



File: 0110.20

July 14, 2017

City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor and Council,

RE: CLIMATE RESPONSIBILITY/ FOSSIL FUEL

At the June 5, 2017 regular meeting of District of Highlands Council, Andrew Gage of West Coast Environmental Law provided District of Highlands Council a presentation of Climate Accountability.

Included in Mr. Gage's presentation was the proposal that Local Governments in British Columbia forward a Climate Accountability Letter to the world's largest fossil fuel companies. Ultimately Highlands Council endorsed this request and has forwarded letters requesting that these 20 companies pay their fair share of costs associated with preparing for Climate Change.

Attached for reference is the information received by Council at the June 5, 2017 Council meeting.

District of Highlands Council encourages all local governments in the Capital Region to send similar letters.

Yours truly,

Ken Williams
Mayor





CLIMATE ACCOUNTABILITY LETTERS

AN INTRODUCTION FOR LOCAL GOVERNMENTS

Andrew Gage, Staff Counsel

“Wildfires. Drought. Flooding. Rising sea levels. Climate change is already reshaping and impacting BC communities in profound and frightening ways. As unchecked fossil fuel pollution continues to push global temperatures ever higher, we are frightened for our communities, for communities around the world, and for the world we leave our children. Vulnerable groups - the poor, Indigenous communities, women and children - are often hardest hit by climate impacts.” – Letter from BC Community Groups to Local Governments, 25 January 2017

On 25 January 2017, over 50 community groups from around BC – organizations focused on health, faith, human rights and environment – wrote to all of BC’s local governments asking that they take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution.

In the short term, we are asking your municipality (or regional district) to send “Climate Accountability Letters” to 20 of the world’s largest fossil fuel companies asking them to pay for climate costs that are being incurred by your community. This brief will answer some questions that you may have about why your community should send these letters.

Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for disaster relief arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpacks and aquifers disappearing, our communities are spending scarce taxpayer dollars to prepare for and respond to climate change. The situation is only going to get worse.

As it stands, the costs of building climate resilient communities fall to the taxpayer, as do the costs of re-building communities after floods or fires. Municipal governments bear much of the burden for these climate costs, because municipal infrastructure is frequently affected. In at least one case, municipalities in the U.S. were sued (by their insurers) for failing to prepare adequately for known climate impacts.¹

It is time to ask whether taxpayers alone should be solely responsible to pay climate adaptation and damage costs, or whether costs should be shared with the companies that have made billions of dollars creating this situation. The products and operations of the **20 fossil fuel companies** are collectively responsible for roughly 30% of the greenhouse gases in the atmosphere today. That greenhouse gas pollution is changing the climate, and costing your community money as it is forced to respond and adapt.

It is essential that we have this conversation now. Communities need to know how much they can expect the fossil fuel industry to pay for their climate costs. The fossil fuel industry and its investors need to be able to make informed decisions about the future of the industry once they factor in the real costs of their activities.

Why does it matter to our planet?

Fighting climate change only works when everyone does their fair share. We all share the same precious atmosphere.

Right now the world's largest fossil fuel companies are making hundreds of billions of dollars from products that cause greenhouse gas pollution and put communities around the world at risk. There are powerful economic incentives for those companies, their investors and the governments of the world to continue producing fossil fuels without regard to the consequences for our planet. In many cases these companies have known since the late 1960s that their products were likely causing climate change. Since that time many have funded climate misinformation and lobbied hard against global rules that would protect our communities from climate change.

When companies make massive profits from pollution and products that cause pollution, this is known as an “externality.” It creates an economic system where some parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay for the harm they cause, they, and their investors and governments, will start to have questions about the profitability of the industry.

Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future.

What is a Climate Accountability Letter?

A Climate Accountability Letter is a letter written by the representatives of a community to a fossil fuel company asking them to be accountable for the harm caused to that community by their operations and products. These letters are extremely flexible. A community can decide which climate impacts they wish to highlight, whether to demand that the company pay its fair share of current, or future, climate impacts or demonstrate its accountability in some other way.

We provide templates for accountability letters for your community to adapt on the climate law in our hands website.ⁱⁱ We also provide a spreadsheet with the addresses and share of global greenhouse gas emissions of 20 of the world's largest fossil fuel companies.

Is this within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent management of their financial resources requires local governments to at least consider the possibility that some of those costs can be recovered from fossil fuel companies and, if appropriate, to take steps to do so.

One of the purposes of municipalities (according to the BC Community Charter) is “fostering the economic, social and environmental well-being” of the community – so Council also has a clear mandate to play its part in addressing climate change globally.

Why target fossil fuel companies?

Some argue that we're all responsible for climate change, but if so, surely we can agree that some of us are more responsible than others?

In 2013 a peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010"ⁱⁱⁱ estimated the emissions from the operations and products of 90 entities – primarily fossil fuel companies. Just 20 of those fossil fuel companies – the 20 that we are asking you to write to – are responsible for almost 30% of the fossil fuels in the global atmosphere today.

But for the actions of these companies in extracting fossil fuels from the ground, and (in many cases), processing, transporting, marketing, and selling them for use by end consumers, these emissions would not have

ended up in our atmosphere. That's doubly true if you consider the impact of some of these companies in lobbying against action on climate change and in funding public misinformation on climate science. Had these companies acted, when they learned of the science of climate change in the 1960s, to shift the economy towards renewable energy, we would live in a very different, and more sustainable, society.

In addition, a focus on local impacts caused by fossil fuel companies creates new opportunities for local communities to have a global impact. Rather than focusing only on reducing the comparatively small amounts of greenhouse gases created in our own communities, we can also have a conversation about 30% of global emissions.

Shouldn't the Canadian (or BC) government be taking action?

Yes, of course all levels of government should be taking action to fight climate change. But the Canadian and BC governments still rely on the fossil fuel industry in many ways – from campaign contributions to hopes of economic growth.

The fact that the senior levels of government have not yet taken action to hold fossil fuel polluters accountable does not mean that local governments cannot take action to recover their own climate costs. Indeed, a community concerned about local costs of climate change may be more willing to show leadership to protect its residents and environment, and may be more willing to

have a discussion about the role of the fossil fuel industry in contributing to those costs.

Sometimes when people look to the provincial or federal governments for climate leadership, they are looking for regulation of sources of greenhouse gases. While such regulation is important, such laws can only regulate emissions or other activities that take place in Canada (or in BC). The claims for compensation related to climate accountability that we recommend use legal tools that can cross borders and address global sources of emissions.

Do you drive cars (or use gas)?

In response to the 25 January 2017 letter, three mayors independently wrote to us with variations on the message that if we use fossil fuels, we cannot ask for the fossil fuel industry to be held accountable.

We are not denying that individuals play a role in reducing their own greenhouse gas emissions (while recognizing that the options available to individuals to entirely eliminate their fossil fuel use in today's society are limited). Nor are we suggesting that fossil fuels could be eliminated tomorrow.

What we are suggesting is that the responsibility of fossil fuel companies is at least as great as that of the individual, and they should pay their fair share of the costs. We are further suggesting that once the industry realizes that it may be required to pay its fair share, there will be a powerful incentive for the system to change – creating more options for individuals seeking to reduce their greenhouse gas emissions. This is a crucial step in helping society as a whole move away from gas-powered vehicles (and uses of fossil fuels involving combustion).

In the fight to phase out ozone-destroying HFCs, no one ever told those concerned about the ozone layer: “Yeah, but do you own a refrigerator?”

Am I signing up for a lawsuit?

By sending Climate Accountability Letters, your community is simply initiating a conversation, not a lawsuit, about the role of the fossil fuel industry in causing climate harm to your community.

In the 25 January 2017 letter sent to your government, we did also encourage you to consider the possibility of a class action by all BC local governments against some fossil fuel companies. However, sending letters to the fossil fuel companies does not commit your government to participate in or support such a court case.

If your community is interested in exploring the possibility of a lawsuit against the fossil fuel industry, please do contact us for more information.

How do I find out more?

Contact Andrew Gage at agage@wcel.org or 250-412-9784 or learn more on the Climate Law in our Hands initiative website at www.climatelawinourhands.org.

i <http://www.cenews.net/stories/1059999532>; The insurance company subsequently dropped the lawsuit, but the case stands as a warning to local governments that fail to prepare for climate change.

ii www.climatelawinourhands.org/demand-accountability

iii 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

Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, California 94583
United States of America

Attn. CEO of Chevron

Dear Sirs/Mesdames:

Re: Chevron's fair share of climate costs in Highlands, BC, Canada

We write as the Mayor and Council of the District of the Highlands, a municipality on the south end of Vancouver Island. Like other communities around the world, we are increasingly concerned about the harmful effects that climate change will have on our community and on other communities around the world.

We are being forced to prepare for progressively more serious impacts. We are already facing increased fire risk, summer droughts (most of our residents' are on wells) and extreme winter rain events. Increased winter precipitation is impacting our roads and stormwater management and increasing our costs as a local government. A coastal community, we are concerned about rising sea-levels and coastal erosion as well, although most of our lands are well above sea-level.

We expect the climate-costs facing our community to rise as global temperatures increase and as we examine how best to help our residents withstand the current and expected impacts.

Climate change – as a result of fossil fuel pollution – is now inevitable, and growing more severe as you continue to market your products without aggressively moving to a different, more sustainable business model. Because of this pollution, we need to plan for and adapt to ongoing changes in our local climate, caused by rising global temperatures, so as to avoid future economic and other impacts of climate change on our District.

As we move forward with preparing our community and infrastructure for climate change, we will be incurring additional costs and inconvenience as a result of the increased severity of climate change attributable to your products and operations.

While we recognize that individual consumers, and our community, do play a role in the fossil fuel economy, your company has had the power to lead the transition away from that economy, but has instead profited to the tune of many billions of dollars from products that you have known, or should have known, would harm our communities.¹ You cannot make billions of dollars selling your product, knowing that it is causing

¹ <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

significant financial harm to communities around the world, and not expect to pay at least some of that harm.

As a community, we will expect you to pay your fair share of the costs associated with preparing the Highlands for climate change. It has been estimated that the emissions from those products and operations amount to fully 3.34% of historic human-caused greenhouse gas emissions,² and we suggest that this figure is a reasonable basis for estimating your company's fair share of costs incurred due to climate change.

If you feel that another figure is more appropriate, please tell us proportion you feel is your fair share, and why. We expect your industry to take cradle to grave responsibility for your product – and that starts by taking responsibility for its effects in the atmosphere and the resulting harm to communities.

In addition, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

We know that our community will end up sharing some of the costs of climate change, even if you and other fossil fuel companies do pay your fair shares. These would include costs that cannot be recovered. We will do our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

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.

OPEN LETTER TO BC LOCAL GOVERNMENTS
ATTN: Mayor & Council, all BC local governments
January 25, 2017

Dear Sirs/Mesdames:

Re: We must hold fossil fuel companies responsible for climate change

Wildfires. Drought. Flooding. Rising sea levels. Climate change is already reshaping and impacting BC communities in profound and frightening ways. As unchecked fossil fuel pollution continues to push global temperatures ever higher, we are frightened for our communities, for communities around the world, and for the world we leave our children. These impacts are still more challenging for vulnerable groups - the poor, Indigenous people, women and children - who are often unable to respond to unexpected weather or other climate impacts.

But there is hope. If the fossil fuel companies – whose products are the major drivers of climate change – had to pay even a fraction of the associated climate costs, they would not be able to out-compete renewables and would pivot towards sustainable alternatives without delay. BC communities can play a key role in demanding accountability from the fossil fuel industry for the harm that they are causing our communities, and challenge the myth that the fossil fuel economy can continue business as usual despite the destruction it is causing to our atmosphere.

The fossil fuel industry is keen to avoid a conversation about its responsibility for climate change. Just 90 entities – primarily fossil fuel companies – have caused almost 2/3 of human caused greenhouse gas emissions, and just three – Chevron, Exxon Mobil and Saudi Aramco – are responsible for almost 10%¹. Like the tobacco industry before it, Big Oil relies on the perception that individual consumers are responsible for climate change while pocketing billions of dollars in profits from products that they know are disastrous for our atmosphere and communities around the world.²

BC and Canadian taxpayers will end up paying the costs of climate change in many different ways. But unless our communities demand that fossil fuel companies pay their fair share of these costs, this industry will continue pushing products that the world cannot afford to burn.

1. 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. See also <http://www.climateaccountability.org/> for emissions figures through to 2013.

2. <https://www.smokeandfumes.org/>; <https://insideclimatenews.org/content/Exxon-The-Road-Not-Taken>



BC's local governments are well placed to play a global leadership role by demanding accountability. We can come together to start a new global conversation about the moral and legal responsibility of the fossil fuel industry for its role in fueling climate change.

We – as BC-based community groups – support the Climate Law in our Hands Initiative and are asking you to:

1. DEMAND FOSSIL FUEL ACCOUNTABILITY

It has been rare for anyone to even ask the fossil fuel industry to take responsibility for its role in causing the global crisis – and the local climate impacts like floods, wildfires and droughts. This avoidance of responsibility ends in BC – when you, and other local governments across the province, write to the world's fossil fuel companies asking them to take their fair share of responsibility for climate change.

This demand can take the form of a detailed invoice for climate costs or a letter simply enquiring as to the company's position on paying a fair share. It can be tailored to reflect the needs and capacity of each community.³

2. WORK TOWARDS A CLASS ACTION LAWSUIT

BC communities can demand accountability from the fossil fuel industry in a variety of ways, but if necessary, we may need local governments to demand accountability through the courts.

Lawyers at West Coast Environmental Law have exhaustively researched how a class action – a joint legal action brought by one or more “representatives” of BC's local governments – could be brought against major fossil fuel companies for their role in causing climate change.

We ask you to consider whether your municipality would be willing to launch a class action as a representative and/or how you might support a case launched by other local governments. BC communities need to come together and get behind this type of legal action. Bringing this case will make it clear that fossil fuel companies cannot avoid a legal conversation about accountability – and if we win, we will set a precedent that could change the world – putting us on a global path that will avoid more dangerous climate change.⁴

3. Sample accountability letters are available online at www.climatelawinourhands.org/demand-accountability.

4. See <http://www.climatelawinourhands.org/bcclassaction> or have your lawyers speak with the Climate Law in our Hands team at West Coast Environmental Law for more information on the legal basis for a class action.



Conclusion

Both of these actions, as well as a general public discussion about the role of fossil fuels in our future economy, are most likely to move forward if our communities understand how we are being, and will be, impacted by climate change. We urge you to work with your citizens, climate scientists and other experts in a publicly transparent way to explore what needs to be done to prepare your community for climate change.

Whether we realize it or not, our communities are facing a tidal wave of costs, debt and disaster relief arising from the many effects of climate change. It is time to ask whether we alone are going to bear those expenses, or whether the companies that have made billions of dollars creating this situation also bear some responsibility.

By demanding that those who profit the most from climate change pay their fair share, BC local governments can dramatically reshape the global conversation about climate change and the fossil fuel industry. Community groups around BC will be calling on fossil fuel companies to take responsibility for their role in causing the climate crisis and we hope that you will join us.

Signed by:

West Coast Environmental Law Association	350.org Canada	Canadian Association of Physicians for the Environment
Coalition to Protect East Kamloops	Douglas Channel Watch	Public Health Association of BC
Kelowna Chapter Council of Canadians	BC Yukon Kairos	KAIROS Metro Van
KAIROS BC/Yukon Kootenay Subregion	Pacific Wild	Prince George Public Interest Research Group
Silva Forest Foundation	Sierra Club BC	Climate Change in Focus
Blewett Conservation Society	Dogwood Initiative	We Love This Coast
West Kootenay EcoSociety	Gibson Alliance of Business and Community Society	Comox Valley Global Awareness Network
SFU350	Alliance4Democracy	Earthkeepers: Christians for Climate Justice
UBC Environmental Law Group	Sunshine Coast Conservation Association	Burnaby Residents Opposing Kinder Morgan Expansion-BROKE
Voters Taking Action on Climate Change	Comox Valley Council of Canadians	LeadNow
Wilderness Committee	Parksville Qualicum Beach KAIROS	Fraser Voices Association
The WaterWealth Project	Georgia Strait Alliance	Stand.earth
UBC350	Northwest Institute	Knox United Church
Citizens Against Urban Sprawl Society (CAUSS)	Friends of Wild Salmon Coalition	Association of Whistler Area Residents for the Environment
Atira Women's Resource	Friends of Morice Bulkley	Salmon Coast Field Station Society
MiningWatch Canada	My Sea to Sky	Saanich Inlet Network
The Canadian Youth Climate Coalition	Divest Victoria	
Council of Canadians	Wildsight	
Kitimat Terrace Clean Air Coalition	Greenpeace Canada	
	Burnaby Pipeline Watch	
	Environmental Defense Working Group	