



Business Council of
British Columbia

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Honourable Terry Lake
Minister of Environment
PO Box 9047 Stn Prov Govt
Rm 247, Parliament Buildings
Victoria BC V8W 9E2

Dear Minister:

The Business Council of British Columbia is pleased to offer the following observations in response to the Ministry's request for comments on the *Land Based Spill Preparedness and Response in British Columbia, Policy Intentions Paper for Consultation (2012)*.

At the January 22, 2013 meeting among various business representatives, you and Ministry staff, there was general agreement that a "gap analysis" is needed in order to understand the scope for possible future action on land-based spill preparedness. With this discussion in mind, it is clear that there is room for additional learning, as most large industry sectors already have response plans and it may simply be a matter of finding better ways to integrate, coordinate and communicate. As such, the Business Council supports this basic piece of research work. In our view, it will provide a foundation for identifying the structure and content of a future spill response preparedness plan. It is important that policy-makers recognize the unique operating parameters and infrastructure of each industry and avoid "reinventing the wheel" at a time of limited resources and constrained timelines.

In terms of a provincial spill response fund, in principle the Business Council is broadly supportive of the concept. However, our preference is for any fund to be one that is established and managed outside-of-government with independent oversight. There are several examples within the shipping, oil and gas, and rail sectors that could be used as starting points. Structure, governance and duplication are key concerns that would need to be addressed in developing any kind of new fund.

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Honourable Terry Lake
February 14, 2013
Page two

The Business Council also supports careful consideration of cross-jurisdictional issues, regulatory overlap, administrative efficiency and the land-sea interface. There is no point having a BC response plan that requires an increase in staffing only to then see similar duplication of action by Alberta, Canada and possibly Washington State or Alaska. This would waste scarce resources, create confusion and undermine public trust in both government and industry. Shared incident command is but one example of how this could be addressed, although it may raise other issues such as liability. We strongly suggest the pursuit of cross-jurisdiction collaboration and an agreement of some kind.

Finally, "net benefits" should be considered as restoration to pre-spill rather than "better than" pre-spill conditions. Although we understand there may be "opportunity costs" created by a spill, and therefore a need to consider some form of compensation, any regulatory and management framework governing land-based spills must be properly designed to deal with the direct effects of spills rather than with what might have been. This will become an important element of fund structure and governance.

Please feel free to contact us if you have any questions.

Yours sincerely,

Original signed by
Jock Finlayson

Jock Finlayson
Executive Vice President and Chief Policy Officer

DD/vjc