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Honourable Naomi Yamamoto
Minister of State for Emergency Preparedness
PO Box 9046 Stn Prov Govt
Victoria BC, V8W 9E2

April 22, 2016

RE: Comments on the BC Ministry of State for Emergency Preparedness' discussion paper on the Emergency Program Act

Dear Ms. Yamamoto,

The Canadian Energy Pipeline Association (CEPA) would like to thank the British Columbia Ministry of State for Emergency Preparedness for the opportunity to provide comment into the Ministry's review of *the Emergency Program Act*.

CEPA members operate 119,000 kilometers of transmission pipelines in Canada of which over 9,000 are located in BC. Our members transport 97 per cent of Canada's natural gas and onshore crude oil production from producing regions to markets throughout Canada and the US in a manner that emphasizes safety, pipeline integrity, and social and environmental stewardship.

Our members operate in a unique regulatory landscape and they have proven to provide safe and reliable energy transportation throughout BC and the entire country. They have made a commitment to achieve zero incidents and, if a spill were to occur, our members have both the means and the capabilities to efficiently and effectively to manage and mitigate the impact to the environment and the public. As you know, our operations are heavily regulated by both provincial and federal agencies to ensure that we continue to operate with a high standard for safety and reliability.

In order to ensure this excellent track record continues, a regulatory system that enables our members to quickly and effectively respond to an incident is required. CEPA acknowledges and supports the Ministry's continuing efforts to provide further guidance for emergency response and preparedness, and we respectfully offer the following recommendations on the *Act* review:

Section 7

Section 7 proposes that the revised *Act* would clarify provincial powers with regard to requiring emergency response plans from private companies, and also with regard to requirements regarding the disclosure of those plans and other information. The public's desire for increased access to emergency response plans complements the industry's commitment, and CEPA's stated corporate value to enhancing transparency throughout all phases of pipeline operations.

In response to the regulator's consultations, on 23 March 2015, CEPA members have come together to advance a common approach to public disclosure of emergency response plans. Executives and subject matter experts from member companies have since developed and finalized guiding principles for disclosure of emergency response information. These guidelines outline the appropriate level of information that companies are to share with various stakeholders taking into account Canadian legal requirements pertaining to public safety and security.

As such, we recommend that the BC Ministry of State for Emergency Preparedness take guidance from the federal consultation process to help inform any changes to their current laws regarding emergency management response plans.

Section 10

The *Act* limits the ability to evacuate or close an area until after a "state of emergency" has been called, however legislation related to the oil and gas sector requires immediate protection measures for the public including setting up of roadblocks and evacuation of public from specific areas if a substance is released



that could be pose immediate danger to health and life. The time lag between immediate actions to protect people and when a state of emergency can be declared is of concern.

CEPA strongly urge that the Ministry:

- consider provisions for hazardous materials responses and immediate shelter in place or evacuation consistent with other legislation in the province;
- consider legislating a communication system for emergency notification that can alert cell phone users in a region of impending danger or other emergency situations such as Amber Alert, Hazardous Material spills etc. Currently the telecom industry has no legislation to implement the technology in Canada; this would be a big step forward in ensuring the safety of all Canadians; and
- broaden the definition of "local authority" to include treaty First Nations grants them specific law making authority in relation to emergency preparedness and emergency measures.

Overlap with the Land Based Spill Response

CEPA and its members are concerned that some aspects of the discussion paper either duplicate or is inconsistent with amendments to the *Environmental Management Act* which were tabled on 29 February 2016. A particular area of concern relates to the responsibilities of local authorities. The Ministry's discussion paper proposes to establish a local authority's responsibilities to include:

- assessing the threat to health, safety, or welfare of people or damage to property and the environment posed by an emergency;
- assessing the resources required to respond to and recover from the emergency; and
- implementing its local emergency plan and using local authority resources to respond to and recover from the emergency.

The proposed amendments to the *Environmental Management Act* outline a number of responsibilities for the provincial government, local authorities and industry. We urge the Ministry of State for Emergency Preparedness to collaborate with the Ministry of Environment, industry and other stakeholders to ensure that relevant responsibilities are consistent, clear and predictable in the event of a spill or release of a hazardous substance.

CEPA and its member companies continue to exert tremendous effort on operational excellence, improved safety performance, and world class emergency preparedness and response. We appreciate the consultation efforts that the Ministry has pursued thus far and we look forward to the opportunity to continue to work together to help further improve emergency management in British Columbia.

Sincerely,



Chris Bloomer
President & CEO