



BC's Modernized Emergency Management Legislation: Regulations for Local Authorities



Emergency Management and Climate Readiness

Introduction

The Province intends to introduce a modernized emergency management statute during the fall 2023 legislative session to replace the Emergency Program Act. The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute incorporates the principles of the UN Sendai Framework on Disaster Risk Reduction and includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from partners in each phase.

The Ministry of Emergency Management and Climate Readiness is preparing to draft regulations to accompany the new statute, including a new regulatory approach for local authority emergency management. The proposed statute allows the Province to provide additional details on certain requirements through regulation, while others will be addressed through policy and guidance.

While the new statute identifies several key partners, this paper focuses on regulations for local authorities. Feedback received in response to this paper will inform the design and drafting of these regulations, which are currently targeted for completion in 2024.

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Process

How to Provide Feedback

Feedback on the content of this paper can be submitted to modernizeEM@gov.bc.ca.

**Submissions will be accepted until
December 31, 2023.**

This discussion paper has been publicly released and posted for feedback on the govTogetherBC website. We welcome your feedback on the two focused topics highlighted in this paper, on the key questions presented throughout, and on any other ideas you have related to emergency management regulations for local authorities.

In fall 2023, the Ministry of Emergency Management and Climate Readiness will engage local governments through virtual sessions. Information on engagement opportunities will be posted on our [website](#).

How the Regulations Will Be Made

Responses to this paper will help inform provincial government decision-making as the regulations for local authorities are being designed.

The Ministry of Emergency Management and Climate Readiness will also be co-developing the regulations with First Nations in alignment with the Province's obligation to ensure that the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. For background on why B.C.'s modernized emergency management legislation is being co-developed, see the [Declaration on the Rights of Indigenous Peoples Act](#) and the [Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act](#).

*With your help, we will create
safer, more resilient communities
for all British Columbians.*

Context

Modernizing B.C.'s Emergency Management Legislation

Climate-related emergencies are impacting communities around the globe at an unprecedented rate and B.C. has not been immune. In recent years, we have endured some of the most challenging emergency conditions of our lifetimes, including the COVID-19 pandemic, catastrophic wildfire seasons, devastating floods, and increasingly extreme weather events. Since 2019, B.C. has been working on developing new provincial emergency management legislation to reflect this changing world by incorporating best practices, learnings from recent events, and the Province's commitment to reconciliation.

In 2018, B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction, which outlines international best practices to address and reduce disaster risk, and we have been taking action to align with this global strategy to increase preparedness and resilience. The following year, the

Declaration on the Rights of Indigenous Peoples Act became law in B.C. and the principles of that Act are key to the foundation of the modernized emergency management legislation.

For more information on B.C.'s road to modernizing our emergency management legislation, visit www.gov.bc.ca/emergencymanagementact.

Technical Resource

The Province anticipates introducing the new emergency management legislation in fall 2023. When the legislation is introduced, the full text of the proposed legislation will be accessible through the [website of the Legislative Assembly of British Columbia](#). In the meantime, we have released a technical paper, [B.C.'s Modernized Emergency Management Legislation: A New Framework for Disaster Risk Reduction, Response, and Recovery](#), which provides an overview of the major policy concepts included in the proposed legislation.

What are Regulations?

The statute, also referred to as an Act, sets the overall framework for emergency management in B.C. It establishes the key requirements, powers, and responsibilities of regulated entities.

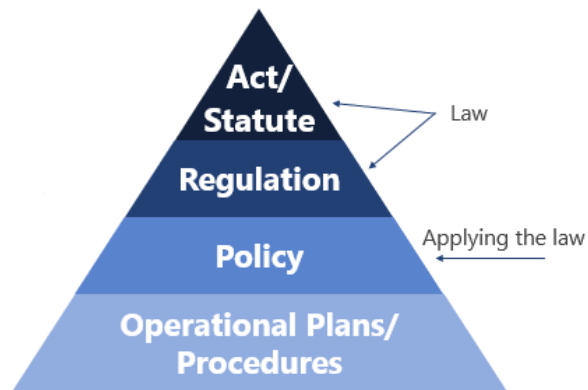


Figure 1 Hierarchy of Legislation

Regulations provide finer details on areas identified in the statute. For example, the emergency management statute will require regulated entities to prepare risk assessments, and the regulations can specify certain details, such as whether risk assessments need to be reviewed on a set schedule. The process for amending regulations to reflect learnings or needs from future events is also more streamlined than the process for amending the statute.

The statute will identify what may be outlined or required in regulation. In other words, it will provide authority for regulations. However, while certain topics will be authorized to

be addressed in regulations, the existence of this authorization does not necessarily mean that regulations will be made for those topics. Some matters may be better addressed through policy. Policy, along with operational plans and procedures, can provide guidance to ensure the legislation functions as intended.

This engagement process will help determine which details should be considered for inclusion in regulation rather than in policy, plans, or procedures.

Key Changes for Local Authorities

The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement, and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from identified actors in each phase.

Under the existing regulations, local authorities must:

- prepare local emergency plans that reflect potential emergencies and disasters that may affect any or all of an area within their jurisdiction;
- include an assessment of the relative risk that a given type of emergency will occur, along with its potential impact on people and property; and

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- establish priorities for restoring essential services provided by the local authority.

Some of the key changes for local authorities in the proposed legislation that may be further detailed through regulations include:

- clear requirements for risk assessments, emergency management plans, and business continuity plans;
- a framework for multijurisdictional emergency management organizations; and
- requirements to consult and cooperate with Indigenous governing bodies.

Emergency planning requirements

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist. Additionally, in recognition of the unique nature of regional districts, [Key Question A6](#) seeks input on how the regulations could focus regional district risk assessments and emergency management plans on geographic areas for which the making of plans is most critical.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. As local authorities, Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

Emergency management organizations

Hazards and emergencies do not respect jurisdictional boundaries and collaboration can greatly enhance effective mitigation, preparedness, response, and recovery. The legislation will enable the creation of multijurisdictional emergency management organizations that include any combination of local authorities, Indigenous governing bodies, and the provincial government. The creation of a multijurisdictional emergency management organization will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective.

Consultation, coordination and cooperation

When a municipality or regional district prepares or revises a risk assessment or emergency management plan, they will be required to consult and coordinate with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or

revising their risk assessment or plan. Further consultation and coordination requirements could be included in regulations.

In alignment with the United Nations Declaration on the Rights of Indigenous Peoples, the new emergency management legislation will require consultation and cooperation in all phases of emergency management. Municipalities and regional districts will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. This includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified through this process.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.

Focus "A" : Regulations for Local Authority Planning

The following sections outline key areas for which regulations concerning local authority planning could be made. Questions are included to prompt feedback. Please refer to the appendix for a summary of relevant regulation-making authorities.

When regulations for local authorities are made, requirements to prepare risk assessments, emergency management plans, and business continuity plans will take effect. Additional time will be provided to meet these new requirements.

Key Question A1: Phasing-In

How much time does your local authority need to prepare these materials?



Risk Assessments

Under the proposed legislation, risk assessments will need to consider:

- the degree of risk posed by a hazard;
- the likelihood of the hazard leading to an emergency;
- the potential scope and scale of an emergency;
- available Indigenous and local knowledge;
- potential impacts from expected climate change or extreme weather events; and
- impacts on people, animals and places that may be disproportionately impacted by emergencies and may be more vulnerable due to physical location or prescribed circumstances.

Modernized statute will require risk assessments to:	Regulations could:	Questions
be prepared in accordance with the statute	add to statutory rules for how risk assessments must be prepared	Key Question A2: Preparing risk assessments Should there be rules in the regulations for how risk assessments are prepared? If yes, what do you suggest?
identify all reasonably foreseeable hazards, and assess: <ul style="list-style-type: none"> • the extent of risk presented by a hazard • the potential consequences if an emergency occurs, with special consideration to (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things 	add to statutory rules for what risk assessments must contain	Key Question A3: Additional contents for risk assessments Should there be additional matters assessed in relation to hazards?

Emergency Management Plans

Municipalities and regional districts will be required to have emergency management plans that are based on the results of risk assessments and that describe:

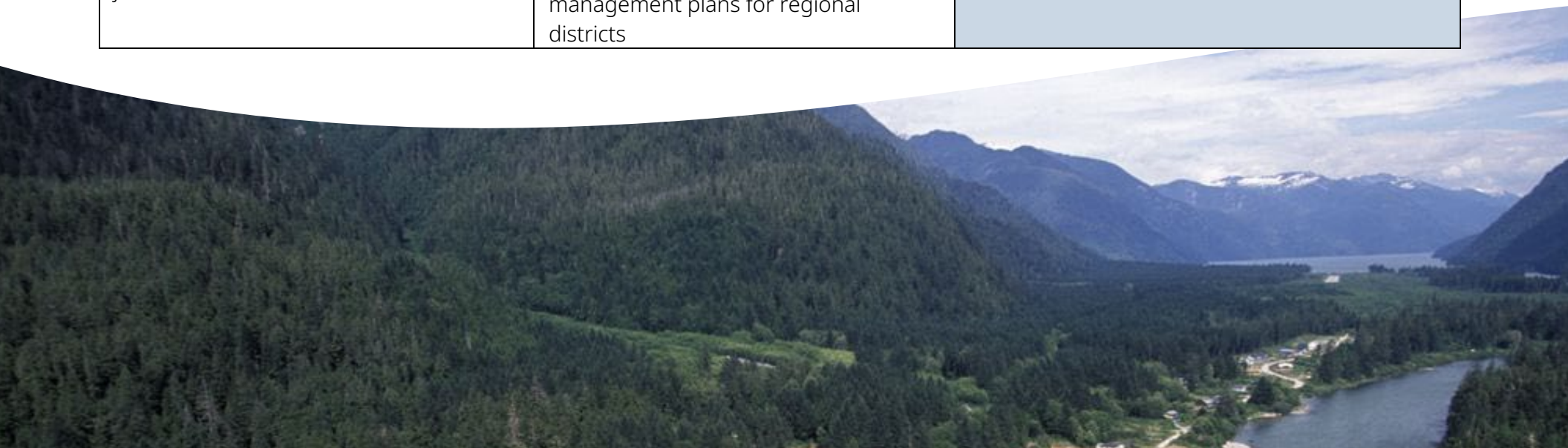
- measures necessary for each of the four phases of emergency management;
- the roles, powers, and duties of key persons;
- requirements for emergency resources;
- procedures for engaging emergency systems;
- plans for training and exercise programs; and
- how cultural safety will be promoted.

Modernized statute will require emergency management plans to:	Regulations could:	Questions:
be prepared in accordance with the statute	add to statutory rules for how emergency management plans must be prepared	Key Question A4: Preparing emergency management plans Should there be rules in the regulations for how emergency management plans are prepared? If yes, what do you suggest?
describe: <ul style="list-style-type: none"> • measures for each phase of emergency management • roles, powers, and duties of key persons • emergency resource requirements • procedures for engaging emergency systems (e.g., notification systems) • training and exercise programs • measures to mitigate the effects of emergencies on (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things • measures to promote cultural safety 	add to statutory rules for what emergency management plans must contain	Key Question A5: Additional contents for emergency management plans For example, regulations may specify that local authority emergency management plans must also describe measures to reduce the incidence of gender-based violence during emergencies. Should there be additional matters described for the purposes of emergency management plans?

Regional Districts: Risk Assessment and Emergency Management Plan Scope

Regional districts are responsible for unincorporated areas within their jurisdiction, many of which are rural, remote, and/or sparsely populated. The Province intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas where plans can have the greatest impact.

Modernized statute will:	Regulations could:	Question:
require a municipality or regional district to prepare and maintain risk assessments for the hazards within their jurisdiction, and prepare and maintain an emergency management plan for their jurisdiction	create rules regarding the requirement for a municipality or regional district to prepare risk assessments and emergency management plans, including rules that could reduce the required geographic scope of these risks assessments and emergency management plans for regional districts	Key Question A6: Scope of regional district planning requirements How should the regulations establish a minimum required scope for regional district plans?



Consultation, Collaboration, and Cooperation for Risk Assessments and Emergency Management Plans

The modernized emergency management legislation will include a series of principles which, broadly speaking, aim to foster collaboration, coordination, and relationship-building. In alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act, consultation and cooperation will be required in all phases of emergency management.

Modernized statute will require local authorities, when preparing, reviewing, or revising a risk assessment or emergency management plan, to:	Regulations could:	Questions:
consult and coordinate with adjacent local authorities	add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination	<p>Key Question A7: Consultation and coordination with neighbouring local authorities</p> <p>Should there be rules in the regulations for how local authorities consult and coordinate with neighbouring local authorities in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>
consult and cooperate with Indigenous governing bodies and, if adjacent to the treaty lands of a Modern Treaty Nation, to consult and cooperate with that Nation	add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies	<p>Key Question A8: Consultation and cooperation with Indigenous governing bodies and Modern Treaty Nations</p> <p>Should there be rules in the regulations for how local authorities consult and cooperate with Indigenous governing bodies and (if applicable) Modern Treaty Nations in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>

Business Continuity Plans

Municipalities and regional districts will be required to have business continuity plans that describe how they will ensure the continued delivery of essential services during an emergency.

Modernized statute will require business continuity plans to:	Regulations could:	Question:
be prepared in accordance with the statute	add to statutory rules for how business continuity plans must be prepared	<p>Key Question A9: Business continuity plans</p> <p>Should there be rules in the regulations for how business continuity plans are prepared? If yes, what do you suggest?</p>

Reviewing and Revising Planning Materials

As the risk landscape continues to evolve, regular review of risk assessments, emergency management plans, and business continuity plans is necessary to ensure all information is current. One consideration in establishing review cycles is community capacity to meet the requirements. The goal is to strike a balance between ensuring risks are being regularly reviewed and reflected in plans and recognizing the differences in community capacities and contexts.

Modernized statute will:	Regulations could:	Question:
require a municipality or regional district to review and revise their risk assessments, emergency management plan, and business continuity plan	create rules regarding the requirement to review and revise risk assessments, emergency management plans, and business continuity plans, including rules that could establish a regular review cycle	<p>Key Question A10: Review cycle</p> <p>Should there be rules in the regulations to establish a cycle for the regular review and revision of risk assessments, emergency management plans, and business continuity plans? If yes, what would be an appropriate cycle?</p>

Focus “B”: Regulations for Emergency Management Organizations

Under the Emergency Program Act, local authorities are required to establish emergency management organizations. These organizations develop and implement emergency management plans as well as response and recovery measures. This requirement will continue under the modernized legislation, but multijurisdictional emergency management organizations will also be enabled.

Emergency Management Organizations Other Than Multijurisdictional Emergency Management Organizations

Modernized statute will:	Regulations could:	Question:
<p>require a local authority, if it does not join a multijurisdictional emergency management organization, to establish, appoint members to, and maintain its own emergency management organization</p>	<p>create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations)</p>	<p>Key Question B1: Local authority emergency management organizations</p> <p>Should there be rules in the regulations for establishing, appointing members to, and maintaining emergency management organizations? If yes, what do you suggest?</p>

Multijurisdictional Emergency Management Organizations

The new multijurisdictional emergency management organization framework will allow members to undertake response actions as a single body. The framework will allow cross-jurisdictional collaborative relationships to be formalized and permit legislative and operational requirements to be met collaboratively. Multijurisdictional emergency management organizations can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government.

Modernized statute will:	Regulations could:	Questions:
<p>authorize a multijurisdictional emergency management organization to be established by any combination (two or more) of local authorities, Indigenous governing bodies, and the Province</p>	<p>create rules for the establishment, governance, and responsibilities of multijurisdictional emergency management organizations</p>	<p>Key Question B2: Establishing multijurisdictional emergency management organizations What rules should the regulations provide to govern the formation of multijurisdictional emergency management organizations?</p> <p>Key Question B3: Governance and responsibilities of multijurisdictional emergency management organizations Should there be rules in the regulations about the governance and responsibilities of multijurisdictional emergency management organizations? If yes, what do you suggest?</p>
<p>provide that a local authority in a multijurisdictional emergency management organization must provide information required by the provincial administrator, and comply with directions given by the provincial administrator</p>	<p>create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator</p>	<p>Key Question B4: Multijurisdictional emergency management organization records Should there be rules in the regulations to specify the types of records relevant to a local authority's participation in a multijurisdictional emergency management organization that must be given to the provincial administrator? If yes, what do you suggest?</p>

Conclusion

Thank you for taking the time to participate in this engagement to help shape the future regulatory approach for local authority emergency management.

The deadline for written submissions is December 31, 2023. Please send your submission to modernizeEM@gov.bc.ca.

Your feedback will help the Ministry of Emergency Management and Climate Readiness:

- understand the needs of local authorities in implementing the modernized legislation;
- identify policy options and pathways that provide the legislative foundation for strong local authority emergency management programs; and
- develop regulations and supporting policy and operational tools that reflect the needs and experiences of local governments.

Regulations are currently targeted for completion in 2024. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities: www.gov.bc.ca/EmergencyManagementAct. You can subscribe to the page to receive updates.



Appendix: Summary of Regulation-Making Authorities

Theme	Regulations Authorized To
Focus "A": Local Authority Planning	1. Add meaning to the term "vulnerable" by prescribing characteristics that make a person, animal, place, or thing vulnerable
	2. Add to statutory rules for how risk assessments must be prepared
	3. Add to statutory rules for what risk assessments must contain
	4. Add to statutory rules for what risk assessments must be based on
	5. Add to statutory rules for how emergency management plans must be prepared
	6. Add to statutory rules for what emergency management plans must contain
	7. Add to statutory rules for what an emergency management plan must be based on
	8. Add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination
	9. Add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies when preparing, reviewing, or revising a risk assessment or emergency management plan
	10. Add to statutory rules for how business continuity plans must be prepared
	11. Add to statutory rules for what business continuity plans must contain
	12. Create rules regarding the areas within the jurisdiction of a regional district where the regional district is not required to prepare a risk assessment or emergency management plan or both
	13. Create rules for reviewing and revising risk assessments, emergency management plans, and business continuity plans

Theme	Regulations Authorized To
Focus "B": Emergency Management Organizations	1. Create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations)
	2. Create rules for establishing multijurisdictional emergency management organizations, including governance and responsibilities, as well as terms and conditions of agreements to join multi-jurisdictional emergency organizations
	3. Create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator
Miscellaneous	1. Add types of information, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to provide to the government
	2. Add types of actions, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to take
	3. Specify prohibitions, requirements, limits, or conditions that would apply to the exercise of response or recovery powers of a municipality or regional district
	4. Add matters, in addition to those that will be described in the statute, that municipalities and regional districts must summarize in a report following a state of local emergency, and create rules that would require the publication of these final reports