

CITY OF PORT MOODY

OFFICE OF THE MAYOR

April 1, 2019
File No. 530-01

Honourable George Heyman
Minister of Environment and Climate Change Strategy
PO Box 9047 Stn Prov Gov
Victoria, BC V8W 9E2

Dear Honourable Heyman,

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

On March 26, 2019 during a regular meeting of Council, the City of Port Moody Council passed the following resolution:

RC19/134

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.

I am writing to you today to ask your government to take immediate action to hold global fossil fuel companies accountable for climate change-related harm and costs that occur throughout Canada.

Port Moody is a coastal city and an interface city, bordered by both sea-level rise and increased incidence of wildfires. We know it will cost our residents over 1.9 million dollars to prepare for sea level rise; we also know it would be much more expensive not to do so. Similarly, though we have not yet experienced a forest fire in our municipality, we do know that the 2017 BC forest fire costs were approximately \$668M, on top of hundreds of homes and other structures destroyed, and serious physical and mental health impacts from smoke inhalation and anxiety.

We also know that the impacts of climate change will cost Canadians millions of dollars.¹ It is estimated that fossil fuel combustion costs the lives of 6.5 million people worldwide every year, due to associated illnesses like strokes, heart attacks, cancer and lung disease. A recent study estimated that fossil fuel combustion cost \$2.76 trillion in health costs in the G20 thanks to air pollution.

¹ Paying the Price – National Roundtable on Environment and Economy (2011). <http://nrt-trn.ca/wp-content/uploads/2011/09/paying-the-price-executive-summary.pdf>

These costs will have to be borne by our citizens, those who pay the taxes, and the money comes out of the coffers of all levels of government. We know that Canada is warming faster than most other countries, and we know we need to treat climate change as the emergency that it is. We, along with many other municipalities across the country are applying for all the climate change adaptation, mitigation, and reduction grants we can, but ultimately, even when we do get those grants, they come from the public purse.

Scientists have calculated that the majority of carbon emissions come from few sources, particularly fossil fuel companies. We believe it is only right that these companies be expected to pay their fair share of the costs associated with developing and implementing adaptation plans. It has been estimated that products produced by the 20 largest fossil fuel are responsible for fully 23% of historic greenhouse gas emissions.² This 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.³

As a municipality on the front lines of climate change, and for the ability of other municipalities properly funding adaptation and mitigation of climate change related harms, we ask that the government enact legislation holding fossil fuel companies liable for climate-related harms caused by their contributions to climate change. Such legislation may be modeled after the proposed Ontario Bill 21,⁴ including:

Defining "climate-related harms" mean[ing] 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

(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;

2) 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.

3) 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.

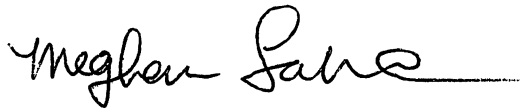
² Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at http://climateaccountability.org/carbon_majors_update.html, last accessed 23 September 2016.

³ <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

⁴ <https://www.ola.org/en/legislative-business/bills/parliament-41/session-3/bill-21>

A strong commitment from government to hold the private sector accountable to pay for cost associated with adaption to and mitigation of climate change, as well as the means to decrease our collective emissions in the short window of time we have to do so, will help ameliorate the financial burden that is placed on Municipalities, and all Canadians. Further, it will inspire Municipalities and all Canadians to commit to the short and long-term changes we all need to make to tackle climate change. In so doing, Canada will help demonstrate to the world that it is possible to protect our citizens from climate change while meeting ambitious targets with smart policy, transparency, fiscal responsibility and accountability.

Sincerely,

A handwritten signature in black ink that reads "Meghan Lahti". The signature is written in a cursive style and is followed by a horizontal line.

Acting Mayor Meghan Lahti
City of Port Moody