



Section 2 Council Correspondence 2019.01.10

10 December 2018

Burnaby (City)
4949 Canada Way
Burnaby, BC V5G 1M2



Dear Mayor and Council,

Re: Your local climate change impacts and the fossil fuel industry

Congratulations on your election as the Mayor and Council of Burnaby. We know that you have each run because you want to help your community be as strong as it can.

We are writing further to our January 25th, 2017 letter (copy enclosed), to again ask you to take action to protect your community and taxpayers from the impacts and costs of climate change by holding fossil fuel companies accountable for a share of those climate costs. Specifically, we would like you to:

- a. Begin tracking the costs of climate change that are being incurred by your community; and
- b. Join the more than a dozen BC local governments that have sent Climate Accountability Letters to 20 of the world's largest fossil fuel companies demanding that they pay a share of the costs of climate change.

Understanding the costs of climate change

A large majority of the local government mayors and councillors that we've spoken with since our initial letter was sent know that climate change is harming their communities.

Some communities have been on the front-lines, with evacuations and destruction from wildfires, floods and droughts that were almost certainly made worse due to climate change. But even communities which have not faced such catastrophic events are finding that the costs of building and maintaining infrastructure such as roads, storm-drains, sea-walls, and other structures impacted by weather or which have to be designed with future climatic conditions in mind, are higher than they used to be, due to the reality of a changing climate.

There are also real costs in planning for climate change adaptation and implementing those plans, even if, in the long run, those steps will save taxpayer dollars (by avoiding even greater climate costs). Responsible financial managers know that they need to take action to prepare their communities for climate change, and to avoid massive future catastrophes.

While a handful of municipalities have begun to estimate what their current¹ and future climate costs² are likely to be, most local governments have not yet turned their minds to this important question – which is

¹ For example, the City of Powell River (Minutes, 15 March 2018, Agenda Item 7-7), instructed its staff to "incorporate climate change adaptation and mitigation costs into the City's Asset Management Plans."

² For example, City of Vancouver staff have estimated the costs of municipal infrastructure required to address sea-level rise to 2100 at \$1 billion: <https://council.vancouver.ca/20180725/documents/pspc2.pdf>.

Referred to: Sustainable City Advisory Committee Meeting (2019.02.05)
Copied to: City Manager, Dir. Corporate Services, Dir. Engineering

unfortunate, because it undermines their ability to manage for financial pressures and prepare their communities for climate change.

In the age of climate change, responsible financial management demands that we start to get a handle on what climate change is costing, and will cost, our communities, and begin the discussion of how we will collectively pay for those costs.

We hope that you will instruct your staff to begin identifying and tracking climate change costs through your existing assessment and infrastructure planning and management, climate adaptation planning and other steps related to climate change.

Seeking costs recovery

In our January 25th, 2017 letter we challenged your community to take action to hold fossil fuel companies accountable for a share of the costs of climate change that your community is experiencing. Here are two good reasons that a growing number of communities in BC and elsewhere are doing just that.

1. Fiscal responsibility

As local governments struggle to come to grips with the rising tide of climate change costs, it's becoming increasingly important to ask how we will collectively pay for those costs. While the provincial or federal governments may help, it's unrealistic to demand that taxpayers (whether local, provincial or federal) pay 100% of the costs, while fossil fuel companies take no responsibility for the harm caused by their products, while pocketing billions of dollars in profits.

We know that our communities are built around the automobile and cheap fossil fuels, and taxpayers will need to pay some of the costs of climate change. But that doesn't mean that the companies which profited most from the fossil fuel economy shouldn't pay their fair share.

Indeed, it would be fiscally irresponsible for BC's municipalities to pass 100% of those costs on to their taxpayers without seeking to recover some share of those costs from corporations which have directly profited from fossil fuel extraction and sales. Just 20 global fossil fuel companies are responsible, through their products and operations, for almost 30% of greenhouse gas emissions in the atmosphere today.³

According to a 2017 poll conducted by Justason Market Intelligence (JMI), 82% of British Columbians support the basic idea that fossil fuel companies should pay a share of the costs of climate change. There is broad support in every region of the province.

2. Fighting climate change

When powerful corporations profit from pollution, while the public pays the true costs, those companies have a strong economic incentive to keep on producing polluting products. Chevron, Exxon and other global fossil fuel companies have made a lot of money in recent decades – and funnelled those funds into lobbying against

³ http://www.climateaccountability.org/carbon_majors_update.html (last accessed 26 October 2016) which is an update of Richard Heede's peer reviewed paper: 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.

climate action and funding misinformation about climate science instead of offering the alternatives and renewable energy.⁴

The perception that the fossil fuel industry is profitable – and cheaper than renewable energy – results from the fact that it has never paid for the harm caused by its products, distorting our economy and making it extremely difficult for the world to move away from fossil fuels.

Local governments have a unique power to demand that these companies start taking responsibility for harm caused by their products. We're not just talking Canadian companies – there are legal and non-legal options to demand accountability from global companies for their global sales and operations.⁵

When Communities demand that fossil fuel companies take responsibility for the true costs of their products, fossil fuel companies and their investors face potential risks that they must start factoring into their business decisions. In addition, the public has a valuable opportunity to learn about the relationship between increased local climate costs and the fossil fuel economy.

In short, local government action to hold fossil fuel companies accountable for local climate costs can play a powerful role in the fight against climate change.

Taking Action – Climate Action Letters

Once we realise that fossil fuel pollution is harming our communities, and that we can't afford to pay those costs alone, the first step in demanding accountability from fossil fuel companies is to start talking publicly to those companies about your climate costs and their responsibility to pay a fair share of those costs.

That's why 15 local governments from across BC (plus the Association of Vancouver Island and Coastal Communities, representing 53 local governments) have written to 20 of the world's largest fossil fuel companies demanding that they pay their fair share of local climate costs.⁶ Climate Accountability Letters are easy and cheap and yet signal that you're aware of how difficult climate costs will be and are looking for the fossil fuel industry to step up.

A Climate Accountability Letter will not (of course, but unfortunately) result in a cheque in the mail. Some municipalities have received replies from fossil fuel companies outlining their plans to reduce greenhouse gas emissions, so the letters are at least being read and considered. The letters also begin an important conversation with your citizens about how your community will deal with the impacts and costs of climate change.

Please consider this letter as a request for your Council to send a Climate Accountability Letter to the 20 largest fossil fuel companies, whose emissions represent 30% of global greenhouse gas emissions.⁷ For more

⁴ CIEL. Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis (Nov 2017), available at <https://www.ciel.org/reports/smoke-and-fumes/>, last accessed 26 October 2018.

⁵ M. Byers, A. Gage et al. The Internationalization of Climate Damages Litigation. Washington Journal of Environmental Law and Policy, Vol 7(2), July 2017.

⁶ For examples of letters sent by other local governments, visit www.wcel.org/campaign-update.

⁷ The addresses of the companies and their respective contributions to global greenhouse gases are available at https://www.wcel.org/sites/default/files/file-downloads/carbonmajorsspreadsheet_final.xlsx.

information on how and why to send a Climate Accountability Letter, please see *Climate Accountability Letters: An Introduction for Local Governments*.⁸

If you do send a letter, please consider also writing to other local governments in your region, encouraging them to do the same.

Taking Action – Beyond Letters

Sending a Climate Accountability Letter and/or tracking climate costs do not commit your Council to doing anything further. However, we hope that you will be interested in exploring further action that could lead to your recovering a fair share of your local climate costs from the fossil fuel industry. Please contact us at agage@wcel.org if you would like to explore any of the following options:

- **A class action lawsuit** – BC communities working together and pooling their resources might choose to bring a class action lawsuit against fossil fuel companies on behalf of all BC local governments, following the example of many U.S. local governments.⁹ According to the 2017 JMI poll, 63% of British Columbians support litigation by their local government to recover the fossil fuel industry's share of local climate costs.
- **Provincial legislation** – BC's local governments can add their voices to those asking that BC enact laws to clarify the legal responsibility of fossil fuel companies for local climate costs. Such legislation has been debated in Ontario's legislature,¹⁰ while more than 50 BC-based organizations have called on Premier John Horgan to enact a similar law.¹¹
- **International treaties** – BC local governments can ask the Canadian government pursue a climate damages tax, levied on global fossil fuel companies, in their negotiations of global climate treaties.¹²

We would be happy to provide your Council with further information about climate costs, Climate Accountability Letters or any of the above options to hold fossil fuel companies accountable.

Sincerely,



Andrew Gage,
Staff Lawyer

West Coast Environmental Law



Jim Wright,
Executive Director

Fraser Voices Association



Anna Barford,
Community Organizer

Georgia Strait Alliance

⁸ <https://www.wcel.org/publication/climate-accountability-letters-introduction-local-governments>.

⁹ <https://insideclimatenews.org/news/04042018/climate-change-fossil-fuel-company-lawsuits-timeline-exxon-children-california-cities-attorney-general>.

¹⁰ <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-37>.

¹¹ <https://www.wcel.org/publication/joint-letter-premier-horgan-liability-climate-related-harms-act>.

¹² See the Climate Damages Tax Declaration at <https://www.stampoutpoverty.org/cdt/climate-damages-tax-declaration/>.

OPEN LETTER TO BC LOCAL GOVERNMENTS
ATTN: Mayor & Council, all BC local governments
January 25, 2017

Dear Sirs/Mesdames:

Re: We must hold fossil fuel companies responsible for climate change

Wildfires. Drought. Flooding. Rising sea levels. Climate change is already reshaping and impacting BC communities in profound and frightening ways. As unchecked fossil fuel pollution continues to push global temperatures ever higher, we are frightened for our communities, for communities around the world, and for the world we leave our children. These impacts are still more challenging for vulnerable groups - the poor, Indigenous people, women and children - who are often unable to respond to unexpected weather or other climate impacts.

But there is hope. If the fossil fuel companies – whose products are the major drivers of climate change – had to pay even a fraction of the associated climate costs, they would not be able to out-compete renewables and would pivot towards sustainable alternatives without delay. BC communities can play a key role in demanding accountability from the fossil fuel industry for the harm that they are causing our communities, and challenge the myth that the fossil fuel economy can continue business as usual despite the destruction it is causing to our atmosphere.

The fossil fuel industry is keen to avoid a conversation about its responsibility for climate change. Just 90 entities – primarily fossil fuel companies – have caused almost 2/3 of human caused greenhouse gas emissions, and just three – Chevron, Exxon Mobil and Saudi Aramco – are responsible for almost 10%¹. Like the tobacco industry before it, Big Oil relies on the perception that individual consumers are responsible for climate change while pocketing billions of dollars in profits from products that they know are disastrous for our atmosphere and communities around the world.²

BC and Canadian taxpayers will end up paying the costs of climate change in many different ways. But unless our communities demand that fossil fuel companies pay their fair share of these costs, this industry will continue pushing products that the world cannot afford to burn.

1. 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. See also <http://www.climateaccountability.org/> for emissions figures through to 2013.

2. <https://www.smokeandfumes.org/>; <https://insideclimatenews.org/content/Exxon-The-Road-Not-Taken>.



BC's local governments are well placed to play a global leadership role by demanding accountability. We can come together to start a new global conversation about the moral and legal responsibility of the fossil fuel industry for its role in fueling climate change.

We – as BC-based community groups – support the Climate Law in our Hands Initiative and are asking you to:

1. DEMAND FOSSIL FUEL ACCOUNTABILITY

It has been rare for anyone to even ask the fossil fuel industry to take responsibility for its role in causing the global crisis – and the local climate impacts like floods, wildfires and droughts. This avoidance of responsibility ends in BC – when you, and other local governments across the province, write to the world's fossil fuel companies asking them to take their fair share of responsibility for climate change.

This demand can take the form of a detailed invoice for climate costs or a letter simply enquiring as to the company's position on paying a fair share. It can be tailored to reflect the needs and capacity of each community.³

2. WORK TOWARDS A CLASS ACTION LAWSUIT

BC communities can demand accountability from the fossil fuel industry in a variety of ways, but if necessary, we may need local governments to demand accountability through the courts.

Lawyers at West Coast Environmental Law have exhaustively researched how a class action – a joint legal action brought by one or more “representatives” of BC's local governments – could be brought against major fossil fuel companies for their role in causing climate change.

We ask you to consider whether your municipality would be willing to launch a class action as a representative and/or how you might support a case launched by other local governments. BC communities need to come together and get behind this type of legal action. Bringing this case will make it clear that fossil fuel companies cannot avoid a legal conversation about accountability – and if we win, we will set a precedent that could change the world – putting us on a global path that will avoid more dangerous climate change.⁴

³. Sample accountability letters are available online at www.climatelawinourhands.org/demand-accountability.

⁴. See <http://www.climatelawinourhands.org/bcclassaction> or have your lawyers speak with the Climate Law in our Hands team at West Coast Environmental Law for more information on the legal basis for a class action.



Conclusion

Both of these actions, as well as a general public discussion about the role of fossil fuels in our future economy, are most likely to move forward if our communities understand how we are being, and will be, impacted by climate change. We urge you to work with your citizens, climate scientists and other experts in a publicly transparent way to explore what needs to be done to prepare your community for climate change.

Whether we realize it or not, our communities are facing a tidal wave of costs, debt and disaster relief arising from the many effects of climate change. It is time to ask whether we alone are going to bear those expenses, or whether the companies that have made billions of dollars creating this situation also bear some responsibility.

By demanding that those who profit the most from climate change pay their fair share, BC local governments can dramatically reshape the global conversation about climate change and the fossil fuel industry. Community groups around BC will be calling on fossil fuel companies to take responsibility for their role in causing the climate crisis and we hope that you will join us.

Signed by:

West Coast Environmental Law Association	350.org Canada	Canadian Association of Physicians for the Environment
Coalition to Protect East Kamloops	Douglas Channel Watch	Public Health Association of BC
Kelowna Chapter Council of Canadians	BC Yukon Kairos	KAIROS Metro Van
KAIROS BC/Yukon Kootenay Subregion	Pacific Wild	Prince George Public Interest Research Group
Silva Forest Foundation	Sierra Club BC	Climate Change in Focus
Blewett Conservation Society	Dogwood Initiative	We Love This Coast
West Kootenay EcoSociety	Gibson Alliance of Business and Community Society	Comox Valley Global Awareness Network
SFU350	Alliance4Democracy	Earthkeepers: Christians for Climate Justice
UBC Environmental Law Group	Sunshine Coast Conservation Association	Burnaby Residents Opposing Kinder Morgan Expansion-BROKE
Voters Taking Action on Climate Change	Comox Valley Council of Canadians	LeadNow
Wilderness Committee	Parksville Qualicum Beach KAIROS	Fraser Voices Association
The WaterWealth Project	Georgia Strait Alliance	Stand.earth
UBC350	Northwest Institute	Knox United Church
Citizens Against Urban Sprawl Society (CAUSS)	Friends of Wild Salmon Coalition	Association of Whistler Area Residents for the Environment
Atira Women's Resource	Friends of Morice Bulkley	Salmon Coast Field Station Society
MiningWatch Canada	My Sea to Sky	Saanich Inlet Network
The Canadian Youth Climate Coalition	Divest Victoria	
Council of Canadians	Wildsight	
Kitimat Terrace Clean Air Coalition	Greenpeace Canada	
	Burnaby Pipeline Watch	
	Environmental Defense Working Group	

Please direct any reply to this letter, including notice of any resulting agenda items or resolutions, to us c/o West Coast Environmental Law, 200-2006 West 10th Avenue, Vancouver, BC V6J 2B3, Fax: 604-684-1312, Email: agage@wcel.org.