

**Clerks**

SECTION 2 COUNCIL CORRESPONDENCE (2017.01.06)  
Environment Committee (2017.01.17)

**From:** Wong, Elaine  
**Sent:** January-04-17 8:48 AM  
**To:** Clerks  
**Subject:** Fwd: Demand accountability

**From:** Alan James <[alan\\_james@handshake.ca](mailto:alan_james@handshake.ca)>  
**Date:** January 3, 2017 at 9:15:55 PM PST  
**To:** <[mayor@burnaby.ca](mailto:mayor@burnaby.ca)>  
**Subject:** Demand accountability

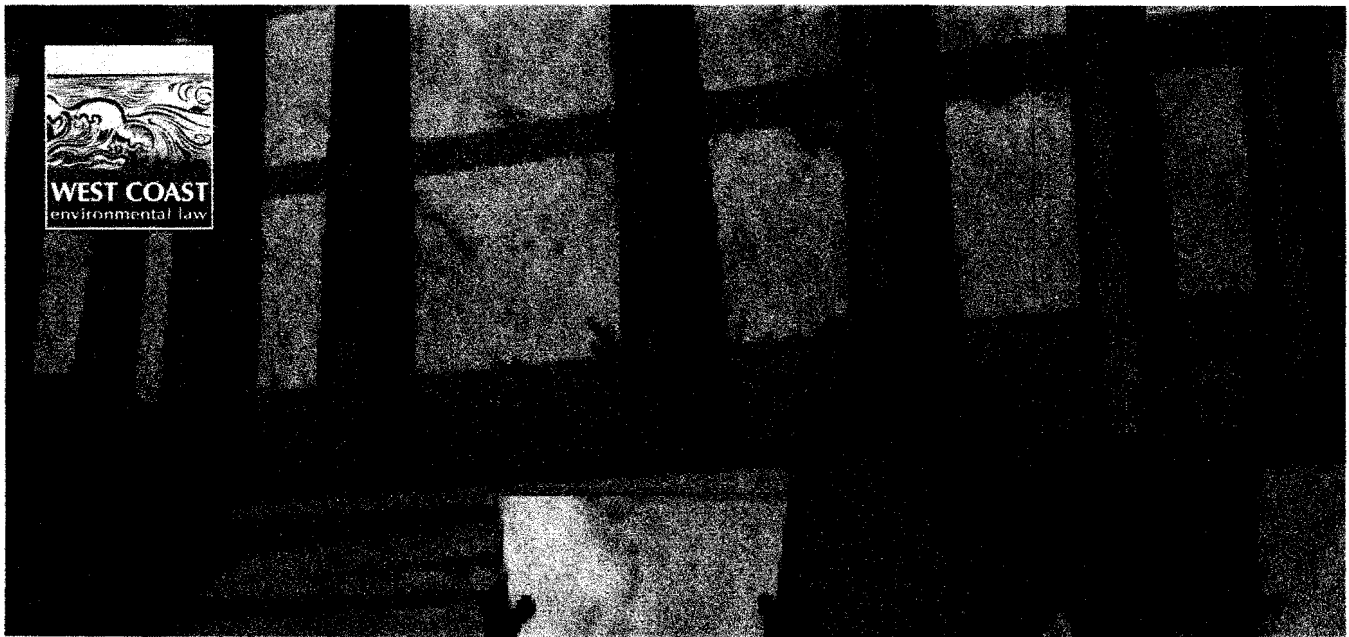
Mayor Corrigan and Council members.

Please consider following up on this suggestion to make fossil fuel companies pay for adaptation costs of climate change.

<http://www.climatelawinourhands.org/demand-accountability>

Regards,  
...Alan  
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## British Columbia

CLIMATE LAW IN OUR  
HANDS BC  
(/CLIMATELAWINOURHANDSBC/)

DEMAND  
ACCOUNTABILITY  
(/DEMAND-  
ACCOUNTABILITY/)

RESOURCES ON  
CLIMATE IMPACTS  
(/RESOURCES-ON-  
CLIMATE-IMPACTS/)

BC CLASS ACTION  
(/BCCLASSACTION/)

When communities harmed by climate change exercise their right to demand that the global fossil fuel industry pay its fair share, fossil fuel companies will no longer be able to profit from continuing to destroy our atmosphere while lobbying against climate action and spreading climate science misinformation.

## **Demand Accountability**

The first step in demanding accountability from the fossil fuel industry is to actually demand it. Until now, few climate-impacted communities have actually taken the step of asking the Chevrons and Exxons of the world to take responsibility. When companies have been notified

that they will be asked to take responsibility for their emissions, and especially their fair share of climate costs, this becomes a risk that they arguably should be disclosing to their shareholders.

It takes little time or financial input to write a letter putting the world's fossil fuel companies on notice that they will be expected take responsibility for their fair share of the climate costs that your community incurs. Such a "demand letter" can take many forms:

- Ideally it should be sent by a local government or other official agency – but it can even be sent by community groups or individuals.
- It may (or may not) outline specific climate costs that you would like the company to pay compensation for.
- It should draw on the work of Richard Heede, who has identified 90 entities (primarily fossil fuel companies) that, through their own emissions and emissions from their products, are collectively responsible for almost 2/3 of man-made greenhouse gases. Mr. Heede is able to assign percentage to particular companies (for example, Chevron's contribution is 3.25%). Learn more at the Climate Accountability Institute website (<http://www.climateaccountability.org/>) or in Mr. Heede's peer reviewed paper (<http://link.springer.com/article/10.1007/s10584-013-0986-y>), published in Climatic Change (and updates ([http://www.climateaccountability.org/carbon\\_majors\\_update.html](http://www.climateaccountability.org/carbon_majors_update.html))).
- It can ask the company to take responsibility in other ways – by telling your community how it intends to transition into a clean energy company.
- It can suggest possible consequences (legal, economic or political) if the company fails to take action, or can choose to simply be an open invitation to take responsibility.
- We would appreciate being cc'd as we would like to keep a record of demand letters sent.

Click here ([/s/Notice-letter\\_PrePlanning.pdf](/s/Notice-letter_PrePlanning.pdf)) for a sample letter demanding that a fossil fuel company pay its fair share of a local government's future adaptation costs. Check back as we plan to post further sample letters and resources on writing such letters.

**SEE A SAMPLE LETTER ([/S/NOTICE-LETTER\\_PREPLANNING.PDF](/s/NOTICE-LETTER_PREPLANNING.PDF))**

[Name and address of Company]

Attn. [Name], CEO of [Company]

Dear Sirs/Mesdames:

**Re: Climate Adaptation in [Community] – Your company’s responsibility**

As you know, fossil fuel pollution from your products is the main cause of climate change. Like other communities around the world, our community is already seeing the harmful effects of climate change, and we are being forced to prepare for progressively more serious impacts. As the elected government of [Community], we have a responsibility to our citizens to ensure that our infrastructure and services are developed and maintained in ways that will be able to withstand the “new normal” that climate scientists have predicted for our region, and that our citizens are well protected from future climate impacts.

We write to inform you that we are committed to the process of preparing for the impacts that our community is projected to experience due to climate change. Climate change – as a result of pollution from your products – is now inevitable, and growing more severe as you continue to market them and work against a transition away from fossil fuels. However, we know that by planning for and adapting to these measures at an early date, we can minimize future economic and other impacts of climate change.

As a community, we will expect you to pay your fair share of the costs associated with developing and implementing adaptation plans. It has been estimated that products produced [your company] are responsible for fully [Percentage based on carbonmajors.org figure]% of historic greenhouse gas emissions.<sup>1</sup> Your industry has been aware of the role of fossil fuels in causing climate change and the types of impacts that communities such as ours would suffer as a result from the 1960s at least.<sup>2</sup>

Since then, however, your company has continued marketing your harmful products [and has worked, directly or indirectly, to delay or prevent the transition to a carbon free economy.<sup>3</sup> While we recognize that individual consumers do play a small (although individually insignificant) role in the fossil fuel economy, your company has had the power to lead the transition away from that economy, but has instead profited to the tune of many billions of dollars from products that use our global atmosphere as a garbage dump, at the expense of our communities.

It is our position that you – in marketing a product that you knew would cause harm to our community and in opposing alternatives to that product – have played a key role in degrading the global

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<sup>1</sup> Heede, R. “Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010” *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at [http://climateaccountability.org/carbon\\_majors\\_update.html](http://climateaccountability.org/carbon_majors_update.html), last accessed 23 September 2016.

<sup>2</sup> <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

<sup>3</sup> <http://www.ucsusa.org/sites/default/files/attach/2016/03/background-er-fossil-fuel-industry-climate-science-deception.pdf>, last accessed 23 September 2016; <http://www.fossilfreemit.org/wp-content/uploads/2014/08/FossilFreeMIT-Lobbying-Disinformation.pdf>, last accessed 23 September 2016.

atmosphere and creating a range of threats to our community. Your contribution is readily detectable globally and is therefore considered legally significant and actionable.

It is our responsibility – as one of the communities that face the consequences of that public nuisance to take action to protect ourselves and our citizens from the public nuisance that you have contributed to. The common law recognizes this responsibility and confirms that expenses associated with mitigating the risks of a nuisance can be recovered from those who have caused them.

Accordingly, as we undertake the task of planning for, and building and modifying our infrastructure and services and developing a community that can withstand current and anticipated climate change, we expect you to pay your fair share of the resulting costs – which we assert is equivalent to your proportionate contribution to climate change (ie. [percentage]% in the case of your company). You cannot make billions of dollars selling your product, knowing that it is causing significant financial harm to communities around the world, and not expect to pay at least that much.

If you do not agree that [percentage]% is your fair share, please inform us what proportion is your fair share, and why. In addition, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

Even if fossil fuel companies like yours do pay your respective shares (either voluntarily or through legal recourse), our community will still bear the costs of climate change – for example, costs that cannot be recovered from now defunct companies or loss and damage that are not prevented through adaptation. However, we are committed to doing our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

Mayor of [Community]