



# Modernizing BC's Emergency Management Legislation

Summary of What We Heard in Response to the Discussion Paper Issued on October 28, 2019

August 31, 2020

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## The Discussion Paper and Engagement Process

On October 28, 2019, Emergency Management BC (EMBC) released a Discussion Paper on Modernizing BC's Emergency Management Legislation, which outlined a series of policy proposals for consideration in new emergency management legislation, replacing the existing Emergency Program Act (EPA).

During the engagement period, which ran until January 31, 2020, EMBC conducted some 172 meetings, webinars and teleconferences with partners and stakeholders, and received 239 written submissions.

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## Overarching Themes

The engagement sessions and written responses to the Discussion Paper showed broad consensus on the need to modernize BC's emergency management legislation and widespread support for almost all of the specific proposals in the Discussion Paper. Key themes were:

- The need to demonstrate stronger connections to climate change, the Sendai Framework, disaster risk management and disaster risk reduction, including the issues and challenges faced by vulnerable populations.
- The need for additional resources and capacity to deliver on the new requirements.
- First Nations' expectation that the proposed legislation will adhere to the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) and reflect First Nations' right to self-determination.

## The Impact of the COVID-19 Pandemic

The Discussion Paper and the responses pre-dated the pandemic and were informed more by other types of events such as floods, wildfires, and earthquakes. However, the lessons learned from managing the COVID-19 emergency will be considered and incorporated in the new legislative framework.

The pandemic delayed the release of the What We Heard Report, which was originally intended to be published in Spring 2020. More fundamentally, delivery of a complete, brand-new emergency management Act has been pushed from Fall 2020 to Spring 2021.

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- The need for more detail and clarity on specific proposals and how the new legislation will be implemented.
- Critical infrastructure operators, provincial ministries, Crown corporations and public sector agencies called for avoiding regulatory duplication and requested a system of equivalencies recognizing that legislative requirements may also be met through existing regulatory frameworks and requirements.
- A number of animal welfare organizations and members of the public stated that the legislation should specifically address animals, including domestic pets, animals in captivity, livestock and wildlife.

These themes will be reflected in the new emergency management legislation, which will position BC as a leader in disaster risk reduction. More detail is available in the full What We Heard Report:

[www2.gov.bc.ca/ChangesToEmergencyProgramAct](http://www2.gov.bc.ca/ChangesToEmergencyProgramAct)

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## Staying the Course, for the Most Part

Based on the generally positive feedback, most of the proposals in the Discussion Paper will proceed. However, a small number of proposals were not supported and will not proceed or will be modified:

- The proposal to require greater consideration of current and future risk when making building and development decisions is being fleshed out and will likely be implemented through planning and building legislation rather than emergency management legislation.
- Rather than creating a new mechanism to enable Local Authorities and First Nations to form collaborative emergency management organizations, existing mechanisms will be continued and strengthened.
- Urgent recovery funding will be available prior to preparation of a post-disaster needs assessment and post-disaster recovery plan, as is the case now. Needs assessments and recovery plans based on the nature of the disaster will be required to inform longer-term funding decisions.
- While the concept of a transition period to bridge from response to recovery received strong support, the term “transition period” did not resonate with respondents. More work is being done to build out the concept, including incorporating learnings from the COVID-19 pandemic and considering whether the concept should apply on a provincial scale as well as on a local scale.
- The proposal for EMBC to audit emergency management plans will not proceed; this aspect of quality assurance will focus instead on a review function that relies more on support and collaboration.
- Proposals related to First Nations emergency management are being revisited through collaboration and engagement with Indigenous organizations and communities.
- Proposals related to critical infrastructure will be built out through consultation with critical infrastructure operators. This includes recognition of existing equivalences, so as not to create duplicative requirements.
- A comprehensive compliance and enforcement scheme is being developed which reflects learnings from the COVID-19 pandemic.

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## Next Steps

The feedback received in response to the Discussion Paper will inform BC’s modernized emergency management legislation, which is now targeted for the Spring 2021 legislative session. EMBC will continue to engage with local authorities, First Nations, Indigenous organizations and other partners and stakeholders as legislation is drafted, and during subsequent development of regulations, policies and processes.

The new legislation will be implemented in a phased fashion, recognizing that emergency management partners will need time and support to build capacity to meet the new requirements.