

BC'S MODERNIZED EMERGENCY MANAGEMENT LEGISLATION

A New Framework for
Disaster Risk Reduction,
Response, and Recovery

STATUS UPDATE: BC'S EMERGENCY MANAGEMENT LEGISLATION

- On October 3, 2023, the Province introduced the Emergency and Disaster Management Act (EDMA), which will replace the Emergency Program Act.
- Updates include:
 - Alignment with United Nations Sendai Framework for Disaster Risk Reduction, adopted by BC in 2018
 - Recognition of all four phases of emergency management
 - Alignment with Declaration on the Rights of Indigenous Peoples Act
- BC will be developing new regulations to support EDMA



LEGISLATIVE HIGHLIGHTS

All four phases of
emergency
management

Co-management

Guiding principles

Climate change
considerations

Updated definition of
emergency

Improved tools for
response and recovery

Indigenous governing
bodies

Indigenous
engagement
requirements

Cultural safety,
addressing
disproportionate
impacts

Roles for critical
infrastructure owners
and volunteers

Accountability and
transparency

FOUR PHASES OF EMERGENCY MANAGEMENT

The four phases of emergency planning, include mitigation, preparedness, response and recovery:

- **Mitigation:** identification, removal, or reduction of hazards, to either reduce the likelihood of emergencies or to reduce their potential impacts
- **Preparedness:** building knowledge and capacity in anticipation of emergencies
- **Response:** taking measures to respond to an emergency, including to prevent or reduce the impacts of the emergency
- **Recovery:** taking measures to restore health, safety, and well-being after an emergency



CO-MANAGEMENT



GUIDING PRINCIPLES

Practicing disaster risk reduction

Acknowledging and respecting the authority of all decision-makers

Working towards harmonization and coordination



Collaborating on matters of mutual interest

Importance of investing in measures to reduce risk and promote resiliency

Recognizing relationship between climate change and increasing hazards and emergencies

Promoting cultural safety

Recognizing law-making authority of Indigenous Peoples

Importance of Indigenous advice, input, and stewardship

CLIMATE CHANGE CONSIDERATIONS

- Reference in guiding principles clause
- All regulated entities are required to prepare risk assessments and impacts from climate change must be considered
- Emergency management plans must be built based off risk assessments which will require consideration of how climate change interacts with any hazard

“(2) Effective emergency management in British Columbia is based on the following principles:

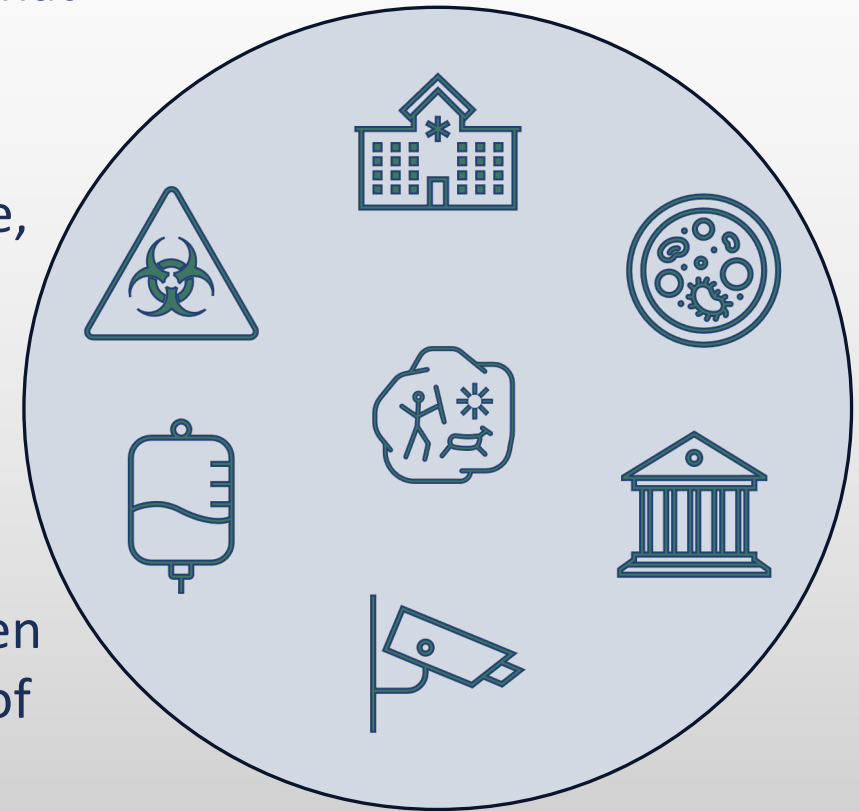
(c) recognizing the relationship between a changing climate and emergency management, including recognizing that a changing climate contributes to the increased occurrence and adverse effects of some hazards and emergencies;”

Guiding principles clause, Emergency and Disaster Management Act

UPDATED DEFINITION OF EMERGENCY

The legislation updates and expand the definition of an 'emergency' :

- Refers to conditions that may be imminent, ongoing, or that require the prompt coordination of action or special regulation of persons or property
- Continues to include events attributable to accidents, fire, explosions, technical failures, or forces of nature
- Expressly speaks to transmissible diseases and environmental toxins
- Includes rioting, security threats, and terrorist activity
- Includes impacts to objects or sites of heritage value when those objects or sites require protection from the types of hazardous events described



IMPROVED RESPONSE AND RECOVERY TOOLS

Strengthened powers

- Clearer procurement authority for the Minister to acquire, hold, and distribute emergency resources
- Minister may order mitigation or preparation actions
- Authority for the Minister to order assistance
- Minister, Lieutenant Governor in Council, and local authorities to control or prohibit events

New “recovery periods” of up to 90 days

Revised durations for states of emergency:

States of Provincial Emergency	States of Local Emergency
14 days if declared by Minister (unchanged)	14 days, increase from 7 days
28 days if declared by Lieutenant Governor in Council (LGIC)	Extensions up to 14 days
Extensions up to 28 days by LGIC	

MULTIJURISDICTIONAL EMERGENCY MANAGEMENT ORGANIZATION (MJEMO)

What is an MJEMO?

- Framework for formalizing collaborative partnerships between local authorities
- May include two or more local authorities, Indigenous governing bodies, and/or the Province

What are the benefits?

- Allows for legislative and operational requirements to be met in collaboration
- Enable collective, risk assessments, planning, and emergency measures
- Entities can join MJEMOs to fulfill any combination of legislative or operational requirements
- Local authorities designate members with specific powers
- MJEMO does not disrupt existing collaborative practices, such as service and mutual aid agreements

INDIGENOUS GOVERNING BODIES

Recognition of authority

Indigenous governing body concept

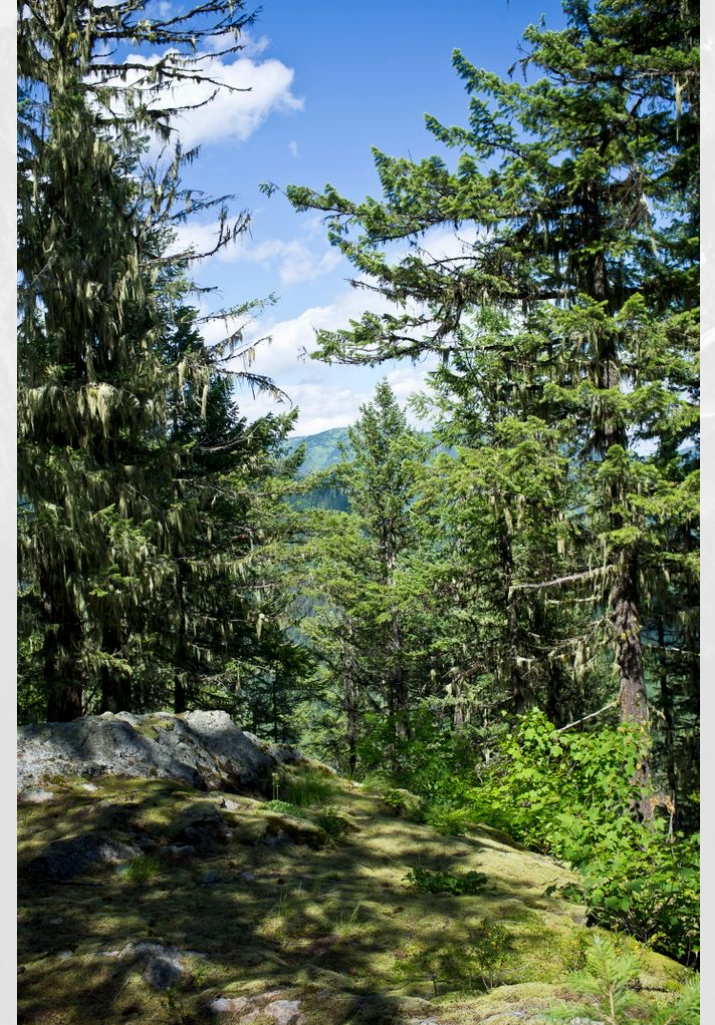
“an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act*”

Declaration on the Rights of Indigenous Peoples Act

Agreements

- Collaborative Emergency Management Agreements (CEMAs)
- Coordination agreements
- Joint/consent-based decision-making agreements

Indigenous knowledge



CONSULT AND COOPERATE

What actions trigger consult and cooperate requirements?

When preparing, reviewing or revising a risk assessment or emergency management plan

In advance of making an order, regulation or emergency instrument related to response and recovery related to the following powers:

- Land and other property
- Evacuations and removals
- Travel restrictions

In advance of issuing an evacuation warning or permitting people to return

With which Indigenous government bodies?

IGBs with traditional territory within the jurisdiction of the local authority and Nisga'a lands or treaty settlement lands adjacent to local authority jurisdiction

Lands described in an emergency management plan, a coordination agreement, or any other agreement made under the Act with an Indigenous governing body

ENGAGE AND COOPERATE

During the response phase, in cases where it is “not practicable” to consult and cooperate with Indigenous government bodies:

- There must be an "imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property" (e.g., catastrophic event)

Must engage and cooperate with IGBs "as soon as reasonably practicable" after the action has been taken

The Province and regulated entities must justify why consultation and cooperation was "not practicable"

- Report to Provincial Administrator within 120 days of expiry/cancellation of SOLE/local recovery period

ALL OF SOCIETY, CULTURAL SAFETY, DISPROPORTIONATE IMPACTS



CRITICAL INFRASTRUCTURE PLANNING & REPORTING REQUIREMENTS



- Critical infrastructure owners may be required to develop and maintain risk assessments, emergency management plans, and business continuity plans
- Assessments and plans must be reviewed and revised in line with regulation
- Critical infrastructure owners must share certain information and records with provincial administrator

CRITICAL INFRASTRUCTURE REGULATION

Definitions expected :

- Details on critical infrastructure
- Critical infrastructure sector (three under consideration: energy and utilities, transportation, and telecommunications sectors)
- Critical infrastructure owner

Critical infrastructure regulation may create:

- Emergency management and business continuity planning requirements
- Risk assessment requirements
- Process requirements for consultation with IGB's
- Reporting requirements

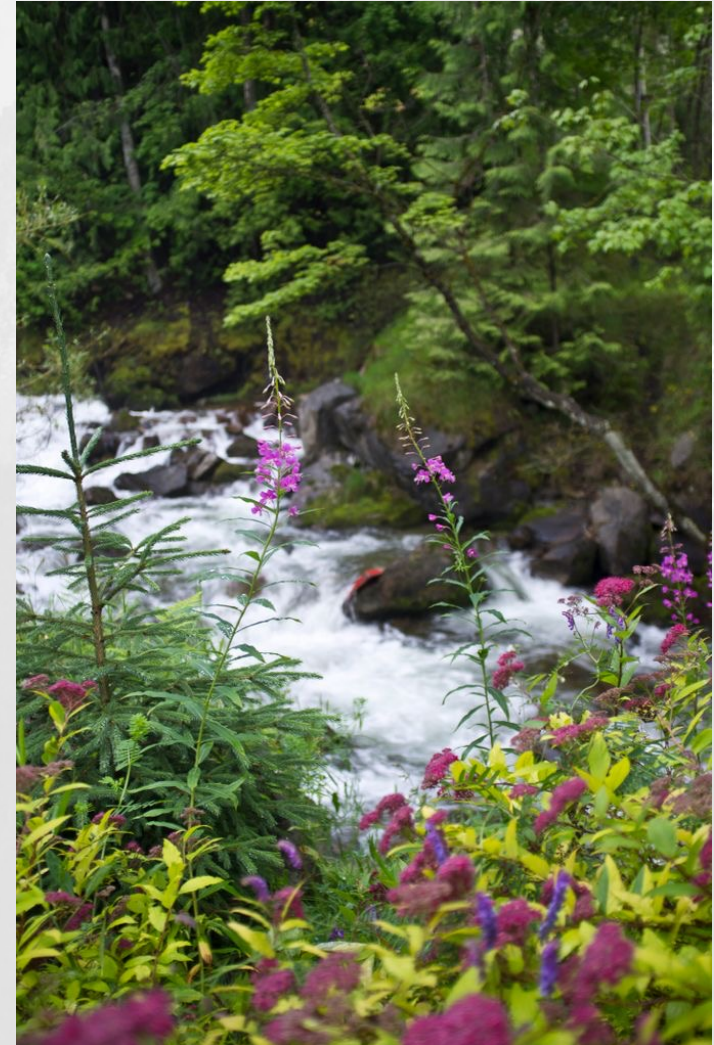


ACCOUNTABILITY AND TRANSPARENCY

Reporting requirements for:

- Spending using the statutory appropriation
- Provincial use of response or recovery powers
- Post-event summaries (Province and local authorities)
- Any matter (*ad hoc* reports from local authorities)

Review five-years after royal assent



PLANNING DOCUMENT REQUIREMENTS

Risk assessments must assess:	must be based on:
<ul style="list-style-type: none">• likelihood of a hazard leading to an emergency• potential scope and scale of an emergency• impacts on people, animals and places that may be disproportionately impacted	<ul style="list-style-type: none">• studies and surveys• available Indigenous and local knowledge• potential impacts from expected climate change or extreme weather events
Emergency management plans must include:	must be based on:
<ul style="list-style-type: none">• Address all four phases of emergency management• roles, powers, and duties of key persons• requirements for emergency resources• procedures for engaging emergency systems• plans for training and exercise programs• how cultural safety will be promoted• how to mitigate effects on disproportionately impacted populations	<ul style="list-style-type: none">• all available risk assessments• results of consultation and cooperation with Indigenous Governing bodies• results of consultation with neighboring local authorities

COMMUNITY EMERGENCY PREPAREDNESS FUND (CEPF)



- CEPF funding streams support First Nations and local governments to better prepare for disasters and reduce risks from natural hazards in a changing climate
- The Province has invested \$369 million since CEPF was established in 2017
- Over \$164 million has been announced for nearly 1,600 projects for First Nations and local governments
- Disaster Risk Reduction-Climate Adaptation (DRR-CA) funding stream supports reducing risks from future disasters due to natural hazards and climate-related risks through the development and implementation of:
 - Accurate foundational knowledge of the natural hazards and risks associated with BC's changing climate – up to \$150,000 per applicant
 - Effective strategies to prepare for, mitigate, and adapt to those risks – up to \$150,000 per applicant for non-structural projects, and up to \$5 million for small-scale structural projects
- Next DRR-CA application deadline is March 28, 2024: <https://www.ubcm.ca/cepf/disaster-risk-reduction-climate-adaptation>

CEPF PROJECT EXAMPLES

- Grand Forks: flood-mitigation project that includes channel excavation, installation of 82 fish habitat structures and planting 45,000 trees and shrubs along the Kettle River.
- Kanaka Bar Indian Band: installing a waterline and reservoir that will reduce impacts of drought, fire risk, as well as social, health, ecosystem and food system stress
- District of Summerland: flood risk mitigation planning for the Giants Head Basin, as well as upgrading a spillway for the Isintok Dam to reduce the risk of dam failure
- Fernie: raising the Mountview Dike alongside the Elk River to flood construction levels to prevent flooding
- Metchosin: completing risk mapping, risk assessment and mitigation and response plan for shoreline erosion, flooding, drought implications and increasing storm severity

ENGAGEMENT ON REGULATIONS

Read discussion papers on:

- local authority emergency management
- post-emergency financial assistance (DFA)

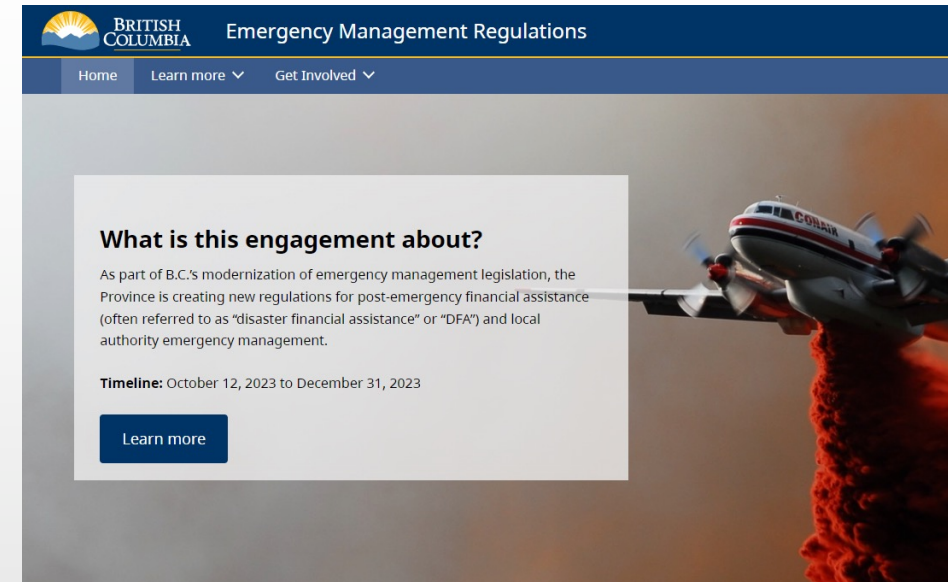
Sign up for a virtual workshop

- Local authorities
- Small businesses, individuals
- Sessions being planned for First Nations

Respond to questions on post-emergency financial assistance by Dec 15

<https://engage.gov.bc.ca/emergencymanagementregulations>

Provide a written submission by Dec 31



THANK YOU



engage.gov.bc.ca/emergencymanagementregulations



gov.bc.ca/EmergencyManagementAct



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