



May 10, 2019

The Honourable John Horgan, MLA
Premier of British Columbia
PO Box 9041 STN PROV GOVT
Victoria, BC V8W 9E1

Dear Premier:

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

The Board of Directors of the qathet Regional District passed a resolution at its April 25, 2019 meeting requesting your government enact a Liability for Climate-related Harms Act. The Regional District endorses the act, a statute to clarify the legal rules of liability for harm caused by climate change, as it would give global fossil fuel companies financial incentives to work to solve their contribution to the climate crisis.

As a coastal community in British Columbia, there is an increasingly high concern about the harmful effects that climate change will have on this region. Because of fossil fuel pollution, the expectant climate change costs facing our region will rise as global temperatures increase.

Our community is proactively planning for progressively more serious and frequent environmental climate related incidents, a burden borne by the taxpayers.

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 this unfair to taxpayers, as the fossil fuel companies have made significant profits without assisting with the damages their products cause, but it also means that fossil fuel companies and their investors lack economic incentives to transition to a more sustainable business model. In effect, fossil fuel companies are transferring costs of managing the climate impacts of their products to taxpayers and others.

British Columbia was the first province in Canada to enact a Tobacco Damages Recovery Act, to enable lawsuits to recover health care costs from cigarette manufacturers. Similarly, British Columbia has the legal power, through enactment of 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 contribute to the impacts are outside the province's borders.

While fossil fuel companies could be sued under existing common law principles, 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. As well, to discuss the role of the fossil fuel industry in paying for those costs, effects in the atmosphere and the resulting harm to communities.

In enacting a Liability for Climate-related Harms 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.

Sincerely,



Patrick Brabazon
Chair, qathet Regional District

cc: The Honourable David Eby, Attorney General
The Honourable Michelle Mungal, Minister of Energy, Mines and Petroleum Resources
The Honourable George Heyman, Minister of Environment and Climate Change Strategy
The Honourable Doug Donaldson, Minister of Forest, Lands, Natural Resource Operations & Rural Development
The Honourable Adrian Dix, Minister of Health
The Honourable Selina Robinson, Minister of Municipal Affairs & Housing
Nicholas Simons, MLA - Powell River-Sunshine Coast
Don Fodor, Representative for UnspOILed Coast