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CleanBC Review
Via email at CleanBCReview@gov.bc.ca.

To Merran Smith and Dan Woynillowicz:

Thank you for the opportunity to comment on CleanBC and BC's efforts to combat climate change.

In 2021 climate change killed over 600 BC residents, burning the Village of Lytton and flooding Abbotsford and Merritt. Extreme weather that year cost BC an estimated $10.6-$17.1 billion.[1] Each additional tonne of greenhouse gases entering the atmosphere makes us a little less safe, and increases costs associated with disaster response, the upgrading of infrastructure and the degradation of ecosystems.

Despite the urgency, the province has missed every climate target it has set. In 2018, the province abandoned its 2020 target and set new targets for 2030 and 2040 (and subsequently 2025). However, GHG emissions were slightly **higher** in 2022 than the emissions for 2007 and the government now acknowledges we are not on track to achieve the 2025 and 2030 targets.[2]

Two Canadian courts of appeal have accepted that governments may owe an obligation to Canadians to protect their constitutional rights from climate change.[3] While these cases are ongoing, it is our view that BC has an urgent constitutional obligation to reduce its greenhouse gas emissions.

We cannot, within the word limit, address all aspects of CleanBC (including the Roadmap to 2030) and of best practices in climate policy. Consequently, these submissions focus on our current and past research that may be of use in the review.

We will address:

- Improving reporting and accountability under the *Climate Change Accountability Act, 2019* ("Accountability");
- Re-evaluating the province's commitment to the ongoing use of fossil fuels as a revenue source and as a source of energy globally; ("Re-evaluation of fossil fuels");
- Management of existing carbon sinks and reserves and the relationship to a net zero goal. ("Management of carbon sinks and Net Zero").
- Improved and urgent implementation of CleanBC programs ("Improved Implementation").

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1 https://www.policyalternatives.ca/wp-content/uploads/attachments/ccpa-bc_Climate-Reckoning_web.pdf.

2 https://www2.gov.bc.ca/assets/gov/environment/climate-change/action/cleanbc/2024_climate_change_accountability_report.pdf.

3 *La Rose v. Canada*, 2023 FCA 241; *Mathur v. Ontario*, 2024 ONCA 762.

Accountability

The accountability provisions of the *Climate Change Accountability Act 2019* (CCAA) are intended to provide annual evaluations as to whether the province is on-track to achieve its climate targets, recommendations on how to improve progress, and ongoing adjustments to BC's plans.

West Coast Environmental Law was one of the organizations that pressed for stronger accountability provisions, and having reviewed the six years of *Climate Change Accountability Reports (CCAR)* available, we have the following comments:

- The CCARs are political, and only secondarily scientific or technical, documents, downplaying or hiding the risk that targets would not be achieved, burying the report on progress to the 2030 targets among a range of indicators.[4] The CCAA does not require reporting of estimated GHG emissions to target years, and the CCARs have generally reported on expected emissions only in respect of the 2030 target.[5]

- The failure to model to the 2025 target is particularly troubling, since short-term targets are a feature of climate accountability and course correction. The 2024 CCAR, published in early 2025, is the first to explicitly acknowledge that the 2025 target would not be achieved. While 2030 provides the next near-term target, a 2035 interim target should be established going forward, and CCARs should report on progress to all targets.

- The CCARs have not been tied to real-time course correction. In the UK, reports (written by independent experts) both identify expected gaps *and* make specific recommendations to close them, while Canada's approach requires reports to include additional measures if gaps are identified.[6] BC, by contrast and despite reports from its own expert committee, has deferred course corrections to periodic overhauls or reviews,[7] undermining the potential for real-time course correction and favouring dramatic new programs or announcements, rather than improvements to existing programs.

- The modelling in the CCARs appears to be flawed, in that projections of the impacts of policies have frequently over-estimated emissions reductions and been revised downward without adequate

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4 The 2018 "Progress to Targets" report offered a clear graph showing emissions relative to the expected progress relative to 2007. The 2019 CCAR instead used a graph showing a straight-line of progress from the report year to the projected 2030 emissions and target. The 2020 CCAR began with discussion of the province's improving per capita and per GDP emissions, which are not directly related to the targets. The actual emissions are reported subsequently providing four years of GHG projections, entirely separate from the graph showing straight-line progress to the 2030 target. This structure continues to the present day.

5 The Sierra Club of BC challenged this aspect of the CCAR in court (2023 BCSC 74), with the judge ultimately ruling that the Minister was only required to report on three years of modelling and had discretion not to model out to any particular target. The Judge noted that requiring modelling out to the target years "may well provide enhanced clarity and accountability but in my view, it is not statutorily required." (para. 68).

6 *Canadian Net Zero Emissions Accountability Act*, S.C. 2021, c. 22, s. 14(2)(b.2).

7 CleanBC itself (2018); Roadmap to 2030 (2021); and the current review (2025).

explanation.[8] An independent review of the methodology, with an aim to identifying past errors and developing a more precautionary approach, is essential.

At least some of these problems arise from the government doing its own progress auditing, unlike the independent scientific body used in the UK *Climate Change Act 2008*. The UK structure has driven emissions reductions, safeguarded climate ambition and improved political debate on climate action.[9]

We recommend:

- Establishing an independent scientific body to audit progress towards BC's climate goals and make recommendations on any identified gaps;
- Setting a 2035 target in the Act or regulations;
- Requiring CCARs to model progress to all targets; and
- Commissioning an independent assessment of how to improve climate modelling informing the CCARs.

Re-evaluation of Fossil Fuels

The Province of BC says that it is working, through CleanBC, to solve climate change, but it is also the owner of most oil, gas and coal reserves in the province, which it apparently plans to sell to fossil fuel companies for as long as market conditions allow. Perhaps as a result, CleanBC focuses entirely on end-use (Scope 1) responsibility for GHGs, while also applying a weak approach to Scope 1 GHGs generated by the fossil fuel industry itself.

West Coast Environmental Law has recently authored a report, BC's Climate Pollution Secret ("BC's Secret"), to be released soon, on BC's legal obligations in relation to its fossil fuel reserves and their contribution to climate change.

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[8] CCAR 2020 at p. 15 modelled reductions in 2030 resulting from the Clean BC Phase I actions. Transportation related emissions were expected to decrease by 1/3rd, and provincial emissions by 30% overall. Transportation is **up** 18% in 2022, which seems to call into question the 2030 projection. By 2021 the province acknowledged in its CleanBC consultations that the gap in measures required to achieve the 2030 target had grown, so that what was previously going to achieve 75% of the goal was now only going to achieve 32-48%. According to the Roadmap to 2030, this partly due to changes in modelling and available data, but also because of "[h]igher than expected emissions in sectors such as transportation and pulp and paper." In other words, the modelling was wrong for those sectors.

[9] S. Fankhauser et al. 10 years of the Climate Change Act. (London, UK: Grantham Institute, 2018), available at https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2018/03/10-Years-of-the-UK-Climate-Change-Act_Fankhauser-et-al.pdf.

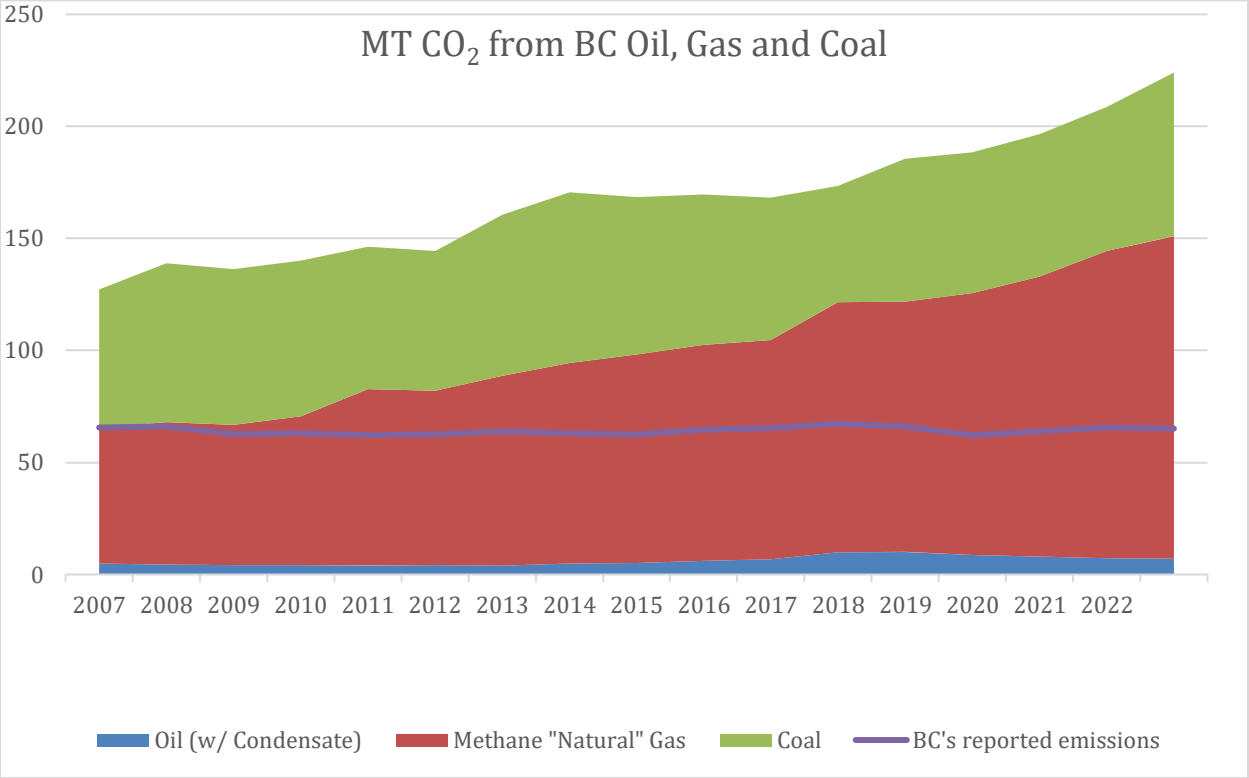

Fig. 1 – GHG emissions from BC produced fossil fuels (2007-2023)

There is growing recognition that governments owe a joint obligation to reduce emissions and to phase out fossil fuel production,[10] and that the extraction of fossil fuels for sale as fuel is a legal cause of climate change.[11] BC's Secret asserts that BC's failure to consider the downstream/scope 3 emissions associated with its fossil fuel products is legally and unconstitutionally wrong.

The emissions associated with BC's fossil fuels are massive. BC's Secret calculates the CO_2 generated by the oil, gas and coal produced in BC in 2023 at approximately 224 MegaTonnes (MT), far more that the 64 MT generated in BC in the same year. Figure 1 shows the emissions from the province's fossil fuels since 2007.

Based on Canada's calculation of the Social Cost of Carbon, BC's 2023 fossil fuels alone can be expected to cause almost $60 billion in damages around the world.

Your Terms of Reference includes identifying targets and accountability mechanisms in relation to emissions not currently covered by CleanBC, as well as reviewing the limitations of "core climate policies (ie. legislation and regulations)," which we submit must include BC's laws related to the production of oil, gas and coal, given their direct contribution to climate change.

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10 See, for example, the recent

11 *Finch v. Surrey County Council*, [2024] UKSC 20, paras. 79-80;

In BC's Secret, we make several recommendations to the BC government, including:

- Joining the Beyond Oil and Gas Alliance and pledging to phase out oil and gas production;[12]
- Planning to shift BC oil and gas products to non-combustive uses, ramping down production for fuel;
- Directing the Environmental Assessment Office to begin evaluating downstream emissions associated with fossil fuel infrastructure; and
- Creating a Loss and Damage Fund funded through royalties on oil and gas producers that reflect their fair share of climate costs.

In addition to not taking responsibility for downstream emissions, CleanBC has chosen to regulate Scope 1 emissions from the oil and gas industry in ways that permit expansion, thereby undermining the likelihood of successfully meeting the targets.

In order to accommodate the growing oil and gas industry, BC has:

- Established a 2030 sectoral target that is weaker than BC's 2030 target in order to avoid constraining fossil fuel production, requiring more ambitious targets for other sectors;
- Insisted that LNG facilities' emissions would "fit" within the climate target,[13] which was untrue and has played a significant role in BC failing to achieve its 2025 and potentially 2030 targets;
- Committed massive amounts of clean electricity to LNG facilities at a time when it is needed to decarbonize other sectors;
- Represented gas in CleanBC, Roadmap to 2030 and elsewhere as a clean fuel in a highly misleading manner.

Management of Carbon Sinks and Net Zero

The CleanBC plan has been focused largely on reducing emissions from the burning of fossil fuels and other industrial processes. Where carbon sinks are discussed, the province has been primarily concerned with markets for offsets, creating a right to pollute the amount sequestered.

West Coast, with CPAWS-BC, has recommended the province develop a Coastal Management Strategy that maps and protects Blue Carbon – carbon locked in estuaries and other coastal ecosystems:

> Blue carbon is the carbon captured and stored by coastal and marine ecosystems, including kelp forests, seagrass meadows, salt marshes and soft sediments (mud, sand and silt). Coastal and marine

12 https://beyondoilandgasalliance.org/.

13 https://news.gov.bc.ca/releases/2018PREM0073-001910; https://www.wcel.org/blog/climate-report-confirms-bc-wont-meet-targets-thanks-lng-canada.

ecosystems store carbon at a much higher rate than forests on land – up to 5 times more in an area of a similar size.[14]

Ensuring that the province protects these carbon reservoirs, and maximizes their ability to sequester carbon, is key to achieving BC's climate goals.

However, we have more general concerns with the province's approach to net zero and sequestration technologies. Although focused on industrial carbon dioxide removal, our report, *Net Zero or Net Reckless*,[15] is relevant to the role of carbon sinks in CleanBC. The report cautions against unrealistic net zero paths that assume near unlimited sequestration that can offset large amounts of continued emissions. For this reason, if BC adopts a net zero 2050 target, we strongly recommend maintaining, and preferably strengthening, the existing 2050 target to ensure actual reductions.

The report identifies four principles for responsible use of negative emissions in net zero frameworks including:

- Principle #1 - Sequestration should be used for atmospheric restoration or to compensate for emissions from hard to decarbonize industries. Projections of global paths to net zero use nature-based sequestration primarily to address overshoot and secondarily where no alternatives exist. Such sequestration is less a market and more a public "waste disposal" service, ideally funded by polluters (which is Principle #4).
- Principle #2 - Sequestration of CO_2 must be permanent, particularly when used to offset the burning of fossil fuels, which were previously (for all intents and purposes) permanently sequestered. Full life cycle analysis must ensure that sequestration efforts result in a net reduction.
- Principle #3 – The land, environmental, energy, social and cultural impacts of sequestration technologies should be evaluated.

Improved Implementation

CleanBC has repeatedly proposed programs and policies and then failed to follow through as scheduled. While many programs have been implemented, and others included no specific time commitment (other than before 2030), there are many examples of programs which were not implemented, or for which implementation has been delayed or weakened. There is also a lack of reporting on the current status of commitments and promised GHG reductions.

A quick review of CleanBC and Roadmap to 2030 Near Term commitments that specifically indicated that they should be implemented before 2025 identified several which have been delayed or possibly dropped, not including abandonment of the carbon price, the update of which was also a near-term commitment in the Roadmap to 2030. We encourage the reviewers to conduct a more comprehensive review of the status of all commitments.

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14 **https://blueprintforthecoast.ca/wp-content/uploads/2025/06/CMS-Blue-Carbon-WCEL-CPAWSBC-2025.pdf**.

15 **https://www.wcel.org/sites/default/files/publications/nets_final_report_-_march_2022_0.pdf**.

Sector	Commitment	Source/Time-Frame	Status
Buildings	Phase out utility gas equipment incentives	Roadmap, Near-Term	FortisBC incentives are still profiled on Better Buildings Website.[16]
Buildings	Adopt the model National Energy Code for existing buildings by 2024	CleanBC, by 2024	We cannot locate the Code in question; apparently not implemented.
Buildings	Energy-efficiency standards for existing buildings in the BC Building Code	Roadmap, by 2024	Not yet implemented. Some support for NRC's code development, anticipated by 2024.[17]
Waste	Implement province-wide Circular Economy Strategy	Roadmap, develop by 2022	Consultations conducted in 2023 and 2024.[18]
Transportation	Implement Clean Transportation Action Plan	Roadmap, developed by 2023	Consultations conducted in 2023, but the plan is still under development.[19]
Transportation	ZEV targets for medium- and heavy-duty vehicles in place	Roadmap, mid-term, expected to be in place by 2023	Consultations conducted in 2023, but no targets set.[20]

Timing matters for climate commitments. Obviously delays decrease the likelihood of achieving the 2025 target, but delays changing requirements for new infrastructure or equipment, or retrofits, can lock in emissions for decades.

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16 https://betterbuildingsbc.ca/incentives/natural-gas-kitchen-equipment-rebates/. Note that the BC Chamber of Commerce pushed for implementation to be delayed. https://bcchamber.org/policy-search/delay-elimination-incentives-high-efficiency-natural-gas-equipment-bc-2023.

17 https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/20_better_ee__zcsc.pdf.

18 CCAR 2024.

19 https://www2.gov.bc.ca/gov/content/industry/electricity-alternative-energy/transportation-energies/clean-transportation-policies-programs/clean-transportation-action-plan.

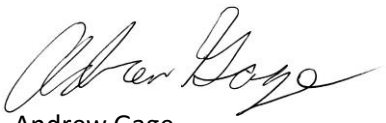
20 Note that CCAR 2024 indicates that heavy and medium duty vehicles are a major source of the increase in transportation emissions. https://www2.gov.bc.ca/gov/content/industry/electricity-alternative-energy/transportation-energies/clean-transportation-policies-programs/zero-emission-vehicles-act.

BC must implement CleanBC more urgently and report on delays or abandoned programs and promptly identify how resulting gaps will be addressed.

Conclusion

We have many views on CleanBC, the Roadmap to 2030, and how to achieve BC's climate goals. We have highlighted elements of our research while staying within the 2,500 word limit. Please reach out if you would like more information on any aspect of these submissions.

Regards,



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