

File No.: 04-1000-20-2019-480

January 21, 2020

s.22(1)

Dear s.22(1)

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of July 25, 2019 for:

Records related to climate liability, climate lawsuits, climate litigation, and climate accountability that the Council recently discussed and passed a motion on, including any information available where City staff or Council mentions or discusses these issues, or Councillor Christine Boyle and Councillor Jean Swanson's, 'Accountability for Climate Change' motion, with each other or outside campaigners promoting the issues:

- 1. All types of correspondence (i.e. letters, emails, fax) sent or received by one or more of the addresses [see City staff list below], whether to, from, cc: or bcc: that include both i) "climate lawsuit, climate liability, climate litigation, climate accountability, class action climate lawsuits, recovering climate costs, fossil fuels" (in any usage), and ii) any one of the following: "WCEL", "West Coast Environmental Law", "The Vancouver Foundation", "Pembina Institute", "Centre For Law and the Environment: Allard School of Law, UBC", and "Dan Fumano, Sun Reporter".**
- 2. Entire thread(s) of all incoming and outgoing emails that were sent or received by one or more of the addresses [see City staff list below], whether to, from, cc: or bcc: and which contain any email address that includes; @wcel.org, @myseatosky.org, @georgiastrait.org, or WCEL, West Coast Environmental Law, Georgia Strait Alliance, Anna Barford, My Sea to Sky, Andrew Gage, Anjali Appadurai, Gordon Cornwall, Claudia Cornwall, Jessica Clogg, Lisa Matthaus, Tracy Saxby, The Vancouver Foundation, the Pembina Institute, Stepan Wood, Centre For Law and the Environment: Allard School of Law UBC, Dustin Klaudt, Jesse Firemping, Priyanka Vittal, Greenpeace Vancouver, Greenpeace Canada, and Vancouver Sun Reporter Dan Fumano.**
- 3. Calendar, minutes, notes and/or phone logs for [see City staff list below] that include any of the following: WCEL, West Coast Environmental Law, Andrew Gage, Lisa Matthaus, Jessica Clogg, Anjali Appadurai, Gordon Cornwall, Claudia Cornwall, the Vancouver Foundation, the Pembina Institute, Tracy Saxby, My Sea to Sky, Georgia Strait Alliance, Anna**

Barford, Dustin Klaudt , Stepan Wood, Centre For Law and the Environment: Allard School of Law, UBC, Jesse Firemong, Priyanka Vittal, Greenpeace Vancouver, Greenpeace Canada, Dan Fumano.

4. Any memorandum of understanding (MoU), agreement, and/or contract signed by sent to or from [see City staff list below] which mention any of the following: West Coast Environmental Law, WCEL, Andrew Gage, Lisa Mattheus, Jessica Clogg, The Vancouver Foundation, Pembina Institute, My Sea to Sky, Tracy Saxby, Georgia Strait Alliance, Anna Barford, Christianne Wilhelmson, Stepan Wood , Centre For Law and the Environment: Allard School of Law UBC, Jesse Firemong, Priyanka Vittal, Greenpeace Vancouver, Greenpeace Canada.

Relevant City of Vancouver Staff:

Mayor Kennedy Stewart kennedy.stewart@vancouver.ca
Anita Zaenker anita.zaenker@vancouver.ca
Neil Monckton neil.monckton@vancouver.ca
Alvin Singh Alvin.singh@vancouver.ca
Sadhu Johnston sadhu.johnston@vancouver.ca
Councillor Pete Fry clrfry@vancouver.ca
Councillor Christine Boyle clrboyle@vancouver.ca
Councillor Adriane Carr clrcarr@vancouver.ca
Councillor Michael Wiebe CLEwiebe@vancouver.ca
Matt Horne matt.horne@vancouver.ca
Doug Smith doug.smith@vancouver.ca
Gil Kelly Gil.Kelley@vancouver.ca
Paul Mochrie paul.mochrie@vancouver.ca
Jerry Dobrovoly cityengineer@vancouver.ca
Patrice Impey patrice.impey@vancouver.ca
Rena Kendall-Craden rena.kendall-craden@vancouver.ca

Date Range: April 18, 2019 to July 24, 2019.

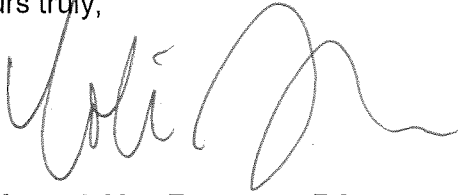
All responsive records are attached. Some information in the records has been severed, (blacked out), under s.13(1), s.14, s.15(1)(l) and s.22(1) of the Act. You can read or download this section here:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2019-480); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

A handwritten signature in black ink, appearing to read 'Barbara J. Van Fraassen', with a stylized, flowing script.

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:ma

From: "Wong, Tamarra" <Tamarra.Wong@vancouver.ca>

To: "Stewart, K" <K.Stewart@vancouver.ca>

"Councillors - DL" <CLELECTED@vancouver.ca>

CC: "Mochrie, Paul" <Paul.Mochrie@vancouver.ca>

"Hildebrandt, Tina" <tina.hildebrandt@vancouver.ca>

"Hagiwara, Rosemary" <rosemary.hagiwara@vancouver.ca>

Date: 6/26/2019 9:46:13 PM

Subject: Briefing Note for Item 6. Speaker 5. Andrew Gage

Attachments: Motion5_BriefingNote.pdf

Good Evening,

Please see the attached briefing note for Speaker 5 . Andrew Gage on agenda item 6. Accountability for Climate Change.

Thank you,

Tamarra Wong | Meeting Coordinator
Office of the City Clerk | City of Vancouver
604.871.6355
tamarra.wong@vancouver.ca

From: Andrew Gage [mailto:Andrew_Gage@wcel.org]

Sent: Monday, June 24, 2019 11:16 PM

To: Speaker Request

Subject: Materials in support of presentation

Hello,

I am scheduled to present on June 26th to Council on Motion B5. I would like to have the attached briefing note available to Council.

Thank you,

Andrew Gage

Andrew Gage, Staff Lawyer
West Coast Environmental Law

Tel. 250-412-9784

Briefing Note: Motion B5 – Climate Change Accountability

On June 25th, 2019, Vancouver's Mayor and Council will consider Motion B5, Climate Change Accountability, on holding global fossil fuel companies responsible for a share of Vancouver's climate costs. This brief answers questions about this motion.

Why does it matter to Vancouver?

As a coastal city, Vancouver is preparing for a 1-metre sea level rise by 2100.¹ In addition to the millions of dollars already spent or allocated to investigate and plan for rising sea levels, Vancouver expects to spend \$1 billion over the next 81 years (an annual average of 12.3 million per year).²

Vancouver is also spending millions of dollars per year reducing risks through more climate-resilient rainwater management and sewage systems, establishing measures to address heat waves and droughts, making buildings more climate resilient, enhancing the urban forest and other measures. A 2012 Vancouver Sun article pegged the costs of the city's Climate Adaptation Plan in the tens of millions over a 3 year period.³ These costs will rise dramatically, particularly if GHGs continue to rise.

Currently the costs of building climate resilient communities fall to Vancouver's taxpayer, as do the costs of rebuilding communities damaged public infrastructure. While Vancouver taxpayers will inevitably pay a significant portion of these costs, a fiscally responsible Council will examine all options to share some of these costs with companies which have contributed to, and profited from, climate change.

Vancouver residents want action. A 2017 poll conducted by Justason Market Intelligence found that 87% of residents strongly support (53%) or somewhat support (34%) fossil fuel companies paying a share of climate costs (above the 82% support province-wide).

Why does it matter to our planet?

Climate action is generally an uphill battle, focusing on reducing Greenhouse Gas (GHG) emissions where they occur, meaning that every single city, region, province and country needs to dramatically reduce GHG emissions if the problem is to be brought under control.

However, existing Canadian law related to international disputes allows BC's local and provincial governments to demand accountability for climate harm that occurs in BC from corporations that are a significant global source of climate change.⁴ A 2013 peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" estimated the emissions from the operations and products of just 90 entities – primarily fossil fuel companies – at almost 2/3 of human-caused GHGs in the atmosphere today. Just 20 companies are responsible for almost 30%.⁵

There is a direct link between the GHG emissions from these companies and the harm caused to our communities. Vancouver and other local governments can insist that global fossil fuel companies like Chevron, ExxonMobil

¹ Based on guidance from the Province of BC. Note, however, that a recent study recommends that cities prepare for a worst-case scenario of a 2 metre sea-level rise: J. Bamber et al. Ice sheet contributions to future sea-level rise from structured expert judgment. PNAS first published May 20, 2019 <https://doi.org/10.1073/pnas.1817205116>.

² City of Vancouver Administrative Report, Sea Level Rise Planning Update, 26 June 2018.

³ <http://www.vancouver.sun.com/technology/Vancouver+plans+face+climate+change+head/6968006/story.html>.

⁴ Gage, A. and Wewerinke, M. *Taking Climate Justice into our own Hands*. (Vancouver: West Coast Environmental Law, 2015), available at <https://www.wcel.org/publication/taking-climate-justice-our-own-hands>.

⁵ 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.

and Shell start including the true costs of their products on their balance-sheets, alongside the profits. These companies knew in the late 1960s that their products were likely causing climate change,⁶ but chose – because they believed that they would not pay for the costs – to fund climate misinformation and lobby hard against global rules to reduce GHG emissions that would protect our communities from climate change.

If communities around the world demand accountability from **global** fossil fuel companies for their **global** operations, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future. Corporate behaviour and investment is already shifting as a result of climate lawsuits and other actions taken by communities around the world, with companies investing more in renewable energy and disclosing risks related to fossil fuels.⁷

The Tool Box

The Resolution makes use of several tools available to governments that want to hold fossil fuel companies accountable. See footnotes for more information and resources on each tool:

- **Send Climate Accountability Letters:** Over 20 BC local governments have sent climate accountability letters to 20 of the world's largest fossil fuel companies. These letters outline local climate costs and then ask those companies pay a fair share of those costs. The West Coast Environmental Law website has copies of many of the letters sent,⁸ as well as addresses for the 20 companies.⁹ For more information on Climate Accountability Letters, see the West Coast Environmental Law backgrounder;¹⁰
- **Ask for Climate Compensation Laws:** When the BC government realised how much tobacco (and more recently opioids) was costing the health care system, it passed laws to clarify the legal rules for suing tobacco companies. Several communities, as well as more than 50 community groups,¹¹ have asked the Province and/or the Canadian government to enact similar laws for climate damages, pointing to the *Liability for Climate-related Harms Act*¹² debated (but not passed) in the Ontario Legislature. Such a law is not necessary to bring a climate damages lawsuit in BC, but could answer key questions and greatly simplify such a claim. For more information see *Taking Climate Justice into our Hands: A Model Climate Compensation Act*.¹³
- **Explore Litigation and other Legal Strategies:** With over a dozen U.S. (and one Peruvian) local governments suing fossil fuel companies for climate costs, responsible local governments will want to know what legal options, and the risks and benefits of each, are open to them to recover climate costs. Collaboration with other local governments could significantly manage, reduce or eliminate costs and risks;¹⁴ and
- **UBCM Resolutions:** UBCM Resolutions related to climate compensation laws are expected from the Cities of Richmond and Port Moody.

The Fossil Fuel Accountability Resolution sends an important signal to that Vancouver's Mayor and council will not simply pass rising climate costs on to their taxpayers, and will instead insist that global fossil fuel companies share in those costs.

⁶ <https://www.ciel.org/reports/smoke-and-fumes/>

⁷ <https://www.wcel.org/blog/testing-our-assumption-challenging-fossil-fuel-companies-helps-solve-climate-change>.

⁸ <https://www.wcel.org/campaign-update>.

⁹ <https://www.wcel.org/program/climate-law-in-our-hands/resources>.

¹⁰ <https://www.wcel.org/publication/climate-accountability-letters-introduction-local-governments>.

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

¹² <https://www.ola.org/en/legislative-business/bills/parliament-41/session-3/bill-21>.

¹³ Above, note 4.

¹⁴ For more information on managing the costs and risks of a class action lawsuit, see <https://www.wcel.org/publication/suing-fossil-fuel-giants-introduction-local-governments>.

Subject: Five types of green buildings explained

Regards,
Tom-Pierre Frappé-Sénéclauze

Tom-Pierre Frappé-Sénéclauze MSc, LEED AP
Senior Advisor, Buildings and Urban Solutions | Pembina Institute
604-874-8558 x227 | tompierrefs@pembina.org
Suite 610, 55 Water Street, Vancouver, BC, V6B 1A1
www.pembina.org

[Manage emails.](#)

From: "Fry, Pete" <Pete.Fry@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 8/29/2019 4:51:33 PM
Subject: FW: Christine and I are tabling a motion for June 11 council meeting

From: Swanson, Jean
Sent: Wednesday, May 29, 2019 10:35 AM
To: Carr, Adriane; Boyle, Christine; Wiebe, Michael; Fry, Pete
Subject: RE: Christine and I are tabling a motion for June 11 council meeting

Yes: I'm thinking we can tweak the wording after we get staff comments. Hoping Greens will support.

ACCOUNTABILITY FOR CLIMATE CHANGE

Submitted by: Councillor Swanson

s.13(1)



From: Carr, Adriane
Sent: Wednesday, May 29, 2019 10:30 AM
To: Swanson, Jean
Cc: Boyle, Christine
Subject: RE: Christine and I are tabling a motion for June 11 council meeting

Is this about fossil fuel companies?

A

From: Swanson, Jean
Sent: Wednesday, May 29, 2019 8:43 AM
To: Councillors - DL
Subject: Christine and I are tabling a motion for June 11 council meeting

Its called Accountability for Climate Change.

City Councilor Jean Swanson

phone 604-873-7243 email CLRswanson@vancouver.ca
address 453 W 12 Ave Vancouver, BC V5Y 1V4
twitter [@jeanswanson_](https://twitter.com/jeanswanson_) facebook www.facebook.com/swanson4council/

I am thankful that I live and work on the territories of the xʷməθʷəŋəm (Musqueam), Skwxw̓u817_wú7mesh (Squamish), and ɬəɬwətaʔ / ɕÉŋwɛ́ (Tseil-Waututh) nations.

Because I am a City Councillor, any email that you send me or that I send you that is about City business from either my work or personal email address may be included in records requested under the [BC Freedom of Information and Protection of Privacy Act](#). The City reviews requests and withholds any information that would be an invasion of privacy or cause harm by one of the means listed in the Act.

From: "Fry, Pete" <Pete.Fry@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 8/29/2019 4:55:40 PM
Subject: FW: Accountability for Climate Change

From: s.22(1)
Sent: Tuesday, June 25, 2019 10:12 PM
To: Fry, Pete
Subject: Accountability for Climate Change

Hi Pete,

I hope all is well with you - thanks so much for all of the hard work you are doing for the city. s.22(1)
s.22(1) I was so
happy to see you were elected to the Vancouver City Council.

I am writing to you and some of the other City Councillors to share my support for the Accountability for Climate Change motion being put forward by Jean Swanson and Christine Boyle. I hope that you and the other Green Party members will be supporting this motion - I really believe that the people/corporations who profited and continue to profit from creating a climate emergency should be held accountable and I feel like this motion is one way we can start to make that happen.

I hope all is well with you! Thanks again for all of the work you are doing on behalf of the citizens of Vancouver!

Sincerely,

s.22(1)

From: "Fry, Pete" <Pete.Fry@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 9/10/2019 2:06:05 PM
Subject: FW: Fossil fuel accountability at UBCM

From: Andrew Gage [mailto:Andrew_Gage@wcel.org]
Sent: Friday, August 30, 2019 3:34 PM
To: Andrew Gage
Cc: Anna Barford
Subject: Fossil fuel accountability at UBCM

Dear Friends,

I am writing to you as a strong climate leader who has been an ally in efforts to reveal the costs that climate change is imposing on BC communities and to demand that the global fossil fuel industry pay their share of those costs (the fossil fuel accountability campaign).

As you know, the UBCM Annual Convention is fast approaching. There are two resolutions to be debated which are supportive of the fossil fuel accountability campaign (Resolutions B136, Recovering Municipal Costs arising from Climate Change (Victoria); and B137, Climate Accountability (Port Moody)), and a third which claims (in the preamble) to be opposed to the campaign (B 135, Climate Change (Fort St. John)).

We are hoping that you might be available at the end of next week ☐ **Friday, September 6 at 1 pm** – for a zoom call to discuss how best to support resolutions B136 and 137 and other opportunities that UBCM presents to highlight the harm caused to our communities by the fossil fuel economy. Log-in information for the Zoom call is below. I will send you an outlook calendar invitation separately. Please RSVP either by email or by replying to that calendar invitation.

Thanks for your support.

Sincerely,

Andrew Gage (West Coast Environmental Law) and Anna Barford (Georgia Straight Alliance)

WCELaw is inviting you to a scheduled Zoom meeting.

Topic: UBCM Strategy Meeting
Time: Sep 6, 2019 01:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

s.15(1)(l)

One tap mobile

+16475580588, s.15(1)(l) Canada

Dial by your location

+1 647 558 0588 Canada

Meeting ID: s.15(1)(l)

Find your local number: <https://zoom.us/j/acjiRDaaAs>

Andrew Gage, Staff Lawyer

From: "Fry, Pete" <Pete.Fry@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 8/29/2019 4:49:30 PM
Subject: FW: FW: Meeting request: Holding fossil fuel companies liable for climate costs

From: Alex Brunke [mailto:s.22(1)]
Sent: Thursday, June 6, 2019 9:06 AM
To: Fry, Pete
Cc: Carr, Adriane; Wiebe, Michael
Subject: Re: FW: Meeting request: Holding fossil fuel companies liable for climate costs

Yes we should meet. I'm available whenever you need.

Best Regards,

Alex Brunke
778-938-2378
s.22(1)

On Wed, Jun 5, 2019 at 11:25 PM Fry, Pete <Pete.Fry@vancouver.ca> wrote:

Thoughts?

From: Gordon Cornwall [mailto:s.22(1)]
Sent: Monday, June 3, 2019 11:36 AM
To: Fry, Pete
Subject: Meeting request: Holding fossil fuel companies liable for climate costs

Hi Pete,

I see on your website that the Vancouver Greens have been supporting West Coast Environmental Law's Climate Law in Our Hands campaign – thank you for that!

Since you and I talked at the fundraiser last fall, we've made some progress in the campaign with over 20 BC municipalities having taking one or both of the actions requested by the campaign:

- asking the BC government for Climate Liability legislation to hold fossil fuel companies liable for municipal climate costs
- sending Climate Accountability letters to the 20 largest fossil fuel companies.

I personally have led delegations to six municipalities (Burnaby, West Van, DNV, Lions Bay, Port Moody, and Richmond), and have another (Coquitlam) coming up next week.

Besides WCEL, the organizations actively working on the campaign include the Georgia Strait Alliance, My Sea to Sky, Dogwood and others.

Now we understand that Councillor Swanson plans to introduce a motion to Vancouver Council, probably at the

June 25th meeting, calling for the city to request Climate Liability legislation from both BC and federal governments, to send letters to the fossil fuel companies, to support UBCM motions for the same, and to reach out to other local governments to investigate shared legal strategies to recover climate costs from the companies. We are very pleased about this development, and want to do all we can to make sure the motion succeeds.

We'd like to suggest a meeting before June 25th, including, ideally, all three Vancouver Green councillors, myself, a lawyer and possibly another person from WCEL, someone from GSA, and possibly a representative of one of the other organizations, to explore the implications of the Accountability letters and Climate Liability legislation and answer any questions you may have before this important vote. Would you be open to that?

Congratulations also on the Climate Emergency declaration, and all the other work towards making Vancouver one of the greenest cities anywhere!

All the best,

Gordon

Gordon Cornwall
Volunteer, West Coast Environmental Law

s.22(1)



From: "Fry, Pete" <Pete.Fry@vancouver.ca>

To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>

Date: 8/29/2019 4:51:02 PM

Subject: FW: Letter from Legal Experts - Climate Accountability

Attachments: Wood, S. - Climate Accountability Litigation.pdf

From: Boyle, Christine

Sent: Tuesday, June 25, 2019 3:33 PM

To: Councillors - DL; Stewart, Kennedy

Cc: Zaenker, Anita

Subject: Letter from Legal Experts - Climate Accountability

Hi Council,

I'm just re-circulating a letter we received from Stepan Wood related to the Climate Change Accountability motion. It was within the correspondence spreadsheet we received, and I thought it was worth drawing to your attention. It is from 26 Law Professors from across the country, articulating their support. Worth noting that these are not "trial lawyers interested in drumming up business", but legal experts and legal scholars who believe that legal action is a reasonable course to explore, and possibly a fruitful one.

The letter is attached for your reference. Here's a quote:

We, the undersigned Canadian law professors, write to support current proposals asking local, provincial and federal governments to take legal and other action to recover a share of local climate costs from global fossil fuel companies, as a means of shielding taxpayers from the full range of current and future costs resulting from climate change.

For governments to explore such strategies is not just prudent, it is imperative given the mounting public and private costs of managing the impacts of climate change.

The logic is simple: those who profit from selling harmful products should bear their fair share of the cost of the harms caused by their products. Those suffering the harm, and the governments that represent them, should not bear the entire cost....

The alternative to holding fossil fuel companies accountable for a share of climate change costs is that those companies continue to make massive profits from selling fossil fuels while Canadians (and others around the world) bear 100% of the costs. One of the purposes of tort law is to ensure that businesses incorporate the full costs of their products, to ensure that they have an incentive to improve their behaviour over time. It is important to emphasize that exploring climate accountability litigation and related strategies is not an attack on Alberta or the Canadian energy sector. Rather, such strategies can help level the global playing field, rewarding Canadian energy companies that invest in emissions reducing technologies and support sensible climate policies.

Thanks,
Christine

An Open Letter on Climate Accountability Litigation in Canada

24 June 2019

We, the undersigned Canadian law professors, write to support current proposals asking local, provincial and federal governments to take legal and other action to recover a share of local climate costs from global fossil fuel companies, as a means of shielding taxpayers from the full range of current and future costs resulting from climate change.

For governments to explore such strategies is not just prudent, it is imperative given the mounting public and private costs of managing the impacts of climate change.

The logic is simple: those who profit from selling harmful products should bear their fair share of the cost of the harms caused by their products. Those suffering the harm, and the governments that represent them, should not bear the entire cost.

This logic can be applied to a wide range of problems—from tobacco to opioids, defective breast implants or asbestos. In environmental law, it is captured by the polluter pays principle—the polluter should bear the cost of pollution. This principle is well established in Canadian law.

Local leadership

Local governments in Canada and beyond have a well-earned reputation for environmental leadership and innovation, including in the field of climate change. Exploring ways to hold major fossil fuel companies accountable for the local costs of climate change is a logical extension of this leadership. The Cities of Toronto and Victoria are actively considering lawsuits against fossil fuel companies for a share of climate costs. A growing number of communities are asking the federal and provincial governments for legislation to clarify the legal rules for such litigation. Others have written to global fossil fuel companies asking them to take responsibility for the costs caused by their products.

Climate accountability litigation

The legal system has never had to deal with a problem quite like climate change. On the one hand, climate change is caused by fossil fuel use and other actions that have become ubiquitous in our society, implicating everyone to some degree. On the other, the direct effects of climate change represent a widespread violation of a huge range of legal rights on a scale difficult to comprehend.¹

A lawsuit against major fossil fuel corporations for climate-related costs will clearly be novel, in the sense that courts will need to answer difficult questions that they have not previously considered. It is consequently difficult to predict the prospects for its success,

¹ See Kysar, Douglas A. 2011. “What Climate Change Can Do About Tort Law” *Environmental Law* 41(1): 1-71 (available at <https://ssrn.com/abstract=1645871>) at 9-10 for discussion of these contradictions.

because established legal principles will need to be applied in new ways and in a new context.

However, this does not mean that such a lawsuit cannot be won or that local governments should not explore its potential. Such a case would be novel in the same way that the first court cases demanding recognition of indigenous rights or gay marriage, or claiming compensation against tobacco or asbestos companies, were novel. Many members of the legal community viewed such cases as impossible when they were first proposed, and yet they ultimately proved successful.

In our view, existing legal principles could form a solid basis for a lawsuit filed by a local government against fossil fuel companies for local climate costs.² There is also precedent for senior levels of government to expand upon these principles, or address the real or perceived roadblocks to such litigation, through legislation.³

Reasons to act

There are good reasons for Canadian governments, including local governments, to explore a possible lawsuit against global fossil fuel companies:

- **Litigation may be necessary to protect taxpayers from massive public costs.** Climate change is already increasing government expenses associated with public infrastructure, emergency response, disaster relief and associated costs. These expenses will rise dramatically.⁴ Local governments have limited options to raise new funds to pay these increasing costs and should explore all alternatives to taxpayers paying all of them.
- **Litigation can help solve a global problem.** Litigation can be directed not just at emissions occurring in Canada (as is the case for most Canadian regulations), but also emissions outside Canada that cause harm in Canada.⁵ It

² For discussion of the legal issues involved in such litigation in a Canadian context, see Collins, Lynda M. and Heather McLeod-Kilmurray. 2014. *The Canadian Law of Toxic Torts* (Toronto: Canada Law Book), pp. 267-294; Doelle, Meinhard, Dennis Mahony and Alex Smith. 2012. "Canada" in Richard Lord et al. (eds), *Climate Change Liability: Transnational Law and Practice* (Cambridge: Cambridge University Press), pp. 525-55.

³ Collins & McLeod-Kilmurray, *ibid.*, p. 291; Olszynski, Martin Z.P., Sharon Mascher and Meinhard Doelle. 2017. "From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability" *Georgetown Environmental Law Review* 30(1): 1-45 (available at <https://ssrn.com/abstract=2957921>).

⁴ The Insurance Bureau of Canada estimates that public infrastructure costs associated with extreme weather are three times the privately insured losses associated with such events. In 2018, privately insured losses were \$1.9 billion, which would translate to \$5.7 billion in public losses. Insurance Bureau of Canada. 2019. "Severe Weather Causes \$1.9 Billion in Insured Damage in 2018" (16 Jan.) <http://www.ibc.ca/on/resources/media-centre/media-releases/severe-weather-causes-190-million-in-insured-damage-in-2018>.

⁵ Gage, Andrew and Margarethe Wewerinke. 2015. *Taking Climate Justice into Our Own Hands: A Model Climate Compensation Act* (Vancouver; Port Vila, Vanuatu: West Coast Environmental Law and Vanuatu Environmental Law Association) (available at <https://www.wcel.org/publication/taking-climate-justice-our-own-hands>).

therefore has the potential to affect behaviour and business decisions related to climate change at a global level.

- **Litigation can establish accountability for past actions.** Efforts at climate change regulation are aimed mainly at reducing future greenhouse gas emissions, not at remedying harms put in motion by past emissions. Providing remedies for harms caused by past actions is among the main functions of civil litigation. Climate accountability litigation and climate change regulation are thus two complementary pillars of an integrated climate change strategy.
- **Litigation is an appropriate response to a history of corporate deception.** A large body of evidence has been uncovered in recent years demonstrating that fossil fuel companies were well aware that their products would cause harmful climate change, but chose to expand their production and profits while misleading the public and lobbying against climate action.⁶
- **Advances in climate science make litigation more feasible.** The science of global climate change is increasingly clear and improving all the time. Scientists are increasingly able to draw causal links between localized harms and climate change⁷ and to quantify the proportionate contribution of particular fossil fuel companies to global greenhouse gas emissions.⁸
- **Global precedents show that climate accountability litigation has potential.** Lawsuits against fossil fuel companies in other countries have confirmed the general validity of these types of claims.⁹ A number of cases in the United States were dismissed at early stages (some of which are under appeal), but these decisions generally hinge on legal principles unique to the US, and some statements of law in those cases are helpful for potential plaintiffs in Canada.

The alternative to holding fossil fuel companies accountable for a share of climate change costs is that those companies continue to make massive profits from selling fossil fuels while Canadians (and others around the world) bear 100% of the costs.

⁶ Center for International Environmental Law. 2017. *Smoke and Fumes. The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis* (Washington, DC: CIEL) (available at <https://www.ciel.org/reports/smoke-and-fumes/>).

⁷ Marjanac, Sophie and Lindene Patton. 2018. "Extreme Weather Event Attribution Science and Climate Change Litigation: An Essential Step in the Causal Chain?" *Journal of Energy & Natural Resources Law* 36(3): 265-298; Frumhoff, Peter C., Richard Heede and Naomi Oreskes. 2015. "The Climate Responsibilities of Industrial Carbon Producers" *Climatic Change* 132: 157-171.

⁸ Heede, Richard. 2014. "Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel and Cement Producers, 1854–2010" *Climatic Change* 122: 229-241; Frumhoff, Heede & Oreskes, *ibid.*

⁹ Although no court has ruled on a climate damages case on its merits, the Higher Regional Court of Hamm in *Lluyia v. RWE*, in a decision dated 30 November 2017 ruled that a claim against German Coal giant RWE had a basis in law and should proceed to an evidentiary hearing (unofficial translation available at <https://germanwatch.org/sites/germanwatch.org/files/announcement/20812.pdf>). The Philippine Human Rights Commission has conducted hearings into the role of 47 private global fossil fuel companies in violating human rights through their contribution to climate change (<http://climatecasechart.com/non-us-case/in-re-greenpeace-southeast-asia-et-al/>).

One of the purposes of tort law is to ensure that businesses incorporate the full costs of their products, to ensure that they have an incentive to improve their behaviour over time.

It is important to emphasize that exploring climate accountability litigation and related strategies is not an attack on Alberta or the Canadian energy sector. Rather, such strategies can help level the global playing field, rewarding Canadian energy companies that invest in emissions reducing technologies and support sensible climate policies.

Conclusion

As climate change worsens, local governments will struggle to deal with the rising costs of building climate resilient infrastructure and communities and of dealing with the impacts of climate disasters. It is critical that communities begin to assess how they will pay for these costs and explore whether private parties that have made a globally significant contribution to causing climate change should pay some share of those costs.

Sincerely,

1. Jane Bailey, Professor, Faculty of Law/Faculté de Droit, University of Ottawa/Université d'Ottawa
2. Oliver M. Brandes, Co-Director, POLIS Project on Ecological Governance; Associate Director, Centre for Global Studies; Adjunct Professor, Faculty of Law and School of Public Administration, University of Victoria
3. Lynda M Collins, Professor, Centre for Environmental Law & Global Sustainability, Faculty of Law, University of Ottawa
4. Neil Craik, Associate Professor, School of Environment, Enterprise and Development, University of Waterloo
5. Deborah Curran, Associate Professor, Faculty of Law and School of Environmental Studies, University of Victoria
6. Dr. Meinhard Doelle, Professor of Law, Schulich School of Law, Dalhousie University
7. Patricia L Farnese, Associate Professor, College of Law, University of Saskatchewan
8. Martha Jackman, Professor, Faculty of Law, University of Ottawa
9. Jasminka Kalajdzic, Associate Professor, Faculty of Law, University of Windsor
10. Charis Kamphuis, Assistant Professor, Faculty of Law, Thompson Rivers University
11. Arlene Kwasniak, Professor Emerita, Faculty of Law, University of Calgary
12. François Larocque, professeur titulaire, Faculté de droit (Section common law), Université d'Ottawa
13. Jean Leclair, Professeur titulaire, Faculté de droit, Université de Montréal
14. Jason MacLean, Assistant Professor, College of Law, University of Saskatchewan
15. Sharon Mascher, Professor, Faculty of Law, University of Calgary
16. Heather McLeod-Kilmurray, Professor, Centre for Environmental Law and Global Sustainability, Faculty of Law, Université d'Ottawa

17. Naiomi W. Metallic, Chancellor's Chair in Aboriginal Law and Policy and Assistant Professor, Schulich School of Law, Dalhousie University
18. Martin Z. Olszynski, Associate Professor, Faculty of Law and Research Fellow, School of Public Policy, University of Calgary
19. David Robitaille, Professeur titulaire/Full Professor, Section de droit civil/Civil Law Section, University of Ottawa
20. Dayna Nadine Scott, York Research Chair in Environmental Law & Justice in the Green Economy; Associate Professor, Osgoode Hall Law School and the Faculty of Environmental Studies, York University
21. Dr. Jocelyn Stacey, Assistant Professor, Peter A Allard School of Law, University of British Columbia
22. Sophie Thériault, Full Professor, Civil Law Section, Faculty of Law, University of Ottawa
23. Estair Van Wagner, Assistant Professor and Co-Director, Environmental Justice and Sustainability Clinic, Osgoode Hall Law School, York University
24. Jonnette Watson Hamilton, Professor, Faculty of Law, University of Calgary
25. Stepan Wood, Canada Research Chair in Law, Society & Sustainability and Director, Centre for Law & the Environment, Peter A Allard School of Law, University of British Columbia.
26. David V. Wright, Assistant Professor, Faculty of Law, University of Calgary.

From: "Carr, Adriane" <Adriane.Carr@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 8/29/2019 5:02:08 PM
Subject: FW: Meeting with Anna Barford, Gordon Cornwall et al | Cllrs Car, Fry, and Wiebe

-----Original Appointment-----

From: Carr, Adriane

Sent: Wednesday, June 12, 2019 3:45 PM

To: Carr, Adriane; Anna Barford; dklaudt@juristespower.ca; Andrew_Gage@wcel.org; Fry, Pete; Wiebe, Michael;
s.22(1) s.22(1)

Subject: Meeting with Anna Barford, Gordon Cornwall et al | Cllrs Car, Fry, and Wiebe

When: Friday, June 21, 2019 11:30 AM-12:30 PM (UTC-08:00) Pacific Time (US & Canada).

Where: Protocol Board Room - 3rd Floor City Hall

Attendees:

Councillor Carr

Councillor Fry

Councillor Wiebe

Alex Brunke

Anna Barford, Community Organizer with Georgia Strait Alliance

Andrew Gage

Dustin Klaudt

Gordon Cornwall

Good Afternoon,

my name is Anna Barford, and I am the Community Organizer with Georgia Strait Alliance. I have been working on the issue of Climate Accountability at the municipal level with West Coast Environmental Law including the volunteer Gordon Cornwall there. I am excited by your enthusiasm and work already to see Vancouver engage publicly with this issue.

I am reaching out to ask to meet with you as a caucus prior to the council debating this issue in late June. I think we need to work together to make sure that the resolution is clear and that we are able to bring community members out in support. I am very confident that we can collaborate to see Vancouver pass a resolution that is meaningful and reasoned in a positive direction for the city and council, the taxpayers of Vancouver, and the planet.

I am based in Vancouver and am keen to meet as quickly as possible, please let me know when is convenient or whom I may contact to discuss your schedules.

Sincerely,

~~~~~  
Anna Barford

Community Organizer - Climate accountability campaign

[www.GeorgiaStrait.org](http://www.GeorgiaStrait.org) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

~~~~~  
Georgia Strait Alliance - Caring for our Coastal Waters

From: "Fry, Pete" <Pete.Fry@vancouver.ca>
To: "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>
Date: 8/29/2019 4:55:54 PM
Subject: FW: Please support Motion B5, "Accountability for Climate Change"

From: s.22(1)

Sent: Monday, June 24, 2019 9:18 PM

To: Stewart, Kennedy; Bligh, Rebecca; Boyle, Christine; Carr, Adriane; De Genova, Melissa; Dominato, Lisa; Fry, Pete; Hardwick, Colleen; Kirby-Yung, Sarah; Swanson, Jean; Wiebe, Michael

Subject: Please support Motion B5, "Accountability for Climate Change"

To Mayor and Council,

It's been some time since I've written to the city, but upon learning about the motion being put forward by Councillor's Swanson and Boyle, I felt it was very important to write and express my wholehearted support for this necessary motion.

This is not only because Vancouver will be (and already is) bearing billions of dollars of costs, the responsibility for which can be traced directly to the burning of fossil fuels - and therefore to the extraction and selling of them - but because Vancouver can join a growing chorus of voices in jurisdictions around the world calling for similar reparations. As with all endeavours, we are stronger when we work together.

This is funding that can and must be taken not only for mitigation measures (like flood protection) but for transitioning Vancouver away from fossil fuel use altogether. This will have the knock-on effect of demonstrating leadership within Canada, and reducing our share of the greenhouse gas emissions that are already destroying the lives of people around the world.

Thanks for your time.

s.22(1)

From: "Wiebe, Michael"
To: "Mah, Haley" <haley.mah@vancouver.ca>
Date: 6/11/2019 11:50:15 AM
Subject: FW: Request for meeting regarding upcoming agenda item for Vancouver City Council

Can I join?

Regards,

Michael Wiebe | he, him, his
City of Vancouver Councillor
michael.wiebe@vancouver.ca
t 604-873-7241
c 604-679-0890
Twitter @councillorwiebe
Facebook /councillorwiebe

Assistant:
Haley Mah
haley.mah@vancouver.ca
t 604-871-6711

I am humbly thankful that I live and work on the territories of the xʷməθkʷəy̓əm (Musqueam), Skwx̱w̱u817 _wú7mesh (Squamish), and səḷḷwəṭəʔt / səḷḷwítulhT̓ (leil-Waututh) nations.

[Website](#) [VanConnect](#) [Twitter](#) [Facebook](#) [Talk Vancouver](#) [LinkedIn](#) [Instagram](#) 3-1-1



From: Carr, Adriane
Sent: Monday, June 10, 2019 6:14 PM
To: Anna Barford; Fry, Pete
Cc: Rowley, Cheryl; Wiebe, Michael; Wong, Stala
Subject: RE: Request for meeting regarding upcoming agenda item for Vancouver City Council

Hi Anna ☺ I'm very happy to meet and cōing my assistant, Stala Wong, to work with Clr Fry's assistant, Cheryl Rowley, to find a mutually agreeable time.

Yours,
Adriane

From: Anna Barford [mailto:anna@georgiastrait.org]
Sent: Monday, June 10, 2019 4:43 PM
To: Fry, Pete
Cc: Rowley, Cheryl; Carr, Adriane; Wiebe, Michael
Subject: Re: Request for meeting regarding upcoming agenda item for Vancouver City Council

Thank you!

Ms Rowley, I'm happy to come to Vancouver City Hall this week or next.

I will be in Nanaimo tomorrow, but am otherwise largely available.

Absolute best regards,

Anna Barford

Community Organizer - Climate accountability campaign

www.GeorgiaStrait.org | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

~~~~~  
*Georgia Strait Alliance - Caring for our Coastal Waters*  
~~~~~

On Mon, Jun 10, 2019, 09:43 Fry, Pete <Pete.Fry@vancouver.ca> wrote:

Hi Ms Barford, we'd be happy meet

I've CC'd my assistant Ms Rowley to see about coordinating this

Thanks

Sent from my iPhone

On Jun 10, 2019, at 9:34 AM, Anna Barford <anna@georgiastrait.org> wrote:

Good Afternoon,

my name is Anna Barford, and I am the Community Organizer with Georgia Strait Alliance. I have been working on the issue of Climate Accountability at the municipal level with West Coast Environmental Law including the volunteer Gordon Cornwall there. I am excited by your enthusiasm and work already to see Vancouver engage publicly with this issue.

I am reaching out to ask to meet with you as a caucus prior to the council debating this issue in late June. I think we need to work together to make sure that the resolution is clear and that we are able to bring community members out in support. I am very confident that we can collaborate to see Vancouver pass a resolution that is meaningful and reasoned in a positive direction for the city and council, the taxpayers of Vancouver, and the planet.

I am based in Vancouver and am keen to meet as quickly as possible, please let me know when is convenient or whom I may contact to discuss your schedules.

Sincerely,

~~~~~

Anna Barford

Community Organizer - Climate accountability campaign

[www.GeorgiaStrait.org](http://www.GeorgiaStrait.org) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

~~~~~  
Georgia Strait Alliance - Caring for our Coastal Waters
~~~~~

**From:** "Swanson, Jean" <Jean.Swanson@vancouver.ca>  
**To:** "Wiebe, Michael" <Michael.Wiebe@vancouver.ca>  
**Date:** 6/25/2019 6:44:53 PM  
**Subject:** FW: Richmond voted for UBCM

Starts at G-11

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**From:** Boyle, Christine  
**Sent:** Tuesday, June 25, 2019 6:33 PM  
**To:** Anna Barford  
**Cc:** Swanson, Jean  
**Subject:** RE: Richmond voted for UBCM

Just wanting to clarify - did Richmond send letters to the top 20 ff companies? Or did they just write to the premier on legislation, and move a motion to UBCM about that same legislation? Just wanting to make sure I have my info correct...

And can you re-send the list of the municipalities that have sent those letters?

Thanks!

---

**From:** Boyle, Christine  
**Sent:** Tuesday, June 25, 2019 10:45 AM  
**To:** Swanson, Jean; Anna Barford  
**Subject:** RE: Richmond voted for UBCM

Great news! I will mention that when I present the motion 😊

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**From:** Swanson, Jean  
**Sent:** Tuesday, June 25, 2019 9:49 AM  
**To:** Anna Barford; Boyle, Christine  
**Subject:** RE: Richmond voted for UBCM

Whoo hoo!!

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**From:** Anna Barford [mailto:anna@georgiastrait.org]  
**Sent:** Tuesday, June 25, 2019 9:48 AM  
**To:** Boyle, Christine; Swanson, Jean  
**Subject:** Richmond voted for UBCM

Last night Richmond voted to send the attached letter and resolution to UBCM - only one councillor opposed (Councillor Loo)

[Richmond staff report including letter.pdf](#)

I'm looking forward to watching the meeting today



**From:** "Fry, Pete" <Pete.Fry@vancouver.ca>  
**To:** "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>  
**Date:** 8/29/2019 4:56:07 PM  
**Subject:** FW: Sign-on Request - Enshrine Climate Accountability in Law  
**Attachments:** BC Accountability Letter for sign-on\_ (5.30).docx

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**From:** Pete Fry [mailto:pete@petefry.ca]  
**Sent:** Tuesday, June 4, 2019 7:32 AM  
**To:** Fry, Pete  
**Subject:** Fwd: Sign-on Request - Enshrine Climate Accountability in Law

Begin forwarded message:

**From:** Andrew Gage <Andrew\_Gage@wcel.org>  
**Subject:** Sign-on Request - Enshrine Climate Accountability in Law  
**Date:** May 31, 2019 at 10:04:07 AM PDT  
**To:** Andrew Gage <Andrew\_Gage@wcel.org>  
**Cc:** "stephenh@pembina.org" <stephenh@pembina.org>

Dear friends and colleagues,

I am writing to you as a current or recent grant recipient of the Environmental Dispute Resolution Fund (EDRF) to see if your **organization** would be willing to sign on to the attached letter. The letter concerns a key, but often overlooked as overly technical, aspect of the province of BC's Clean BC climate plan: measures to hold the current and future provincial governments accountable for meeting their climate goals.

We were very excited that CleanBC committed the government to implementing a number of accountability measures, from giving its Climate Strategy and Clean Growth Advisory Committee an ongoing mandate to monitor and report on government progress towards climate goals to requiring annual progress reports from the government to incorporating climate action into the province's budget planning.

However, it is **vital that these commitments exist not just in government policy, but also in legislation**, so that they cannot just be abandoned at the whim of the government of the day.

Will your organization join us in signing onto the attached letter to press the province to implement a strong and transparent climate accountability framework through legislation? (If you are not connected with an organization that you think would be interested, we will likely have an opportunity for individuals to make their views known in the future – thank you for your patience.)

If so, please send your organization's name (as you would like it to appear), your contact person and any organizational logo to Stephen Hui of the Pembina Institute at [stephenh@pembina.org](mailto:stephenh@pembina.org), and cc' myself. We need to hear back by 5pm on Monday, June 3<sup>rd</sup> (sorry for the tight time-line).

Please note that some of the language regarding First Nations consultation may still be tweaked based on feedback from Indigenous organizations. If you would like to review the final version, please let us know. Otherwise we will assume that you are comfortable with slight modifications to those parts of the original version.

Thank you,



Andrew

Andrew Gage, Staff Lawyer  
West Coast Environmental Law

Tel. 250-412-9784

May 31, 2019

Hon. George Heyman  
Minister of Environment and Climate Change Strategy  
Room 112 Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Heyman:

**Re: Climate accountability framework for B.C.**

With CleanBC, the B.C. government has committed to the development of a climate accountability framework. We are pleased this framework is a part of CleanBC, as accountability will help ensure the long-term success of the strategy, get B.C. on track to achieve its climate targets, and reinstate the province as a global climate leader.

It is our understanding that this framework will implement a continuous cycle of planning and reporting based on short-term emissions targets or budgets, ensure responsibility for delivering on climate targets is shared by all government departments and is integrated with the annual budget, require that all policies and programs are fully funded, and confirm and strengthen the role of the Climate Solutions and Clean Growth Advisory Council.

We understand amendments to the *Climate Change Accountability Act* (the “Act”) are forthcoming this fall to fulfill these commitments and agree it is essential that the climate accountability process outlined in CleanBC be grounded in law.

Effective implementation of CleanBC’s climate accountability commitments will require the following elements in legislation:

1. **Planning and reporting:** The Act should include requirements for detailed annual reporting by all Ministries, as well as detailed annual reporting on progress and forecasting of emissions by the Ministry of Environment. To support the achievement of targets, these reporting requirements should also include the development of a corrective action plan if forecasts and analysis suggest the province is not on track to meet the targets, as well as periodic planning to address any gaps and develop a path to post-2030 targets. The act must also establish a fixed deadline for publication of plans and reports and a robust process of engagement with the public and consultation with First Nations in a manner consistent with UNDRIP.
2. **Advisory council:** The Act should formalize the mandate and powers that CleanBC confers to the Advisory Council to review progress and advise on necessary adjustments to remain on track to carbon targets, and manage climate change risks. The Act should require the Government to respond to, and take into account, the Council’s advice within a given timeline, and should allocate the appropriate resources, powers and sufficient independence from Government to ensure the Council’s work is insulated from political pressures. The Council must ensure adequate representation of First Nations.

3. **Carbon budgets/interim targets:** Achievement of long-term 2030, 2040, and 2050 targets should be supported by shorter-term emissions budgets or interim targets to ensure accountability and provide operational and political salience for government planning. The Act should require the setting of shorter-term budgets/targets which provide an opportunity to take stock as the province confirms its plans to achieve longer-term targets.
4. **Sectoral targets:** The government's previous commitment to introduce sectoral targets could also be accommodated in a carbon budget or interim target framework through sectoral targets. Sectoral targets should ensure that Ministries play an active role in identifying options to reduce emissions in the sectors they regulate. This is important for ensuring that the responsibility for achieving climate targets is seen to be fairly shared between industry sectors and the public.
5. **Science-based periodic review of targets:** BC's targets have not been strengthened to match the ambition required of the world in the Paris Agreement or in light of recent IPCC reports on the urgency of keeping global warming below 1.5°C. The Act should establish a clear process for revising the current targets to match the progression of science and the United Nations Framework Convention on Climate Change, with appropriate consultation of the public and engagement with First Nations before the adoption of any revised targets.

CleanBC marks a major step towards reasserting B.C. as a climate leader and getting on track to achieve our climate goals. Sustaining this momentum over the years and decades to come is critical for success, and a supportive legal framework will help to ensure that the principles of transparency and accountability outlined in CleanBC remain embedded in B.C.'s laws, institutions, and political culture moving forward.

A strong accountability framework is key to ensuring B.C. is well set up to achieve its climate targets in 2030 and beyond, and that the government delivers on the transparency and accountability the public expects. With this framework, B.C. can help demonstrate to the world that it is possible to meet ambitious targets with smart policy, transparency, and accountability.

Sincerely,

**Ecojustice**  
**Georgia Strait Alliance**  
**Organizing for Change**  
**Pembina Institute**  
**West Coast Environmental Law Association**



**From:** "Fry, Pete" <Pete.Fry@vancouver.ca>  
**To:** "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>  
**Date:** 8/29/2019 4:55:09 PM  
**Subject:** FW: Support Accountability for Climate Change Motion

-----Original Message-----

**From:** s.22(1)  
**Sent:** Wednesday, June 26, 2019 9:33 AM  
**To:** Fry, Pete  
**Subject:** Support Accountability for Climate Change Motion

Dear Councillor Fry,

I am a Green Party member and I write to express mine and my husband's support for Councillor Boyle and Councillor Swanson's motion on accountability for climate change. I would like to say this in person to council but am unable to attend today.

It is sensible for the city to explore all options for how we will cover the costs of intensifying climate disruption. It is reasonable to seek compensation from oil companies who were aware of human-caused climate change since the 1960's. We live in precarious times, and every effort to hold oil companies accountable for their contribution to climate disruption is a step towards leaving a safer climate for ourselves and our kids.

I hope you will support this motion in full without weakening it.

s.22(1)

**From:** "Fry, Pete" <Pete.Fry@vancouver.ca>

**To:** "Wiebe, Michael" <Michael.Wiebe@vancouver.ca>

"Carr, Adriane" <Adriane.Carr@vancouver.ca>

"Alex Brunke" s.22(1)

**Date:** 5/26/2019 10:16:58 PM

**Subject:** FW: thinking of this motion for June 11 or 25

FYI

---

**From:** Swanson, Jean

**Sent:** Sunday, May 26, 2019 5:11 PM

**To:** Boyle, Christine; Fry, Pete

**Subject:** thinking of this motion for June 11 or 25

Worked with WCW, Georgia Straight Alliance and dogwood to develop it. What do you think???

#### ACCOUNTABILITY FOR CLIMATE CHANGE

Submitted by: Councillor Swanson

s.13(1)



## City Councilor Jean Swanson

phone 604-873-7243 email [CLRswanson@vancouver.ca](mailto:CLRswanson@vancouver.ca)

address 453 W 12 Ave Vancouver, BC V5Y 1V4

twitter [@jeanswanson\\_](https://twitter.com/jeanswanson_) facebook [www.facebook.com/swanson4council/](https://www.facebook.com/swanson4council/)

I am thankful that I live and work on the territories of the xʷməθ̓ŋ̓əm (Musqueam), Skwx̓wú7mesh (Squamish), and ƛ̓əłwətaʔ / ƛ̓əłwə (Tsleil-Waututh) nations.

Because I am a City Councillor, any email that you send me or that I send you that is about City business from either my work or personal email address may be included in records requested under the [BC Freedom of Information and Protection of Privacy Act](#). The City reviews requests and withholds any information that would be an invasion of privacy or cause harm by one of the means listed in the Act.



**From:** "Fry, Pete" <Pete.Fry@vancouver.ca>

**To:** "Rowley, Cheryl" <Cheryl.Rowley@vancouver.ca>

**Date:** 9/10/2019 2:04:14 PM

**Subject:** FW: UBCM Resoluions

**Attachments:** Motion5\_BriefingNote (1).docx

richmondreportandresolution.pdf

Background - 1. Climate Accountability.pdf

**From:** Alex Brunke [mailto:s.22(1)]

**Sent:** Thursday, June 27, 2019 11:38 AM

**To:** Fry, Pete; Carr, Adriane

**Subject:** Fwd: UBCM Resoluions

Best Regards,

Alex Brunke

778-938-2378

s.22(1)

----- Forwarded message -----

**From:** Anna Barford <anna@georgiastrait.org>

**Date:** Thu, Jun 27, 2019 at 11:23 AM

**Subject:** UBCM Resoluions

**To:** Wiebe, Michael <Michael.Wiebe@vancouver.ca>

**Cc:** Alex Brunke s.22(1)

Good morning Councillor,

I just received the official resolution from Port Moody to UBCM.

It is attached along with the one forwarded by Richmond as well.

Looking forward to speaking tonight,

~~~~~

Anna Barford

Community Organizer - Climate accountability campaign

www.GeorgiaStrait.org | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

~~~~~

*Georgia Strait Alliance - Caring for our Coastal Waters*

~~~~~

Briefing Note: Motion B5 – Climate Change Accountability

On June 25th, 2019, Vancouver's Mayor and Council will consider Motion B5, Climate Change Accountability, on holding global fossil fuel companies responsible for a share of Vancouver's climate costs. This brief answers questions about this motion.

Why does it matter to Vancouver?

As a coastal city, Vancouver is preparing for a 1-metre sea level rise by 2100.¹ In addition to the millions of dollars already spent or allocated to investigate and plan for rising sea levels, Vancouver expects to spend \$1 billion over the next 81 years (an annual average of 12.3 million per year).²

Vancouver is also spending millions of dollars per year reducing risks through more climate-resilient rainwater management and sewage systems, establishing measures to address heat waves and droughts, making buildings more climate resilient, enhancing the urban forest and other measures. A 2012 Vancouver Sun article pegged the costs of the city's Climate Adaptation Plan in the tens of millions over a 3 year period.³ These costs will rise dramatically, particularly if GHGs continue to rise.

Currently the costs of building climate resilient communities fall to Vancouver's taxpayer, as do the costs of rebuilding communities damaged public infrastructure. While Vancouver taxpayers will inevitably pay a significant portion of these costs, a fiscally responsible Council will examine all options to share some of these costs with companies which have contributed to, and profited from, climate change.

Vancouver residents want action. A 2017 poll conducted by Justason Market Intelligence found that 87% of residents strongly support (53%) or somewhat support (34%) fossil fuel companies paying a share of climate costs (above the 82% support province-wide).

Why does it matter to our planet?

Climate action is generally an uphill battle, focusing on reducing Greenhouse Gas (GHG) emissions where they occur, meaning that every single city, region, province and country needs to dramatically reduce GHG emissions if the problem is to be brought under control.

However, existing Canadian law related to international disputes allows BC's local and provincial governments to demand accountability for climate harm that occurs in BC from corporations that are a significant global source of climate change.⁴ A 2013 peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" estimated the emissions from the operations and products of just 90 entities – primarily fossil fuel companies – at almost 2/3 of human-caused GHGs in the atmosphere today. Just 20 companies are responsible for almost 30%.⁵

There is a direct link between the GHG emissions from these companies and the harm caused to our communities. Vancouver and other local governments can insist that global fossil fuel companies like Chevron,

¹ Based on guidance from the Province of BC. Note, however, that a recent study recommends that cities prepare for a worst-case scenario of a 2 metre sea-level rise: J. Bamber et al. Ice sheet contributions to future sea-level rise from structured expert judgment. PNAS first published May 20, 2019 <https://doi.org/10.1073/pnas.1817205116>.

² City of Vancouver Administrative Report, Sea Level Rise Planning Update, 26 June 2018.

³ <http://www.vancouver.sun.com/technology/Vancouver+plans+face+climate+change+head/6968006/story.html>.

⁴ Gage, A. and Wewerinke, M. *Taking Climate Justice into our own Hands*. (Vancouver: West Coast Environmental Law, 2015), available at <https://www.wcel.org/publication/taking-climate-justice-our-own-hands>.

⁵ 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.

ExxonMobil and Shell start including the true costs of their products on their balance-sheets, alongside the profits. These companies knew in the late 1960s that their products were likely causing climate change,⁶ but chose – because they believed that they would not pay for the costs – to fund climate misinformation and lobby hard against global rules to reduce GHG emissions that would protect our communities from climate change.

If communities around the world demand accountability from **global** fossil fuel companies for their **global** operations, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future. Corporate behaviour and investment is already shifting as a result of climate lawsuits and other actions taken by communities around the world, with companies investing more in renewable energy and disclosing risks related to fossil fuels.⁷

The Tool Box

The Resolution makes use of several tools available to governments that want to hold fossil fuel companies accountable. See footnotes for more information and resources on each tool:

- **Send Climate Accountability Letters:** Over 20 BC local governments have sent climate accountability letters to 20 of the world's largest fossil fuel companies. These letters outline local climate costs and then ask those companies pay a fair share of those costs. The West Coast Environmental Law website has copies of many of the letters sent,⁸ as well as addresses for the 20 companies.⁹ For more information on Climate Accountability Letters, see the West Coast Environmental Law backgrounder;¹⁰
- **Ask for Climate Compensation Laws:** When the BC government realised how much tobacco (and more recently opioids) was costing the health care system, it passed laws to clarify the legal rules for suing tobacco companies. Several communities, as well as more than 50 community groups,¹¹ have asked the Province and/or the Canadian government to enact similar laws for climate damages, pointing to the *Liability for Climate-related Harms Act*¹² debated (but not passed) in the Ontario Legislature. Such a law is not necessary to bring a climate damages lawsuit in BC, but could answer key questions and greatly simplify such a claim. For more information see *Taking Climate Justice into our Hands: A Model Climate Compensation Act*.¹³
- **Explore Litigation and other Legal Strategies:** With over a dozen U.S. (and one Peruvian) local governments suing fossil fuel companies for climate costs, responsible local governments will want to know what legal options, and the risks and benefits of each, are open to them to recover climate costs. Collaboration with other local governments could significantly manage, reduce or eliminate costs and risks;¹⁴ and
- **UBCM Resolutions:** UBCM Resolutions are expected from the Cities of Powell River and Port Moody.

The Fossil Fuel Accountability Resolution sends an important signal to that Vancouver's Mayor and council will not simply pass rising climate costs on to their taxpayers, and will instead insist that global fossil fuel companies share in those costs.

⁶ <https://www.ciel.org/reports/smoke-and-fumes/>

⁷ <https://www.wcel.org/blog/testing-our-assumption-challenging-fossil-fuel-companies-helps-solve-climate-change>.

⁸ <https://www.wcel.org/campaign-update>.

⁹ <https://www.wcel.org/program/climate-law-in-our-hands/resources>.

¹⁰ <https://www.wcel.org/publication/climate-accountability-letters-introduction-local-governments>.

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

¹² <https://www.ola.org/en/legislative-business/bills/parliament-41/session-3/bill-21>.

¹³ Above, note 4.

¹⁴ For more information on managing the costs and risks of a class action lawsuit, see <https://www.wcel.org/publication/suing-fossil-fuel-giants-introduction-local-governments>.



City of Richmond

Report to Committee

To: General Purposes Committee
From: Peter Russell, Senior Manager, Sustainability and District Energy
Date: May 14, 2019
File: 10-6125-07-02/2019-Vol 01

Tony Capuccinello Iraci, City Solicitor

Re: Recovering Costs for Local Climate Change Impacts

Staff Recommendation

1. That the draft letter to the Premier of British Columbia attached to the report titled "Recovering Costs for Local Climate Change Impacts" from the Senior Manager, Sustainability and District Energy dated May 14, 2019, be endorsed; and
2. That the draft Union of British Columbia Municipalities resolution attached to the report titled "Recovering Costs for Local Climate Change Impacts" from the Senior Manager, Sustainability and District Energy dated May 14, 2019, be endorsed.

Peter Russell MCIP RPP
Senior Manager, Sustainability
and District Energy
(604-276-4130)

Tony Capuccinello Iraci
City Solicitor
(604-247-4636)

Att. 2

REPORT CONCURRENCE		
ROUTED TO: Engineering	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: CS	APPROVED BY CAO

Staff Report

Origin

At the Regular Council meeting held on April 23, 2019, West Coast Environmental Law delegated on their effort to encourage the Province of BC to enable local governments to recover costs by cities for addressing climate change. Following the presentation and discussion, Council endorsed the following resolution:

That the presentation titled "Recovering Climate Costs" by Gordon Cornwall be referred to staff to:

- (1) examine how it aligns with City policies and strategies;*
- (2) provide an analysis of the impacts of any proposed legislation*
- (3) prepare a draft letter to the Province of BC; and*
- (4) prepare a draft resolution to UBCM.*

Background

West Coast Environmental Law presented their 'Climate Law in our Hands' campaign and requested that Richmond *"take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution"* by:

1. Preparing a letter to 20 of the world's fossil fuel companies asking them to pay for climate costs incurred by the City; and
2. Signing on to the letter to Premier Horgan requesting climate liability legislation.

This report responds to the referral by identifying City's climate-related programs as it relates to West Coast Environmental Law's campaign and discussing legal aspects for consideration. A draft letter for distribution to the Premier (Attachment 1) and a draft resolution for the Union of BC Municipalities (Attachment 2) are included in this report.

Analysis

Alignment with City Policies and Strategies

The City has policies and strategies that respond to climate change induced impacts. City assessments and provincial report that the average annual temperature across the province has risen by 1.4 °C since 1900 and that temperatures are expected to increase between 1.3 °C to 2.7 °C by 2050. Average annual rainfall amounts in the winter are expected to increase between 2% to 12% by 2050 but longer periods of drought are predicted in the summer months. Local impacts from these weather variations including longer growing seasons; more frequent and severe heat waves; increased frequency and intensity of storms; and new infectious diseases and pests continue to be recorded in the region. Richmond has made significant investments in response to these climate related concerns including:

- **Sea-level Rise and Flood Protection** – Richmond's drainage and flood protection system is comprised of 581 km of drainage pipes, 61 km of culverts, 165 km of watercourses, 39 pump

stations and is currently valued at approximately \$1.5 billion. Richmond's dikes are currently at an average elevation of 3.5 m above mean sea level. Climate change studies predict up to a 1 m rise in sea level and 0.2 m of ground settlement by 2100. Predictions also indicate an increase in the frequency and intensity of storms in the region that can lead to extreme flooding and infrastructure loss.

The Council endorsed 2008-2031 Richmond Flood Protection Strategy provides the City with a framework for developing appropriate adaptation responses. The strategy identified the need to address climate change implications specific to Richmond relating to flood protection and called on the City to implement a comprehensive dike improvement program. The Dike Master Plan identifies a long-term upgrade strategy for the City's dikes. The plan sets a goal of increasing the height of Richmond's dike system to a minimum elevation of 4.7 m and further requires that dike upgrades to be able to facilitate a further raising to 5.5 m to accommodate possible additional sea level rise in future years.

The estimated dike upgrade costs to address the predicted 2100 sea level rise scenario is estimated to be hundreds of millions. As dike master planning continues and projects are completed, more information and financial requirements will be available to update costs. The Flood Protection Strategy indicates that the City should pursue a minimum of 50% funding for dike raising from senior government to assist with this program.

The City has prioritized investments for the continued maintenance and improvement of the drainage and flood protection system. Council endorsed the introduction of the Drainage and Diking Utility in 2003 as a dedicated source of funding for drainage and diking improvements. The utility currently generates approximately \$11 million each year. Funds are invested annually into Capital projects to address the effects of infrastructure age, population growth and climate change.

- **Richmond's Invasive Species Action Plan** – Endorsed in 2016 to reduce the economic and environmental risks of invasive species that are influenced, in part, by climate change. The Invasive Species Action Plan has secured \$845,000 in Capital funding since 2015 and \$225,000 provincial funding in 2018.

Analysis of the Impacts of any Proposed Legislation

There is currently limited ability for governments and class action groups to sue fossil fuel producers in nuisance, trespass, and/or negligence for compensation costs incurred as a result of climate change based on current Canadian law. There are currently a number of U.S. cities and states seeking compensation for climate-related infrastructure costs through the federal U.S. court system (under U.S. nuisance and negligence law, similar to that in Canada). Three of these cases in San Francisco, Oakland and New York have recently been dismissed through federal decisions and are awaiting appeal. There are currently no Canadian court cases involving municipalities or provinces, although the City of Victoria (endorsement of a class action suit), and City of Port Moody (sent a letter to 20 fossil fuel companies as requested by West Coast Environmental Law) have initiated courses of action against the fossil fuel industry.

West Coast Environmental Law is seeking provincial legislation for BC that targets large scale fossil fuel producers whose global operations, and use of their products, result in globally detectable levels of emissions. The legislation is modeled on Ontario's tobacco damages and health care cost-recovery legislation and is similar to the climate change legislation bill introduced and defeated in Ontario. Legislation in BC is intended to improve the likelihood of successful court decisions and awards for the Province and municipalities. Establishing causation and attributing the degree of responsibility to a specific group of companies may, however, prove to be an insurmountable evidentiary hurdle in such litigation.

A former member of the Ontario Provincial Parliament put forward a private member's bill (Bill 37) for the enactment of the *Liability for Climate-Related Harms Act* in 2018, which introduced the strict liability standard for climate-related claims. The bill was carried at 2nd reading in April 2018 and was sent to the relevant standing committee, prior to the 2018 Ontario election. It was reintroduced to parliament in October 2018 and was defeated at 2nd reading. It is unlikely that the legislation will be enacted under the current Ontario government. Had the legislation been successfully enacted by the Province of Ontario it would have:

- Reduced the burden of proving causation by setting out a number of criteria for strict liability and various assumptions that create lower evidentiary standards than would normally apply in court without the legislation;
- Applied the legal concept of 'strict liability' to all producers (exploration, recovery, refining, sale) of fossil fuels where globally detectable levels of greenhouse gas emissions can be attributed to their actions/product; and
- Enabled those in Ontario who suffer harms related to climate change impacts to prosecute the fossil fuel industry and seek compensation.

If the Province of BC enacted a similar statute (and accompanying regulations) potential lawsuits would be similar to the Canadian tobacco related health costs recovery lawsuits that are still before the courts. Various private class actions have settled or concluded; including an award of \$15-billion in Quebec. Two big tobacco companies subsequently filed for creditor protection in 2019 however. Even with the evidentiary challenges, the legislation may nevertheless be a useful tool for local governments to pursue compensation for climate change-related costs and harms from the fossil fuel industry if enacted. Although, lengthy, expensive lawsuits would be expected; partnering with the Province and other municipalities in joint litigation may be a solution to reduce legal costs and improve the likelihood of a successful ruling against the fossil fuel industry. In the event such claims are held to be fatally flawed on an evidentiary basis, then this may motivate the Province to enact more effective cost recovery legislation for the benefit of government, including municipalities.

Province of BC and the Union of British Columbia Municipalities

Two municipalities in BC have put forward separate motions that consider legal action against the fossil fuel industry to recover climate change-related costs and that the Province should consider enacting supporting legislation. At the Association of Vancouver Island and Coastal Communities meeting held in April 2019, the City of Victoria resolved:

1. *That UBCM explore the initiation of a class action lawsuit on behalf of member local governments to recover costs arising from climate change from major fossil fuel corporations; and*
2. *That the Province of British Columbia consider legislation to support local governments in recovering costs arising from climate change from fossil fuel corporations.*

The resolution was defeated during the meeting.

The City of Port Moody forwarded similar resolutions to the Union of BC Municipalities and the Federation of Canadian Municipalities in April 2019 that call upon the provincial and federal governments to enact legislation that holds fossil fuel companies financially liable for harms caused by their contributions to climate change. Both resolutions are currently awaiting consideration.

A draft letter to the Premier of BC is included in Attachment 1; it conveys the scale of the impact the City must address related to a changing climate. A draft UBCM resolution from the City of Richmond is also included as Attachment 2 for Council consideration for bringing forward to the 2019 UBCM conference for consideration by voting delegates.

Financial Impact

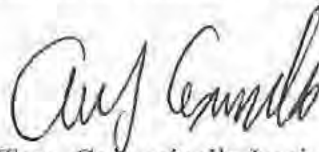
None.

Conclusion

West Coast Environmental Law is promoting their 'Climate Law in our Hands' campaign with a goal to protect taxpayers, the Province, and municipalities from incurring the rising costs of climate change related investments in BC. New provincial legislation would be required to assist in holding fossil fuel companies financially liable. A draft letter to the Premier of BC and draft a UBCM resolution are included in the report.



Peter Russell
Senior Manager, Sustainability and District Energy
(604-276-4130)



Tony Capuccinello Iraci
City Solicitor
(604-247-4636)

- Att. 1: Draft Letter to Premier Horgan
2: Draft Union of BC Municipalities Resolution

May 14, 2019
File: 10-6125-07-02/2019-Vol 01

Mayor's Office
Telephone: 604-276-4123
Fax: 604-276-4332

REGISTERED

Premier John Horgan
P.P. Box 9041 STN PROV GOVT
Victoria, BC
V8W 9E1

Dear Premier Horgan:

Re: Liability for Climate-related Harms Act and Climate Leadership

The City of Richmond commends the government for its actions in 2018 to update the greenhouse gas emissions reduction targets and release CleanBC, which will serve both as a climate action strategy and an economic development plan. Within recent years, Council has provided input to the development of the 2015 BC Climate Leadership Plan and the Province's CleanBC plan, and has successfully championed resolutions on building energy benchmarking and the right to a clean environment through the Union of BC Municipalities.

Climate change is currently the greatest threat facing the Province of BC. As Mayor and Council of the City of Richmond, we write to request that government take immediate action to hold global fossil fuel companies accountable for climate change-related harm and costs that occur in BC, through enactment of a *Liability for Climate-related Harms Act* that establishes clear legal rules of liability for harm caused by climate change. This statute is essential both to protect BC taxpayers against rising costs from climate-related impacts and to give global fossil fuel companies incentives to transition from fossil fuels and join the fight against climate change.

Richmond's location in southwestern BC, where the Fraser River converges with the Pacific Ocean, is adjacent to some of the most productive ecosystems in the world. The mixing of saline ocean water with the Fraser River's freshwater creates an estuary environment that supports a rich and diverse community of aquatic and terrestrial life. Richmond recognizes the importance of creating a sustainable community. Our vision of a healthy, safe and enriched island community with an innovative and prosperous economy and thriving natural systems, sustained for current and future generations is at risk from climate change.

Richmond has invested significantly in the establishment and maintenance of a world-class drainage and flood protection system comprised of 581 km of drainage pipes, 61 km of culverts, 165 km of watercourses, 39 pump stations that is currently valued at approximately \$1.5 billion. The system utilizes the natural and built environment to provide ecosystem services such as drainage, water filtration, green space, and wildlife habitat needed to support the overall connectivity and resiliency of our community.

Richmond has had to invest significant resources to protect the City against against the threats of the climate change. The Province of BC reports that the average annual temperature across the province has risen by 1.4 °C since 1900 and that temperatures are expected to increase from 1.3 °C to 2.7 °C by 2050. Local rainfall patterns are also projected to change. Average annual rainfall amounts in the winter are expected to increase from 2% to 12% by 2050 but longer periods of drought are predicted in the summer months. Local impacts from these weather variations including longer growing seasons; more frequent and severe heat waves; and new infectious diseases and pests continue to be recorded in the region. Richmond has been taking strong action on climate change for over a decade and can demonstrate meaningful achievements. The City reduced its overall greenhouse gas emissions by eight per cent between 2007 and 2010, and by a further four per cent between 2010 and 2015, despite 12 per cent growth in population over that entire period.

Richmond has joined hundreds of cities around the world, representing more than 20 million citizens, who have declared a climate emergency. The movement is a response to the Intergovernmental Panel in Climate Change Report (2018) that listed the areas that drastic actions were needed to offset the risks of accelerating global warming.

Fossil fuel companies have profited by selling products that contribute to climate change. West Coast Environmental Law advised the City that ninety fossil fuel producers are responsible (through operations and products) for about two-thirds of greenhouse gases in the global atmosphere today. Richmond taxpayers have to bear the cost of the impacts of fossil fuel pollution. We are calling on the Province of BC to enact a *Liability for Climate-related Harms Act* to protect the BC taxpayer and send a global message to the fossil fuel industry that they are liable for their actions.

Yours truly,

Malcolm D. Brodie
Mayor

RECOVERY COST FOR LOCAL CLIMATE CHANGE

City of Richmond

WHEREAS local governments have incurred significant costs in response to the real and projected threats of climate change including flooding, sea-level rise and weather variations;

AND WHEREAS fossil fuel corporations profit without sharing the costs of the pollution caused by their operations and their products:

THEREFORE BE IT RESOLVED that the Province enact legislation to hold the fossil fuel industry responsible for its role in causing climate change by making it accountable for costs incurred by governments to adapt to climate change.



City of Port Moody

Report/Recommendation to Council

Date: March 29, 2019 File No. 01-0230-40/Vol 01

Submitted by: Councillor Meghan Lahti and Councillor Amy Lubik

Subject: Climate Accountability Resolutions for FCM and UBCM Consideration

Purpose / Introduction

To present draft FCM and UBCM Resolutions regarding Climate Accountability for Council endorsement.

Recommended Resolutions

THAT the following resolution be endorsed and forwarded to the Union of BC Municipalities for consideration at the 2019 Annual Conference as recommended in the report dated March 29, 2019 from Councillor Meghan Lahti and Councillor Amy Lubik regarding Climate Accountability Resolutions for FCM and UBCM Consideration:

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;

AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Province of British Columbia Ministry of Environment and Climate Change Strategy be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

THAT the following resolution be endorsed and forwarded to the Federation of Canadian Municipalities for consideration at the next annual conference:

HOLDING FOSSIL FUEL PRODUCERS RESPONSIBLE FOR THEIR CONTRIBUTION TO CLIMATE CHANGE

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human

use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;

AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Government of Canada be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

Background

At the Regular Council meeting held on March 26, 2019, Council considered a request from the Delegation to Port Moody for Climate Accountability (**Attachment 1**) and passed the following resolution:

RC19/130 to RC19/134

THAT Council send the climate accountability letters to the twenty fossil fuel companies responsible for the most greenhouse gas emissions globally, referencing the climate impacts, including, but not limited to, sea level rise, infrastructure impacts, and increased wild fire, referencing the percentage costs calculated in the 2013 paper “Tracing anthropogenic carbon dioxide and methane emission to fossil fuel and cement producers, 1854-2010” by Heede. R;

AND THAT staff be directed to ask all BC municipalities that have not done so to join Port Moody in writing the above letters;

AND THAT Port Moody submit resolutions to the LMLGA, UBCM, and FCM, asking those organizations to (a) send climate accountability letters to the 20 largest fossil fuel companies on behalf of their members; and (b) ask the Minister of Environment and Climate Change Canada and Minister of Environment and Climate Change Strategy to enact laws to clarify the right of local governments to recover a fair share of their climate costs from fossil fuel companies.

THAT Council send a letter to the Minister of Environment and Climate Change Canada and Minister of Environment and Climate Change Strategy to enact legislation holding fossil fuel companies liable for climate-related harms caused by their contributions to climate change.

This report presents draft FCM and UBCM resolutions for Council consideration.

Discussion

The resolutions recommended in this report, once endorsed, will be forwarded to the FCM and UBCM for consideration at the annual conferences. As the deadline for resolution submission to the Lower Mainland Local Government Association (LMLGA) has already passed, the resolution will be forwarded directly to the UBCM. As the resolution deadline for the FCM is in January of each year, this resolution will be submitted to the FCM for consideration at the next available annual conference.

Council resolution RC19/130 to RC19/134 also included a request for the LMLGA, UBCM, and FCM to send climate accountability letters to the 20 largest fossil fuel companies on behalf of their members. This request for letters has already been submitted by the City of Victoria (**Attachment 2**) and was forwarded to the UBCM by the Association of Vancouver Island and Coastal Communities for the 2018 UBCM conference, but was not endorsed. The resolution currently being proposed, while similar, has a different request.

Other Options

THAT the report dated March 29, 2019 from Councillor Meghan Lahti and Councillor Amy Lubik regarding Climate Accountability Resolutions for FCM and UBCM Consideration be received for information.

Financial Implications

Endorsing the resolutions represent no immediate financial implications for the City.

Communications / Civic Engagement

There are no communications or civic engagement initiatives required by the recommendations in this report.

Council Strategic Plan Objectives

The recommendations in this report align with the Council Strategic Plan Objectives of protecting the environment and ensuring fiscal sustainability.

Attachments:

1. Memo dated March 18, 2019 from the Corporate Services Department – Legislative Services Division regarding Delegation Response – Climate Accountability.
2. 2018 UBCM Resolution Submitted by the City of Victoria (Not Endorsed).

Prepared by:

Councillor Meghan Lahti

Councillor Amy Lubik

Memorandum

To: Council

File #: 01-0230-01

Date: March 18, 2019

From: Corporate Services Department – Legislative Services Division

Subject: Delegation Response – Climate Accountability

At the Regular Council meeting held on March 12, 2019, Council received a delegation on Climate Accountability (**Attachment 1**) and passed the following resolution:

CW19/033

THAT the delegation request be placed on a subsequent Council agenda for consideration.

The delegation requested that Council consider taking the following actions:

1. Send climate accountability letters to the 20 largest fossil fuel companies;
2. Sign onto a letter to Premier Horgan requesting climate liability legislation;
3. Write and send letters to neighbouring municipalities asking them to do the same;
4. Submit resolutions to the LMLGA and UBCM, asking those organizations to do the same on behalf of their members; and
5. Direct Port Moody staff to explore legal opportunities and conditions necessary to join a class action lawsuit.

Council direction is requested.

Request to Appear as a Delegation

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
Tel 604.469.4500 • Fax 604.469.4550 • www.portmoody.ca

All information provided on this page, as well as any additional pages submitted, may be included in the agenda package, which is published in print and forms part of the permanent public record.

Name of Delegation: Delegation to Port Moody for Climate Accountability
Name of Primary Contact Person: Mike Galliford
Name(s) of Delegation Member(s) in Attendance: Gordon Cornwall; Mike Galliford; Elaine Golds
Purpose of Delegation: We will ask Council to consider taking two actions: (1) endorsing a letter, prepared by West Coast Environmental Law, to the Province of BC requesting the government to enact legislation holding fossil fuel companies liable for climate-related harms caused by their operations and products. (2) sending Climate Accountability Letters to the 20 largest fossil fuel companies
Details of Request: Climate change is no longer just a future threat. Municipalities now face mounting costs due to rising sea levels, wildfires, and spring flooding. Port Moody is on the hook for a portion of the \$9.5B which must be spent to combat sea level rise in Metro Vancouver, according to a 2012 BC government report. http://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/cost_of_adaptation-final_report_oct2012.pdf Some municipalities are trying to recover costs by suing fossil fuel companies for harms resulting from greenhouse gas emissions. Such lawsuits are expensive, protracted, and uncertain. But the time, cost and risk to municipalities can all be reduced if senior levels of government pass appropriate legislation, such as the Liability for Climate Related Harms bill, which passed first reading in the Ontario legislature in 2018. West Coast Environmental Law has prepared a letter asking the BC government to introduce similar legislation here. We ask Port Moody to consider signing on to this letter. Also, West Coast Environmental Law sent a letter last year to Port Moody and other BC municipalities inviting the City to send Climate Accountability letters to the twenty largest fossil fuel companies, which are collectively responsible for 29% of greenhouse gas emissions historically. A Climate Accountability letter from the City would ask the fossil fuel companies to pay their fair share of the City's climate-related costs. Our delegation will ask for an update on the status of this request, and renew our request if appropriate. Climate Accountability letters and the Liability for Climate-Related Harms legislation are both parts of West Coast Environmental Law's Campaign for Climate Accountability.
Additional Information in Support of Request: Similar letters have been sent by 15 BC municipalities. The suggested list of recipients is the top 20 GHG producers among the world's fossil fuel companies, and does NOT include Canadian Natural Resources Limited (CNRL). The Resort Municipality of Whistler included CNRL in its recent letter, and that resulted in some negative media coverage, as CNRL went on the attack. None of the other companies have responded in this way. The ask is for fossil fuel companies to pay their fair share of climate costs, not all of the costs, as some media reports have suggested.

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ecwugf erko cvg ej cpi g o equu y j lej qvj gty kug y qwf hcmgpvtgn{ qp vj g o wplekr crkkgu cpf vj gkt
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(3) asking neighbouring municipalities who have not already done so to join Port Moody in sending their own version of Climate Accountability Letters and the letter to the Province of BC requesting the legislation.

(4) submit resolutions to the LMLGA, and UBCM, asking those organizations to (a) send a climate accountability letter to the 20 largest fossil fuel companies on behalf of their members; and (b) ask Premier Horgan to enact laws to clarify the right of local governments to recover a fair share of their climate costs from fossil fuel companies.

(5) direct Port Moody staff to explore legal opportunities and conditions necessary to launch or join a class action law suit to recover municipal costs.

The accompanying documents are:

1) **Climate Accountability Letters: An Introduction for Local Governments**, a West Coast Environmental Law backgrounder on the whys and wherefores of sending accountability letters to fossil fuel companies.

2) Template for a **Climate Accountability Letter** addressed to fossil fuel companies from Port Moody.

3) **Examples of actual Climate Accountability Letters** sent by other BC municipalities.

4) **Bill 21, An Act Respecting Civil Liability for Climate-Related Harms**. This private member's bill introduced by Peter Tabuns this year in the Ontario legislature is a model for the legislation we propose in BC.

5) **A sign-on letter addressed to Premier John Horgan**. We will ask the City of Port Moody to consider signing on to this letter, along with other BC municipalities and community groups.

We appreciate the opportunity to speak to Council on this subject, and look forward to the meeting on February 26th.

Best Regards,

FOIPPA s. 22



Gordon Cornwall

s.22(1)





CLIMATE ACCOUNTABILITY LETTERS

AN INTRODUCTION FOR LOCAL GOVERNMENTS

Andrew Gage, Staff Counsel

“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. Vulnerable groups - the poor, Indigenous communities, women and children - are often hardest hit by climate impacts.” – Letter from BC Community Groups to Local Governments, 25 January 2017

On 25 January 2017, over 50 community groups from around BC – organizations focused on health, faith, human rights and environment – wrote to all of BC’s local governments asking that they take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution.

In the short term, we are asking your municipality (or regional district) to send “Climate Accountability Letters” to 20 of the world’s largest fossil fuel companies asking them to pay for climate costs that are being incurred by your community. This brief will answer some questions that you may have about why your community should send these letters.

Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for disaster relief arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpacks and aquifers disappearing, our communities are spending scarce taxpayer dollars to prepare for and respond to climate change. The situation is only going to get worse.

As it stands, the costs of building climate resilient communities fall to the taxpayer, as do the costs of re-building communities after floods or fires. Municipal governments bear much of the burden for these climate costs, because municipal infrastructure is frequently affected. In at least one case, municipalities in the U.S. were sued (by their insurers) for failing to prepare adequately for known climate impacts.ⁱ

It is time to ask whether taxpayers alone should be solely responsible to pay climate adaptation and damage costs, or whether costs should be shared with the companies that have made billions of dollars creating this situation. The products and operations of the **20 fossil fuel companies** are collectively responsible for roughly 30% of the greenhouse gases in the atmosphere today. That greenhouse gas pollution is changing the climate, and costing your community money as it is forced to respond and adapt.

It is essential that we have this conversation now. Communities need to know how much they can expect the fossil fuel industry to pay for their climate costs. The fossil fuel industry and its investors need to be able to make informed decisions about the future of the industry once they factor in the real costs of their activities.

Why does it matter to our planet?

Fighting climate change only works when everyone does their fair share. We all share the same precious atmosphere.

Right now the world's largest fossil fuel companies are making hundreds of billions of dollars from products that cause greenhouse gas pollution and put communities around the world at risk. There are powerful economic incentives for those companies, their investors and the governments of the world to continue producing fossil fuels without regard to the consequences for our planet. In many cases these companies have known since the late 1960s that their products were likely causing climate change. Since that time many have funded climate misinformation and lobbied hard against global rules that would protect our communities from climate change.

When companies make massive profits from pollution and products that cause pollution, this is known as an "externality." It creates an economic system where some parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay for the harm they cause, they, and their investors and governments, will start to have questions about the profitability of the industry.

Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future.

What is a Climate Accountability Letter?

A Climate Accountability Letter is a letter written by the representatives of a community to a fossil fuel company asking them to be accountable for the harm caused to that community by their operations and products. These letters are extremely flexible. A community can decide which climate impacts they wish to highlight, whether to demand that the company pay its fair share of current, or future, climate impacts or demonstrate its accountability in some other way.

We provide templates for accountability letters for your community to adapt on the climate law in our hands website.ⁱⁱ We also provide a spreadsheet with the addresses and share of global greenhouse gas emissions of 20 of the world's largest fossil fuel companies.

Is this within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent management of their financial resources requires local governments to at least consider the possibility that some of those costs can be recovered from fossil fuel companies and, if appropriate, to take steps to do so.

One of the purposes of municipalities (according to the BC Community Charter) is "fostering the economic, social and environmental well-being" of the community – so Council also has a clear mandate to play its part in addressing climate change globally.

Why target fossil fuel companies?

Some argue that we're all responsible for climate change, but if so, surely we can agree that some of us are more responsible than others?

In 2013 a peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010"ⁱⁱⁱ estimated the emissions from the operations and products of 90 entities – primarily fossil fuel companies. Just 20 of those fossil fuel companies – the 20 that we are asking you to write to – are responsible for almost 30% of the fossil fuels in the global atmosphere today.

But for the actions of these companies in extracting fossil fuels from the ground, and (in many cases), processing, transporting, marketing, and selling them for use by end consumers, these emissions would not have

ended up in our atmosphere. That's doubly true if you consider the impact of some of these companies in lobbying against action on climate change and in funding public misinformation on climate science. Had these companies acted, when they learned of the science of climate change in the 1960s, to shift the economy towards renewable energy, we would live in a very different, and more sustainable, society.

In addition, a focus on local impacts caused by fossil fuel companies creates new opportunities for local communities to have a global impact. Rather than focusing only on reducing the comparatively small amounts of greenhouse gases created in our own communities, we can also have a conversation about 30% of global emissions.

Shouldn't the Canadian (or BC) government be taking action?

Yes, of course all levels of government should be taking action to fight climate change. But the Canadian and BC governments still rely on the fossil fuel industry in many ways – from campaign contributions to hopes of economic growth.

The fact that the senior levels of government have not yet taken action to hold fossil fuel polluters accountable does not mean that local governments cannot take action to recover their own climate costs. Indeed, a community concerned about local costs of climate change may be more willing to show leadership to protect its residents and environment, and may be more willing to

have a discussion about the role of the fossil fuel industry in contributing to those costs.

Sometimes when people look to the provincial or federal governments for climate leadership, they are looking for regulation of sources of greenhouse gases. While such regulation is important, such laws can only regulate emissions or other activities that take place in Canada (or in BC). The claims for compensation related to climate accountability that we recommend use legal tools that can cross borders and address global sources of emissions.

Do you drive cars (or use gas)?

In response to the 25 January 2017 letter, three mayors independently wrote to us with variations on the message that if we use fossil fuels, we cannot ask for the fossil fuel industry to be held accountable.

We are not denying that individuals play a role in reducing their own greenhouse gas emissions (while recognizing that the options available to individuals to entirely eliminate their fossil fuel use in today's society are limited). Nor are we suggesting that fossil fuels could be eliminated tomorrow.

What we are suggesting is that the responsibility of fossil fuel companies is at least as great as that of the individual, and they should pay their fair share of the costs. We are further suggesting that once the industry realizes that it may be required to pay its fair share, there will be a powerful incentive for the system to change – creating more options for individuals seeking to reduce their greenhouse gas emissions. This is a crucial step in helping society as a whole move away from gas-powered vehicles (and uses of fossil fuels involving combustion).

In the fight to phase out ozone-destroying HFCs, no one ever told those concerned about the ozone layer: “Yeah, but do you own a refrigerator?”

Am I signing up for a lawsuit?

By sending Climate Accountability Letters, your community is simply initiating a conversation, not a lawsuit, about the role of the fossil fuel industry in causing climate harm to your community.

In the 25 January 2017 letter sent to your government, we did also encourage you to consider the possibility of a class action by all BC local governments against some fossil fuel companies. However, sending letters to the fossil fuel companies does not commit your government to participate in or support such a court case.

If your community is interested in exploring the possibility of a lawsuit against the fossil fuel industry, please do contact us for more information.

How do I find out more?

Contact Andrew Gage at agage@wcel.org or 250-412-9784 or learn more on the Climate Law in our Hands initiative website at www.climatelawinourhands.org.

ⁱ <http://www.eenews.net/stories/1059999532>; The insurance company subsequently dropped the lawsuit, but the case stands as a warning to local governments that fail to prepare for climate change.

ⁱⁱ www.climatelawinourhands.org/demand-accountability

ⁱⁱⁱ 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

«Responsible_Company»
«Address_1»
«Address_2»
«City», «State» «Postal»
«Country»

Attn. CEO of «Responsible_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 by [your company] are responsible for fully «M__of_GHG_s_to_2013»% of historic greenhouse gas emissions.¹ 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.²

Since then, however, your company has continued marketing your harmful products and many within your industry have worked, directly or indirectly, to delay or prevent the transition to a carbon free economy.³ 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.

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, updated to 2013 at http://climateaccountability.org/carbon_majors_update.html, last accessed 23 September 2016.

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

³ <http://www.ucsusa.org/sites/default/files/attach/2016/03/backgrounder-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.

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 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.

Port Moody is coastal ocean city on the shore of Burrard Inlet with suburban development surrounded by forested mountains. A recent engineering report concluded that protecting the Vancouver regional district from flooding caused by the predicted increase in sea level by 2100 would cost nearly a billion dollars. Included in this plan was a small portion (875 m) of the Port Moody foreshore that would be diked at a projected cost of \$CAD1.92M⁴. Most of Port Moody's foreshore consisting of business, residential, and park land would not be protected from sea level rise in this plan, substantially increasing the cost of rising sea level. In addition, upgrades to the storm sewer system and protection from anticipated increased risk of wild fires and windstorms associated with climate change will be substantial, but not yet estimated.

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. «M__of_GHGs_to_2013»% 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 «M__of_GHGs_to_2013»% 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]

⁴ Cost of Adaptation - Sea Dikes & Alternative Strategies FINAL REPORT. Produced by Delcan for the BC Ministry of Forests, Lands and Natural Resources and Natural Resources Canada (2012), Table 4.3B, p. 22.

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

3RD SESSION, 41ST LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 21

An Act respecting civil liability for climate-related harms

Mr. P. Tabuns

Private Member's Bill

1st Reading March 26, 2018

2nd Reading

3rd Reading

Royal Assent



An Act respecting civil liability for climate-related harms

Preamble

Climate change is real. It is already affecting Ontarians' lives as increased wildfires and flooding create significant and costly damage. Climate change threatens to make life more expensive as people and governments are required to pay for the harm it causes and for the protection of schools, roads, hospitals and homes from unprecedented flooding and other extreme weather events.

Enhanced legal tools are required so that governments, businesses and individuals can ensure that coal, oil and gas producers contribute their fair share to paying for the harms to which their products contribute and for the necessary steps to prevent future harms.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1 In this Act,

“climate change” means a long-term change in the Earth’s climate caused by the alteration of concentrations of greenhouse gas in the global atmosphere; (“changement climatique”)

“climate-related harms” means harms arising from climate change, including, without limitation,

- (a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets,
- (b) the costs associated with obtaining and maintaining insurance reasonably required due to the risk of the losses described in clause (a),
- (c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them,
- (d) harm related to ocean acidification,
- (e) loss of land or damage to infrastructure due to rising sea levels, including slow-onset loss,
- (f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures,
- (g) the costs of responding to emergencies arising from natural disasters associated with climate change,
- (h) the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs, and
- (i) the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs; (“dommages liés au climat”)

“production”, when used in respect of fossil fuels, includes exploration for sources of fossil fuels, exploitation of fossil fuels and sale of fossil fuels. (“production”)

Strict liability for climate-related harms

2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is strictly liable for climate-related harms that occur in Ontario.

Level of greenhouse gas emissions

(2) The determination of a producer’s level of greenhouse gas emissions shall be based on,

- (a) emissions resulting from the producer’s production of fossil fuels; and
- (b) emissions resulting from the use of those fossil fuels.

Same

(3) Even if the costs described in clauses (f) to (i) of the definition of “climate-related harms” in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

Evidentiary matters

3 (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to,

- (a) scientific or statistical information or modelling;
- (b) historical experience; and
- (c) information derived from relevant studies, including information derived from sampling.

Evidence re climate change causing particular events

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

Regulations

4 The Lieutenant Governor in Council may make regulations respecting,

- (a) the determination of the greenhouse gas emissions that can be attributed to a producer; and
- (b) the determination of whether a producer’s greenhouse gas emissions level is globally detectable.

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.

Premier John Horgan,
PO BOX 9041 STN PROV GOVT
Victoria BC V8W9E1

*** BY FAX @ 250 387-0087 AND MAIL ***

Dear Premier Horgan:

Re: Liability for Climate-related Harms Act and Climate Leadership

We write to ask your government to take immediate action to hold global fossil fuel companies accountable for climate change-related harm and costs that occur in British Columbia, through the enactment of a *Liability for Climate-related Harms Act* – a statute to clarify the legal rules of liability for harm caused by climate change.

This statute is essential both to protect BC taxpayers against a rising tide of climate change costs and to give global fossil fuel companies financial incentives to work to solve the climate crisis.

Climate impacts in BC

We are frightened about what climate change means for our planet, British Columbia and our communities. As a result of fossil fuel pollution, the world has already seen a 1°C increase in average temperatures. In BC we are already seeing:

- droughts and heat threatening us with increased wildfires and water shortages,
- extreme weather and early melting of snow-pack leading to flooding, landslides, and resident evacuation,
- sea level rise requiring expensive coastal protection measures, and
- the spread of diseases and pest species, such as Lyme Disease and the Mountain Pine Beetle.

As unchecked increasing fossil fuel pollution continues to push global temperatures ever higher, climate impacts like these, which hit poor and vulnerable groups especially hard, will only get worse. The government of British Columbia and other levels of government are on the hook to fund infrastructure upgrades and changes to services, in efforts to shield British Columbians from the worst of these climate impacts. Estimates of the potential costs to British Columbia run in the tens of billions of dollars.¹

Polluters must pay

¹ Figures for the costs of coastal flooding to BC illustrate the point. Paying the Price, a 2010 report of the National Roundtable on Environment and Economy (NRTEE) estimates the costs to Canada by 2020 at \$5 billion per year, rising to \$21-43 billion per year by 2050 (and much more than that if global temperature increase is not kept to below 2°C). The same report estimates that flooding in BC by 2050 is likely to cost the province an average of between \$0.8 and \$7.6 billion each year if the world is successful in keeping temperature increases below 2°C. (p. 72). If governments build infrastructure to deal with the potential flooding, this figure will be reduced, but the infrastructure needed for the Lower Mainland has been estimated at \$9.5 billion by 2100 to deal with a 1 metre sea-level rise (Delcan. Cost of Adaptation - Sea Dikes and Alternative Strategies (Province of BC, 2012)). Some models suggest that the actual sea level rise may be considerably higher and faster than 1 metre by 2100. Economic loss figures for the Mountain Pine Beetle are also instructive. It has been estimated that the epidemic will see BC's GDP lose \$57.37 billion over a 45 year period: L. J. Corbett, P. Withey, V. A. Lantz, T. O. Ochuodho; The economic impact of the mountain pine beetle infestation in British Columbia: provincial estimates from a CGE analysis, *Forestry: An International Journal of Forest Research*, Volume 89, Issue 1, 1 January 2016, Pages 100–105, <https://doi.org/10.1093/forestry/cpv042>.

Until now, governments, industry and the public have largely assumed that these costs will be fully borne by taxpayers – much as it was at one time generally assumed that smokers and health care systems would bear the full health costs of smoking.

Not only is that unfair to taxpayers, but it also means that fossil fuel companies and their investors lack economic incentives to transition to a more sustainable business model.

Fossil fuel companies have made massive profits selling products that they know contribute to climate change. Ninety fossil fuel producers are responsible (through operations and products) for about two-thirds of greenhouse gases in the global atmosphere today.² Many of these same companies knew about the impacts of their products as early as the 1950s or 1960s. Instead of acting on this information to address the effects of their products, they funded misinformation campaigns about climate change, lobbied against action on climate change and sat on renewable energy patents that would have significantly reduced greenhouse gas emissions.³

While individual lifestyles and consumer choices play a role in causing greenhouse gas pollution, the contribution of, and the choices available to, individuals are insignificant compared to the role of fossil fuel companies. And yet currently taxpayers and individuals are on the hook for 100% of climate costs, while fossil fuel companies pocket their profits. In effect, fossil fuel companies are transferring costs of managing the climate impacts of their products to taxpayers.

To prepare for the coming climatic changes from fossil fuel pollution, BC communities will need funding at levels that are only beginning to be appreciated. Already, credit ratings agencies are warning governments that their credit ratings are at risk if they fail to prepare for expected climate risks.⁴ Fossil fuel companies, who have profited most from the climate crisis, should pay their fair share of those costs.

BC can hold fossil fuel companies accountable

The province of British Columbia has the legal power – through a *Liability for Climate-related Harms Act* – to define the legal consequences associated with climate costs and impacts that are currently being incurred within its borders. The Act can ensure that global fossil fuel companies pay a fair share of those costs – even where the companies that contributed to the impacts are **outside the province's borders**.⁵

² Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", *Climatic Change*, Jan 2014.

³ Muffet, C. and Feit, S. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*. (Washington, DC: Center for International Environmental Law, 2017), available on-line at <http://www.ciel.org/wp-content/uploads/2017/11/Smoke-Fumes-FINAL.pdf>, last accessed 30 April 2018; Union of Concerned Scientists. *The Climate Deception Dossiers*. (Washington, DC: Union of Concerned Scientists, 2015).

⁴ **Moody's Investor Services Inc.**, Announcement: Climate change is forecast to heighten US exposure to economic loss placing short- and long-term credit pressure on US states and local governments, Nov 28, 2017.

⁵ See Gage, A. and Wewerinke, M., *Taking Climate Justice into our own Hands* (Vancouver, BC: West Coast Environmental Law, 2015); Byers, M., Franks, K. and Gage, A. *The Internationalization of Climate Damages Litigation*. *Washington Journal of Environmental Law & Policy*, Volume 7, issue 2, July 2017, <http://hdl.handle.net/1773.1/1709>, last accessed 23 April 2018.

BC was the first province in Canada to enact a *Tobacco Damages Recovery Act*, to enable lawsuits to recover health care costs from cigarette manufacturers,⁶ a precedent noted recently by Ontario NDP Environment and Climate Change Critic, Peter Tabuns, when he proposed a *Liability for Climate-related Harms Act*⁷ in the Ontario Parliament.

While fossil fuel companies could be sued under existing common law principles,⁸ there are significant advantages to the Legislature, rather than the courts, clarifying the legal rules for liability in such cases. Enacting a *Liability for Climate-related Harms Act* may clarify the legal rules more quickly and cheaply than could occur through protracted litigation, as well as giving **the public's representatives an important opportunity to investigate and quantify the costs of climate change and to discuss the role of the fossil fuel industry in paying for those costs.**

Conclusion

BC's government, communities, taxpayers and individual victims cannot afford the rising tide of climate costs that is bearing down upon us. Communities in BC and around the world are demanding that fossil fuel companies pay their share of climate costs.⁹ As the City of Victoria wrote in a letter to 20 fossil fuel companies about its **expected climate impacts: "It would be financially irresponsible of us to assume that our taxpayers will bear the full costs of these impacts of fossil fuel production, while your shareholders continue to benefit financially from the sale of fossil fuels."¹⁰**

A relatively small number of companies have the resources, scale, knowledge, technology and expertise to either block or advance climate action. We must ensure that they have every incentive to use that power to build the sustainable economy that we need.¹¹

In enacting a *Liability for Climate-related Harm Act*, you would protect BC taxpayers and individuals from massive costs, avoid the need for protracted and expensive litigation to clarify legal responsibility for climate impacts, and, perhaps most importantly, you would send a global message to the fossil fuel industry that its business model can no longer ignore the harm that it is causing.

⁶ S.B.C. 1997, c. 41. For commentary on the potential for a climate act based on the Tobacco Damages Recover Act, see Olszynski, Martin and Mascher, Sharon and Doelle, Meinhard, From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability (April 24, 2017). Georgetown Environmental Law Review, 2017. Available at SSRN: <https://ssrn.com/abstract=2957921>; Also Gage and Wewerinke, above, note 2 at p. 9; L. Collins & H. McLeod-Kilmurray. The Canadian Law of Toxic Torts. (Canadian Law Book, 2014), pp. 290-291.

⁷ Bill 21, the *Liability for Climate-related Harms Act*, 2018, available at http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=5835&detailPage=bills_detail_the_bill; the Bill was referred to committee, but has since died with the 2018 Ontario election.

⁸ Communities in California, Colorado, Washington and New York have sued fossil fuel companies for local climate costs in their own state's courts. In addition, a German court is currently considering a claim brought on behalf of a Peruvian community against a German coal company for climate costs.

⁹ Here in BC, over 10 local governments, plus the Association of Vancouver Island and Coastal Communities (representing 53 local governments) have voted to send letters to 20 fossil fuel companies demanding that they pay their share of local climate impacts. A human right complaint is being investigated in the Philippines against many of these same companies for their contribution to climate change. Also the lawsuits referenced in note 6.

¹⁰ Letter from City of Victoria to Chevron, November 28, 2017.

¹¹ In many other contexts, the BC government has long required industry to pay for the full costs of their products, as through Extended Producer Responsibility which is a well-established principle of BC's laws regarding recycling and waste management.

% of GHGs

to 2013	Responsible Company	Address 1	Address 2	City	State	Postal	Country
3.34	Chevron	6001 Bollinger Canyon Road		San Ramon	CA	94583	USA
3.29	Saudi Aramco	P.O. Box 5000		Dhahran		31311	Saudi Arabia
3.1	Exxon Mobil	5959 Las Colinas Boulevard		Irving	Texas	75039-2298	USA
2.38	BP p.l.c.	1 St James's Square		London		SW1Y 4PD	United Kingdom
2.33	Gazprom	16 Nametkina St.		Moscow		GSP-7, 117997	Russian Federation
2.06	Royal Dutch Shell plc	PO box 162	2501 AN	The Hague			The Netherlands
2.02	National Iranian Oil Company	Hafez Crossing	Taleghani A	Tehran			Iran
1.39	PEMEX	Avenida Marina Nacional #329 C 3,	Col. Veróni	Del. Miguel Hidz	Distrito Fe	11300	Mexico
1.16	Coal India Limited	Coal Bhawan, Premise No-04 MAR	Plot No-AF-	Newtown, Rajar	Kolkata	700156	India
1.12	Conoco Phillips	600 North Dairy Ashford (77079-1175	P.O. Box 2:	Houston	TX	77252-2197	USA
0.89	Peabody Energy	Peabody Plaza	701 Marke	St. Louis	MO	63101-1826	USA
0.88	Petroelos de Venezuela, S.A.	Av. Libertador La Campiña 169	Ed. Petróle	Caracas		1010-A	Venezuela
0.82	Total SA	Tour Coupole - 2 place Jean Millier	Arche Nor	Paris	La Défense	92078	France
0.78	PetroChina (CNPC)	9 Dongzhimen North Street	Dongcheng	Beijing		100007	P.R.China
0.75	Kuwait Petroleum Corp.	P.O. Box: 26565		Safat		No. 13126	Kuwait
0.7	Murray Energy Corporation	46226 National Road		St. Clairsville	Ohio	43950	USA
0.66	Sonatrach	Djenane El Malik		Hydra		160335	Algeria
0.59	CONSOL Energy Inc.	CNX Center	1000 Cons	Canonsburg	PA	15317-6506	USA
0.55	BHP Billiton Limited	BHP Billiton Centre	171 Collins	Melbourne	Victoria	3000	Australia
0.51	Iraq National Oil Company	c/o Iraq Ministry of Oil	PO Box 6178		Baghdad		Iraq
29.32	Combined Total						

Key

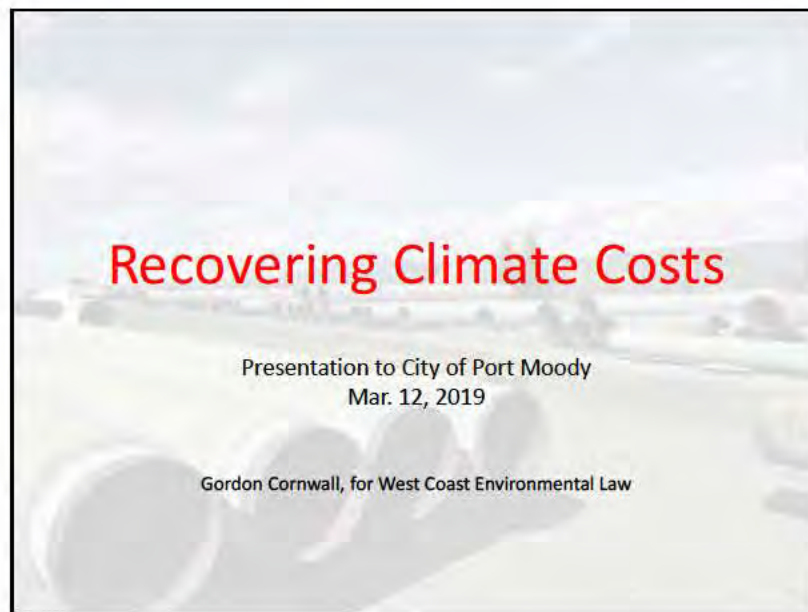
Privately Owned Corporation

State Owned Corporation

Notes:

The estimates of responsibility for greenhouse gases from 1854-2013 are based on the "Carbon Majors" research of Richard Heede, found at http://www.climateaccountability.org/carbon_majors_update.html (last accessed 12 January 2017) which is an update of 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.

West Coast Environmental Law has made reasonable efforts to identify the appropriate address for each corporate entity, but makes no guarantees. Anyone seeking to rely upon the above addresses should confirm the addresses themselves.



Some examples:

Record BC wildfire season in 2017

- \$668M in fire fighting costs (not counting military) ¹
- 1.2 M hectares forest lost
- 400,000 hectares rangeland damaged
- hundreds of homes and other structures destroyed
- impact on tourism
- physical and mental health impacts from smoke inhalation and anxiety
- **New record in 2018 (here and in California)**

New and enhanced infrastructure to combat rising sea levels in Metro Vancouver:



- \$9.5B for dykes, sea-gates, property acquisition ²

Potential costs of a Fraser River flood:

- \$32.7B in interrupted cargo shipments, commercial and residential damages, etc. ³

1. Globe and Mail "BC wildfires stoked by climate change likely to become worse: study" Jan 9 2019.
2. BC Ministry of Forests, Lands and Natural Resource Operations "Cost of Adaptation - Sea Dikes & Alternative Strategies" October 2012.
3. Fraser Basin Council "Lower Mainland Flood Management Strategy - Phase 1 Summary Report" May 2016.



<p align="center">CITY OF PORT MOODY COMMUNITY WILDFIRE PROTECTION PLAN</p>  <p align="center">R.A. Blackwell & Associates Ltd. 1979/2007</p> 	<p>28 recommendations, including:</p> <ul style="list-style-type: none"> 16. New and improved access roads for evacuation and fire control. 18. Helicopter with bucket on standby when fire risk is high. 20. Contingency plan for evacuating critical emergency facilities, including Eagle Ridge Hospital, in case of heavy smoke. 21. Enhance sprinkler protection program from 20 homes to 50. 23. Additional equipment for wildfire attack and firefighter protection. 26. Develop fuel break network. 27. Protect electrical transmission corridor.
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As things stand, municipalities and regional governments are on the hook for a large proportion of those costs.

Taxpayers pay.
So do insurers and their clients, businesses, and individuals.

Meanwhile, fossil fuel corporations make profits without sharing the costs of the pollution caused by their operations and their products.

20/03/2019

THE WALL STREET JOURNAL



Climate Change Is Forcing the Insurance Industry to Recalculate

As insurers grapple with the rising impact of climate change, they're pulling a double today on the high seas: they're also well on their way to a new

The global insurance industry has raised premiums, and in some cases refused coverage for damage due to sea level rise, storm surges and flooding.

The State of Florida was forced to set up its own insurance pool to protect against losses from windstorms, thereby transferring risk to its taxpayers.

Los Angeles Times, Jun 16, 2014.

FINANCIAL POST

NEWS INVESTING MARKETS PERSONAL FINANCE IPO/IDEAS IPO/MENT ENTREPRENEUR ECONOMY IP/AGENCY

Nov. 30, 2017

Moody's for first time warns cities to address climate change or face credit downgrades

Texas, Florida, Georgia and Mississippi are among the states most at risk from climate change



'In a report to its clients Tuesday, Moody's Investors Service Inc. explained how it incorporates climate change into its credit ratings for state and local bonds. If cities and states don't deal with risks from surging seas or intense storms, they are at greater risk of default.

"What we want people to realize is: If you're exposed, we know that. We're going to ask questions about what you're doing to mitigate that exposure," Lenny Jones, a managing director at Moody's, said in a phone interview. "That's taken into your credit ratings."

Some cities are managing their exposure by suing companies that have contributed the most to climate change.

Sept. 19, 2017: [San Francisco and Oakland sue for damages](#) in California Superior Court from five fossil fuel companies over sea level rise. Case dismissed June 25, 2018. The cities appealed.

Dec. 20, 2017: [Santa Cruz and Santa Cruz County file lawsuits](#) in California Superior Court against 29 fossil fuel companies, seeking compensation for climate change-related damage.

Jan. 9, 2018: [New York City files suit](#) in federal court against five fossil fuel companies over climate change-related costs. Dismissed July 19, 2018. NYC appealed Nov 8, 2018.

Jan. 22, 2018: [City of Richmond, California files lawsuit](#) in California Superior Court against 29 fossil fuel companies.

April 17, 2018: In Colorado, the city of [Boulder, Boulder County and San Miguel County file a lawsuit](#) in District Court seeking to hold Exxon and Suncor accountable for costs related to climate change.

July 20, 2018, [Baltimore sues](#) 26 fossil fuel companies in Maryland state court for putting their investment in waterfront infrastructure at risk. ¹

February, 2018, Paris, France, passed a resolution "to examine suing oil and gas companies to pay for the costs of climate impacts." ²

Nov 14, 2018, California crab fishermen associations file suit against 30 fossil fuel companies for harm caused to California's fisheries by ocean warming. ³

1. "Fossil Fuels on Trial Where the Major Climate Change Lawsuits Stand Today," Insideclimatenews.org, accessed Nov 15, 2018.
2. "Paris, Inspired by New York City, Considers Climate Suit Against Oil Companies," ClimateLiabilityNews.org, accessed June 8, 2018.
3. "Claws out: crab fishermen sue 30 oil firms over climate change," The Guardian, Nov 14, 2018, accessed Jan 9, 2019.

**These are early days for such lawsuits.
The process is protracted and expensive,
and outcomes are uncertain.**

**However, appropriate legislation passed by senior
levels of government can speed up the process,
provide greater legal certainty, and reduce costs.**

20/03/2019

Legislative
Assembly
of Ontario



Assemblée
législativ
de l'Ontario

SESSIONS (LEGISLATURES) ONTARIENNE(S)
AT REGULARITY 9. 2018

Bill 21

An Act respecting civil liability for climate-related harms

Mr. P. Tabuns

Private Member's Bill

1st Reading: March 26, 2019
2nd Reading:
3rd Reading:
Royal Assent:

To this end,
NDP MPP
Peter Tabuns
introduced
Bill 21 to the
Ontario
legislature
in March
2018.
(Reintroduced
in October, 2018
as Bill 37.)

Key excerpts from the Ontario Bill

Strict liability for climate-related harms
2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is **strictly liable** for climate-related harms that occur in Ontario.

Level of greenhouse gas emissions
(2) The determination of a producer's level of greenhouse gas emissions shall be based on:
(a) **emissions resulting from the producer's production of fossil fuels; and**
(b) **emissions resulting from the use of those fossil fuels**

"climate-related harms" means harms arising from climate change, including, without limitation:
(a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets;
(b) the costs associated with obtaining and maintaining insurance reasonably required due to the risk of the losses described in clause (a);
(c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them;
(d) harm related to ocean acidification;
(e) loss of land or damage to infrastructure due to rising sea levels, including slow-onset loss;
(f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures;
(g) the costs of responding to emergencies arising from natural disasters associated with climate change;
(h) **the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs; and**
(i) **the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs ("dommages liés au climat").**

7

Same

(3) Even if the costs described in clauses (1) to (1) of the definition of "climate-related harms" in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

Evidentiary matters

2 (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to:

- (a) scientific or statistical information or modelling;
- (b) historical experience; and
- (c) information derived from relevant studies, including information derived from sampling.

Evidence re climate change causing particular events

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

Regulations

4 The Lieutenant Governor in Council may make regulations respecting:

- (a) the determination of the greenhouse gas emissions that can be attributed to a producer; and
- (b) the determination of whether a producer's greenhouse gas emissions level is globally detectable.

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.

The contributions of individual fossil fuel companies to increased atmospheric GHG concentrations can be determined, as a measure of their responsibility for climate change. A 2014 peer-reviewed study by Rick Heede, published in the journal *Climatic Change*, identified 90 entities that have contributed nearly 2/3 of the CO₂ and methane that has been released into the atmosphere since the start of the industrial era.¹

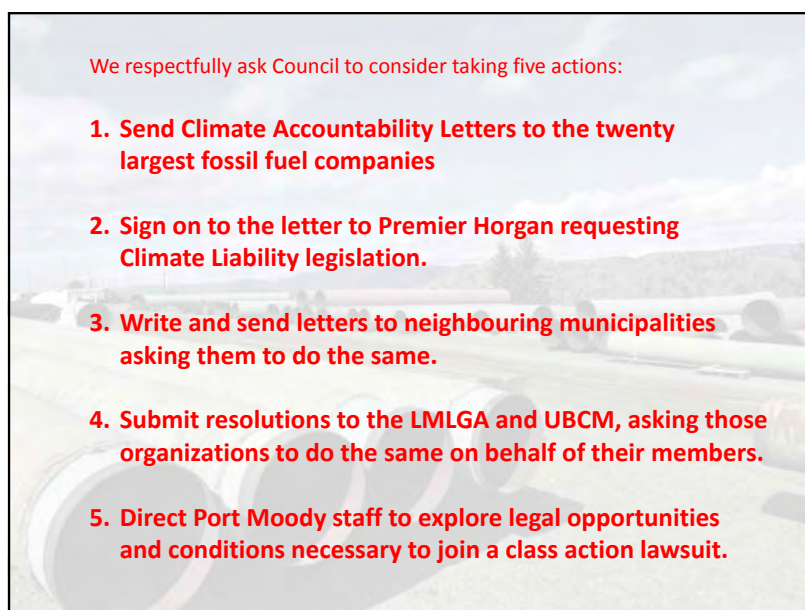
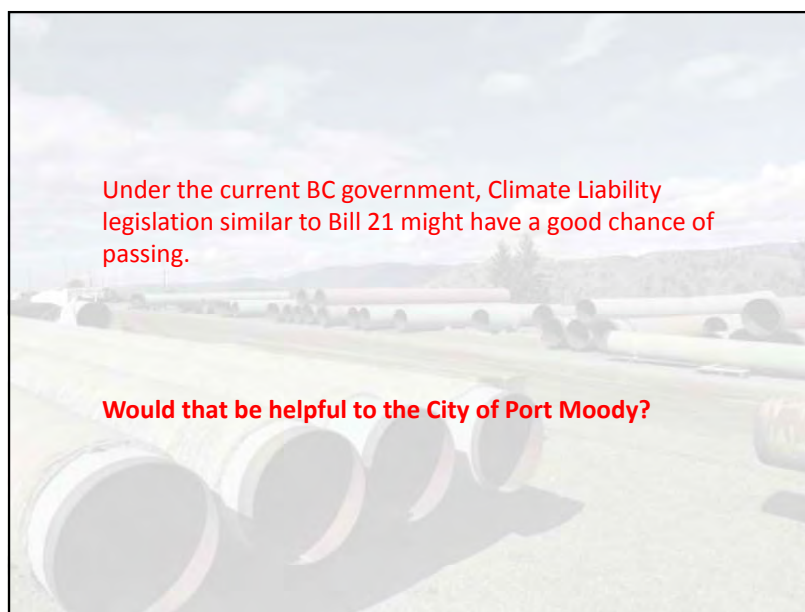
Studies of this kind can be used to assign legal responsibility fairly to individual companies.

1. Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", *Climatic Change*, Jan 2014.

Top 20 Investor- and state-owned entities and attributed CO₂ & CH₄ emissions 2010

Entity	2010 Emissions (MtCO ₂ e)	Cumulative 1854–2010 (MtCO ₂ e)	Percent of Global (1751–2010)
1. Chevron, USA	823	51,090	5.92%
2. ExxonMobil, USA/UK	823	49,672	5.72%
3. Saudi Aramco, Saudi Arabia	1,550	46,035	5.07%
4. BP, UK	554	55,837	2.47%
5. Gazprom, Russian Federation	1,371	42,316	2.22%
6. Royal Dutch/Shell, Netherlands	478	50,751	2.12%

Excerpt from Executive Summary on [Carbon Majors website](#), accessed June 8, 2018



In the 1970's, the largest fossil fuel companies knew their products caused climate change. But they suppressed that information, and spread doubt about the science.

At their eight weeks court investigation, reporters at InsideClimate News interviewed former Exxon employees, scientists and federal officials and analyzed hundreds of pages of internal documents. They found that the company's knowledge of climate change came back to July 1977, when its senior scientist James Black delivered a sobering message on the topic.

"In the first place, there is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels," Black told Exxon's management committee. A year later, he warned Exxon that doubling CO2 gases in the atmosphere would increase average global temperatures by two or three degrees—a number that is consistent with the scientific consensus today. He cautioned to warn that "present thinking holds that even just a transgression of five to ten years before the need for hard decisions regarding changes in energy strategies might become critical." In other words, Exxon needed to act.

Scientific American, Oct 26, 2015

Stills from "Climate of Concern," an educational video produced by Royal Dutch Shell in 1991 (with YouTube subtitles).



2018 UBCM Resolution Submitted by the City of Victoria (Not Endorsed)

Whereas communities in British Columbia face a range of impacts from climate change, including sea-level rise, increased coastal erosion, prolonged summer drought, and increased winter precipitation and communities are required to consider these impacts in infrastructure planning, construction and maintenance, as well as to mitigate the financial impacts of these costs on residents and businesses given the limits of local government revenue raising to property taxes and utilities;

And whereas while the precise amount of increased costs due to the increase in work on infrastructure due to climate change is not yet quantified, local governments in British Columbia are almost certainly already paying significantly increased costs and those amounts will only increase, noting that fossil fuel companies have played a major role in the creation of climate change, making hundreds of billions of dollars in selling products which cause climate change with the twenty largest fossil fuel companies having contributed—through their operations and products—to approximately 29.3 per cent of greenhouse gases in the global atmosphere today:

Therefore be it resolved that UBCM and FCM on behalf of their member local governments write a climate accountability letter to the twenty fossil fuel companies outlining the types of costs that communities are incurring and expected to incur due to climate change, and requesting that the companies pay their fair share of those impacts.

Endorsed by the Association of Vancouver Island & Coastal Communities

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From: "Amy Lubik" <alubik@portmoody.ca>
To: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
Date: 6/27/2019 11:13:00 AM
Subject: Fwd: Asking to see our ubcm motion of climate accountability please
Attachments: Background - 1. Climate Accountability.pdf

Amy Lubik
Port Moody City Councillor

I respectfully acknowledge that I live, work, and play on unceded Coast Salish Territory, the traditional territories of the Kwikwetlem xʷməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətał (Tsleil-Waututh) Nations.

This response is provided by Councillor Lubik and may not reflect the City of Port Moody's official position or that of Council.

----- Forwarded message -----

From: "Dorothy Shermer" <dshermer@portmoody.ca>
Date: Thu, Jun 27, 2019 at 9:01 AM -0700
Subject: RE: Asking to see our ubcm motion of climate accountability please
To: "Amy Lubik" <alubik@portmoody.ca>

Here is the resolution:

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;
AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Province of British Columbia Ministry of Environment and Climate Change Strategy be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

Dorothy Shermer
Corporate Officer | City of Port Moody
T: 604-469-4603 | F: 604-469-4550 | dshermer@portmoody.ca

From: Amy Lubik
Sent: June-26-19 10:26 PM
To: Dorothy Shermer <dshermer@portmoody.ca>
Subject: Asking to see our ubcm motion of climate accountability please

Hi Dorothy,

Would you please send me the ubcm motion we sent on the climate accountability? I'm trying to remember our wording and Vancouver is considering copying ours. I think this was during Imlga.

With gratitude,
Amy

Amy Lubik
Port Moody City Councillor

I respectfully acknowledge that I live, work, and play on unceded Coast Salish Territory, the traditional territories of the Kwikwetlem xʷməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətał (Tsleil-Waututh) Nations.

This response is provided by Councillor Lubik and may not reflect the City of Port Moody's official position or that of Council.

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CONFIDENTIALITY NOTICE: This message, including any attachments, contains information intended for a specific individual and purpose. It is the property of the City of Port Moody and should be treated as confidential. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, please notify the sender immediately and destroy all copies of this e-mail and any attachments. Please be advised that correspondence with any government body, including City of Port Moody Council and staff, is subject to disclosure under the Freedom of Information and Protection of Privacy Act.



City of Port Moody

Report/Recommendation to Council

Date: March 29, 2019 File No. 01-0230-40/Vol 01

Submitted by: Councillor Meghan Lahti and Councillor Amy Lubik

Subject: Climate Accountability Resolutions for FCM and UBCM Consideration

Purpose / Introduction

To present draft FCM and UBCM Resolutions regarding Climate Accountability for Council endorsement.

Recommended Resolutions

THAT the following resolution be endorsed and forwarded to the Union of BC Municipalities for consideration at the 2019 Annual Conference as recommended in the report dated March 29, 2019 from Councillor Meghan Lahti and Councillor Amy Lubik regarding Climate Accountability Resolutions for FCM and UBCM Consideration:

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;

AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Province of British Columbia Ministry of Environment and Climate Change Strategy be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

THAT the following resolution be endorsed and forwarded to the Federation of Canadian Municipalities for consideration at the next annual conference:

HOLDING FOSSIL FUEL PRODUCERS RESPONSIBLE FOR THEIR CONTRIBUTION TO CLIMATE CHANGE

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human

use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;

AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Government of Canada be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

Background

At the Regular Council meeting held on March 26, 2019, Council considered a request from the Delegation to Port Moody for Climate Accountability (**Attachment 1**) and passed the following resolution:

RC19/130 to RC19/134

THAT Council send the climate accountability letters to the twenty fossil fuel companies responsible for the most greenhouse gas emissions globally, referencing the climate impacts, including, but not limited to, sea level rise, infrastructure impacts, and increased wild fire, referencing the percentage costs calculated in the 2013 paper “Tracing anthropogenic carbon dioxide and methane emission to fossil fuel and cement producers, 1854-2010” by Heede. R;

AND THAT staff be directed to ask all BC municipalities that have not done so to join Port Moody in writing the above letters;

AND THAT Port Moody submit resolutions to the LMLGA, UBCM, and FCM, asking those organizations to (a) send climate accountability letters to the 20 largest fossil fuel companies on behalf of their members; and (b) ask the Minister of Environment and Climate Change Canada and Minister of Environment and Climate Change Strategy to enact laws to clarify the right of local governments to recover a fair share of their climate costs from fossil fuel companies.

THAT Council send a letter to the Minister of Environment and Climate Change Canada and Minister of Environment and Climate Change Strategy to enact legislation holding fossil fuel companies liable for climate-related harms caused by their contributions to climate change.

This report presents draft FCM and UBCM resolutions for Council consideration.

Discussion

The resolutions recommended in this report, once endorsed, will be forwarded to the FCM and UBCM for consideration at the annual conferences. As the deadline for resolution submission to the Lower Mainland Local Government Association (LMLGA) has already passed, the resolution will be forwarded directly to the UBCM. As the resolution deadline for the FCM is in January of each year, this resolution will be submitted to the FCM for consideration at the next available annual conference.

Council resolution RC19/130 to RC19/134 also included a request for the LMLGA, UBCM, and FCM to send climate accountability letters to the 20 largest fossil fuel companies on behalf of their members. This request for letters has already been submitted by the City of Victoria (**Attachment 2**) and was forwarded to the UBCM by the Association of Vancouver Island and Coastal Communities for the 2018 UBCM conference, but was not endorsed. The resolution currently being proposed, while similar, has a different request.

Other Options

THAT the report dated March 29, 2019 from Councillor Meghan Lahti and Councillor Amy Lubik regarding Climate Accountability Resolutions for FCM and UBCM Consideration be received for information.

Financial Implications

Endorsing the resolutions represent no immediate financial implications for the City.

Communications / Civic Engagement

There are no communications or civic engagement initiatives required by the recommendations in this report.

Council Strategic Plan Objectives

The recommendations in this report align with the Council Strategic Plan Objectives of protecting the environment and ensuring fiscal sustainability.

Attachments:

1. Memo dated March 18, 2019 from the Corporate Services Department – Legislative Services Division regarding Delegation Response – Climate Accountability.
2. 2018 UBCM Resolution Submitted by the City of Victoria (Not Endorsed).

Prepared by:

Councillor Meghan Lahti

Councillor Amy Lubik

Memorandum

To: Council

File #: 01-0230-01

Date: March 18, 2019

From: Corporate Services Department – Legislative Services Division

Subject: Delegation Response – Climate Accountability

At the Regular Council meeting held on March 12, 2019, Council received a delegation on Climate Accountability (**Attachment 1**) and passed the following resolution:

CW19/033

THAT the delegation request be placed on a subsequent Council agenda for consideration.

The delegation requested that Council consider taking the following actions:

1. Send climate accountability letters to the 20 largest fossil fuel companies;
2. Sign onto a letter to Premier Horgan requesting climate liability legislation;
3. Write and send letters to neighbouring municipalities asking them to do the same;
4. Submit resolutions to the LMLGA and UBCM, asking those organizations to do the same on behalf of their members; and
5. Direct Port Moody staff to explore legal opportunities and conditions necessary to join a class action lawsuit.

Council direction is requested.

Request to Appear as a Delegation

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
Tel 604.469.4500 • Fax 604.469.4550 • www.portmoody.ca

All information provided on this page, as well as any additional pages submitted, may be included in the agenda package, which is published in print and forms part of the permanent public record.

Name of Delegation: Delegation to Port Moody for Climate Accountability
Name of Primary Contact Person: Mike Galliford
Name(s) of Delegation Member(s) in Attendance: Gordon Cornwall; Mike Galliford; Elaine Golds
Purpose of Delegation: We will ask Council to consider taking two actions: (1) endorsing a letter, prepared by West Coast Environmental Law, to the Province of BC requesting the government to enact legislation holding fossil fuel companies liable for climate-related harms caused by their operations and products. (2) sending Climate Accountability Letters to the 20 largest fossil fuel companies
Details of Request: Climate change is no longer just a future threat. Municipalities now face mounting costs due to rising sea levels, wildfires, and spring flooding. Port Moody is on the hook for a portion of the \$9.5B which must be spent to combat sea level rise in Metro Vancouver, according to a 2012 BC government report. http://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/cost_of_adaptation-final_report_oct2012.pdf Some municipalities are trying to recover costs by suing fossil fuel companies for harms resulting from greenhouse gas emissions. Such lawsuits are expensive, protracted, and uncertain. But the time, cost and risk to municipalities can all be reduced if senior levels of government pass appropriate legislation, such as the Liability for Climate Related Harms bill, which passed first reading in the Ontario legislature in 2018. West Coast Environmental Law has prepared a letter asking the BC government to introduce similar legislation here. We ask Port Moody to consider signing on to this letter. Also, West Coast Environmental Law sent a letter last year to Port Moody and other BC municipalities inviting the City to send Climate Accountability letters to the twenty largest fossil fuel companies, which are collectively responsible for 29% of greenhouse gas emissions historically. A Climate Accountability letter from the City would ask the fossil fuel companies to pay their fair share of the City's climate-related costs. Our delegation will ask for an update on the status of this request, and renew our request if appropriate. Climate Accountability letters and the Liability for Climate-Related Harms legislation are both parts of West Coast Environmental Law's Campaign for Climate Accountability.
Additional Information in Support of Request: Similar letters have been sent by 15 BC municipalities. The suggested list of recipients is the top 20 GHG producers among the world's fossil fuel companies, and does NOT include Canadian Natural Resources Limited (CNRL). The Resort Municipality of Whistler included CNRL in its recent letter, and that resulted in some negative media coverage, as CNRL went on the attack. None of the other companies have responded in this way. The ask is for fossil fuel companies to pay their fair share of climate costs, not all of the costs, as some media reports have suggested.

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(3) asking neighbouring municipalities who have not already done so to join Port Moody in sending their own version of Climate Accountability Letters and the letter to the Province of BC requesting the legislation.

(4) submit resolutions to the LMLGA, and UBCM, asking those organizations to (a) send a climate accountability letter to the 20 largest fossil fuel companies on behalf of their members; and (b) ask Premier Horgan to enact laws to clarify the right of local governments to recover a fair share of their climate costs from fossil fuel companies.

(5) direct Port Moody staff to explore legal opportunities and conditions necessary to launch or join a class action law suit to recover municipal costs.

The accompanying documents are:

1) **Climate Accountability Letters: An Introduction for Local Governments**, a West Coast Environmental Law backgrounder on the whys and wherefores of sending accountability letters to fossil fuel companies.

2) Template for a **Climate Accountability Letter** addressed to fossil fuel companies from Port Moody.

3) **Examples of actual Climate Accountability Letters** sent by other BC municipalities.

4) **Bill 21, An Act Respecting Civil Liability for Climate-Related Harms**. This private member's bill introduced by Peter Tabuns this year in the Ontario legislature is a model for the legislation we propose in BC.

5) **A sign-on letter addressed to Premier John Horgan**. We will ask the City of Port Moody to consider signing on to this letter, along with other BC municipalities and community groups.

We appreciate the opportunity to speak to Council on this subject, and look forward to the meeting on February 26th.

Best Regards,

FOIPPA s. 22



Gordon Cornwall

s.22(1)





CLIMATE ACCOUNTABILITY LETTERS

AN INTRODUCTION FOR LOCAL GOVERNMENTS

Andrew Gage, Staff Counsel

“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. Vulnerable groups - the poor, Indigenous communities, women and children - are often hardest hit by climate impacts.” – Letter from BC Community Groups to Local Governments, 25 January 2017

On 25 January 2017, over 50 community groups from around BC – organizations focused on health, faith, human rights and environment – wrote to all of BC’s local governments asking that they take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution.

In the short term, we are asking your municipality (or regional district) to send “Climate Accountability Letters” to 20 of the world’s largest fossil fuel companies asking them to pay for climate costs that are being incurred by your community. This brief will answer some questions that you may have about why your community should send these letters.

Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for disaster relief arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpacks and aquifers disappearing, our communities are spending scarce taxpayer dollars to prepare for and respond to climate change. The situation is only going to get worse.

As it stands, the costs of building climate resilient communities fall to the taxpayer, as do the costs of re-building communities after floods or fires. Municipal governments bear much of the burden for these climate costs, because municipal infrastructure is frequently affected. In at least one case, municipalities in the U.S. were sued (by their insurers) for failing to prepare adequately for known climate impacts.ⁱ

It is time to ask whether taxpayers alone should be solely responsible to pay climate adaptation and damage costs, or whether costs should be shared with the companies that have made billions of dollars creating this situation. The products and operations of the **20 fossil fuel companies** are collectively responsible for roughly 30% of the greenhouse gases in the atmosphere today. That greenhouse gas pollution is changing the climate, and costing your community money as it is forced to respond and adapt.

It is essential that we have this conversation now. Communities need to know how much they can expect the fossil fuel industry to pay for their climate costs. The fossil fuel industry and its investors need to be able to make informed decisions about the future of the industry once they factor in the real costs of their activities.

Why does it matter to our planet?

Fighting climate change only works when everyone does their fair share. We all share the same precious atmosphere.

Right now the world's largest fossil fuel companies are making hundreds of billions of dollars from products that cause greenhouse gas pollution and put communities around the world at risk. There are powerful economic incentives for those companies, their investors and the governments of the world to continue producing fossil fuels without regard to the consequences for our planet. In many cases these companies have known since the late 1960s that their products were likely causing climate change. Since that time many have funded climate misinformation and lobbied hard against global rules that would protect our communities from climate change.

When companies make massive profits from pollution and products that cause pollution, this is known as an “externality.” It creates an economic system where some parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay for the harm they cause, they, and their investors and governments, will start to have questions about the profitability of the industry.

Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future.

What is a Climate Accountability Letter?

A Climate Accountability Letter is a letter written by the representatives of a community to a fossil fuel company asking them to be accountable for the harm caused to that community by their operations and products. These letters are extremely flexible. A community can decide which climate impacts they wish to highlight, whether to demand that the company pay its fair share of current, or future, climate impacts or demonstrate its accountability in some other way.

We provide templates for accountability letters for your community to adapt on the climate law in our hands website.ⁱⁱ We also provide a spreadsheet with the addresses and share of global greenhouse gas emissions of 20 of the world's largest fossil fuel companies.

Is this within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent management of their financial resources requires local governments to at least consider the possibility that some of those costs can be recovered from fossil fuel companies and, if appropriate, to take steps to do so.

One of the purposes of municipalities (according to the BC Community Charter) is “fostering the economic, social and environmental well-being” of the community – so Council also has a clear mandate to play its part in addressing climate change globally.

Why target fossil fuel companies?

Some argue that we're all responsible for climate change, but if so, surely we can agree that some of us are more responsible than others?

In 2013 a peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010"ⁱⁱⁱ estimated the emissions from the operations and products of 90 entities – primarily fossil fuel companies. Just 20 of those fossil fuel companies – the 20 that we are asking you to write to – are responsible for almost 30% of the fossil fuels in the global atmosphere today.

But for the actions of these companies in extracting fossil fuels from the ground, and (in many cases), processing, transporting, marketing, and selling them for use by end consumers, these emissions would not have

ended up in our atmosphere. That's doubly true if you consider the impact of some of these companies in lobbying against action on climate change and in funding public misinformation on climate science. Had these companies acted, when they learned of the science of climate change in the 1960s, to shift the economy towards renewable energy, we would live in a very different, and more sustainable, society.

In addition, a focus on local impacts caused by fossil fuel companies creates new opportunities for local communities to have a global impact. Rather than focusing only on reducing the comparatively small amounts of greenhouse gases created in our own communities, we can also have a conversation about 30% of global emissions.

Shouldn't the Canadian (or BC) government be taking action?

Yes, of course all levels of government should be taking action to fight climate change. But the Canadian and BC governments still rely on the fossil fuel industry in many ways – from campaign contributions to hopes of economic growth.

The fact that the senior levels of government have not yet taken action to hold fossil fuel polluters accountable does not mean that local governments cannot take action to recover their own climate costs. Indeed, a community concerned about local costs of climate change may be more willing to show leadership to protect its residents and environment, and may be more willing to

have a discussion about the role of the fossil fuel industry in contributing to those costs.

Sometimes when people look to the provincial or federal governments for climate leadership, they are looking for regulation of sources of greenhouse gases. While such regulation is important, such laws can only regulate emissions or other activities that take place in Canada (or in BC). The claims for compensation related to climate accountability that we recommend use legal tools that can cross borders and address global sources of emissions.

Do you drive cars (or use gas)?

In response to the 25 January 2017 letter, three mayors independently wrote to us with variations on the message that if we use fossil fuels, we cannot ask for the fossil fuel industry to be held accountable.

We are not denying that individuals play a role in reducing their own greenhouse gas emissions (while recognizing that the options available to individuals to entirely eliminate their fossil fuel use in today's society are limited). Nor are we suggesting that fossil fuels could be eliminated tomorrow.

What we are suggesting is that the responsibility of fossil fuel companies is at least as great as that of the individual, and they should pay their fair share of the costs. We are further suggesting that once the industry realizes that it may be required to pay its fair share, there will be a powerful incentive for the system to change – creating more options for individuals seeking to reduce their greenhouse gas emissions. This is a crucial step in helping society as a whole move away from gas-powered vehicles (and uses of fossil fuels involving combustion).

In the fight to phase out ozone-destroying HFCs, no one ever told those concerned about the ozone layer: “Yeah, but do you own a refrigerator?”

Am I signing up for a lawsuit?

By sending Climate Accountability Letters, your community is simply initiating a conversation, not a lawsuit, about the role of the fossil fuel industry in causing climate harm to your community.

In the 25 January 2017 letter sent to your government, we did also encourage you to consider the possibility of a class action by all BC local governments against some fossil fuel companies. However, sending letters to the fossil fuel companies does not commit your government to participate in or support such a court case.

If your community is interested in exploring the possibility of a lawsuit against the fossil fuel industry, please do contact us for more information.

How do I find out more?

Contact Andrew Gage at agage@wcel.org or 250-412-9784 or learn more on the Climate Law in our Hands initiative website at www.climatelawinourhands.org.

ⁱ <http://www.eenews.net/stories/1059999532>; The insurance company subsequently dropped the lawsuit, but the case stands as a warning to local governments that fail to prepare for climate change.

ⁱⁱ www.climatelawinourhands.org/demand-accountability

ⁱⁱⁱ 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

«Responsible_Company»
«Address_1»
«Address_2»
«City», «State» «Postal»
«Country»

Attn. CEO of «Responsible_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 by [your company] are responsible for fully «M__of_GHG_s_to_2013»% of historic greenhouse gas emissions.¹ 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.²

Since then, however, your company has continued marketing your harmful products and many within your industry have worked, directly or indirectly, to delay or prevent the transition to a carbon free economy.³ 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.

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, updated to 2013 at http://climateaccountability.org/carbon_majors_update.html, last accessed 23 September 2016.

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

³ <http://www.ucsusa.org/sites/default/files/attach/2016/03/backgrounder-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.

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 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.

Port Moody is coastal ocean city on the shore of Burrard Inlet with suburban development surrounded by forested mountains. A recent engineering report concluded that protecting the Vancouver regional district from flooding caused by the predicted increase in sea level by 2100 would cost nearly a billion dollars. Included in this plan was a small portion (875 m) of the Port Moody foreshore that would be diked at a projected cost of \$CAD1.92M⁴. Most of Port Moody's foreshore consisting of business, residential, and park land would not be protected from sea level rise in this plan, substantially increasing the cost of rising sea level. In addition, upgrades to the storm sewer system and protection from anticipated increased risk of wild fires and windstorms associated with climate change will be substantial, but not yet estimated.

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. «M__of_GHGs_to_2013»% 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 «M__of_GHGs_to_2013»% 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]

⁴ Cost of Adaptation - Sea Dikes & Alternative Strategies FINAL REPORT. Produced by Delcan for the BC Ministry of Forests, Lands and Natural Resources and Natural Resources Canada (2012), Table 4.3B, p. 22.

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

3RD SESSION, 41ST LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill 21

An Act respecting civil liability for climate-related harms

Mr. P. Tabuns

Private Member's Bill

1st Reading March 26, 2018

2nd Reading

3rd Reading

Royal Assent



An Act respecting civil liability for climate-related harms

Preamble

Climate change is real. It is already affecting Ontarians' lives as increased wildfires and flooding create significant and costly damage. Climate change threatens to make life more expensive as people and governments are required to pay for the harm it causes and for the protection of schools, roads, hospitals and homes from unprecedented flooding and other extreme weather events.

Enhanced legal tools are required so that governments, businesses and individuals can ensure that coal, oil and gas producers contribute their fair share to paying for the harms to which their products contribute and for the necessary steps to prevent future harms.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1 In this Act,

“climate change” means a long-term change in the Earth’s climate caused by the alteration of concentrations of greenhouse gas in the global atmosphere; (“changement climatique”)

“climate-related harms” means harms arising from climate change, including, without limitation,

- (a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets,
- (b) the costs associated with obtaining and maintaining insurance reasonably required due to the risk of the losses described in clause (a),
- (c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them,
- (d) harm related to ocean acidification,
- (e) loss of land or damage to infrastructure due to rising sea levels, including slow-onset loss,
- (f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures,
- (g) the costs of responding to emergencies arising from natural disasters associated with climate change,
- (h) the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs, and
- (i) the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs; (“dommages liés au climat”)

“production”, when used in respect of fossil fuels, includes exploration for sources of fossil fuels, exploitation of fossil fuels and sale of fossil fuels. (“production”)

Strict liability for climate-related harms

2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is strictly liable for climate-related harms that occur in Ontario.

Level of greenhouse gas emissions

(2) The determination of a producer’s level of greenhouse gas emissions shall be based on,

- (a) emissions resulting from the producer’s production of fossil fuels; and
- (b) emissions resulting from the use of those fossil fuels.

Same

(3) Even if the costs described in clauses (f) to (i) of the definition of “climate-related harms” in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

Evidentiary matters

3 (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to,

- (a) scientific or statistical information or modelling;
- (b) historical experience; and
- (c) information derived from relevant studies, including information derived from sampling.

Evidence re climate change causing particular events

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

Regulations

4 The Lieutenant Governor in Council may make regulations respecting,

- (a) the determination of the greenhouse gas emissions that can be attributed to a producer; and
- (b) the determination of whether a producer’s greenhouse gas emissions level is globally detectable.

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.

Premier John Horgan,
PO BOX 9041 STN PROV GOVT
Victoria BC V8W9E1

*** BY FAX @ 250 387-0087 AND MAIL ***

Dear Premier Horgan:

Re: Liability for Climate-related Harms Act and Climate Leadership

We write to ask your government to take immediate action to hold global fossil fuel companies accountable for climate change-related harm and costs that occur in British Columbia, through the enactment of a *Liability for Climate-related Harms Act* – a statute to clarify the legal rules of liability for harm caused by climate change.

This statute is essential both to protect BC taxpayers against a rising tide of climate change costs and to give global fossil fuel companies financial incentives to work to solve the climate crisis.

Climate impacts in BC

We are frightened about what climate change means for our planet, British Columbia and our communities. As a result of fossil fuel pollution, the world has already seen a 1°C increase in average temperatures. In BC we are already seeing:

- droughts and heat threatening us with increased wildfires and water shortages,
- extreme weather and early melting of snow-pack leading to flooding, landslides, and resident evacuation,
- sea level rise requiring expensive coastal protection measures, and
- the spread of diseases and pest species, such as Lyme Disease and the Mountain Pine Beetle.

As unchecked increasing fossil fuel pollution continues to push global temperatures ever higher, climate impacts like these, which hit poor and vulnerable groups especially hard, will only get worse. The government of British Columbia and other levels of government are on the hook to fund infrastructure upgrades and changes to services, in efforts to shield British Columbians from the worst of these climate impacts. Estimates of the potential costs to British Columbia run in the tens of billions of dollars.¹

Polluters must pay

¹ Figures for the costs of coastal flooding to BC illustrate the point. Paying the Price, a 2010 report of the National Roundtable on Environment and Economy (NRTEE) estimates the costs to Canada by 2020 at \$5 billion per year, rising to \$21-43 billion per year by 2050 (and much more than that if global temperature increase is not kept to below 2°C). The same report estimates that flooding in BC by 2050 is likely to cost the province an average of between \$0.8 and \$7.6 billion each year if the world is successful in keeping temperature increases below 2°C. (p. 72). If governments build infrastructure to deal with the potential flooding, this figure will be reduced, but the infrastructure needed for the Lower Mainland has been estimated at \$9.5 billion by 2100 to deal with a 1 metre sea-level rise (Delcan. Cost of Adaptation - Sea Dikes and Alternative Strategies (Province of BC, 2012)). Some models suggest that the actual sea level rise may be considerably higher and faster than 1 metre by 2100. Economic loss figures for the Mountain Pine Beetle are also instructive. It has been estimated that the epidemic will see BC's GDP lose \$57.37 billion over a 45 year period: L. J. Corbett, P. Withey, V. A. Lantz, T. O. Ochuodho; The economic impact of the mountain pine beetle infestation in British Columbia: provincial estimates from a CGE analysis, *Forestry: An International Journal of Forest Research*, Volume 89, Issue 1, 1 January 2016, Pages 100–105, <https://doi.org/10.1093/forestry/cpv042>.

Until now, governments, industry and the public have largely assumed that these costs will be fully borne by taxpayers – much as it was at one time generally assumed that smokers and health care systems would bear the full health costs of smoking.

Not only is that unfair to taxpayers, but it also means that fossil fuel companies and their investors lack economic incentives to transition to a more sustainable business model.

Fossil fuel companies have made massive profits selling products that they know contribute to climate change. Ninety fossil fuel producers are responsible (through operations and products) for about two-thirds of greenhouse gases in the global atmosphere today.² Many of these same companies knew about the impacts of their products as early as the 1950s or 1960s. Instead of acting on this information to address the effects of their products, they funded misinformation campaigns about climate change, lobbied against action on climate change and sat on renewable energy patents that would have significantly reduced greenhouse gas emissions.³

While individual lifestyles and consumer choices play a role in causing greenhouse gas pollution, the contribution of, and the choices available to, individuals are insignificant compared to the role of fossil fuel companies. And yet currently taxpayers and individuals are on the hook for 100% of climate costs, while fossil fuel companies pocket their profits. In effect, fossil fuel companies are transferring costs of managing the climate impacts of their products to taxpayers.

To prepare for the coming climatic changes from fossil fuel pollution, BC communities will need funding at levels that are only beginning to be appreciated. Already, credit ratings agencies are warning governments that their credit ratings are at risk if they fail to prepare for expected climate risks.⁴ Fossil fuel companies, who have profited most from the climate crisis, should pay their fair share of those costs.

BC can hold fossil fuel companies accountable

The province of British Columbia has the legal power – through a *Liability for Climate-related Harms Act* – to define the legal consequences associated with climate costs and impacts that are currently being incurred within its borders. The Act can ensure that global fossil fuel companies pay a fair share of those costs – even where the companies that contributed to the impacts are **outside the province's borders**.⁵

² Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", *Climatic Change*, Jan 2014.

³ Muffet, C. and Feit, S. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*. (Washington, DC: Center for International Environmental Law, 2017), available on-line at <http://www.ciel.org/wp-content/uploads/2017/11/Smoke-Fumes-FINAL.pdf>, last accessed 30 April 2018; Union of Concerned Scientists. *The Climate Deception Dossiers*. (Washington, DC: Union of Concerned Scientists, 2015).

⁴ **Moody's Investor Services Inc.**, Announcement: Climate change is forecast to heighten US exposure to economic loss placing short- and long-term credit pressure on US states and local governments, Nov 28, 2017.

⁵ See Gage, A. and Wewerinke, M., *Taking Climate Justice into our own Hands* (Vancouver, BC: West Coast Environmental Law, 2015); Byers, M., Franks, K. and Gage, A. *The Internationalization of Climate Damages Litigation*. *Washington Journal of Environmental Law & Policy*, Volume 7, issue 2, July 2017, <http://hdl.handle.net/1773.1/1709>, last accessed 23 April 2018.

BC was the first province in Canada to enact a *Tobacco Damages Recovery Act*, to enable lawsuits to recover health care costs from cigarette manufacturers,⁶ a precedent noted recently by Ontario NDP Environment and Climate Change Critic, Peter Tabuns, when he proposed a *Liability for Climate-related Harms Act*⁷ in the Ontario Parliament.

While fossil fuel companies could be sued under existing common law principles,⁸ there are significant advantages to the Legislature, rather than the courts, clarifying the legal rules for liability in such cases. Enacting a *Liability for Climate-related Harms Act* may clarify the legal rules more quickly and cheaply than could occur through protracted litigation, as well as giving **the public's representatives an important opportunity to investigate and quantify the costs of climate change and to discuss the role of the fossil fuel industry in paying for those costs.**

Conclusion

BC's government, communities, taxpayers and individual victims cannot afford the rising tide of climate costs that is bearing down upon us. Communities in BC and around the world are demanding that fossil fuel companies pay their share of climate costs.⁹ As the City of Victoria wrote in a letter to 20 fossil fuel companies about its **expected climate impacts: "It would be financially irresponsible of us to assume that our taxpayers will bear the full costs of these impacts of fossil fuel production, while your shareholders continue to benefit financially from the sale of fossil fuels."¹⁰**

A relatively small number of companies have the resources, scale, knowledge, technology and expertise to either block or advance climate action. We must ensure that they have every incentive to use that power to build the sustainable economy that we need.¹¹

In enacting a *Liability for Climate-related Harm Act*, you would protect BC taxpayers and individuals from massive costs, avoid the need for protracted and expensive litigation to clarify legal responsibility for climate impacts, and, perhaps most importantly, you would send a global message to the fossil fuel industry that its business model can no longer ignore the harm that it is causing.

⁶ S.B.C. 1997, c. 41. For commentary on the potential for a climate act based on the Tobacco Damages Recover Act, see Olszynski, Martin and Mascher, Sharon and Doelle, Meinhard, From Smokes to Smokestacks: Lessons from Tobacco for the Future of Climate Change Liability (April 24, 2017). Georgetown Environmental Law Review, 2017. Available at SSRN: <https://ssrn.com/abstract=2957921>; Also Gage and Wewerinke, above, note 2 at p. 9; L. Collins & H. McLeod-Kilmurray. The Canadian Law of Toxic Torts. (Canadian Law Book, 2014), pp. 290-291.

⁷ Bill 21, the *Liability for Climate-related Harms Act*, 2018, available at http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=5835&detailPage=bills_detail_the_bill; the Bill was referred to committee, but has since died with the 2018 Ontario election.

⁸ Communities in California, Colorado, Washington and New York have sued fossil fuel companies for local climate costs in their own state's courts. In addition, a German court is currently considering a claim brought on behalf of a Peruvian community against a German coal company for climate costs.

⁹ Here in BC, over 10 local governments, plus the Association of Vancouver Island and Coastal Communities (representing 53 local governments) have voted to send letters to 20 fossil fuel companies demanding that they pay their share of local climate impacts. A human right complaint is being investigated in the Philippines against many of these same companies for their contribution to climate change. Also the lawsuits referenced in note 6.

¹⁰ Letter from City of Victoria to Chevron, November 28, 2017.

¹¹ In many other contexts, the BC government has long required industry to pay for the full costs of their products, as through Extended Producer Responsibility which is a well-established principle of BC's laws regarding recycling and waste management.

% of GHGs

% of GHGs to 2013	Responsible Company	Address 1	Address 2	City	State	Postal	Country
3.34	Chevron	6001 Bollinger Canyon Road		San Ramon	CA	94583	USA
3.29	Saudi Aramco	P.O. Box 5000		Dhahran		31311	Saudi Arabia
3.1	Exxon Mobil	5959 Las Colinas Boulevard		Irving	Texas	75039-2298	USA
2.38	BP p.l.c.	1 St James's Square		London		SW1Y 4PD	United Kingdom
2.33	Gazprom	16 Nametkina St.		Moscow		GSP-7, 117997	Russian Federation
2.06	Royal Dutch Shell plc	PO box 162	2501 AN	The Hague			The Netherlands
2.02	National Iranian Oil Company	Hafez Crossing	Taleghani A	Tehran			Iran
1.39	PEMEX	Avenida Marina Nacional #329 C 3,	Col. Veróni	Del. Miguel Hidz	Distrito Fe	11300	Mexico
1.16	Coal India Limited	Coal Bhawan, Premise No-04 MAR	Plot No-AF-	Newtown, Rajar	Kolkata	700156	India
1.12	Conoco Phillips	600 North Dairy Ashford (77079-1175	P.O. Box 2:	Houston	TX	77252-2197	USA
0.89	Peabody Energy	Peabody Plaza	701 Marke	St. Louis	MO	63101-1826	USA
0.88	Petroelos de Venezuela, S.A.	Av. Libertador La Campiña 169	Ed. Petróle	Caracas		1010-A	Venezuela
0.82	Total SA	Tour Coupole - 2 place Jean Millier	Arche Nor	Paris	La Défense	92078	France
0.78	PetroChina (CNPC)	9 Dongzhimen North Street	Dongcheng	Beijing		100007	P.R.China
0.75	Kuwait Petroleum Corp.	P.O. Box: 26565		Safat		No. 13126	Kuwait
0.7	Murray Energy Corporation	46226 National Road		St. Clairsville	Ohio	43950	USA
0.66	Sonatrach	Djenane El Malik		Hydra		160335	Algeria
0.59	CONSOL Energy Inc.	CNX Center	1000 Cons	Canonsburg	PA	15317-6506	USA
0.55	BHP Billiton Limited	BHP Billiton Centre	171 Collins	Melbourne	Victoria	3000	Australia
0.51	Iraq National Oil Company	c/o Iraq Ministry of Oil	PO Box 6178		Baghdad		Iraq
29.32	Combined Total						

Key

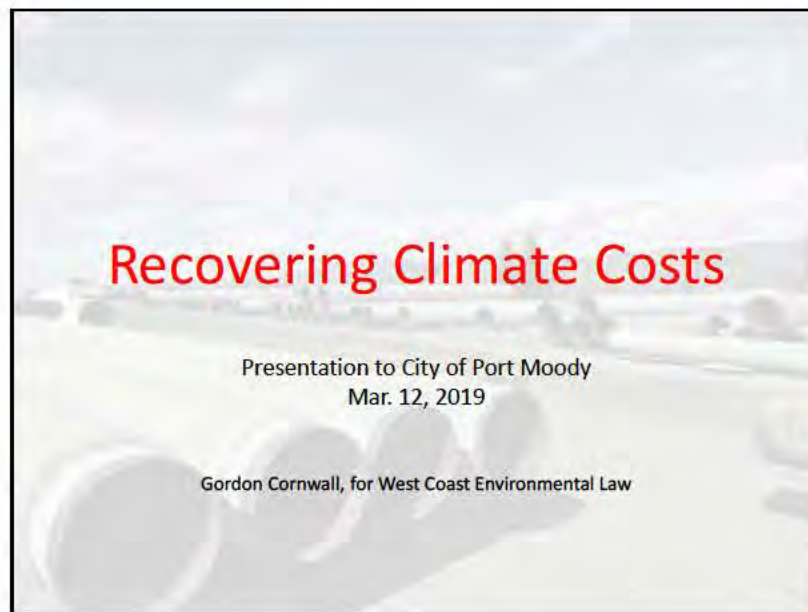
Privately Owned Corporation

State Owned Corporation

Notes:

The estimates of responsibility for greenhouse gases from 1854-2013 are based on the "Carbon Majors" research of Richard Heede, found at http://www.climateaccountability.org/carbon_majors_update.html (last accessed 12 January 2017) which is an update of 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.

West Coast Environmental Law has made reasonable efforts to identify the appropriate address for each corporate entity, but makes no guarantees. Anyone seeking to rely upon the above addresses should confirm the addresses themselves.



Some examples:

Record BC wildfire season in 2017

- \$668M in fire fighting costs (not counting military) ¹
- 1.2 M hectares forest lost
- 400,000 hectares rangeland damaged
- hundreds of homes and other structures destroyed
- impact on tourism
- physical and mental health impacts from smoke inhalation and anxiety
- **New record in 2018 (here and in California)**

New and enhanced infrastructure to combat rising sea levels in Metro Vancouver:



- \$9.5B for dykes, sea-gates, property acquisition ²

Potential costs of a Fraser River flood:

- \$32.7B in interrupted cargo shipments, commercial and residential damages, etc. ³

1. Globe and Mail "BC wildfires stoked by climate change likely to become worse: study" Jan 9 2019.
2. BC Ministry of Forests, Lands and Natural Resource Operations "Cost of Adaptation - Sea Dikes & Alternative Strategies" October 2012.
3. Fraser Basin Council "Lower Mainland Flood Management Strategy - Phase 1 Summary Report" May 2016.



<p style="text-align: center;">CITY OF PORT MOODY COMMUNITY WILDFIRE PROTECTION PLAN</p>  <p style="text-align: center;"><small>R.A. Blackwell & Associates Ltd. 1979 (2017)</small></p> 	<p>28 recommendations, including:</p> <ul style="list-style-type: none"> 16. New and improved access roads for evacuation and fire control. 18. Helicopter with bucket on standby when fire risk is high. 20. Contingency plan for evacuating critical emergency facilities, including Eagle Ridge Hospital, in case of heavy smoke. 21. Enhance sprinkler protection program from 20 homes to 50. 23. Additional equipment for wildfire attack and firefighter protection. 26. Develop fuel break network. 27. Protect electrical transmission corridor.
--	---


As things stand, municipalities and regional governments are on the hook for a large proportion of those costs.

Taxpayers pay.
So do insurers and their clients, businesses, and individuals.

Meanwhile, fossil fuel corporations make profits without sharing the costs of the pollution caused by their operations and their products.

20/03/2019

THE WALL STREET JOURNAL



Climate Change Is Forcing the Insurance Industry to Recalculate

As signs of global warming intensify, insurers are today on the high seas, and the world's largest insurers are

The global insurance industry has raised premiums, and in some cases refused coverage for damage due to sea level rise, storm surges and flooding.

The State of Florida was forced to set up its own insurance pool to protect against losses from windstorms, thereby transferring risk to its taxpayers.

Los Angeles Times, Jun 16, 2014.

FINANCIAL POST

NEWS INVESTING MARKETS PERSONAL FINANCE IPO/LOANS IPO/VENTURE ENTREPRENEUR ECONOMY IP/AGENCY

Nov. 30, 2017

Moody's for first time warns cities to address climate change or face credit downgrades

Texas, Florida, Georgia and Mississippi are among the states most at risk from climate change



'In a report to its clients Tuesday, Moody's Investors Service Inc. explained how it incorporates climate change into its credit ratings for state and local bonds. If cities and states don't deal with risks from surging seas or intense storms, they are at greater risk of default.

"What we want people to realize is: If you're exposed, we know that. We're going to ask questions about what you're doing to mitigate that exposure," Lenny Jones, a managing director at Moody's, said in a phone interview. "That's taken into your credit ratings."

Some cities are managing their exposure by suing companies that have contributed the most to climate change.

Sept. 19, 2017: [San Francisco and Oakland sue for damages](#) in California Superior Court from five fossil fuel companies over sea level rise. Case dismissed June 25, 2018. The cities appealed.

Dec. 20, 2017: [Santa Cruz and Santa Cruz County file lawsuits](#) in California Superior Court against 29 fossil fuel companies, seeking compensation for climate change-related damage.

Jan. 9, 2018: [New York City files suit](#) in federal court against five fossil fuel companies over climate change-related costs. Dismissed July 19, 2018. NYC appealed Nov 8, 2018.

Jan. 22, 2018: [City of Richmond, California files lawsuit](#) in California Superior Court against 29 fossil fuel companies.

April 17, 2018: In Colorado, the city of [Boulder, Boulder County and San Miguel County file a lawsuit](#) in District Court seeking to hold Exxon and Suncor accountable for costs related to climate change.

July 20, 2018, [Baltimore sues](#) 26 fossil fuel companies in Maryland state court for putting their investment in waterfront infrastructure at risk. ¹

February, 2018, Paris, France, passed a resolution "to examine suing oil and gas companies to pay for the costs of climate impacts." ²

Nov 14, 2018, California crab fishermen associations file suit against 30 fossil fuel companies for harm caused to California's fisheries by ocean warming. ³

1. "Fossil Fuels on Trial Where the Major Climate Change Lawsuits Stand Today," Insideclimatenews.org, accessed Nov 15, 2018.
2. "Paris, Inspired by New York City, Considers Climate Suit Against Oil Companies," ClimateLiabilityNews.org, accessed June 8, 2018.
3. "Claws out: crab fishermen sue 30 oil firms over climate change," The Guardian, Nov 14, 2018, accessed Jan 9, 2019.

**These are early days for such lawsuits.
The process is protracted and expensive,
and outcomes are uncertain.**

**However, appropriate legislation passed by senior
levels of government can speed up the process,
provide greater legal certainty, and reduce costs.**

20/03/2019

Legislative
Assembly
of Ontario



Assemblée
législativ
de l'Ontario

SESSION, LEGISLATIVE, ONTARIO
OF REGARDING 3. 2018

Bill 21

An Act respecting civil liability for climate-related harms

Mr. P. Tabuns

Private Member's Bill

1st Reading: March 26, 2019
2nd Reading:
3rd Reading:
Royal Assent:

To this end,
NDP MPP
Peter Tabuns
introduced
Bill 21 to the
Ontario
legislature
in March
2018.
(Reintroduced
in October, 2018
as Bill 37.)

Key excerpts from the Ontario Bill

Strict liability for climate-related harms

2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is **strictly liable** for climate-related harms that occur in Ontario.

Level of greenhouse gas emissions

(2) The determination of a producer's level of greenhouse gas emissions shall be based on:

- (a) emissions resulting from the producer's production of fossil fuels, and
- (b) emissions resulting from the use of those fossil fuels

"climate-related harms" means harms arising from climate change, including, without limitation:

- (a) economic loss or physical loss of property, infrastructure, structures, resources, or other assets,
- (b) the costs associated with obtaining and maintaining insurance reasonably required due to the risk of the losses described in clause (a),
- (c) death, injury, illness or other physical or psychological harms and the costs associated with treating or caring for persons suffering from them,
- (d) harm related to ocean acidification,
- (e) loss of land or damage to infrastructure due to rising sea levels, including slow-onset loss,
- (f) the costs of monitoring, researching and analysing the climate and the weather if the costs are reasonably incurred to provide information about the effects of climate change and appropriate adaptation measures,
- (g) the costs of responding to emergencies arising from natural disasters associated with climate change,
- (h) the costs of constructing, renovating, repairing or improving infrastructure in order to minimize further such harms and costs, and
- (i) the costs of carrying out public education campaigns to inform the public about reducing and avoiding such harms and costs ("dommages liés au climat").

7

Same

(3) Even if the costs described in clauses (1) to (1) of the definition of "climate-related harms" in section 1 have not yet been incurred, subsection (1) applies with respect to those costs if the court determines that they are reasonably required for the planning, initiation or completion of the activities mentioned in those clauses.

Evidentiary matters

2 (1) In determining whether particular harms or costs constitute climate-related harms and in determining the quantum of damages or costs related to them, the court may have regard to,

(a) scientific or statistical information or modelling,

(b) historical experience, and

(c) information derived from relevant studies, including information derived from sampling.

Evidence re climate change causing particular events

(2) In a case in which it is alleged that a particular weather event, flood or other event or series of such events was caused by climate change, evidence that climate change has doubled the likelihood of that type of event occurring is sufficient to demonstrate, on a balance of probabilities, that the event was caused by climate change or that climate change worsened the impact of the event.

Regulations

4 The Lieutenant Governor in Council may make regulations respecting,

(a) the determination of the greenhouse gas emissions that can be attributed to a producer, and

(b) the determination of whether a producer's greenhouse gas emissions level is globally detectable.

Commencement

5 This Act comes into force on the day it receives Royal Assent.

Short title

6 The short title of this Act is the *Liability for Climate-Related Harms Act, 2018*.

The contributions of individual fossil fuel companies to increased atmospheric GHG concentrations can be determined, as a measure of their responsibility for climate change. A 2014 peer-reviewed study by Rick Heede, published in the journal *Climatic Change*, identified 90 entities that have contributed nearly 2/3 of the CO₂ and methane that has been released into the atmosphere since the start of the industrial era.¹

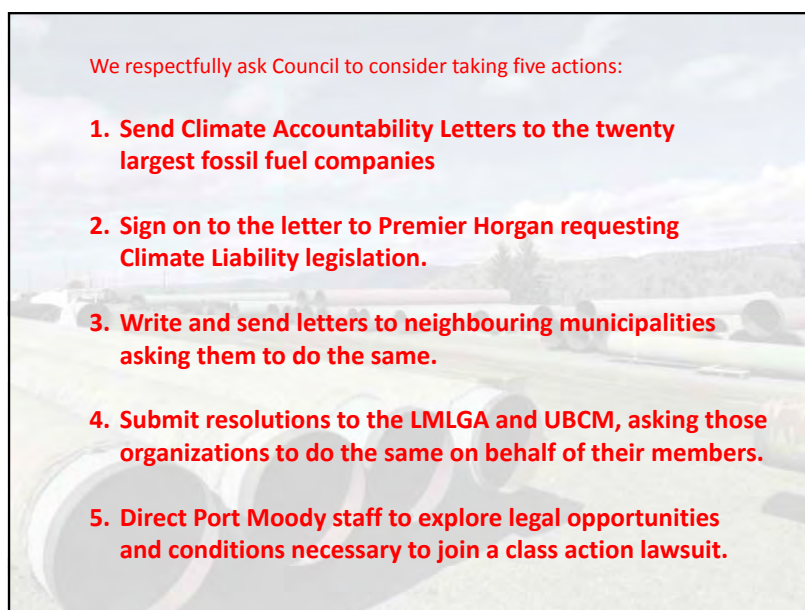
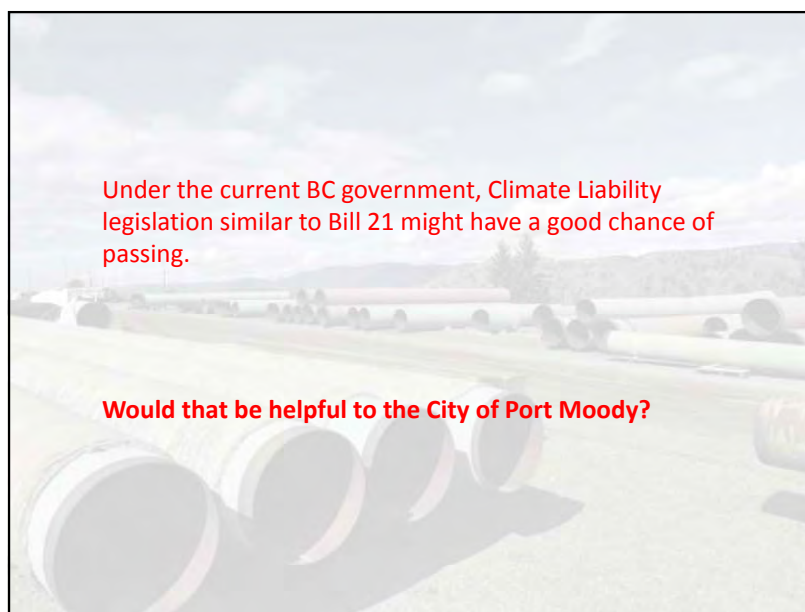
Studies of this kind can be used to assign legal responsibility fairly to individual companies.

1. Heede, Richard, "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", *Climatic Change*, Jan 2014.

Top 20 Investor- and state-owned entities and attributed CO₂ & CH₄ emissions 2010

Entity	2010 Emissions (MtCO ₂ e)	Cumulative 1854–2010 (MtCO ₂ e)	Percent of Global (1751–2010)
1. Chevron, USA	823	51,090	5.92%
2. ExxonMobil, USA/UK	823	49,672	5.72%
3. Saudi Aramco, Saudi Arabia	1,550	46,035	5.37%
4. BP, UK	554	35,857	4.17%
5. Gazprom, Russian Federation	1,371	32,316	3.72%
6. Royal Dutch/Shell, Netherlands	478	30,751	3.53%

Excerpt from Executive Summary on [Carbon Majors website](#), accessed June 8, 2018



In the 1970's, the largest fossil fuel companies knew their products caused climate change. But they suppressed that information, and spread doubt about the science.

In their eight month long investigation, reporters at InsideClimate News interviewed former Exxon employees, scientists and federal officials and analyzed hundreds of pages of internal documents. They found that the company's knowledge of climate change dates back to July 1977, when its senior scientist James Black delivered a sobering message to the top.

"In the first place, there is general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels," Black told Exxon's management committee. A year later, he warned Exxon that doubling CO2 gases in the atmosphere would increase average global temperatures by two or three degrees—a number that is consistent with the scientific consensus today. He cautioned to warn that "present thinking holds that such a 4 temperature rise is far more likely than the good forecasted defense regarding changes in energy strategies might improve output." In other words, Exxon needed to act.

Scientific American, Oct 26, 2015

what is now considered abnormal weather could become a new norm

Stills from "Climate of Concern," an educational video produced by Royal Dutch Shell in 1991 (with youtube subtitles).

faced with such a disturbing scenario governments are having to consider



2018 UBCM Resolution Submitted by the City of Victoria (Not Endorsed)

Whereas communities in British Columbia face a range of impacts from climate change, including sea-level rise, increased coastal erosion, prolonged summer drought, and increased winter precipitation and communities are required to consider these impacts in infrastructure planning, construction and maintenance, as well as to mitigate the financial impacts of these costs on residents and businesses given the limits of local government revenue raising to property taxes and utilities;

And whereas while the precise amount of increased costs due to the increase in work on infrastructure due to climate change is not yet quantified, local governments in British Columbia are almost certainly already paying significantly increased costs and those amounts will only increase, noting that fossil fuel companies have played a major role in the creation of climate change, making hundreds of billions of dollars in selling products which cause climate change with the twenty largest fossil fuel companies having contributed—through their operations and products—to approximately 29.3 per cent of greenhouse gases in the global atmosphere today:

Therefore be it resolved that UBCM and FCM on behalf of their member local governments write a climate accountability letter to the twenty fossil fuel companies outlining the types of costs that communities are incurring and expected to incur due to climate change, and requesting that the companies pay their fair share of those impacts.

Endorsed by the Association of Vancouver Island & Coastal Communities

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From: s.22(1)
To: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
Date: 6/27/2019 2:08:52 PM
Subject: Letter to Mayor and Council on Climate Accountability (Motion B5)

Hello Councilor Boyle,

I sent the following letter to you, the Mayor and your fellow councilors through the City's website. Not sure if it will get to you that way so I thought I would send it by email as well.

A huge thank you to you for your work on climate accountability.

Keep going,

s.22(1)

=====

Dear Mayor and Council,

I am a long time Vancouverite who lives in Fairview and is extremely concerned about the mounting risks of climate change to our city, province, country and world.

I am writing to urge you to vote in favour of Motion B5 requiring fossil fuel producers to pay their fair share of Vancouver's efforts to adapt the damages of climate change that are already in the pipeline.

Overwhelming evidence from the United Nations, the [Bank of Canada](#), the Government of Canada and even fossil fuel companies shows we are truly at a seismic turning point in our civilization's history. We have a small number of years to radically transform our infrastructure to withstand the damages created by a fossil fuel powered economy and energy system while getting ready for increasingly costly and destructive impacts. As you likely know Vancouver faces increasing impacts associated with sea level rise, drought, wildfires, extreme rainfall, extreme heat, species die-off, food and water security and people seeking shelter in the city as climate change makes parts of the world increasingly uninhabitable. These impacts will directly affect the livability and well being of our City and its citizens.

Vancouver has long been a leader in these efforts both to build local resilience, but also by making the city more sustainable thereby reducing our pollution and contributions to climate breakdown. However, this effort is expensive and projections show rising costs as extreme weather worsens. In a city with an affordability crisis there is only so much money to go around.

Fossil fuel interests have long known the risks of pursuing a carbon-fuelled development path. Exxon research from 1977 shows recognition of the risks of anthropogenic climate change to ecosystems critical to all life on Earth (Source: <https://www.scientificamerican.com/article/exxon-knew-about-climate-change-almost-40-years-ago/>). Royal Dutch Shell published a confidential document in 1988 admitting that climate impacts "may be the greatest in recorded history" and "could alter the environment in such a way that habitability would become more suitable in some areas and less suitable in others" (Source: <https://www.desmogblog.com/node/12978>). The problem is that rather than change course and invest in carbon-free energy sources like wind, solar and nuclear Exxon, Shell and other fossil fuel companies chose instead to invest in a multimillion dollar, decades-long campaign to create public doubt about the science of climate change in order to delay action and protect their profits. The book and

documentary '[Merchants of Doubt](#)' show how the industry took a page from the tobacco industry in its efforts to cloud public understanding about cigarettes, cancer and other illnesses caused by smoking. This was a conspiracy that is playing out today as we current and future generations, not to mention species going extinct at an unprecedented rate around the world, face escalating costs due to the strategic decision of these companies. I urge you to vote in favour of Motion B5 to require these companies to pay their fair share for the damages that their products will impose on the City of Vancouver in the present and future.

Thank you for your time and consideration.

s.22(1)



Please consider the trees before printing this email.

From: "Gordon Cornwall" s.22(1)
To: adriane.carr@gmail.com
"Carr, Adriane" <Adriane.Carr@vancouver.ca>
Date: 5/30/2019 11:54:23 AM
Subject: Meeting request: Holding fossil fuel companies liable for climate costs

Hi Adriane,

Thank you and the Vancouver Greens for supporting the Climate Law in Our Hands campaign. We've made some progress since I last contacted you about this, with over 20 BC municipalities having taking one or both of the actions requested by the campaign:

- asking the BC government for Climate Liability legislation to hold fossil fuel companies liable for municipal climate costs
- sending Climate Accountability letters to the 20 largest fossil fuel companies.

Besides WCEL, the organizations actively working on the campaign include the Georgia Strait Alliance, My Sea to Sky, Dogwood and others.

Now we understand that Councillor Swanson plans to introduce a motion to Vancouver Council, probably at the June 25th meeting, calling for the city to request Climate Liability legislation from both BC and federal governments, to send letters to the fossil fuel companies, to support UBCM motions for the same, and to reach out to other local governments to investigate shared legal strategies to recover climate costs from the companies. We are very pleased about this development, and want to do all we can to make sure the motion succeeds.

We'd like to suggest a meeting before June 25th, including, ideally, all three Vancouver Green councillors, myself, a lawyer and possibly another person from WCEL, someone from GSA, and possibly a representative of one of the other organizations, to explore the implications of the Accountability letters and Climate Liability legislation and answer any questions you may have before this important vote. Would you be open to that?

Congratulations also on the Climate Emergency declaration, and all the other work towards making Vancouver one of the greenest cities anywhere!

All the best,

Gordon

Gordon Cornwall
Volunteer, West Coast Environmental Law

s.22(1)

From: Gordon Cornwall [mailto:s.22(1)]
Sent: April 11, 2018 5:14 PM
To: 'adriane.carr@gmail.com'
Subject: RE: Would you support a Liability for Climate-Related Harms Act in BC?

Wonderful! Thank you, Adriane! I'll get back to you as our plans develop

Gordon

From: Adriane Carr [mailto:adriane.carr@gmail.com]
Sent: April 11, 2018 3:48 PM
To: Gordon Cornwall
Subject: Re: Would you support a Liability for Climate-Related Harms Act in BC?

Great idea, Gordon. Our city is already pursuing this idea (from a city perspective) but the provincial one makes sense. I will forward this info to the staff currently looking into this. If it needs a motion, I'll do it.
yours,
Adriane

On 2018-04-11 3:17 PM, Gordon Cornwall wrote:

Hi Adriane,

Since being on the receiving end of Kinder-Morgan's injunction, I've been looking into ways to use the legal system to push back against the fossil fuel industry.

You may have heard about the lawsuits being brought by US cities including [New York](#), [San Francisco](#), and [Oakland](#), suing the fossil fuel majors for damages caused by global warming and for costs of building defensive infrastructure. Some of these cases may succeed, but it's a hard row to hoe in the current legislative framework - expensive and uncertain.

That's why I was heartened to learn about Bill 21, recently introduced to the Ontario legislature by NDP Peter Tabuns, explicitly designed to provide a legislative framework for municipalities and other entities to recover the costs of defending against climate change from big polluters. The *Liability for Climate-Related Harms Act*, described [here](#), and the text of which is [here](#) (only two pages, very pithy and readable), passed first reading March 26 in the Ontario legislature. It would enable municipalities to break out of the uncomfortable position of having to bear the costs of climate change while the companies responsible get away without any penalty.

I would like to see a similar bill passed in BC. s.13(1)
s.13(1)

West Coast Environmental Law and Greenpeace helped to draft Tabuns' bill. I've been in discussions with WCEL as to how best to get a similar bill going in BC. s.13(1)
s.13(1)

s.13(1) We
know Vancouver residents who would speak to Council in favour of this, and WCEL would join in the presentation. s.13(1)
s.13(1)

Is this a good idea? Is there a better way to go about it? I'd much appreciate hearing your thoughts!
(I'd be especially grateful for anything you can tell me before the weekend, as our group is meeting on Saturday to discuss next steps.)

All the best,

Gordon

Gordon Cornwall

s.22(1)

A large grey rectangular box redacting the signature of Gordon Cornwall.

--

Adriane Carr, Vancouver City Councillor
Green Party of Vancouver Office: Suite 403-207 West Hastings Street, Vancouver, BC V6B 1H7
Office Phone: 604-689-9200
Cell Phone: 778-886-4560
<http://www.vangreens.ca>

From: "Andrew Gage" <Andrew_Gage@wcel.org>
To: "Karen Savage" <ksavage@clinews.org>
"Boyle, Christine" <Christine.Boyle@vancouver.ca>
CC: anna@georgiastrait.org
Date: 6/25/2019 11:40:12 AM
Subject: Press Release: Richmond votes to seek fossil fuel company climate accountability – will Vancouver be next?



For Immediate Release – June 25, 2019

Richmond votes to seek fossil fuel company climate accountability – will Vancouver be next?

VANCOUVER, BC, Coast Salish Territories – In an 8-1 vote, the City of Richmond voted last night to ask BC Premier John Horgan to enact a *Liability for Climate-related Harms Act* confirming the right of local governments to recover a fair share of climate costs from global fossil fuel companies. Lower Mainland climate activists are applauding Richmond's action, and are hopeful that the City of Vancouver will take similar action on a motion to be tabled today.

Richmond is the 23rd BC local government to vote to pursue options to hold global fossil fuel companies accountable for a share of local climate costs, and the fifth to press for legislation as a tool.

Richmond's [letter to the Premier](#) explains that such legislation is "essential both to protect BC taxpayers against rising costs from climate-related impacts and to give global fossil fuel companies incentives to transition from fossil fuels and join the fight against climate change." The City also voted to ask the Union of BC Municipalities to make a similar request to the Premier.

This morning Vancouver City Council is expected to consider a motion introduced by Councillors Jean Swanson and Christine Boyle that calls for similar provincial legislation. The Vancouver motion ([Motion B5 – Accountability for Climate Change](#)) also asks the Mayor to write directly to 20 of the world's largest fossil fuel companies demanding that they share in the City's climate costs, and to explore possible joint legal strategies with other local governments to recover climate costs from fossil fuel companies.

Andrew Gage, Staff Lawyer and head of West Coast Environmental Law's climate program, welcomed the action by Richmond and Vancouver's motion.

"Local governments recognize the price that they are already paying for climate change, and know that they can't just keep passing all of those costs onto their taxpayers while the global fossil fuel industry pays nothing and pockets massive profits. Chevron and ExxonMobil need to share the climate costs that our cities are experiencing," said Gage.

"BC has enacted laws to make sure that global tobacco and pharma companies pay a share of the healthcare costs caused by cigarettes and opioids. With a rising tide of climate-related costs facing Vancouver and Richmond and other BC communities, it is time for the BC government to do the same for global fossil fuel companies," he said.

On July 16, 2018 West Coast Environmental Law and more than 50 BC-based organizations sent their own letter asking Premier Horgan to enact a *Liability for Climate-related Harms Act*.
City of Vancouver - FOI 2019-480 - Page 113 of 199

For more information, please contact:

Andrew Gage | Staff Lawyer, West Coast Environmental Law
250-412-9784, agage@wcel.org

Visit our [Media Centre](#)

Follow West Coast Environmental Law:



From: "Anna Barford" <anna@georgiastrait.org>
To: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
CC: Andrew_Gage@wcel.org
Date: 6/28/2019 10:15:12 AM
Subject: Re: Asking to see our ubcm motion of climate accountability please

I did, thanks!

On Fri, Jun 28, 2019, 10:05 Boyle, Christine <Christine.Boyle@vancouver.ca> wrote:

Just thought I'd make sure you've seen this UBCM motion / language from Port Moody. Amy just forwarded it to me yesterday.

Chris

Councillor Christine Boyle

CITY OF VANCOUVER

phone 604-873-7242 email CLRboyle@vancouver.ca

address 453 W 12 Ave Vancouver, BC V5Y 1V4

twitter @christineeboyle

facebook.com/ChristineBoyleVancouver

Begin forwarded message:

From: Amy Lubik <alubik@portmoody.ca>

Date: June 27, 2019 at 11:29:23 AM PDT

To: "Boyle, Christine" <christine.boyle@vancouver.ca>

Subject: Re: Asking to see our ubcm motion of climate accountability please

Amy Lubik

Port Moody City Councillor

I respectfully acknowledge that I live, work, and play on unceded Coast Salish Territory, the traditional territories of the Kwikwetlem xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətał (Tsleil-Waututh) Nations.

This response is provided by Councillor Lubik and may not reflect the City of Port Moody's official position or that of Council.

Amy Lubik
Port Moody City Councillor

I respectfully acknowledge that I live, work, and play on unceded Coast Salish Territory, the traditional territories of the Kwikwetlem xʷməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətał (Tsleil-Waututh) Nations.

This response is provided by Councillor Lubik and may not reflect the City of Port Moody's official position or that of Council.

----- Forwarded message -----

From: "Dorothy Shermer" <dshermer@portmoody.ca>
Date: Thu, Jun 27, 2019 at 9:01 AM -0700
Subject: RE: Asking to see our ubcm motion of climate accountability please
To: "Amy Lubik" <alubik@portmoody.ca>

Here is the resolution:

WHEREAS an overwhelming scientific consensus maintains that climate change, the single greatest threat to the future of the planet, is due primarily to the human use of fossil fuels, which release carbon dioxide and other greenhouse gases into the air;

AND WHEREAS fossil fuel producers are collectively responsible through their operations and products for almost 30% of human-caused greenhouse gases, and taxpayers are bearing the entire burden of the climate costs caused by fossil fuels, while fossil fuel producers continue to make significant profit from selling them;

THEREFORE BE IT RESOLVED that the Province of British Columbia Ministry of Environment and Climate Change Strategy be called upon to enact legislation that holds fossil fuel companies financially liable for climate-related harms caused by their contributions to climate change.

Dorothy Shermer

Corporate Officer | City of Port Moody

T: 604-469-4603 | F: 604-469-4550 | dshermer@portmoody.ca

From: Amy Lubik
Sent: June-26-19 10:26 PM
To: Dorothy Shermer <dshermer@portmoody.ca>
Subject: Asking to see our ubcm motion of climate accountability please

Hi Dorothy,

Would you please send me the ubcm motion we sent on the climate accountability? I'm trying to remember our wording and Vancouver is considering copying ours. I think this was during Imlga.

With gratitude,

Amy

Amy Lubik

Port Moody City Councillor

I respectfully acknowledge that I live, work, and play on unceded Coast Salish Territory, the traditional territories of the Kwikwetlem xʷməθ-Ōŋəm (Musqueam), Skwxwú7mesh (Squamish), and ᱵᱟᱠᱟᱨᱢᱟᱝᱴᱚᱴᱷᱟ (Tsleil-Waututh) Nations.

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From: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
To: "Fry, Pete" <Pete.Fry@vancouver.ca>
"Carr, Adriane" <Adriane.Carr@vancouver.ca>
"Swanson, Jean" <Jean.Swanson@vancouver.ca>
"Wiebe, Michael" <Michael.Wiebe@vancouver.ca>

Date: 5/29/2019 11:02:46 AM

Subject: RE: Christine and I are tabling a motion for June 11 council meeting

I think it's worth exploring. But maybe it shouldn't just be asking the Mayor to lead it? Worth thinking through, and perhaps getting advice on. I can ponder that.

From: Fry, Pete

Sent: Wednesday, May 29, 2019 10:58 AM

To: Carr, Adriane; Swanson, Jean; Boyle, Christine; Wiebe, Michael

Subject: RE: Christine and I are tabling a motion for June 11 council meeting

s.13(1)

From: Carr, Adriane

Sent: Wednesday, May 29, 2019 10:51 AM

To: Swanson, Jean; Boyle, Christine; Wiebe, Michael; Fry, Pete

Subject: RE: Christine and I are tabling a motion for June 11 council meeting

Great motion. There are a few wording tweaks I'd suggest – see below – plus I'm unclear on the meaning of the wording in #4. s.13(1)

s.13(1)

s.13(1)

If you have copies of the motions, you should attach them.

Yours,

Adriane

From: Swanson, Jean

Sent: Wednesday, May 29, 2019 10:35 AM

To: Carr, Adriane; Boyle, Christine; Wiebe, Michael; Fry, Pete

Subject: RE: Christine and I are tabling a motion for June 11 council meeting

Yes: I'm thinking we can tweak the wording after we get staff comments. Hoping Greens will support.

ACCOUNTABILITY FOR CLIMATE CHANGE

Submitted by: Councillor Swanson

s.13(1)

From: Carr, Adriane
Sent: Wednesday, May 29, 2019 10:30 AM
To: Swanson, Jean
Cc: Boyle, Christine
Subject: RE: Christine and I are tabling a motion for June 11 council meeting

Is this about fossil fuel companies?

A

From: Swanson, Jean
Sent: Wednesday, May 29, 2019 8:43 AM
To: Councillors - DL
Subject: Christine and I are tabling a motion for June 11 council meeting

Its called Accountability for Climate Change.

City Councilor Jean Swanson

phone 604-873-7243 email CLRswanson@vancouver.ca

address 453 W 12 Ave Vancouver, BC V5Y 1V4

twitter [@jeanswanson_](https://twitter.com/jeanswanson_) facebook www.facebook.com/swanson4council/

I am thankful that I live and work on the territories of the xʷməθʷəlm̓ (Musqueam), Skwx̱w̱ú7mesh (Squamish), and ƛəóʔwətaʔ / ƛəńw̓ (Tsleil-Waututh) nations.

Because I am a City Councillor, any email that you send me or that I send you that is about City business from either my work or personal email address may be included in records requested under the [BC Freedom of Information and Protection of Privacy Act](#). The City reviews requests and withholds any information that would be an invasion of privacy or cause harm by one of the means listed in the Act.

From: "Smith, Doug \ (Sustainability\)"
To: "Badelt, Brad" <brad.badelt@vancouver.ca>
"Horne, Matt" <matt.horne@vancouver.ca>
Date: 12/20/2018 10:21:07 AM
Subject: RE: Climate emergency motion

thanks

Doug Smith, P.Eng | Director
Sustainability Group | City of Vancouver
City Hall, 7th Floor | 453 West 12th Ave, Vancouver, BC V5Y 1V4
T: 604.829.4308
Stay up-to-date with the Greenest City e-newsletter

From: Badelt, Brad
Sent: Thursday, December 20, 2018 10:19 AM
To: Smith, Doug (Sustainability); Horne, Matt
Subject: RE: Climate emergency motion

s.13(1)

From: Smith, Doug (Sustainability)
Sent: Thursday, December 20, 2018 9:57 AM
To: Horne, Matt; Badelt, Brad
Subject: RE: Climate emergency motion

Brad,

s.13(1)

Doug Smith, P.Eng | Director
Sustainability Group | City of Vancouver
City Hall, 7th Floor | 453 West 12th Ave, Vancouver, BC V5Y 1V4
T: 604.829.4308
Stay up-to-date with the Greenest City e-newsletter

From: Horne, Matt
Sent: Thursday, December 20, 2018 6:08 AM
To: Badelt, Brad; Smith, Doug (Sustainability)
Subject: Climate emergency motion

Fyi from today's sun - <https://vancouver.sun.com/news/local-news/dan-fumano-vancouver-councillor-seeks-climate-emergency-declaration>

Matt

Sent from my iPhone

From: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
To: "Andrew Radzik" <andrew@georgiastrait.org>
"Andrew Gage" <Andrew_Gage@wcel.org>
CC: "Swanson, Jean" <Jean.Swanson@vancouver.ca>
"Sarah King" s.22(1)
"Luis Porte Petit" <luis@dogwoodbc.ca>
"Anna Barford" <anna@georgiastrait.org>
Date: 6/28/2019 2:51:18 PM
Subject: RE: Follow up from meeting yesterday

YAYAY!!!

From: Andrew Radzik [andrew@georgiastrait.org]
Sent: June 28, 2019 12:36 PM
To: Andrew Gage
Cc: Swanson, Jean; Sarah King; Boyle, Christine; Luis Porte Petit; Anna Barford
Subject: Re: Follow up from meeting yesterday

Congratulations all round!

On Thu, Jun 27, 2019, 9:25 PM Andrew Gage, <Andrew_Gage@wcel.org> wrote:
Thank you all. This is hugely exciting.

From: Swanson, Jean <Jean.Swanson@vancouver.ca>
Sent: June 27, 2019 9:09 PM
To: Andrew Gage <Andrew_Gage@wcel.org>; Sarah King s.22(1)
Cc: Andrew Radzik <andrew@georgiastrait.org>; Boyle, Christine <Christine.Boyle@vancouver.ca>; Luis Porte Petit <luis@dogwoodbc.ca>; Anna Barford <anna@georgiastrait.org>
Subject: RE: Follow up from meeting yesterday

We did it! Thanks for all your help!!! Wouldn't have happened without everyone of you!! And the speakers!! <3

From: Andrew Gage [mailto:Andrew_Gage@wcel.org]
Sent: Friday, June 14, 2019 1:45 PM
To: Sarah King
Cc: Swanson, Jean; Andrew Radzik; Boyle, Christine; Luis Porte Petit; Anna Barford
Subject: RE: Follow up from meeting yesterday

[Here](#) is a draft opinion piece. I think it may be slightly on the long side. Suggestions welcome.

Thanks,

Andrew

From: Sarah King s.22(1)
Sent: June 14, 2019 1:44 PM
To: Andrew Gage <Andrew_Gage@wcel.org>
Cc: Swanson, Jean <Jean.Swanson@vancouver.ca>; Andrew Radzik <andrew@georgiastrait.org>; Boyle, Christine <Christine.Boyle@vancouver.ca>; Luis Porte Petit <luis@dogwoodbc.ca>; Anna Barford <anna@georgiastrait.org>
Subject: Re: Follow up from meeting yesterday

Hi all,

Thanks for the call today. The motion with all changes reflected is here: https://docs.google.com/document/d/1q9gtFLtT_6uY2k5v8DMxhokb2F_RCoFvMzFEZht_a0/edit?usp=sharing.

I'll be exporting for Jean at 3pm, so please let me know if you have any final changes before then.

Cheers,

Sarah King

s.22(1)

Writing from the unceded territory of the Skwxwú7mesh Úxwumixw, Tsleil-Waututh, and xʷməθkʷəy̓əm

Pronouns they | she

On Tue, Jun 4, 2019 at 4:25 PM Andrew Gage <Andrew_Gage@wcel.org> wrote:

Craig Cameron Opinion Piece - <https://vancouver.sun.com/opinion/op-ed/craig-cameron-holding-oil-companies-accountable-is-way-to-encourage-them-to-incorporate-the-financial-impacts-of-climate-change-into-the-price-of-their-products>

From: "Smith, Doug \ (Sustainability\)"
To: "Turnbull, Alexandra" <alexandra.turnbull@vancouver.ca>
"Badelt, Brad" <brad.badelt@vancouver.ca>
"Horne, Matt" <matt.horne@vancouver.ca>
"Kelley, Gil" <gil.kelley@vancouver.ca>
CC: "Wells, Neal" <neal.wells@vancouver.ca>
"Mills, Tamsin" <Tamsin.Mills@vancouver.ca>
Date: 12/19/2018 4:18:43 PM
Subject: RE: Media Request - The Vancouver Sun re: Climate Change-related costs?

Looks good Alexandra.

You may want to quote the provincial and Fraser Basin Council report from a few years ago that said the region would need \$10B in coastal protection to deal with just sea level rise by 2100 and if we don't the risk to infrastructure could exceed \$30B – not including cost of business disruption, tourism and other non-infrastructure costs.

Might be good to point to the study if you can find it.

Doug Smith, P.Eng | Director

Sustainability Group | City of Vancouver

City Hall, 7th Floor | 453 West 12th Ave, Vancouver, BC V5Y 1V4

T: 604.829.4308

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From: Turnbull, Alexandra

Sent: Wednesday, December 19, 2018 2:07 PM

To: Badelt, Brad; Horne, Matt; Smith, Doug (Sustainability); Kelley, Gil

Cc: Wells, Neal; Mills, Tamsin

Subject: RE: Media Request - The Vancouver Sun re: Climate Change-related costs?

Thanks Brad, your edits are integrated below.

Gil / Doug ☞ please let me know any edits you would like before sending this to the journalist.

--

s.13(1)

—
Alexandra Turnbull | Communications
Planning, Urban Design & Sustainability | City of Vancouver
t. 604.829.9255 | fax 604.873.7884
alexandra.turnbull@vancouver.ca

From: Badelt, Brad
Sent: Wednesday, December 19, 2018 1:39 PM
To: Turnbull, Alexandra; Horne, Matt; Smith, Doug (Sustainability); Kelley, Gil
Cc: Wells, Neal; Mills, Tamsin
Subject: RE: Media Request - The Vancouver Sun re: Climate Change-related costs?

Hi Alexandra

We modified the draft statement below (edits in red). We haven't done a full estimate of the potential costs of climate change but we tried to highlight some of the areas that will likely be impacted.

Thanks,
Brad

From: Turnbull, Alexandra
Sent: Wednesday, December 19, 2018 1:14 PM
To: Badelt, Brad; Horne, Matt; Smith, Doug (Sustainability); Kelley, Gil
Cc: Wells, Neal; Mills, Tamsin
Subject: RE: Media Request - The Vancouver Sun re: Climate Change-related costs?

Hello all,

Dan Fumano is asking for more information on the estimated cost of climate change in Vancouver, as follow-up to his [VanSun article](#). He has a 3pm deadline today.

Please review and add projected costs to the draft statement below, which is mainly messaging from the recently approved Climate Adaptation Strategy update.

--

Alexandra Turnbull | Communications

Planning, Urban Design & Sustainability | City of Vancouver

t. 604.829.9255 | fax 604.873.7884

alexandra.turnbull@vancouver.ca

From: Turnbull, Alexandra

Sent: Wednesday, December 19, 2018 12:25 PM

To: Badelt, Brad; Horne, Matt; Smith, Doug (Sustainability)

Subject: FW: Media Request - The Vancouver Sun re: Climate Change-related costs?

Hi all,

This request just came in from Dan Fumano with a 3pm deadline today.

He is looking for a statement on the estimated cost of climate change.

Brad, I realize that you are the only person in the office. Let me know if there are others I should loop in to craft a statement.

--

Alexandra Turnbull | Communications

Planning, Urban Design & Sustainability | City of Vancouver

t. 604.829.9255 | fax 604.873.7884

alexandra.turnbull@vancouver.ca

From: Fumano, Dan [mailto:dfumano@postmedia.com]

Sent: Wednesday, December 19, 2018 12:10 PM

To: Media

Subject: Media Request - The Vancouver Sun re: Climate Change-related costs?

Hello,

I'm writing a story today about costs borne by the City of Vancouver related to Climate Change, and I wanted to see if we can get a brief written response with some numbers today? My deadline would be around 3pm today.

Yesterday in Council, Gil Kelley mentioned a few of the city's costs for various climate-related matters — would you be able to send me today a list of either all or some of the City's cost estimates related to Climate Change?

Also, I have heard some figures that I would like to confirm with the City if I can?

— an estimate of about \$1 billion for flood management infrastructure needed in Vancouver by 2100. Plus another \$5 million a year for maintenance and staff?

- estimates of the cost of a flood in Vancouver of property and building damage at about \$7 billion? (not including the economic impact of business disruption or the cost of clean-up and rebuilding)

Are those in line with the City's estimates? Any other numbers we can get today?

Thank you very much!

Best regards,

Dan

DAN FUMANO
CITY COLUMNIST
Vancouver Sun \u9474The Province

T: 604.605.2151
C: 604.345.2485
#400 ` 2985 Virtual Way
Vancouver, BC V5M 4X7
DFumano@postmedia.com



The Province

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From: s.22(1)
To: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
Date: 6/27/2019 6:12:12 PM
Subject: Re: Please vote for the Accountability for Climate Change motion tonight

Godspeed, Christine. I am deeply with you in spirit. A pure beeswax candle is lit, and burning, on my mantel right now.

> On Jun 27, 2019, at 6:10 PM, Boyle, Christine <Christine.Boyle@vancouver.ca> wrote:

>

> Hi s.22(1)

>

> Thanks for taking the time to send this email. I appreciate the support, as we try to get this motion passed tonight!

>

> Christine

>

>

> -----Original Message-----

> From: s.22(1)]

> Sent: Thursday, June 27, 2019 5:36 PM

> To: Bligh, Rebecca; Boyle, Christine; Carr, Adriane; De Genova, Melissa; Dominato, Lisa; Fry, Pete; Hardwick, Colleen; Kirby-Yung, Sarah; Swanson, Jean; Wiebe, Michael

> Cc: Gordon Cornwall; Yvon Raoul

> Subject: Please vote for the Accountability for Climate Change motion tonight

>

> Hello, respected Vancouver City Counsellors -

>

> I am writing to encourage you to endorse the Accountability for Climate Change motion before you this evening. I was at City Hall yesterday, patiently waiting to speak to you directly, but because of the flood, the fire alarm, the building evacuation, and some technology challenges, I did not get to stand before you. I will

> not be there tonight, due to previous commitments, but I urge you to listen deeply to the presenters who are endorsing this motion, and to vote yes to this important step towards ecological balance, and lasting quality of life, in our city.

>

> I remember first learning about the Industrial Revolution, and how the factory owners radically transformed the concepts of time, and value, and relationship with the natural cycles that had been central to agrarian society. In a short time, profit at all costs became the dominant force in most people's lives - as either workers struggling to make ends meet, or factory owners who were learning how to most efficiently utilize labour, and natural resources. I remember reading about the level of pollution in London, and how a common native moth adapted by changing colour from white to black, to blend in with the soot. Health problems, poverty, squalid living conditions, and other major social ills quickly became ubiquitous. The gap between the poorest, and the richest grew, and the needs of industry became the focus of protection of the courts and political system.

>

> Today, we are living with the natural extension of that old, outdated way of proceeding as a society. It is time to make those who create, and benefit from, the damage to our environment responsible for those costs. This is the single quickest way to bring about the changes that are necessary to save our home - this planet we all share.

>

> Vote yes for Accountability for Climate Change. Let's make history, and create the healthy future that we all want to see. To beautiful Vancouver becoming the truly Green City it seeks to be!

>

> s.22(1)

>

>

>

>

From: Johnston, Sadhu
Sent: Wednesday, June 12, 2019 4:43 PM
To: Smith, Doug (Sustainability)
Subject: FW: Request for meeting regarding upcoming agenda item for Vancouver City Council

Do you know what this might be about?
s.

Sadhu Aufochs Johnston | City Manager
Office of the City Manager | City of Vancouver
sadhu.johnston@vancouver.ca
604.873.7627

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

From: Bligh, Rebecca
Sent: Wednesday, June 12, 2019 4:25 PM
To: Johnston, Sadhu
Subject: FW: Request for meeting regarding upcoming agenda item for Vancouver City Council

Any idea what this is referring to?

Rebecca Bligh | City Councillor
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7249 | rebecca.bligh@vancouver.ca
Twitter: @rebeccaleeblich

Pronouns: She, her, hers

Sarah Basi | Assistant
604.871.6712 | sarah.basi@vancouver.ca



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From: Anna Barford [mailto:anna@georgiastrait.org]
Sent: Wednesday, June 12, 2019 2:44 PM
To: Bligh, Rebecca
Subject: Request for meeting regarding upcoming agenda item for Vancouver City Council

Good Afternoon Councillor Bligh,

my name is Anna Barford, and I am the Community Organizer with Georgia Strait Alliance. I have been working on the issue of Climate Accountability at the Municipal level with West Coast Environmental Law for over a year now. I am excited to see Vancouver engage publicly with this issue, as we have over 20 municipalities in BC having taken steps to protect their taxpayers from covering the entire cost of climate adaptation.

I am reaching out to ask to meet with you prior to the council debating this issue as expected on June 25th and 26th. I am very confident that we can collaborate to see Vancouver pass a resolution that is meaningful and reasoned in a positive direction for the city and council, the taxpayers of Vancouver, and the planet.

I am based in Vancouver and am keen to meet as quickly as possible, please let me know when is convenient or whom I may contact to discuss your schedule.

Sincerely,

~~~~~

Anna Barford

Community Organizer - Climate accountability campaign

[www.GeorgiaStrait.org](http://www.GeorgiaStrait.org) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

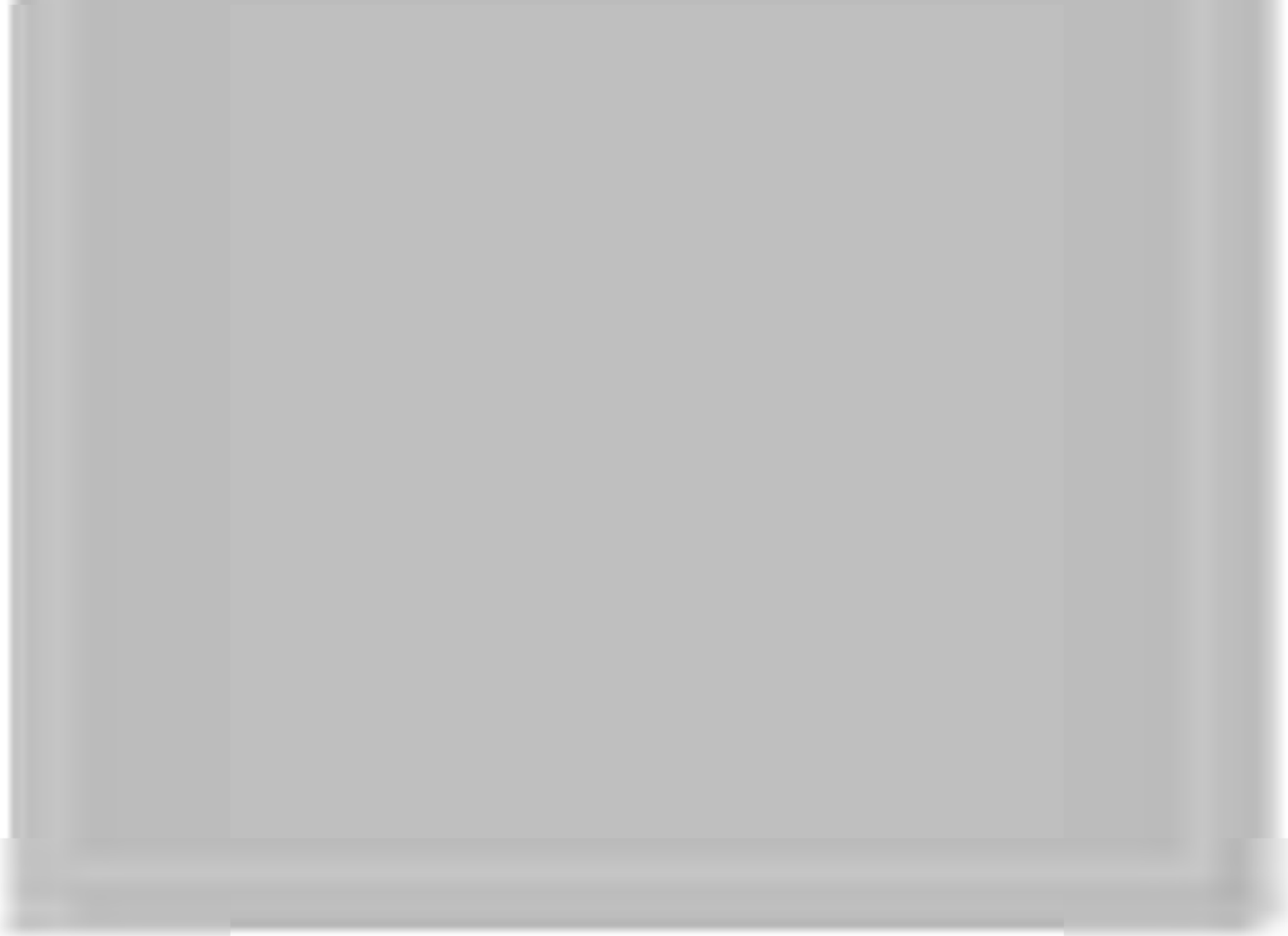
~~~~~

Georgia Strait Alliance - Caring for our Coastal Waters

~~~~~







**From:** "Anna Barford" <[anna@georgiastrait.org](mailto:anna@georgiastrait.org)>  
**To:** "Fry, Pete" <[Pete.Fry@vancouver.ca](mailto:Pete.Fry@vancouver.ca)>  
**CC:** "Rowley, Cheryl" <[Cheryl.Rowley@vancouver.ca](mailto:Cheryl.Rowley@vancouver.ca)>  
"Carr, Adriane" <[Adriane.Carr@vancouver.ca](mailto:Adriane.Carr@vancouver.ca)>  
"Wiebe, Michael" <[Michael.Wiebe@vancouver.ca](mailto:Michael.Wiebe@vancouver.ca)>  
**Date:** 6/10/2019 4:43:09 PM  
**Subject:** Re: Request for meeting regarding upcoming agenda item for Vancouver City Council

Thank you!

Ms Rowley, I'm happy to come to Vancouver City Hall this week or next.

I will be in Nanaimo tomorrow, but am otherwise largely available.

Absolute best regards,

Anna Barford

Community Organizer - Climate accountability campaign

[www.GeorgiaStrait.org](http://www.GeorgiaStrait.org) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Newsletter](#) | [Volunteer](#)

~~~~~  
Georgia Strait Alliance - Caring for our Coastal Waters
~~~~~

On Mon, Jun 10, 2019, 09:43 Fry, Pete <[Pete.Fry@vancouver.ca](mailto:Pete.Fry@vancouver.ca)> wrote:

Hi Ms Barford, we'd be happy meet

I've CC'd my assistant Ms Rowley to see about coordinating this

Thanks

Sent from my iPhone

On Jun 10, 2019, at 9:34 AM, Anna Barford <[anna@georgiastrait.org](mailto:anna@georgiastrait.org)> wrote:

Good Afternoon,

my name is Anna Barford, and I am the Community Organizer with Georgia Strait Alliance. I have been working on the issue of Climate Accountability at the municipal level with West Coast Environmental Law including the volunteer Gordon Cornwall there. I am excited by your enthusiasm and work already to see Vancouver engage publicly with this issue.

I am reaching out to ask to meet with you as a caucus prior to the council debating this issue in late June. I think we need to work together to make sure that the resolution is clear and that we are able to bring community members out in support. I am very confident that we can collaborate to see Vancouver pass a resolution that is meaningful and reasoned in a positive direction for the city and council, the taxpayers of Vancouver, and the planet.

I am based in Vancouver and am keen to meet as quickly as possible, please let me know when is convenient or whom I may contact to discuss your schedules.

Sincerely,

~~~~~

Anna Barford

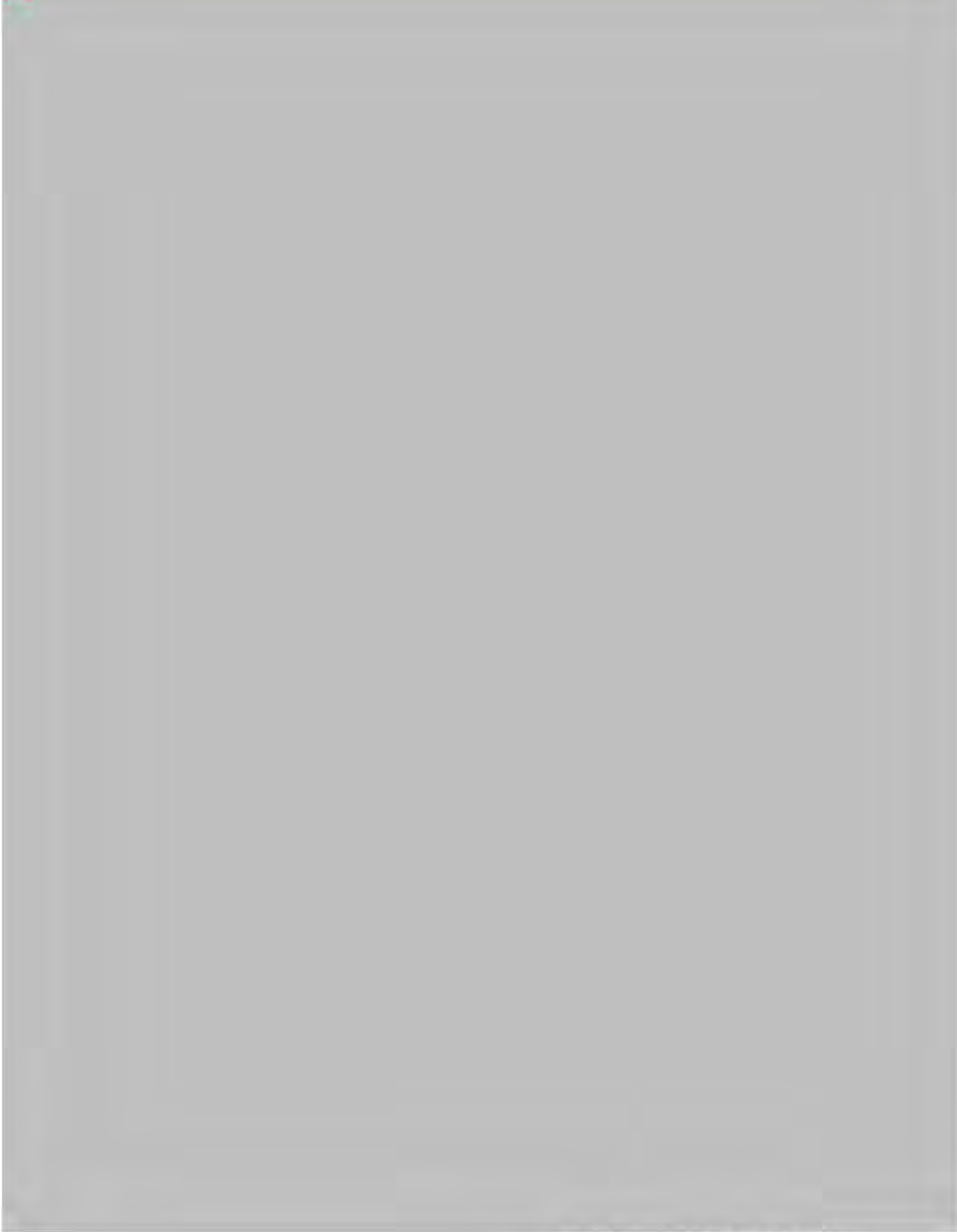
Community Organizer - Climate accountability campaign

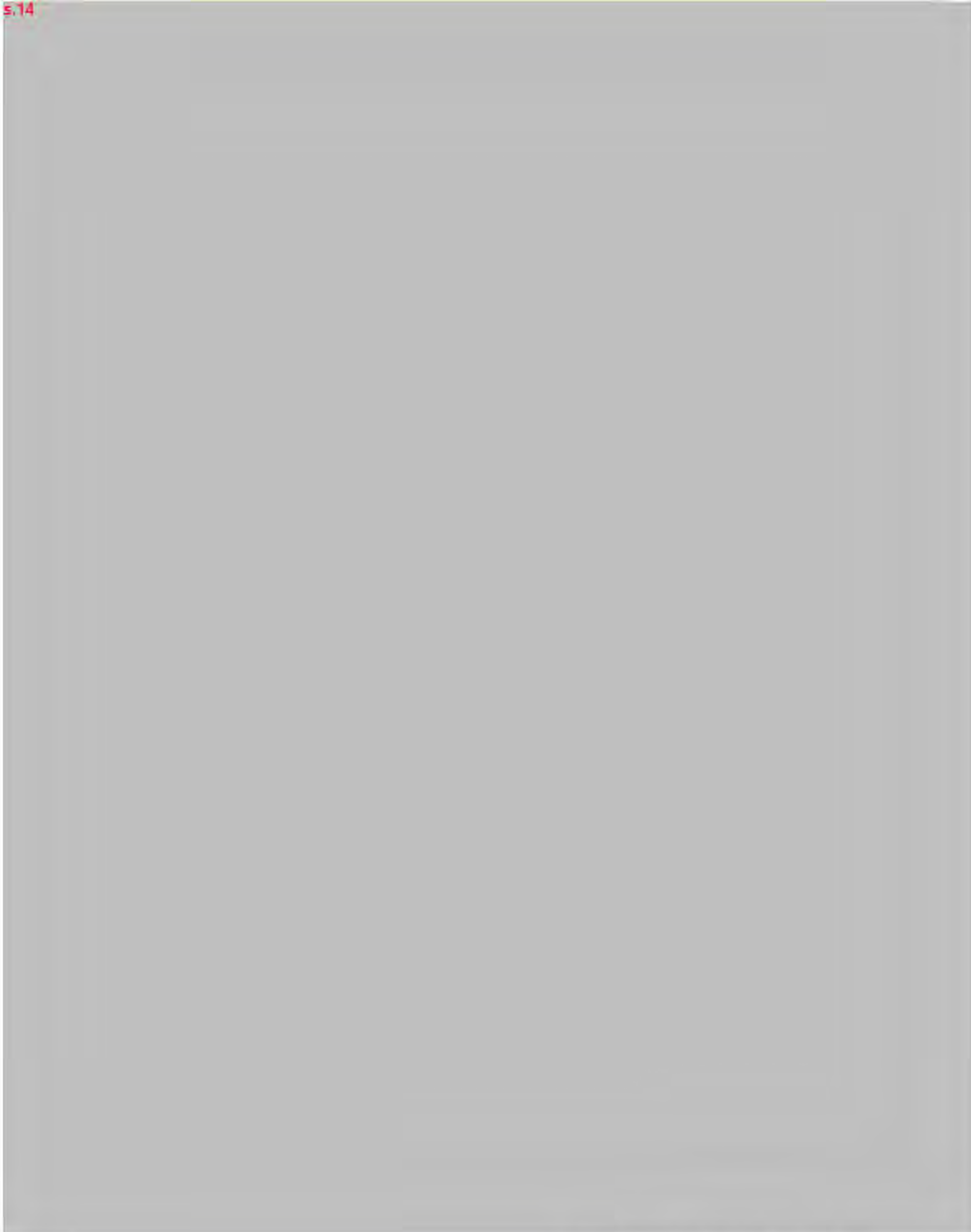
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~~~~~

*Georgia Strait Alliance - Caring for our Coastal Waters*

~~~~~



From: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
To: "Anna Barford" <anna@georgiastrait.org>
CC: "Andrew Gage" <Andrew_Gage@wcel.org>
Date: 6/26/2019 9:40:01 PM
Subject: RE: Speaking on motion B5

I'll try. It may not happen because we need everyone to agree to stay past 10pm. But I will try!

From: Anna Barford [mailto:anna@georgiastrait.org]
Sent: Wednesday, June 26, 2019 9:39 PM
To: Boyle, Christine
Cc: Andrew Gage
Subject: Re: Speaking on motion B5

That would be great!

I am happy to trade my speaker number 1 for his number 5 if that is allowed

On Wed, Jun 26, 2019, 21:36 Boyle, Christine <Christine.Boyle@vancouver.ca> wrote:

If we indeed get this done quick, I'll try to advocate that we hear from you. Ideally would we just hear from Andrew (so that he can go home to Victoria tomorrow)?

The downside to squeezing in a late night speaker is limited questions and engagement from Council.

From: Boyle, Christine
Sent: Wednesday, June 26, 2019 9:35 PM
To: 'Anna Barford'; Andrew Gage
Subject: RE: Speaking on motion B5

FYI: It looks from email traffic that we will try and get this motion done tonight, and then wrap up and start fresh on the next one (Climate Accountability) at 6pm sharp tomorrow.

From: Anna Barford [mailto:anna@georgiastrait.org]
Sent: Wednesday, June 26, 2019 9:06 PM
To: Boyle, Christine
Cc: kstewart@greenpeace.org; sbirks@greenpeace.org; Andrew Gage; Swanson, Jean
Subject: Re: Speaking on motion B5

Andrew, I and a few others are still here. Is it possible to have some speakers go (in recognition of our invested time in staying) even if the debate and some speakers are heard tomorrow?

Best,
AB

On Wed, Jun 26, 2019, 20:51 Boyle, Christine <Christine.Boyle@vancouver.ca> wrote:

As you can see, things don't move fast around here. We'll get to this motion TOMORROW evening. Exact time TBD, but I'm going to guess 6pm... Thanks for your patience 😊

Chris

From: Keith Stewart [mailto:kstewart@greenpeace.org]
Sent: Wednesday, June 26, 2019 3:48 PM
To: Boyle, Christine
Cc: sbirks@greenpeace.org; Anna Barford; Andrew Gage; Swanson, Jean
Subject: Re: Speaking on motion B5

Thanks for the update

Sent from my iPhone

On Jun 26, 2019, at 6:15 PM, Boyle, Christine <Christine.Boyle@vancouver.ca> wrote:

Hi team,

Just an update that we still have a few motions before the Climate one. I'm still hopeful that we will get to it this evening. If we don't, then our meeting resumes again at 6pm tomorrow to continue!

I'll try to keep you all updated. Let me know if there are others I should include in this list (or feel free to just send updates to those you know who are signed up).

Thanks,
Christine

From: Boyle, Christine
Sent: Tuesday, June 25, 2019 4:58 PM
To: 'Sophie Birks'
Subject: RE: Speaking on motion B5

It will be tomorrow! Though I'm not sure exactly what time. Like after dinner tomorrow?

From: Sophie Birks [mailto:sbirks@greenpeace.org]
Sent: Tuesday, June 25, 2019 4:40 PM
To: Boyle, Christine
Subject: Speaking on motion B5

Hi Christine,

Hope all is well. Just checked the city's twitter and it seems you are moving quickly through motions. We are speakers 3-12, do you think it will happen tonight? We figured it would be tomorrow so I would need to alert everyone.

Thanks!
Sophie

From: "Boyle, Christine" <Christine.Boyle@vancouver.ca>
To: "Fumano, Dan" <dfumano@postmedia.com>
CC: "Swanson, Jean" <Jean.Swanson@vancouver.ca>
Date: 6/25/2019 12:39:07 PM
Subject: RE: Vancouver Sun re: Climate motion

Happy to chat, Dan! On this letter in particular I'd say;

I'm glad to see such strong support for the city's Climate Emergency Response plan. I agree that acting boldly and urgently within our own jurisdiction is vitally important.

Given the role we know the largest fossil fuel companies have played in lobbying to delay real climate action and funding climate denial, I think it's reasonable to expect them to pay their fair share of the increasing costs of responding to escalating climate change. Costs that are right now being covered 100% by taxpayers. This motion recommends exploring how to ensure those costs are shared.

These letters should be seen as a signal that fossil fuels companies and their investors need to be incorporating the full cost of climate change into their business decisions, so that they can make decisions that will help build a better future.

Again, happy to chat if this ever ends ☺

C.

From: Fumano, Dan [mailto:dfumano@postmedia.com]
Sent: Tuesday, June 25, 2019 11:57 AM
To: Boyle, Christine; Swanson, Jean
Subject: Vancouver Sun re: Climate motion

Hello Councillors Swanson and Boyle,

I'm looking at writing about your Climate motion today for tomorrow's Sun, and I just thought I'd reach out.

I might try to grab one of you when you break for lunch soon? But if it works better for you, maybe we can correspond by email this afternoon.

I received the letter from Resource Works (attached here) which I understand was sent to all of Council?


Thanks! Talk soon.
Best regards,
Dan

DAN FUMANO
CITY COLUMNIST
Vancouver Sun | The Province

T: 604.605.2151
C: 604.345.2485
#400 – 2985 Virtual Way
Vancouver, BC V5M 4X7
DFumano@postmedia.com



The Province

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From: s.22(1)
To: "Swanson, Jean" <Jean.Swanson@vancouver.ca>
"Boyle, Christine" <Christine.Boyle@vancouver.ca>
Date: 6/21/2019 10:11:52 AM
Subject: Support for Motion B.5 Accountability for Climate Change

Dear Councillors Swanson & Boyle,

Firstly, thank you for having the courage, as elected officials, to stand up against the forces that manipulate far too many others in your positions. Thank you for choosing to advocate for the best interests of both local and global citizens. As you are both patently aware, climate change is the greatest crisis that our world is currently facing. It is a matter of both environmental and human rights injustice.

I am writing to express my support for motion B.5 Accountability for Climate Change. As a resident of the city of Vancouver, I am adamantly in favour of enacting legislation in BC and Canada to hold fossil fuel producers responsible for climate-related harms. This sentiment should be expressed directly to fossil fuel producers and to both Canadian and British Columbia ministers alike by the mayor of Vancouver on behalf of his constituents. Furthermore, I believe that Vancouver should be an agent against our climate crisis by recruiting allies, such as other BC and Canadian municipalities, to pursue legal remediation to hold fossil-fuel producers accountable.

I am gravely concerned about the affects of our climate crisis on our planet as a whole as well as on our local coastline. The good news is that we have the infrastructure in place to constrain the harmful expansion of fossil fuel producers. We can demand accountability by pushing our provincial and federal elected officials to enact legislation and we can seek remediation as a city through our judicial system. We are stronger when we stand together; Vancouver can amplify the impact of legal remediation by uniting with as many other Canadian municipalities as possible.

Thank you,

s.22(1)

From: s.22(1)

To: "Carr, Adriane" <Adriane.Carr@vancouver.ca>

Date: 5/23/2019 11:28:46 AM

Subject: Thank you for reading the attachment

Attachments: Message to Vancouver Councillors.doc

Thursday, May 23rd 2019

To Members of Vancouver City Council.
From Concerned Citizens.

We know that climate change is driven by our production and consumption of hydrocarbon based energy. Our reliance on fossil fuels has a price burden that we collectively have to assume. According to the 2012 B.C. “Cost of Adaptation” report and the 2014 City of Vancouver Coastal Flood Risk Assessment report estimated cost to defend against sea level rising in the Lower Mainland is \$9.5 billion.

The costs include compensation for damage to property and lives, infrastructure improvements, emergency response, insurance liability. All of the above will have an ever-increasing impact on provincial and municipal budgets. We, the consumers of energy, should not as taxpayers assume all the costs related to environmental disasters and their financial consequences. Fossil fuel companies have known for decades about the negative impacts related to harmful hydrocarbons, and they should assume a fair share of the financial responsibility for environmental damage.

In 2018 a Private Member’s bill (Bill 21) was introduced by Peter Tabuns, (NDP MPP) to the Ontario legislature: “An Act Respecting Civil Liability for Climate-Related Harms”. As we know, this Bill was dropped due to a change in government. However, the spirit of that Bill is alive and well. We feel that in the present political context B.C. has the opportunity to propose and pass a similar Bill. Municipal governments are being asked to

lobby the provincial one to adopt a similar bill, or to create a law giving the right to municipalities to launch or join class action lawsuits against fossil fuel companies. Burnaby, through its Mayor and Council, has asked the BC government to pass a law giving them such a right. West Vancouver and Port Moody have followed a similar path. Having the City of Vancouver on board could only give more credibility to such a proposition. A WCEL (West Coast Environmental Law) delegation would be willing to appear before Council to provide information about how Climate Liability legislation in B.C. could protect all of us.

It is in our collective interest, as producers and consumers, to mitigate negative environmental impacts and to hold those responsible liable for the cost of dealing with them. Will Vancouver Councillors consider making such a proposition?

Yours sincerely,

s.22(1)

A large rectangular area of the document is redacted with a solid grey fill, obscuring the signature and any text that might have been present below the signature line.

Thank you for contacting Mayor Stewart. We appreciate you taking the time to share your comments and feedback. Your case number is 101012906429.

s.22(1)

A large rectangular area of the document is redacted with a solid grey fill, obscuring the signature and any text that might have been present below the signature line.

s.22(1)



Gordon Cornwall:

s.22(1)



s.22(1)



s.22(1)



s.22(1)



From: "Gordon Cornwall" s.22(1)
To: "Wiebe, Michael" <Michael.Wiebe@vancouver.ca>
Date: 7/1/2019 3:00:53 PM
Subject: Thanks for getting behind the Climate Accountability motion!

Hi Michael,

Thanks for spending meeting time with us to get the Swanson/Boyle motion into shape, and for supporting it on Thursday evening. I think the work the Vancouver Greens did on the motion made it much clearer sailing through Council. The fact that we picked up one NPA vote suggests that the concept has potentially broad political appeal, which will be important as we head into UBCM.

All the best!

Gordon

Gordon Cornwall

s.22(1)

From: "Fumano, Dan" <dfumano@postmedia.com>

To: "Boyle, Christine" <Christine.Boyle@vancouver.ca>

"Swanson, Jean" <Jean.Swanson@vancouver.ca>

Date: 6/25/2019 11:57:20 AM

Subject: Vancouver Sun re: Climate motion

Attachments: RW-Vancouver-Council-062519-CLIMATE-LETTER[2][1].pdf

Hello Councillors Swanson and Boyle,

I'm looking at writing about your Climate motion today for tomorrow's Sun, and I just thought I'd reach out...

I might try to grab one of you when you break for lunch soon? But if it works better for you, maybe we can correspond by email this afternoon.

I received the letter from Resource Works (attached here) which I understand was sent to all of Council?

Thanks! Talk soon.

Best regards,

Dan

DAN FUMANO
CITY COLUMNIST
Vancouver Sun | The Province

T: 604.605.2151

C: 604.345.2485

#400 – 2985 Virtual Way

Vancouver, BC V5M 4X7

DFumano@postmedia.com



The Province

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June 24, 2019

RE: Motion B5 'Accountability for Climate Change',
June 25, 2019 Council Meeting

Dear Vancouver City Councillor,

It has come to our attention that Vancouver City Councilors Christine Boyle and Jean Swanson have tabled a motion titled 'Accountability for Climate Change' for the upcoming June 25, 2019 Council meeting.

The motion seeks to hold fossil fuel companies financially 'accountable' for the effects of a changing climate on Vancouver by taking several actions including writing demand letters to the top 20 fossil fuel companies and connecting with other cities to explore options for legal action against such companies.

Through our work, we at Resource Works have given a lot of thought to the idea of lawsuits and demand letters aimed at oil companies. We know that civic officials are continually seeking the best path forward in times of change. This letter sets out a few facts about the litigation campaign and proposes a path to address climate concerns while working collaboratively with those who are positioned to contribute to the solution.

The experience of other municipal governments in recent years tells us that an adversarial and legalistic approach will result in a poor outcome – not to mention significant taxpayer-funded legal costs and distraction from more effective solutions. Dividing residents on this issue is one approach, another is to unify residents of the city, the province, and the country around values they share.

The City has an impressive suite of existing programs and initiatives aimed at addressing climate issues. Vancouver is acknowledged as one of the leading cities in the world when it comes to sustainability and climate issues. In January 2019, the City Council voted to declare a 'climate emergency' and in April the City released a comprehensive 'Climate Emergency Response Report' outlining 'six big moves' to address climate issues.

Vancouver is also a member of the BC 'Climate Action Charter' where local government signatories commit to take actions to become carbon neutral in their corporate operations and reduce community-wide emissions by creating more complete, compact and energy efficient rural and urban communities.

Civic progress is matched by action from the Province of BC, which is moving to address climate issues with its 'Clean BC' strategy that lays out a plan to build a strong and diverse economy while facilitating BC's transition to a low carbon future. The Clean BC Communities Fund supports cost-sharing of infrastructure projects in communities across the province. These projects focus on the management of renewable energy, access to clean-energy transportation, improved energy efficiency of buildings and the generation of clean energy.

Similarly, other communities are taking direct action to address climate concerns. Victoria is a prime example of a forward-thinking community being proactive by implementing a suite of measures to lessen emissions and move toward a low carbon future. Pragmatic leaders are well aware the transition that is already underway requires innovation in energy and materials, and this innovation requires collaboration with energy producers.

Recognizing a variety of regional perspectives on the climate issue, we note that the City of Victoria, once a supporter of the litigation idea, later abandoned its push for other municipalities to initiate a class-action lawsuit against energy companies, with Mayor Lisa Helps ultimately concluding: "As Canadians, we have a responsibility to have productive dialogue, rather than throwing stones and starting lawsuits."¹

Recently, the Mayor of Whistler issued an apology for going down the litigation path after several organizations threatened to pull conferences out of the municipality in response.

Fort St John Mayor Ackerman has asserted that "writing letters, passing resolutions and filing class-action lawsuits in the name of 'climate liability' against major innovation drivers and employers is not an appropriate direction for BC municipalities."

The issue has also been considered at the regional level. Resolution 21 passed by the North Central Local Government Association in May 2019 states: "Engaging in symbolic actions such as writing letters, passing resolutions and filing class-action lawsuits in the name of "climate liability" against major innovation drivers and employers is not an appropriate direction for BC municipalities because it will hinder rather than help the ability of municipalities and local communities to continue their work to implement the Climate Action Charter and enable healthy, thriving local economies."² This resolution

¹ "Why environmentalists are taking their climate fight to Canadian courtrooms," accessed June 23, 2019 <https://www.cbc.ca/news/the-national-climate-change-courts-1.5182876>

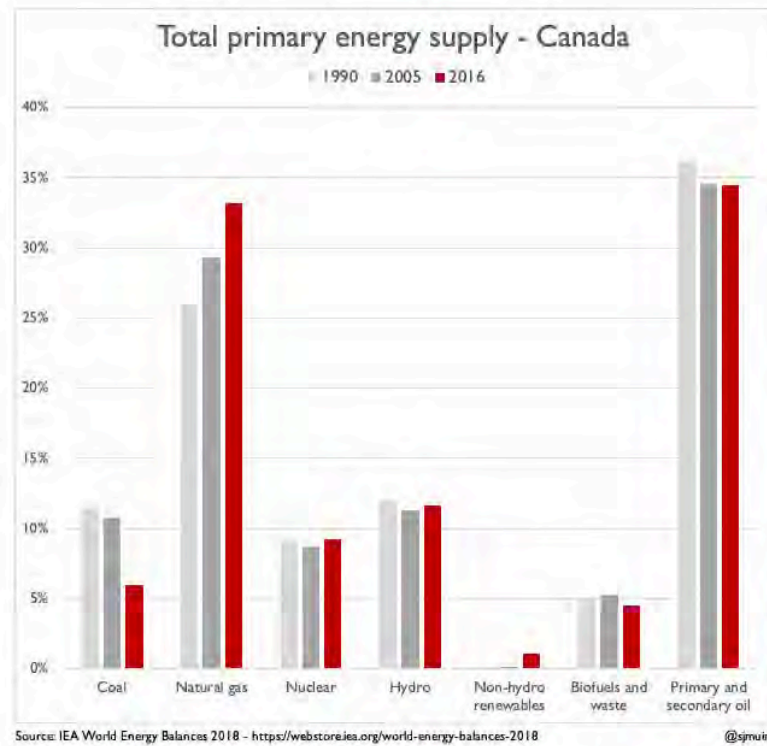
² <https://www.nclga.ca/uploads/2019%20Resolutions%20FINAL.pdf>

will now go to the Union of B.C. Municipalities Convention in the fall for further consideration.

We suggest that, in the course of researching this request, that the City of Vancouver reach out to other municipalities, particularly tourism-dependent ones like Whistler and Victoria, to canvas their experiences.

We can also learn from our neighbours to the south. This campaign started in the U.S., where several municipalities have launched litigation. Not one case has yet been successful and several have been dismissed, only after significant taxpayer-funded legal expenditure.

The following chart from the International Energy Agency may help to explain why fossil fuels are the dominant presence in our energy system. Even though necessary change is hastening, it's plain to see that the fossil fuels coal, natural gas, and oil provide for most of society's energy needs at this point in time:



Fossil fuels – coal, natural gas, oil – accounted for 74% of Canada's primary energy in 2016. The transition challenge is an extremely daunting one, yet it is a collective one that will benefit more from collaboration than conflict.

We also draw your attention to a significant error in the motion. It claims that over 20 municipal governments have taken similar action. In fact, about 20 B.C. communities have considered such action but only 13 have pursued the recommended course of action. At least two of those later changed direction, as noted above.

West Coast Environmental Law has campaigned with more than 190 municipalities and regional districts on this matter, but only 13 have taken them up on it, less than 7%. In fact, there is no groundswell of activity surrounding climate litigation. Why?

Litigation is costly, lengthy, and divisive. The real goal should be to get our society where we need to go in order to address climate issues. As a strategy, litigation politicizes an important issue by attempting to place blame on local or foreign companies, when everyone must work together to develop meaningful solutions. Governments at all levels can and should collaborate with energy companies to continue to drive innovation that reduces emissions, making our communities more resilient to the impacts of climate change.

I have viewed some of the letters received back from energy companies who are targeted by this campaign. In every case, the companies have embraced the opportunity to share information about their transition strategies. Herein lies the opportunity to improve on this simplistic call for litigation.

Yes, action is needed on climate. The public has high expectations of how its elected officials approach this problem. We suggest Vancouver City councillors seriously consider a less adversarial and more collaborative approach to finding solutions to the climate challenge as the way forward, instead of litigation. At Resource Works, we developed the [Community Conversations program](#) to develop a much-needed dialogue to drive the resources conversation forward, identifying values, sharing perspectives and problem-solving ideas in a collegial manner that most British Columbians can support and be proud of. I would be pleased to provide more information about this, and see if our group could be part of an active collaboration that opens up the conversation rather than point fingers pit industry against environmental concerns. As Canadians, we have a responsibility to have productive dialogue, rather than start lawsuits.

Please consider carefully the ramifications of joining this litigation campaign or promoting it further before voting on Motion B5 on Tuesday.

Yours truly,

A handwritten signature in black ink, appearing to read 'Stewart Muir'.

Stewart Muir, M.A.

Resource Works Society

408-688 West Hastings Street

Vancouver, B.C. V6B 1P1

Appendix 1

Discussion points

The litigation concept is largely based on the American experience yet none of the cases cited or brought to court so far have been successful with many cases already dismissed: why would we follow a flawed strategy such as this?

The most recent IPCC Special Report states we have possibly only 12 years within which to limit rising temperatures to moderate levels. Most court cases of this scale and nature would take far longer than this wind through the courts: why waste time and limited resources on such lengthy and uncertain outcomes?

How can costs be determined when the suggested impacts are from computer models and have yet to actually occur?

What are the true costs of such litigation? There is no mention of budget allotments required for participation in these lawsuits.

Where is the public support for these lawsuits? How many emails or letters has Council received from the public on this issue?

Why the selective focus on fossil fuel companies? If the motion is suggesting suing GHG emitters, why then does it not include building owners or other emitters? Studies show buildings emit up to 30% of ghg's. What about concrete makers as this material is very greenhouse gas intensive in manufacture.

What role, responsibility, or liability does the City have for planning and permitting of infrastructure that is supposed to be impacted by climate change? For example, the City has allowed waterfront construction and development to occur in these areas now modeled to be possibly impacted yet they propose suing someone else to pay for their decisions.

Has the City disclosed climate impact risks in its bond offerings? If not, are they not concerned about such lack of disclosure for investors?

If, in the unlikely event the lawsuits are successful, wouldn't they ultimately just lead to increased costs to consumers as producers will surely just pass along any extra costs imposed?

Should Councillors seriously expect replies to demand letters sent to entities such as the state-owned National Iranian Oil Company or the Iraqi National Oil Company?

Appendix 2

Analysis – Vancouver Climate Litigation Motion B5

From Vancouver Motion: Whereas...

1. *Through their own emissions and emissions from their products, 90 entities (primarily fossil fuel companies) are collectively responsible for almost two thirds of human-caused greenhouse gases.*
 - Why focus only on fossil fuel companies? 80% of emissions come from the end user.
 - Studies show building emit 30% of ghg's. Why not sue building owners in cities to recoup climate impacts?
2. *To deal with sea-level rise alone, the City of Vancouver expects to pay \$1 billion, and Metro Vancouver municipalities as a whole \$9.5 billion, between now and 2100*
 - The motion claims of sea level rise costs of \$1 billion between now and 2100 for Vancouver. Over 81 years, \$1 billion in costs equals to only \$12 million per year. Vancouver currently has a \$1.5 Billion annual budget so \$12 million per year is .8% of the budget. This amount of investment in civic infrastructure is hardly impacting the overall budget.
 - What happens if sea level rise doesn't amount to the modeled costs or impacts? Would fossil fuel companies be due a refund?
3. *To mitigate the effects of climate change and to help limit global warming to 1.5°C, Vancouver has adopted a Climate Emergency Response, which includes funding its own target of being carbon neutral before 2050 as well as "helping developing jurisdictions transition to renewable energy"*
 - Vancouver is doing its share as expected for all communities or countries.
 - As a large city Vancouver has contributed to ghg's and should be expected to budget for work to reduce emissions.
4. *Fossil fuel companies have not had to pay or be accountable for their share of the damage that communities and municipalities, including Vancouver, must now pay to prepare for and recover from;*

- To claim fossil fuel companies do not contribute to paying their fair share is debatable. Translink gasoline taxes in the Lower Mainland are some of the highest in the country raising over \$395 million in 2016.
- Any supposed 'impacts' are not proven to be directly linked to these individual companies.

5. BC has enacted legislation that holds opioid and tobacco producers liable for health care costs and

could do the same for fossil fuel producers

- The tobacco lawsuits started in 1998 and are still in the courts 20 years later with no end in sight.
 - Barring further delays, the first cost-recovery lawsuit is slated to go to trial in New Brunswick on Nov. 4, 2019.
- 6. Over 20 municipalities and regional districts in BC have sent letters a. to Provincial and Federal governments to push for legislation to hold fossil fuel producers strictly liable for climate-related harms if the producer is responsible for greenhouse gas emissions at a globally detectable level; and/orb. to 20 of the world's largest fossil fuel companies asking that these companies pay a fair share of local costs, referencing climate impacts including, but not limited to, sea level rise, infrastructure changes, and increased wildfire, and the percent responsible according to their percent of emissions calculated in the 2013 paper "Tracing Anthropogenic Carbon Dioxide and Methane Emissions to Fossil Fuel and Cement Producers, 1854-2*
- There is no widespread real public support for this campaign: Only 13 communities have actually sent liability related letters not the 'over 20' that WCEL and the Councilors claim.
 - Only 20 communities have shown any interest in the WCEL campaign out of over 190 communities and regional districts in BC that were sent letters by WCEL. 6.8% approx.
 - According to the WCEL website, of these 13 communities to send letters only 3 have received responses from companies.

7. *THAT the Mayor, on behalf of Council, write to Canada's Minister of Environment and Climate Change and BC's Minister of Environment and Climate Change Strategy to request that they enact legislation holding fossil fuel companies liable for climate-related harms caused by their contributions to climate change, providing Ontario's "Liability for Climate Related Harms" Bill as sample framework.*
B.

- Ontario's 'Liability for Climate Related Harms' is still in process and is not passed.
- The Bill contains a controversial presumption of guilt: "2 (1) Every corporation, partnership, trust or other entity that is engaged in the production of fossil fuels and to which a globally detectable level of greenhouse gas emissions can be attributed, as determined in the regulations, is strictly liable for climate-related harms that occur in Ontario.
- A previous version of this same bill by Peter Tabuns was defeated.

Appendix 3

Responses from oil & gas companies that have received threat letters resulting from the WCEL campaign.

We are attaching two letters that provide a sampling of company responses.



Document 101111

Shell Canada Limited
400 - 4th Avenue S.W.
P.O. Box 100, Station M
Calgary, Alberta T2P 2H5
Internet www.shell.ca

October 19, 2018

The City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Attention: Mayor Lisa Helps

Dear Ms Helps,

Thank you for your recent letter to the Chief Executive Officer of Royal Dutch Shell. I am responding on behalf of Shell Canada Limited.

Shell has been operating in Canada for over 100 years and employs more than 4,000 people across the country. Our business is providing energy to Canadians and people around the world, and we are one of the few truly integrated oil and gas companies in Canada. We have engaged and will continue to work closely with the Government of Canada to ensure all Canadians realize the benefits of a vital, innovative energy sector.

I would like to share with you the Shell Group's intent to move in step with society towards a lower carbon future, including some of the actions we are taking, both independently and working with others, to achieve this ambition.

Shell's position on climate change has been publicly documented for more than two decades through publications such as our Annual Report and Sustainability Report. We have long recognized the climate challenge and the essential role of energy in sustaining and driving the world's economy, raising living standards and improving lives. There are still over one billion people in the world without safe, reliable access to energy or the basic benefits it provides. With energy demand projected to increase as the world's population continues to grow, society therefore faces a dual challenge of meeting growing demand, while at the same time transitioning to a lower carbon world.

Shell welcomes and strongly supports the goals of the Paris Agreement. We agree on the objective of a transition towards a net-zero emission energy system and a world where temperature increases are limited to less than 2°C. Shell has taken an industry-leading approach in this area, as demonstrated through a number of different actions, such as our support for the recommendations of the Task Force on Climate-related Financial Disclosures (TCFD); and our inclusion of the Company's emissions management performance in our executive annual bonus scorecard. We have also made clear our ambition to reduce the Net Carbon Footprint of the energy products we sell to be in line with society – estimated at halving by 2050 - which will necessitate changing the portfolio of products we sell. This means providing the mix of products our customers need as the energy system evolves.

The Paris Agreement sent a signal: the energy system must change if society intends tackle climate change in a meaningful way. Shell's latest scenario, *Sky* – published in March this year – illustrates a technically possible, but challenging pathway for all of society to achieve the goals agreed in Paris. Over the course of 50 years, *Sky* sees a complete transformation in the way society uses and produces energy. Critically, this scenario relies on a complex combination of mutually reinforcing actions by society, markets and governments. No one organisation or industry or government can achieve this transformation alone. All will face tough choices and everyone has a role to play. While *Sky* is neither a prediction nor Shell's business plan, it offers a potential pathway to meet the goals of Paris and we hope it contributes to the effort to find solutions to this global issue.

In early April we published the Shell Energy Transitions (SET) report which outlines our intent to move towards a lower-carbon future. You can read more about this at: www.shell.com/energytransitionreport.

Although Shell is still primarily an oil and gas company, and we expect global demand for oil and gas to continue to grow, we have invested billions of dollars in a range of low-carbon technologies, including Carbon Capture and Storage (CCS), biofuels, hydrogen, solar, and wind power. In 2016, we established a New Energies business, to better focus these efforts and explore new commercial opportunities. We previously announced our plan to step up our New Energies investment to on average \$1-2 billion per year to 2020. As an example, in June of this year, Shell and Hydrogen Technology & Energy Corporation (HTEC) opened Canada's first retail hydrogen refueling station in Vancouver, the first of three sites that Shell and HTEC plan to open in the city.

As part of our commitment to develop Carbon Capture and Storage technology, our Quest project, launched in 2015 near Edmonton, reduces CO₂ emissions from oil sands operations by more than 1 million tonnes a year – equivalent to taking 250,000 cars off the road. We make our engineering designs for Quest freely available to help other companies develop similar CCS projects at less cost.

More widely, for decades, Shell has called for effective government-led carbon pricing mechanisms, which would incentivise all sectors of industry and consumers to improve energy efficiency and reduce carbon emissions. Shell companies have participated in a wide range of activities in support of such a mechanism, such as the Carbon Pricing Leadership Coalition whose long-term objective is a government-led carbon price throughout the global economy.

These are a few examples of the actions we are taking today, recognising that the global energy transition will span decades, moving at different paces and producing different outcomes in different countries depending on local factors. We welcome efforts toward constructive, collaborative action as we collectively attempt to address this complex global challenge.

If you'd like to learn more about the Shell Group of companies and the active role those companies are playing in a number of places throughout the world, we encourage you to visit our website: www.shell.com, in particular the Energy and innovation and Sustainability pages.

Yours sincerely,



Michael Crothers
President & Country Chair



5280-30

People and Social Responsibility

Civil Society Engagement

Mr Ken Williams
Mayor of the District of the Highlands
District of Highlands
1980 Millstream Road,
Victoria BC V9B 6H1
Canada

RECEIVED

DEC 13 2017

District of Highlands
Via Courier

Paris, December 1, 2017

Re: Your letter dated June 30, 2017 on Fair Share of Climate Costs

Dear Mayor Williams,

We acknowledge your letter of June 30, 2017, outlining the vulnerability of the community of the Highlands to climate change impacts.

Total is fully aware of the challenges represented by climate change. As an actor in the energy industry, the Group intends to contribute to the achievement of the "below 2°C" target. Indeed, we are building the Group's future by taking the International Energy Agency (IEA)'s 2°C scenario as a reference.

Total's challenge is to increase access to affordable energy to satisfy the needs of a growing population, while providing concrete solutions that will help limit the effects of climate change and supply an energy mix that progressively decreases in carbon intensity.

This ambition is described in our Climate Report, which was published for the second time in May 2017. It details how we have integrated the impact of climate change into our overarching strategy. This strategy is based on three pillars.

Firstly, Total endeavors to reduce the carbon intensity of its current production mix. We have exited the coal business. Also, natural gas, the least emitting hydrocarbon source of greenhouse gas, will make up the biggest share of our portfolio in 20 years' time.

Secondly, we seek to accelerate the development of renewable energies and more generally low-carbon businesses by having them make up 20% of the Group's portfolio within 20 years. Total is already a major player in solar energy and invests heavily in this sector. The acquisition of SunPower has made Total a leader in the solar industry, reinforced by the creation of Total Solar and the acquisition of EREN RE in 2017. The acquisition of Saft will add energy storage solutions to Total's portfolio which are necessary to enhance the development of renewable energies.

Adresse postale : 2 place Jean Millier - La Défense 6 - 92076 Paris La Défense Cedex
Tél. : + 33 (0)1 47 44 45 46

TOTAL S.A.

Société Anonyme au capital de 5 944 195 400 euros

Siège social : 2 place Jean Millier - La Défense 6 - 92400 Courbevoie - France
542 051 180 RCS Nanterre

City of Vancouver - FOI 2019-480 - Page 16 of 19

Finally, we improve energy efficiency in all aspects of our business by continuing our efforts to reduce greenhouse gas emissions at our facilities and providing solutions (products and services) that encourage responsible energy use by our customers.

These actions led by Total contribute to the collective approach needed to tackle the climate change challenges. They are aligned with the International climate regime and based on decisions adopted by States Parties to the United Nations Framework Convention on Climate Change towards the "below 2°C" target.

The States' commitment is decisive in meeting the climate change challenge and they have a key role to play in realizing the energy transition. Total supports the adoption by States of regulation addressing this challenge. The Group was a leader in the energy sector during the COP21, and took heed of the call by the international community in favor of the adoption of the Paris Agreement and has indeed been part of this momentum as a global business leader.

Within this regulatory framework and the implementation measures shaped by governments, Total invests in research and development to design low-carbon solutions.

As an international energy company, Total has always been guided by the observance of laws and regulations applicable to its activities, which govern the conduct of its industrial operations and its product specifications.

In view of the foregoing, we consider that Total cannot be held liable for the consequences of climate change. Even if Total fully understands the concerns you have for the future of the community of the Highlands, we cannot respond favorably to your request for Total to pay a share of the estimated costs which would be incurred by this community due to climate change.

We remain open to dialogue should you wish to further discuss our strategy and actions regarding energy and climate.

Yours sincerely,



Manoelle Lepoutre
Senior Vice-President Civil Society Engagement

Appendix 4

Resource Works Society "Community Conversations" report

COMMUNITY CONVERSATIONS ON NATURAL RESOURCES:

Using open dialogue to find common ground

December 2014



Resource Works

City of Vancouver - FOCUS FOR BC. INNOVATION FOR THE WORLD.



Resource Works

JOBS FOR BC. INNOVATION FOR THE WORLD.

About the Resource Works Society

Resource Works is an independent Society open to participation by British Columbians from all walks of life who are concerned about their future economic opportunities. It is a response to the widespread observation that low economic literacy is a barrier to meaningful public discourse on matters central to the quality of life of British Columbians.

Resource Works communicates with British Columbians about the importance of the province's resource sectors for their personal well-being. It demonstrates how responsible development of British Columbia's resources creates jobs and innovation throughout the province, both directly and indirectly, while maintaining a clean and healthy environment. And Resource Works shows how the long-term economic future of British Columbia, including the Lower Mainland depends on the responsible development and extraction of the province's resources.

Executive Director

Stewart Muir
www.resourceworks.com
[@resource_works](https://twitter.com/resource_works)
www.facebook.com/resourceworks

Address
Park Place
Suite 600 - 666 Burrard Street
Vancouver B.C. Canada
V6C 2X8
Office 778 588-9352

Resource Works Governance

Advisory Council

A voluntary body that provides leadership and strategic advice to the Resource Works Society.

Lori Ackerman is the Mayor of Fort St. John, BC and a director of the Peace River Regional District.

James Brander, PhD, is the Asia-Pacific professor of international business at UBC's Sauder School of Business.

Ken Brown is a First Nations development leader and former elected chief of Klahoose First Nation.

Tai Cheng, LLB, is Counsel for Fulida Group, a China-based company with pulp mill operations in Port Alice.

David Emerson, PhD, is an economist, civil servant, business leader, former Canadian foreign affairs minister.

Mark Gordienko is the President of the International Longshore and Warehouse Union, Canada, and has more than 40 years of experience in the labour movement.

Steve Hunt is the Director of United Steel Workers District 3. He led the USW merger with the Industrial, Wood and Allied Workers of Canada, making USW the largest forest workers' union in Canada.

Kathy Kinloch is the president of British Columbia Institute of Technology.

Yong-Jae Kim is a partner in Gowlings' Vancouver office. His practice focuses on corporate finance, mergers and acquisitions, joint ventures, share and asset acquisitions, and takeover bids in the mining and energy industry.

Gerry Martin is a Terrace resident and a member of the BC Jobs and Investment Board and the BC Agenda for Shared Prosperity advisory council. He is the former chair of the BC Progress Board, and served on the Premier's Technology Council.

Dan Miller is a former Premier of British Columbia. He also served as the minister for municipalities, for energy, mines and petroleum resources, for skills training and labour, and for forests.

Angus Reid is a former professional football player, small businessperson and motivational speaker.

Brian Riddell, PhD, is the President and CEO of the Pacific Salmon Foundation and member of the Royal Society of Canada's expert

panel on ocean climate change and marine biodiversity.

Puneet Sandhar, LLB, is a lawyer with Sanghera Sandhar Law Group based in Surrey, BC. In 2012, she received the Queen's Diamond Jubilee Medal in recognition of her dedication to the community.

Bud Smith has served as an MLA representing Kamloops, as a cabinet minister, and as the Attorney General of BC. He is currently the chair of BC Lottery Corp.

Kathryn Teneese is the chair of the Ktunaxa Nation Council. She is a member of the Akisqnuq (formerly Columbia Lake Band) of the Ktunaxa Nation and served as the Chief Negotiator for the Ktunaxa Nation in their ongoing negotiations with Canada and British Columbia since 1996.

Sandra Wear is a successful technology entrepreneur and CEO of Canadian Women in Technology (CanWIT).

SENIOR RESEARCH FELLOWS

Marlyn Chisholm

Philip Cross

About this report

Community Conversations is part of an effort by Resource Works to help engage British Columbians at the community level in discussions about resource issues. In recent years, communities across BC have been front and centre in debates around resource development. These debates have frequently been far from ideal. Discourse is too often dominated by polarized debate, heated rhetoric and disagreement on basic facts. It is our hope that this report helps to encourage a more productive conversation on resource development at the local level.

The first step of this process was to promote a better understanding of how local communities are affected economically by resource development. *Community Impacts*, published by Resource Works in October 2014, illustrates the economic activity flowing from BC's resource sector to the community level in BC, with a focus on eight communities in BC's Lower Mainland.

This report captures the results of our next effort, which was to visit the communities that were studied in *Community Impacts*, share our findings, and – most importantly – listen to residents in those communities. Our primary goal was to identify areas of common ground: key themes that describe broadly shared values relating to resource development. Our hope is that this common ground can be used to support healthy public discourse on resource issues in the future.

The people behind the process

Resource Works owes a special thanks to Assistant Researcher Anja Novak, who took a leading role in co-ordinating the research process and organizing the eight Community Breakfast Conversations on Natural Resources events. We also express great appreciation to the team at Decision Partners, a group of leading behavioural scientists and practitioners specializing in stakeholder engagement, for their valuable advice and guidance. While we did not attempt to fully replicate their advanced research techniques, our work benefited greatly from their input and example.

About the author

Peter Severinson is the Research Director at Resource Works. He contributed to the research design of *Community Conversations* and served as a discussion facilitator in the conversations that inform this report. He has a background as a business journalist, having served for several years as the Assistant Editor of *BCBusiness* magazine. He has a master's degree from the School of Public Policy at Simon Fraser University and has completed research and analysis work for several BC-based institutions, including the Business Council of BC, BC Housing, the City of Surrey, and the Western Region office of the Department of Canadian Heritage.

Contents

1. Introduction and overview	1
2. What is responsible resource development?	6
Working with the community and for the community	6
A balance between economy and environment	7
Embracing innovation	8
A process that can be trusted	9
What values should guide responsible resource development?	10
3. Building better public dialogue	12
Bringing people to the table	12
A discussion based on facts	13
Real talk and real listening	13
Working toward solutions	14
4. Community summaries	16
5. Conclusion	19
Appendix	22

1. Community conversations on natural resources

In the fall of 2014, the Resource Works Society hosted eight community conversations in eight cities in the Lower Mainland where 120 participants discussed natural-resource issues in BC. Specifically, we asked participants to discuss two main questions: What does responsible resource development mean to you? And how do we build productive public dialogue?

This report is focused on describing what the participants had to say in those conversations. But before we begin that review, here are a few words about why Resource Works undertook this project and what we hope to achieve.

One of Resource Works' core goals is to help British Columbians engage in an informed discussion about natural-resource issues. The society was founded partly in response to a view among many inside and outside the resource sector that public discourse on resource issues in BC is frequently dysfunctional. Discourse on resource issues is too often dominated by vocal interest groups with inflexible positions, heated rhetoric, and contradictory information, which leads to an erosion of trust, the entrenchment of adversarial positions and poor resource-development decisions.

One way Resource Works hopes to improve public dialogue is to help find common ground on resource issues – a set of values that can be accepted by a broad range of British Columbians. It is our hope that British Columbians can achieve more productive public dialogue by first discussing values on which we can agree rather than details on which we disagree. We feel that such discussions will help get conversations started, promote mutual respect, support collaboration and – ultimately – help us reach better decisions.

We initiated the *Community Conversations* project in order to explore what that common ground might look like. After visiting eight Lower Mainland communities and having face-to-face discussions with 120 British Columbians, we are excited to share what we heard.

Our method

All eight community conversations followed the same format. Each of the two-hour events began with a brief presentation on the natural resource sector's economic impact in BC, including community-specific findings from Resource Works' October 2014 report *Community Impacts*. Participants were informed in the presentation that they would be asked to discuss the concepts of responsible resource development and productive public dialogue. In an effort to avoid biasing the conversations, these terms were not defined.

The majority of each event was spent in facilitated group discussions, focused on three main questions:

1. What does responsible natural resource development mean to you?
2. What values should guide natural resource development?
3. How can we build constructive, meaningful dialogue on natural resource topics in your community?

For each question, participants were first asked to provide brief written answers in a workbook.¹ The majority of the discussion time was then spent sharing and discussing answers in groups. Each discussion involved six to eight participants and was guided by a discussion facilitator. Note takers recorded comments. Our data include the written feedback in the workbooks and the notes from the discussions. These were analyzed to identify key themes, the most prominent of which are discussed in this report.

Events were held in Burnaby, Coquitlam, North Vancouver, Port Coquitlam, Richmond, Squamish, Surrey and Vancouver between October 23 and November 4, 2014. Interest in these events was driven partly by the upcoming municipal elections, which took place on November 15.

Our participants

The marketing and outreach efforts for these events were designed to bring together participants with diverse backgrounds. Resource Works invited local government leaders and candidates in the 2014 BC municipal elections, industry representatives, union representatives, members of environmental organizations, and unaffiliated citizens.

In total, 120 participants attended the eight events. These participants included 38 candidates running in the municipal elections, including some current council members; 28 community members, including members of community groups, environmental organizations and unaffiliated citizens; and 54 participants with links to the resource sector, including people employed in natural resource industries directly and others working in supporting industries and organizations. Most participants were residents of the communities in which the meetings were held.²

Key findings

After analyzing the comments made during these discussions, we identified eight major themes representing important ideas that were commonly identified by our participants. These are grouped under the two primary topics we explored in the community conversations: responsible resource development and productive public dialogue.

¹ The full discussion guide that was distributed to the participants and collected by the Resource Works team is available in the appendix.

² The two meetings held in Coquitlam and Port Coquitlam were marketed as “Tri-Cities” events, and included a mix of participants from Coquitlam, Port Coquitlam and Port Moody.

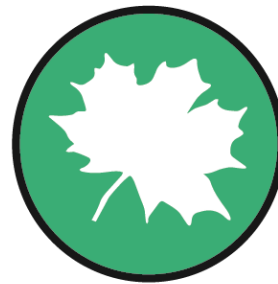
Understanding responsible resource development

At the beginning of each session, Resource Works staff explained that one of our main goals was to support “responsible resource development.” However, we did not offer a definition of this term. Rather, we asked the participants to tell us what responsible resource development meant to them. Those discussions revealed the following key ideas:



Working with the community and working for the community:

The idea that local communities, including First Nations communities, should have a voice in natural resource decisions and should enjoy benefits from nearby resource development.



A balance between the economy and the environment:

The effects of resource activities on the economy and on the environment were the focus of many conversations. Many participants recognized that responsible resource development means finding a balance between environmental and economic priorities.



Embracing innovation:

Many participants emphasized that responsible resource development involves a commitment to continual improvement, the adoption of leading practices and the development of new technologies to maximize economic gains and minimize environmental risks.



A process that can be trusted:

Participants emphasized that they want to be part of a transparent and credible process for reaching decisions about resource development. Common elements that were emphasized include rigorous regulation of industry, credible information, respectful dialogue and leaders who act with vision and integrity.

Supporting productive public dialogue

Participants were told early in the event that productive public dialogue would be one of the principal ideas we would be exploring. We asked participants to tell us how they would describe this concept. We also asked what challenges threaten productive dialogue and what opportunities exist to support it. Those conversations revealed the following major themes:



Bringing people to the table:

One of the main elements of productive public dialogue, according to our participants, was that it include a diverse group of people, with a particular emphasis on First Nations people. There was also a strong desire to include more moderate voices in conversations about resource development.



A discussion based on facts:

A major impediment to productive dialogue identified in these discussions is unreliable or misleading information. Participants expressed a strong desire for credible information that would help them assess the costs and benefits of resource development.



Real talk, and real listening:

Many participants emphasized that productive dialogue requires as much an emphasis on listening as it does in speaking out. Another crucial component is the capacity for people to change their minds. For many participants, one of the greatest challenges to achieving productive public dialogue is when people arrive minds already made up.



Working toward solutions:

Another important idea raised in discussions is that dialogue alone isn't enough. Rather, it must be part of a process that moves toward decisions. For many participants, this meant ensuring a credible process where input from community members has a real effect on project decisions.

Why these findings matter

It is our hope that these themes will help establish common ground that can support future discussions about natural resources. Because these themes represent values that were supported by many participants, we feel they can serve as useful starting points for respectful, productive conversations leading to better decision making.

Taken together, the themes we identify in this report can serve as a useful checklist for anyone concerned about resource development in BC. We encourage anyone who cares about resource issues to review these major themes and ask themselves: How does my project, my position, or my way of thinking align with each of these ideas? Am I considering them all seriously? Are there any I have neglected? Can I do better in any of these areas? Which one deserves my attention today? Which one challenges the way I've thought about resource development up until now?

Resource development is a complex process involving difficult decisions. The findings from this report won't change that. However, how we approach tough decisions matter. And starting with a bit of common ground and a willingness to engage in respectful dialogue is a good start. Thanks to the 120 participants who shared their thoughts with us, we can present a few ideas about what that good start might look like.

2. What is responsible resource development?

Part of Resource Works' mission is to promote responsible resource development. One of our priorities in these community conversations was to better understand what this term means to different people. We asked each participant who attended our community conversations to tell us what responsible resource development meant to them. The following section describes four key themes that were prominent in those conversations.

Working with the community and working for the community

The first major idea that emerged in our discussions is that resource development should be guided by members of affected communities, and those communities should also benefit from resource activities.

The first component, community involvement, was one of the most commonly cited elements of responsible resource development. Participants expressed a desire to be part of the resource-development decisions that affect their lives and their communities. Many participants also emphasized First Nations involvement in resource decisions. We also heard that good community involvement begins early, ideally before project plans are finalized. Many participants said they want to ensure that their values and perspective can make a meaningful difference in how resource projects are designed.

Many participants also agreed that responsible resource development means tangible benefits flowing to affected communities. Most of the benefits described in our conversations were economic in nature. Participants spoke about wanting local jobs, training for local workers, contracts for local businesses and revenues for local governments. Many participants said they felt that resource companies had to do a better job in explaining "what's in it for us?"

Several participants also said they want assurances that the benefits will last for a long time. Communities, as one participant pointed out, last longer than resource projects. Some participants expressed concerns of their communities becoming ghost towns once resource activities ceased. Several participants expressed a desire for long-term funds supported by resource revenues ensuring that resource wealth could be preserved for future generations.

"We need partnerships with First Nations, and consideration of their needs is essential for success."

– Richmond participant

"The people who live in the area want to have their voices heard."

– Port Coquitlam participant

"You need to pursue social license. Companies arriving in BC should be asking, 'How do you want to partner with us?'"

– Vancouver participant

"There is fear that projects will leave as quickly as they came taking the jobs and prosperity with them."

– Richmond participant

In fact, many participants expressed a desire for long-term planning in general. Many expressed worries that resource decisions that affect their communities were too often tied to short-term conditions, such as elections cycles, and expressed a desire for their leaders to build longer, multi-generational visions when considering resource development.

A balance between economy and environment

Two of the most common characteristics of responsible resource development proposed by participants were supporting the economy and protecting the environment. While some participants prioritized one of these ideas over the other, it was quite common for participants to list both in their descriptions of what made up responsible resource development. Many participants expressed a desire for a good balance between environmental issues and economic issues.

When discussing the economic benefits of resource development, participants highlighted job creation, revenues for government, training for workers, profitability for companies and the idea that natural resources should be put to productive uses. Many participants also said that these benefits should be shared equitably between resource companies, resource workers, governments and local communities. For instance, it was common to hear that local businesses should be favoured to provide services for nearby resource companies. Another common idea raised in the conversations was that there is a lack of understanding of economic fundamentals in BC, with several participants expressing that other British Columbians don't comprehend the importance of the resource sector to the broader economy.

In conversations about the environment, many participants emphasized the importance of rigorous environmental regulations, with some saying that sites affected by resource development should be returned to their natural state once industrial activity has stopped. Many also highlighted the importance of global and long-term environmental effects, climate change especially.

Arguably, environmental and economic issues could have been discussed in separate section in this report. However, we chose

"Finding ways to meet growth needs and achieve sustainability. We need to do both."

– Burnaby participant

"It should be sustainable, environmentally sensitive and generating employment."

– Coquitlam participant

"It's generally accepted that resource extraction is important to the economy; however there is a concern around the long term vision, and a desire that negative impacts are reduced as much as possible."

– North Vancouver participant

"We have to point out to people why we need this. We need jobs. We can do this responsibly. The majority of people are going to win on this one."

– Port Coquitlam participant

"Balance is key – economy, environment, social"

– Vancouver participant

to include them in the same section because many participants in our conversations also emphasized that responsible resource development means achieving a balance between economic benefits and environmental priorities. (Several participants also included social priorities, but these were generally not the focus of many comments in our conversations.) To achieve such a balance several participants called for clear assessments of the risks and benefits associated with proceeding or not proceeding with a resource project.

Another issue raised by many participants that relates to the concept of balancing environment and economy is the idea of sustainability. Many participants spoke of sustainability in terms of good environmental practices. There were, for instance, several participants who expressed a desire to use more renewable energy and phase out the use of fossil fuels. However, economic sustainability was another concept that enjoyed much support, often being described in terms of long-term jobs and economic stability.

Embracing innovation

Innovation is another concept that was identified by many participants as playing an important role in responsible resource development. Many participants said that responsible resource development must include continuous improvement, adaptability, and the development and use of new technologies. To some, innovation was seen as a means by which the BC resource sector could increase its competitiveness while also reducing its impact on the environment. Many participants expressed a desire for BC-based resource projects to adopt global best practices and leading technologies, with some saying they would like to see BC take a leadership role in developing new resource-related technologies that could benefit the rest of the world.

Some participants said that British Columbians should be better informed about the technological sophistication of the resource sector, pointing out, for instance, that oil pipelines and tanker ships are far safer than many people think.

"If the status quo is good for you, you are not doing enough. Always improve practices."

– Squamish participant

"Industry must be flexible and change with technology and innovation"

– Vancouver participant

A process that can be trusted

The fourth major component of responsible resource development identified by our participants is the quality of the rules and processes that govern resource operations. Key issues include environmental regulations, project assessments and public consultation processes.

Many participants expressed a desire for strong environmental rules enforced by independent regulators. Participants emphasized that resource companies should be accountable for any problems associated with their projects – that the risks fall on them and not on communities. The role of government was much discussed in these conversations, with many participants emphasizing that it is government’s job to enforce good resource practices and not to promote resource development.

The role of public consultations was another prominent topic in these conversations. Many participants said they want consultations to be open, transparent and inclusive of diverse opinions. Many said they were concerned that highly polarized views on resource development were dominating these discussions, and many expressed a desire to give moderate voices more prominent roles in public dialogue. Several participants said they want to engage in a process where there is a clear and credible assessment of the risks and benefits associated with a new project. However, many also expressed concerns about the difficulty of finding reliable information when resource debates become heated. Many participants said they see the news media as contributing to the polarization of resource debates.

Many participants said that they find it difficult to determine who to trust in discussions about resource development. Many participants emphasized that they wanted leaders in government and industry especially to show high levels of integrity, practicing honesty, openness and transparency. Some participants called for independent third parties to play a role in project assessment, regulation and consultation. However, no clear sense of who that trusted third party might be emerged in these conversations.

“Industry and government cannot walk hand in hand.”

– Burnaby participant

“There is polarization between industries and environmental NGOs. The average citizen deserves a balanced conversation without bias.”

– Coquitlam participant

“Average people buy into misinformation, not because they are not smart, but because the Internet provides easy information. Facts need to be more easily accessible.”

– Richmond participant

“Political parties communicate messages to support their party and not to share the truth.”

– Vancouver participant

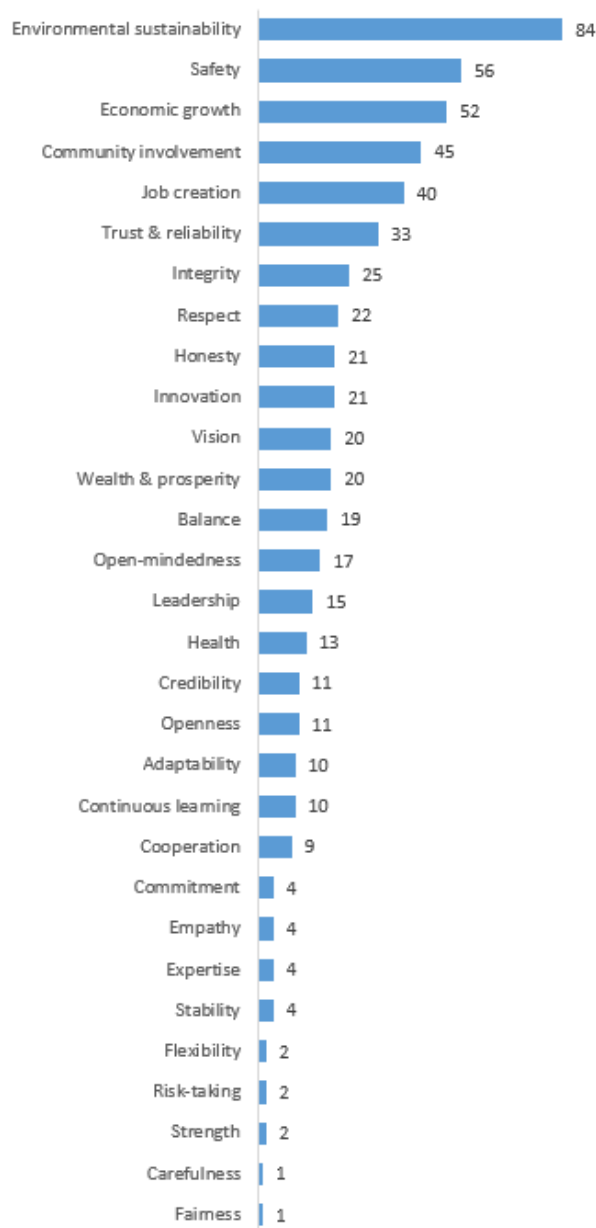
“We need public confidence that projects are vetted in a way that can be trusted. That is missing right now. There’s entrenched scepticism.”

– Port Coquitlam participant

What values should guide responsible resource development?

As a follow-up to these discussions, we asked all participants to identify which values they felt should guide natural resource development. Each participant was provided with a list of options and asked to select their top five choices. Participants were also invited to write in their own values if they wished to do so. In order to show all the ideas that were provided, we present two lists. The first includes only those values suggested by us in the participants' workbooks. The second list includes all those items that participants wrote in themselves.

Values listed in the workbook



Values added by participants

Accountability, liability
 Collaboration
 Detachment from global
 Different economic models (not just fast growth)
 Duty to public interest
 Economic and environmental sustainability
 Economic sustainability
 Economic wisdom, resilience
 economic, environment
 Education
 Global, holistic thinking
 Humility
 Impact
 Justice, truth
 Legacy
 Local vision
 Long-term perspective
 market oligarchs
 Meaningful job creation
 Mutual respect
 Renewable only
 Resilience and stability, social,
 Skills and training
 Sustainability
 Systems thinking
 Transparency
 True engagement
 Understanding
 Wholistic, long-term perspective
 Willingness

3. Building better public dialogue

The second major topic we addressed in the community conversations was public dialogue on natural resource issues in BC. We asked participants to describe their ideas of healthy, productive public dialogue, asking them to also describe the main challenges standing in the way and the main opportunities for improvement.

Bringing people to the table

One of the most prominent topics that arose in discussions about building productive dialogue was the need to include many diverse voices. Many participants expressed the idea that resource development decisions should be based on broadly inclusive dialogue and consultation involving a range of perspectives. The importance of including First Nations communities in these discussions in a meaningful way was emphasized many times in the discussions.

Many participants said the current discourse on resource issues is frequently dominated by powerful interest groups, especially those with strong pro- or anti-development positions. Many participants said they felt there was a need to bring more moderate voices into discussions about resource development. Many also expressed a desire for these discussions to bridge important social divides, especially those separating Vancouverites and other urban British Columbians from more remote resource-dependent regions such as the North.

The format of public discussions on resources was also a topic of much discussion. Many participants pointed out that it can be difficult for regular people to get involved because they already live busy lives and have little extra time to spare. Participants called for extensive outreach and promotion of consultation events to ensure that as many people as possible have the opportunity to participate. Many participants also supported the idea of holding multiple events over a long period of time so that more people could engage in opportunities for dialogue.

Participants expressed support for a broad range of event styles in which people could share their views on resource-development decisions, including town-hall meetings, small group discussions, open houses, one-on-one conversations and online interactions

“Right now it is just the people who are for or against. The people who are on the fence need to show up. The undecided are the ones we need to engage with.”

– Coquitlam participant

“First Nations are seeking respect and a fair share. Meaningful consultations are needed to assess concerns and expectations. It is not strictly based on money.”

– North Vancouver participant

“Minds aren’t changed by lectures, they are changed by dialogue.”

– Coquitlam participant

using social-media tools. No engagement style emerged as a clear favourite in these conversations, with participants expressing interest in a variety of engagement methods.

A discussion based on facts

Another issue that was frequently raised in these discussions is a desire for reliable, factual information to fuel good discussions. Many participants said current discussions on natural resources include too much misinformation, emotion and fear. Many participants said misinformation and overly emotional messaging often comes from interest groups, powerful lobbyists and the news media, who were frequently described as reporting on issues in a way that helped polarize discussions on natural resources. As a result of being exposed to misinformation, many participants said they found it difficult to know who to believe in discussions about natural resources.

Many participants expressed a desire for conversations based on good information and rational deliberation rather than emotion. Participants said they want to hear a good balance of facts coming from various perspectives, and that they want to be presented with clear, understandable information – not overly technical data that is difficult to understand. Many participants also said that information overload can be problematic, pointing out that regular citizens can't be expected to pour through large, detailed technical reports. Several participants expressed a desire for trustworthy technical experts to be present at public engagement events to help guide participants through discussions on complex topics.

"There's a lot of misinformation out there. When we have all this crap, it's hard to weed through it. What's truthful? Give me the facts."

– Port Coquitlam participant

"People just want information that supports their bias. Facts are facts, and facts should inform your beliefs."

– Squamish participant

"Fear of the unknown a major challenge. People don't understand, and we have elements out there trying to manipulate them."

– Burnaby participant

Real talk and real listening

The first two themes addressed in this section describe prominent ideas about who should be included in public discourse on resource issues and the kind of information that should support those discussions. This theme addresses how people should behave within a productive public dialogue. For the most part, discussion participants did not specify which actors ought to behave in which ways. Generally, ideas about how people ought to treat each other in a productive public dialogue were expressed as applying to everyone.

The most prominent behaviours recommended by participants for healthy, productive public dialogue were open-mindedness and flexibility. Many participants emphasized that those taking part in a discussion on resource development should begin with a willingness to listen to others and not participate with the limited objective of changing other people's minds. A prominent idea expressed in these conversations is that

listening to others means valuing their perspectives, and that truly values the perspectives of others means allowing those perspectives to influence one's own thinking.

Many participants identified inflexible thinking as a challenge to productive public dialogue. This behaviour was described using such terms as polarization, politicization and nimbyism. Many participants said these behaviours are problematic because they emphasize narrow self-interest instead of broad public interest, and the act of persuading others instead of trying to understand others. Many participants said they want creativity, flexibility, integrity and honesty from participants in public dialogue. They emphasized that people with different perspectives be straightforward about their positions and demonstrate a willingness to adjust them.

The issue of trust was a prominent element of the conversations on good dialogue behaviour and good information. Many participants said that it can be difficult to know who to trust in current discussions about natural resources, but that trust can be built through open, honest and transparent dialogue supported by credible facts.

Working toward solutions

Another major theme that emerged in these discussion about productive public dialogue is that dialogue must be part of a larger overall process that generates solutions. Participants shared many views about what that process should look like, emphasizing the importance of structure, leadership and results.

Many participants said that public discourse must be structured in order to achieve the objectives discussed above. For instance, rules need to be in place to ensure the meaningful participation of First Nations, the inclusion of a broad range of moderate voices and the availability of credible information. Many participants expressed a desire for professional, neutral discussion moderators to ensure discussions are fair and accessible. Another perspective that received much support in our discussions was that dialogue should be organized in such a way that it is collaborative and not adversarial. For instance, in events that feature debates between actors with fixed positions, many participants said they find it difficult to know who to believe and trust.

“When you acknowledge people’s values, you can create understanding.”

– Squamish participant

“You need to listen to people with a diversity of opinions. You need to look for that common ground. Where is the consensus? It can deflate the negativity to the room.”

– Coquitlam participant

“An ability to adjust your position is critical in constructive dialogue. To be able to argue your position concisely but be able to concede and make adjustments at the end of the day.”

– North Vancouver participant

“The discussion is presented as either-or. You’re trying to kill the environment or you’re trying to destroy the economy. If we focused on values we could focus on our commonalities not our differences.”

– Squamish participant

Participants had many suggestions about how dialogue structures could be used to improve the quality of public discourse. Many of these recommendations appear to involve some trade-offs, however. For instance, some participants said they wanted discussions timelines to be long enough to give people ample opportunity to participate, but others said the process should not last so long that it prevents necessary decisions from being made. Some participants emphasized that discussions should be flexible enough to accommodate many views and priorities, while others said that clear goals were needed to ensure that discussions not be diluted and bogged down by ever-moving goal posts.

A prominent topic in these discussions was the roles and responsibilities of government and industry in enabling good public dialogue. Many participants emphasized that they do not want their governments to act as promoters of resource industries. Rather, they expressed a desire for government to act as an adjudicator and regulator with a focus on the public interest. Industry was seen as having a responsibility to providing clear and complete information about projects.

A key point raised by many participants was that both government and industry should respect the outcomes of public dialogue. Some participants said that public discourse is meaningless if it has no effect on final decisions and outcomes. If project proponents, for instance, have no willingness to adjust their practices based on public input, then dialogue becomes mere lip service, explained some participants. They said that this kind of behaviour demonstrates disrespect for the citizens who participate.

This view emphasizes a common feeling among participants that, while good dialogue is important, it is not an end to itself. Participants said that people want to be consulted so that the actions at the end of the day reflect their values.

“Productive dialogue has to be managed dialogue. Too often it is too easy for an opponent to hog the microphone and continue to beat one single message. You don’t want to shut them off, but you want to make sure that you encourage other voices.”

– Coquitlam participant

“Government should act unbiased instead of jumping in to support industry. They are public servants, not industry servants.”

– Richmond participant

“Sometimes the dialogue process is antagonistic – one side against the other. We need to change this to a collaborative process.”

– Vancouver participant

“True engagement means that you do not assume an outcome, letting go of control and accepting whatever comes out from the dialogue.”

– Squamish participant

4. Community summaries

Burnaby

Responsible resource development: Participants in Burnaby placed emphasized pursuing sustainability, with several expressing support for moving more quickly to renewable energy sources. Burnaby participants also emphasized the importance of community involvement in resource-development decisions, including meaningful inclusion of First Nations communities. Several participants also focused on the need for a long-term vision for resource development and the need for a strong regulatory system.

Productive public dialogue: The most prominent topic in our Burnaby discussion on productive public dialogue was the need for people to be open minded and flexible. Burnaby participants emphasized that polarization, divisiveness and fear-driven reactions are major challenges to effective public dialogue.

Top values: Environmental sustainability, safety, economic growth

Number of participants: 18

Coquitlam

Responsible resource development: Coquitlam participants emphasized that natural-resource decisions should reflect input from local communities and First Nations. Many participants also emphasized the need for a transparent and open process, as well as a strong rules to ensure environmental protection.

Productive public dialogue: Coquitlam participants emphasized the need for reliable factual information to support productive public dialogue.

Top values: Environmental sustainability, safety, economic growth

Number of participants: 16

North Vancouver

Responsible resource development: One of the most prominent ideas expressed by North Vancouver participants in these conversations is that local communities and First Nations be consulted about resource developments that affect them, and that they should also enjoy long-term economic benefits flowing from those projects. Participants also emphasized the need for a long-term vision, with a focus on preserving resources and funds for future generations.

Productive public dialogue: The availability of reliable, factual information was a prominent topic in the North Vancouver discussion. Participants expressed a desire for clear risk-reward assessments and many said they were concerned about overly emotional dialogue and the spread of misinformation.

Top values: Environmental sustainability, safety, trust and reliability, balance

Number of participants: 14

Port Coquitlam

Responsible resource development: Port Coquitlam participants emphasized that community and First Nations involvement in resource-development decisions is crucial. Participants noted that nearby communities should also benefit from business to local companies and training for local workers among other local investments. Port Coquitlam participants also focused on environmental protection, bringing up such topics as mitigation

efforts and the strengthening of environmental regulations.

Productive public dialogue: The availability of reliable information and the inclusion of diverse groups were the most prominent topics in the Port Coquitlam discussion on productive public dialogue. Many participants expressed a desire for scientific facts over opinion in discussions about resource development, and they emphasized that productive dialogue depends on the inclusion of many diverse voices.

Top values: Environmental sustainability, safety, job creation

Number of participants: 11

Richmond

Responsible resource development: At the Richmond discussions, community and First Nations involvement in resource-development decisions was one of the most common suggested elements of responsible resource development. Participants emphasized that communities affected by resource development also benefit from employment, business spending and other benefits. Many Richmond participants also expressed desires to balance environmental risks and economic benefits.

Productive public dialogue: Richmond participants focused on the different formats that might support productive dialogue, with various participants favouring fact-to-face interactions, open houses and small group engagement opportunities. Participants also emphasized that it was important for such events to be accessible in terms of location and timing, recognizing that it can be difficult for busy people to get involved.

Top values: Environmental sustainability, safety, economic growth, community involvement

Number of participants: 13

Squamish

Responsible resource development: Community involvement and community benefits were prominent topics in the Squamish discussions about responsible resource development. Participants spoke frequently about the need for communities and First Nations to be consulted about resource plans and also about the importance that these communities receive economic benefits from nearby projects. Other important topics raised include environmental protection, a shift toward renewable energy, and improving resource practices through innovation.

Productive public dialogue: Squamish participants emphasized the importance of having public discussions based on reliable facts, and expressed concerns about the effects of misinformation and lack of information. Other prominent topics included the importance of including diverse voices in public discussions and the need for participants to exhibit flexibility and open mindedness as they learn about new perspectives.

Top values: Environmental sustainability, safety, integrity

Number of participants: 24

Surrey

Responsible resource development: Surrey participants emphasized issues relating to openness, transparency and inclusion in resource-related decision-making, mainly focused on the need for good consultation practices as a part of resource development. Environmental protection was another prominent topic, with many comments on minimizing environmental impacts, rehabilitating industrial sites and preventing long-lasting impacts on the environment.

Productive public dialogue: Open-mindedness, flexibility and adaptability were key topics raised in the Surrey discussions on productive public dialogue. Many participants agreed that players in a dialogue should be willing to listen to the views of others and adjust their own beliefs. Surrey participants also expressed a desire for more reliable information to support a more informed public dialogue.

Top values: Environmental sustainability, community involvement, honesty

Number of participants: 10

Vancouver

Responsible resource development: Many Vancouver participants agreed that community and First Nations involvement is an important component of responsible resource development, both in terms of their ability to provide input to guide projects and their opportunities to enjoy economic benefits. The need for continual improvement and innovation was another prominent topic, as was the importance of environmental protection.

Productive public dialogue: Vancouver participants emphasized the importance of having factual information supporting public dialogue, and expressed concerns about misleading information, lack of information, difficult-to-understand technical information and the problem of information overload. Participants also focused on the ability of a broad range of people to be included in public discourse and emphasized the importance of personal integrity, including such values as honesty, respect, trust and authenticity.

Top values: Environmental sustainability, economic growth, community involvement, trust and reliability

Number of participants: 22

5. Conclusion

The purpose of our series of community conversations was to explore two questions that are important to the Resource Works Society and that we argue are also important to all British Columbians: What is responsible resource development? And how do we build productive public dialogue?

We feel these questions matter to BC because of the important role natural resources play in supporting the province's economic health and because resource-development decisions ought to reflect the values of British Columbians. We posed these two questions to 120 residents of the Lower Mainland in order to advance our own understanding of responsible resource development and productive public dialogue. We also hoped that these conversations would help us identify areas of common ground – shared values upon which we can base future conversations about natural resources.

Key themes for a better conversation on natural resources

As described in this report, the participants of these conversations have diverse views on these questions, but the conversations also revealed commonalities. When asked to describe what responsible resource development meant to them, the participants emphasized community involvement in resource-development decisions (with an emphasis on First Nations involvement) and the expectation that communities affected by such projects enjoy significant and long-term benefits. Many participants also said they expect resource development that balances economic and environmental priorities. Innovation, a commitment to best practices and continual improvement also emerged as prominent factors. Also, many participants called for a credible process for reaching resource-development decisions based on factual information, inclusive consultation and a strong regulatory system.

The conversations on productive public dialogue also featured prominent themes. Many participants emphasized that good dialogue is inclusive, bringing together a broad range of citizens, ensuring that moderate voices are heard alongside those with stronger positions. Many participants called for dialogue based on credible facts, less misinformation and less fear. Participants also emphasized that people engaging in public discourse be open-minded, willing to adjust their positions as they learn about the perspectives of others. And finally many participants said they want a dialogue that makes a difference, one structured in such a way that its outcomes have a meaningful impact on resource-development decisions.

Key themes: Responsible resource development



Working with the community and working for the community:

Communities and First Nations affected by resource development should be involved in decision making and enjoy long-term benefits from resource development.



A balance between economy and environment:

Our natural environment and our economy are both important to our quality of life, and responsible resource development means balancing both priorities.



Embracing innovation:

Responsible development means continual improvement, adoption of best practices, and the development of new technologies.



Embracing innovation:

Responsible development means continual improvement, adoption of best practices, and the development of new technologies.

Using common ground to move forward

Our objective in this project has been to identify important themes that can guide future conversations about resource development in BC. We've seen many times in BC that discussions about natural resources can be difficult. Many participants in these community conversations shared how they were personally dissatisfied with the current state of public discourse, saying they find it difficult determining who to trust and they aren't convinced anyone's listening to them.

Resource Works believes that we can do better. We can improve the state of public dialogue and achieve a level of resource development that can credibly be described as responsible. These conversations with 120 Lower Mainland residents helped us identify eight broadly supported themes that we feel can serve as common ground for future conversations. We recommend that anyone involved in discussing resource development in BC consider these themes. Use them to challenge your own thinking, to revive ideas you might be forgetting, to better understand perspectives of others, and to help BC reach resource decisions that reflect the values of British Columbians.

Key themes: Productive public dialogue



Bringing people to the table:

Productive public dialogue requires including diverse groups of people – including moderate voices that are easily drowned out – and giving them the chance to speak, listen and be heard.



A discussion based on facts:

Good dialogue requires more credible, factual information and less misinformation and emotional language.



Real talk and real listening:

Dialogue is more than a chance to speak. Participants must be open, transparent, willing to listen to others and – most importantly – willing to change their minds based on what they learn.



Working toward solutions:

Dialogue alone isn't enough. Processes are needed to ensure that public input leads to action.

Appendix: Community conversations discussion guide

The following is a reproduction of the discussion guides used in each of the eight community conversations. Each participants was given a guide prior to the discussion. These guides were used to collect written answers and to guide semi-structured group discussions, which were recorded by note takers.

Community Breakfast Conversations on Natural Resources Discussion Guide

Welcome

Resource Works believes that a better understanding of values and perspectives of British Columbians is necessary to guide the public discussion on resource development in BC. Your participation today is a valuable contribution to helping us understand the kind of economic future British Columbians want to see in this province. Thank you very much for sharing your time.

Resource Works is organizing eight Community Breakfast Conversations on Natural Resources in different Lower Mainland communities. The information gathered in these sessions will be shared in a report that Resource Works will release in December.

Conversation goals

Our objectives today are to:

- Create a space where you can freely express your ideas and perspectives
- Learn about your values, interests and priorities concerning the natural resource development
- Work to create a shared understanding on what responsible resource development might look like

How to use this discussion guide

Facilitator and note-takers at your table will take notes of the conversation so that we can learn from it and share key findings with others. This discussion guide is designed to provide Resource Works with a useful record of this morning's conversation, so please make sure it gets back to your facilitator at the end of the session.

Structure and guidelines

The dialogue section is broken up into three major topics that we will go through one at a time. Each topic includes a few short written questions. Please take about five minutes to write down your answers in the discussion guide. Feel free to make changes to your answers during the group discussion. We will then take 15 minutes to discuss the topic as a group.

Here are a few guidelines that will create a basis for a safe and open conversation:

1. There are no wrong answers. We encourage you to be open with your table.
2. Active listening without criticising diverse views is vital for an open dialogue.
3. Our time together is limited. Please excuse us if we have to interrupt the conversation to move on to the next topic.

TOPIC 1: What does responsible natural resource development mean for you?

QUESTION 1

How would you describe responsible resource development? (For example, adopting new technology, improving community involvement process, strengthening environmental stewardship, partnerships with First Nations etc.) Please list some characteristics that describe what responsible resource development means to you.

- 1.
- 2.
- 3.
- 4.
- 5.

Group discussion questions

How did you describe responsible resource development?

Hearing all of your answers, do you notice some commonalities? Why do these characteristics stand out?

What actions do you think are needed to achieve responsible resource development?

TOPIC 2: What values should guide natural resource development?

QUESTION 2

Below is a list of values. Which values should guide residents, local governments and industry in discussing a future resource development project in your community? Please circle your top five choices.

Adaptability	Openness	Job creation	Balance
Open-mindedness	Trust & Reliability	Carefulness	Commitment
Compassion	Health	Wealth & Prosperity	Cooperation
Strength	Community involvement	Environmental sustainability	Integrity
Persuasiveness	Flexibility	Expertise	Leadership
Credibility	Honesty	Economic growth	Vision
Respect	Risk-taking	Innovation	Continuous learning
Empathy	Duty	Stability	Fairness
Safety			Harmony

Or write down your own values:

Group discussion questions

Out of the five values you circled above, which two values do you think are the most important for guiding future resource development? Why?

What kinds of opportunities do these values suggest that can help BC residents, governments and industry achieve responsible resource development?

TOPIC 3: How can we build constructive, meaningful dialogue on natural resource topics in your community?

QUESTION 3

What characteristics would you use to describe a constructive, meaningful dialogue?

- 1.
- 2.
- 3.

QUESTION 4

What are the main challenges to building constructive dialogue on resource issues in your community?

- 1.
- 2.
- 3.

QUESTION 5

What are the main opportunities for building constructive dialogue on resource issues in your community?

- 1.
 - 2.
 - 3.
-

Guided group discussion questions

What does a constructive, meaningful dialogue mean to you?

Who should be engaged in this dialogue? (For example, residents, First Nations, environmental organizations, etc.)

What opportunities exist to build such dialogue? What actions do you think could be taken (by residents, local government, and/or the industry)?

Evaluation Form

What did you like the most about this event?

What did you like the least about this event?

How would you rate the research presentation?

1. Excellent
2. Good
3. So-so
4. Bad
5. Very bad

Comments:

How would you rate your facilitator? Facilitator name: _____

1. Excellent
2. Good
3. So-so
4. Bad
5. Very bad

Comments:

How would you rate the dialogue questions?

1. Excellent
2. Good
3. So-so
4. Bad
5. Very bad

Comments:

Tell us one thing we should improve till our next event.

June 21, 2019

Friday

June 2019							July 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	21	Friday	
		National Aboriginal Day	
7 am			
8 00			
9 00			
		Travel Time; VSB Education Centre - 1580 W Broadway; Carr, Adriane	
10 00		Unveiling Ceremony - Legacy Carving Project - Reconciliation Pole and Welcoming Figures (Event is 10am-1pm) VSB Education Centre - 1580 W. Broadway, Vancouver Carr, Adriane	
11 00		Travel Time; City Hall; Carr, Adriane	
12 pm		Meeting with Anna Barford, Gordon Cornwall et al Cllrs Carr, Fry, and Wiebe Protocol Boardroom Carr, Adriane	Meeting with Anna Barford, Gordon Cornwall et al Cllrs Carr, Fry, and Wiebe Protocol Board Room - 3rd Floor City Hall Carr, Adriane
		Phone Call with Luciano Zago Mosaic Homes Re: Holy Trinity Project; Luciano calls Cllr	Phone Call with Luciano Zago Mosaic Homes Re: Holy Trinity Project; Luciano calls Cllr
1 00		Travel Time	
2 00		Follow-up Chinatown Meeting Chinatown - Chinese Cultural Centre, 2nd Floor Boardroom - 50 East Pender St Kirby-Yung, Sarah	Follow-up Chinatown Meeting Chinatown - Chinese Cultural Centre, 2nd Floor Boardroom - 50 East Pender St Carr, Adriane
3 00		Travel Time	
4 00		Concord Pacific Dragon Boat Festival (Opening Ceremony @ 5:15pm) Peak Stage at Dragon Boat Festival - Creekside Park - beside 1455 Quebec St Carr, Adriane	
5 00			
6 00		Private Appointment	
7 00		Private Appointment	
8 00			
9 00			

June 13, 2019

Thursday

June 2019						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

13	Thursday
From Jun 10	s.22(1) To Jun 14
7 am	
8 00	
9 00	
10 00	Anna Barford; CB's office
11 00	Hank Bull; CB's office
12 pm	
1 00	
2 00	Our Place Governance Orientation - Developing a Model for Community Governance BritanNia Centre Eastside Family Place, 1655 William St.
3 00	
4 00	
5 00	
6 00	Public Hearing Council Chamber CC Meeting Requests
7 00	
8 00	
9 00	

June 21, 2019

Friday

June 2019							July 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	21	Friday											
		National Aboriginal Day (Northwest Territories); Canada											
7 am													
8 00													
9 00		IC-IMPACTS Research Conference Ponderosa Ballroom, 6445 University Blvd											
10 00													
11 00		Legacy Carving Unveiling VSB Education Centre, 1580 W. Boardway Mah, Haley											
12 pm		Meeting with Anna Barford, Gordon Corn Protocol Board Room - 3rd Floor City Hall Carr, Adriane											
1 00													
2 00													
3 00													
4 00													
5 00													
6 00													