staff Comment: This is supported in principle.

3.2 Discussion Area B: Clarifying Roles and Responsibilities

Discussion 4: Emergency Management BC

This suggests that Emergency Management BC (EMBC) and the responsibilities of its director should be referenced in the legislation.

Staff Comment –

This is supported in principle, subject to the following:

- Responsibilities of the director of EMBC not only encompass the four key areas of emergency management – prevention and mitigation, preparedness, response, and recovery - but should also include business continuity management

Discussion 5: Assigning provincial emergency planning, response, and recovery responsibilities

This is a major shift that would transfer existing Lieutenant Governor in Council (LGIC) authorities – to direct cost-sharing arrangements and enact regulations – to the Minister responsible for the Act. It proposes to empower the Minister, after consultation, to require other ministers, crown corporations, or other prescribed public bodies to prepare hazard specific emergency plans and in support of these changes would define “hazard” as something that may cause or contribute substantially to an emergency.

It also proposes to incorporate Section 3 of the Emergency Program Management Regulation, respecting emergency planning, to the Act and to provide a LGIC regulation that creates the authority to prescribe public bodies for the purposes of the Act.

Staff Comment –

This is supported in principle, subject to the following:

- Section 4 of the Emergency Program Management Regulation should also be incorporated into the Act.
- Emergency plans required by the minister should be prepared on an all-hazards basis.

- The term “Hazard” should expand to include the definition as provided in Canadian Standards Association CSA-Z731-03(R2014) Emergency Preparedness and Response.

Discussion 6: Ministerial authority to direct emergency planning

Here the proposal is to expand ministerial authority so that the minister may direct a local authority to change its local emergency plan where the minister has reviewed the plan and recommended modifications.

Staff Comment – This is not supported.

- Section 4(2)(f) of the Act currently allows the minister to review and recommend changes to emergency plans of local authorities. The proposed change increases provincial authority over local government emergency planning and emergency plan content. This has the potential to not only usurp a local authority’s power to make decisions on and control emergency management programs and plans for their jurisdiction, but also cause a local authority extraordinary financial burden.

Discussion 7: Private sector and non-government agencies

This is a review of government reliance on non-government infrastructure, organizations, and the emergency management responsibilities of these organizations. The key revisions to the Act include:

- I. A definition of “critical services” and a requirement that non-government providers of them provide information about their infrastructure assets and undertake business continuity planning, as prescribed by regulation, and submit their plans for review and approval.
- II. A requirement that owners of critical infrastructure assets provide information about these assets for the purposes of supporting efficient and effective emergency planning, prevention/mitigation, response and recovery.

Staff Comment – This is supported in principle, subject to the following:

- Replacement of the term “critical services” to “critical infrastructure” and “critical infrastructure service provider” These terms should adopt the definition as provided in the Government of Canada’s National Strategy for Critical Infrastructure.
- The ten (10) critical infrastructure sectors as set out in Canada’s National Strategy for Critical Infrastructure should be identified in the Act.

3.3 Discussion Area C: Supporting Emergency Response and Recovery

Discussion 8: Shared responsibility for emergency response

The proposal outlined would expand upon and set out more clearly the shared responsibilities for emergency response that already exist in the Act and Regulations.

Staff Comment: This is supported.

Discussion 9: State of emergency

This reviews special powers granted by a declaration of a state of emergency and proposes to add some criteria/test language to guide authorities in making a declaration while adding additional emergency powers related to the collection and use of personal information, certification of medical and other key resources needed in an emergency response, and the authority to vary or suspend certain permits and licenses during an emergency response.

Staff Comment – The existing legislation contains measures for the declaration of a state of emergency and changes to this should be carefully considered.

The proposals are supported in principle, subject to the following:

- That Emergency Management BC work closely with local authorities to develop a guide for local authorities for declaring a state of emergency similar to the *Financial Assistance for Emergency Response and Recovery Costs, A Guide for BC Local Authorities and First Nations*.
- That the authority to vary permits and licenses during an emergency response is supported provided it includes suspension or revocation of occupancy permits if the Chief Building Inspector deems the building is unsafe to occupy.

Discussion 10: Evacuation orders

This describes challenges faced when attempting to compel compliance with evacuation orders and proposes to address them by granting additional powers to police to enforce. It would also provide the province or a local authority to recover enforcement costs.

Staff Comment: This is supported.

Discussion 11: Employment protection

This proposes to expand protection for persons ordered to provide assistance during a state of emergency, including those who provide assistance voluntarily, and it would address protection for those who may volunteer in an emergency for which there has been no formal declaration.

Staff Comment: This is supported.

4.0 RECOMMENDATIONS

Prepared and Resilient: A discussion paper of the legislative framework for emergency management in British Columbia identifies gaps within the Emergency Program Act and areas of emerging issues in the field of emergency management. Further, it challenges the legislation to acknowledge and consider all four phases of emergency management: Prevention and Mitigation, Preparedness, Response and Recovery.

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It is recommended that this report be adopted as the City of Burnaby's response to the invitation to engage in the discussion on the Emergency Program Act. The response is to be submitted to the Province of BC at citizenengagement@gov.bc.ca before the deadline of Friday, February 19, 2016, at 4:00 p.m.

In order to promote the transparency of the review and engagement process, the Honourable Naomi Yamamoto, Minister of State for Emergency Preparedness, has advised that submissions received from stakeholders invited by the Minister to provide input may be posted to Emergency Management BC's website.

It is also recommended that copy of this report be sent to the Public Safety Committee for information purposes.



for
Denise Jorgenson
DIRECTOR FINANCE

BK:CP /ml

Copied to: Deputy City Managers (2)
Director Engineering
Director Planning & Building
Director Parks, Recreation and Cultural Services
Fire Chief
OIC, RCMP, Chief Superintendent