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# CLIMATE LAW IN OUR HANDS

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## A Resource for Local Government Candidates BC Municipal Election 2018



A Project of



2018

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# EXECUTIVE SUMMARY

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*Flooding in Merritt in 2018 destroyed both private houses and public amenities. Photo by Gage Family.*

Congratulations on your decision to run for public office and your interest in climate leadership.

As the fossil fuel pollution blanketing our planet continues to push global temperatures ever higher, many of us are looking at the risks for our communities—droughts, wildfires, floods, landslides—and feeling fearful. Fearful for our communities, for people around the world, and for the world we leave our children. Despite the real risks at hand, it's easy to feel that we are powerless against a faceless challenge— that anything we do is insignificant against the global causes of climate change.

Talking about climate change in the election campaign can give community members a chance to understand how global fossil fuel pollution is harming us, and what needs to be done to shift our society in a positive direction. For this, we need leadership: Mayors, Councillors and Regional District Directors who take climate change seriously and

are willing to do what it takes to protect their communities from a future where wildfires, drought, flooding and rising sea levels are increasingly common.

## The elephant in the room

The world's fossil fuel addiction continues to provide short term profits to corporations, their investors and governments. Of course, those who profit don't expect to pay the resulting costs, and so far they haven't had to.

But communities around the world are starting to demand that fossil fuel companies take responsibility for their fair share of this mess – insisting that polluters must pay.

This election, we're looking for candidates who will take up the fight for corporate climate justice for our communities:

- Talking about how our communities need to protect themselves from climate change – by

prioritizing climate adaptation and resiliency planning and implementation;

- Discussing the reality that the costs of adapting to climate change are already mounting in our communities, and that's going to get worse. Local governments need to set up systems to identify and track the costs that are being incurred due to climate change;
- Protecting taxpayers and sending a message about climate leadership by demanding that the global fossil fuel industry pay its fair share of climate impacts suffered by your community.

According to a 2017 poll by Justason Market Intelligence, 82% of British Columbians agree that the fossil fuel industry should pay its share of BC's climate costs. Local governments have a range of political, moral and legal tools to expose the true costs of climate change and demand accountability from the global fossil fuel industry. Candidates for local government office can talk about these tools on the campaign trail.

We are not powerless. We have work to do to adapt to climate change, but we don't have to sit back and take the worst. There is much to hope for and many available options.

## What's in this brief

This Campaign Brief is divided into three main sections.

### ***PART 1 – Why Local Government (and Candidates) Should Care –***

Climate change is increasingly affecting the bottom line of local governments. Funds that could go to maintaining levels of services need to be used for emergency relief or to ensure that municipal infrastructure will be able to withstand extreme weather and rising seas. Communities which don't start preparing for climate change face public safety risks, liability and credit downgrades.

By insisting that fossil fuel companies pay a fair share of these costs, communities can not only help relieve these financial pressures but also send a strong signal to fossil

fuel companies that they need to take responsibility for their products.

### ***PART 2 – Campaign Commitments and Legal Tools for Accountability –***

Our communities need to take climate adaptation and resiliency seriously, including understanding what climate change is costing and will cost our communities. Local government candidates must commit to protect their citizens from climate change and to understand and track the costs of climate change.

In addition, local governments have a range of tools at their disposal to demand accountability for those costs from the fossil fuel industry. We describe how to demand accountability from the 20 largest fossil fuel companies through a range of actions, including:

- Sending a Climate Accountability Letter explaining the local costs of climate change and demanding that the companies pay their share;
- Litigation similar to that launched by the State of Rhode Island, and by New York City, San Francisco and other U.S. communities;
- Calling on the BC government to enact a Liability for Climate-related Harm Act, similar to the laws that smoothed the way for lawsuits against Big Tobacco; and
- Using investment decisions and shareholder rights to hold fossil fuel companies accountable.

### ***PART 3 - Messaging for Fossil Fuel Accountability –***

Finally, we share some lessons about how to communicate about fossil fuel company accountability and the broad public support for holding fossil fuel companies accountable for a share of the costs of climate change.

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# WHY LOCAL GOVERNMENT (AND CANDIDATES) SHOULD CARE

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## Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for emergency response and infrastructure upgrades arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpack 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 making our communities climate resilient 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 and emergency response often begins with municipalities.

Local governments that fail to address climate change face real financial risks:

- Their citizens are at risk from wildfires, flooding and other disasters made worse by climate change.
- Moody's credit ratings agency warns that climate-vulnerable communities that fail to build more resilient infrastructure may face credit rating downgrades.<sup>1</sup>
- Municipalities that should have known about climate risks but failed to prepare have been sued when harm results.<sup>2</sup>

However, the costs of building infrastructure and communities that will withstand long term changes in

## Is Fossil fuel accountability within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent financial management requires local governments to 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, given the local impacts.

climate is formidable in its own right, for both large urban centres and more rural communities with smaller tax-bases.

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. Research has shown that the products and operations of just **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.

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<sup>1</sup> <https://www.bloomberg.com/news/articles/2017-11-29/moody-s-warns-cities-to-address-climate-risks-or-face-downgrades>.

<sup>2</sup> [https://cvc.ca/wp-content/uploads/2014/05/Stormwater-Management-in-Ontario\\_Legal-Issues-in-a-Changing-Climate\\_2014.04.29.pdf](https://cvc.ca/wp-content/uploads/2014/05/Stormwater-Management-in-Ontario_Legal-Issues-in-a-Changing-Climate_2014.04.29.pdf). The

Farmer's insurance company launched a case against Chicago area local governments for failure to adapt (although it subsequently dropped it). <https://www.washingtonpost.com/news/morning-mix/wp/2014/05/19/climate-change-get-ready-or-get-sued/>.

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 direction of the energy industry once they factor in the real costs of their current activities.

## Why does it matter to our planet?

Fighting climate change only works when everyone takes on a fair share.

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. 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, it reflects an unfair economic system where a few parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay up for the harm they cause, they, (and their investors and governments), will start to question the true profitability of the industry.

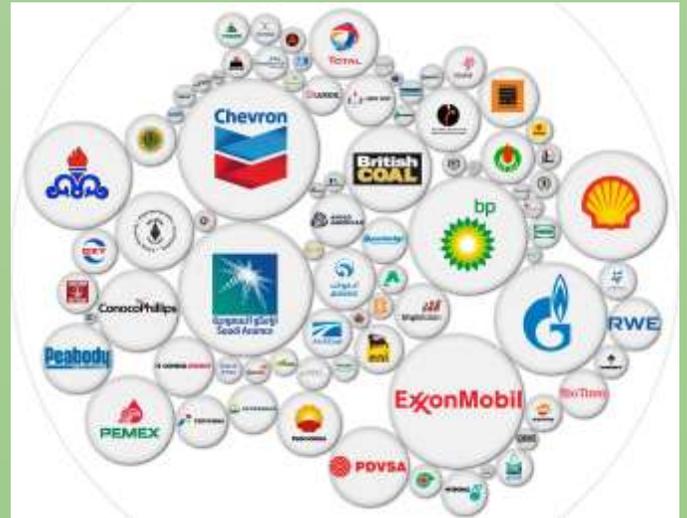
Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop fighting climate action –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

## What is Big Oil's fair share of climate costs?

In 2013 scientist Richard Heede published a peer-reviewed article that looked at how much oil, gas and coal the world's fossil fuel companies told their shareholders that they produced, and then calculated the volume of greenhouse gas emissions that resulted from the operations and products of each company.<sup>†</sup>

Based on Heede's work, we can say that just 90 entities – mostly fossil fuel companies:

- Have caused almost 2/3 of the world's human caused greenhouse gas emissions (directly or through their products);
- Made trillions of dollars doing so;
- Invested hundreds of millions of dollars in delaying action to fight climate change; and
- Plan to continue developing fossil fuel reserves that scientists say must stay in the ground.



<sup>†</sup> - 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. For subsequent updates, see [http://www.climateaccountability.org/carbon\\_majors\\_update.html](http://www.climateaccountability.org/carbon_majors_update.html). Graphic courtesy of carbonmajors.org.

## 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 had more influence than others? Based on Heede's Research (see Box opposite), just 20 of those fossil fuel companies 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 responsibility becomes clearer when you consider that many of these companies were active in lobbying against action on climate change and in funding public misinformation on climate science.

We would live in a very different, and more sustainable, society if, in the 1960s, these companies had acted upon the science of climate change when they were first advised of the risks. Our economy would have shifted more towards renewable energy, and the patents these companies held for fuel efficient vehicles and solar cells would have hit the market instead of sitting on their shelves.

Focussing on local impacts caused by fossil fuel companies creates new opportunities for local communities to get involved in a dialogue that is meaningful for the planet. 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 global emissions.

## Part of a Global Movement

It's not just BC communities that are demanding that climate polluters pay their fair share. Communities around the world – in Peru, in the Philippines, in the South Pacific, in the United States – are increasingly realizing that they have the power to send a global message by asking fossil fuel companies to be accountable for the harm caused by their products.

With fossil fuel companies facing this type of demand on all sides, they're going to have to come clean to their investors and shareholders about the potential liabilities of their business model.

**Philippines** – The Human Rights Commission of the Philippines is investigating whether the role of 47 fossil



*Typhoon survivors and civil society groups in the Philippines deliver a complaint to the Commission on Human Rights of the Philippines calling for an investigation into the responsibility of big fossil fuel companies. Photo by 350.org.*



Road closed due to storm surge in Colwood, BC. Photo by Tina Neale.

fuel companies in contributing to climate change amounts to a human rights violation. The investigation is a result of a petition brought by 12 community groups, 20 individuals and 1,288 Filipinos who supported the petition through a website.

**Peru and Germany** – Peruvian farmer Saul Luciano Iluiya, with the permission of his community of Huaraz, has sued the German coal giant, RWE, for its share of the costs of preventing flooding from a glacial lake – a risk made worse by climate change. In November, 2017, a German court confirmed that the case is sound in principle, allowing Iluiya and his lawyers to start presenting evidence. Meanwhile, GermanWatch, in addition to raising funds for Iluiya’s lawsuit, has mounted an effective campaign to get ordinary Germans thinking about climate pollution costs.

**Rhode Island, New York, California & elsewhere** – The State of Rhode Island, as well as cities and counties in California (including San Francisco), New York (NYC), Colorado and Washington have sued fossil fuel companies for a share of the costs of preparing for rising sea levels and/or climate change.

**International** – Organizations from around the world have signed the “climate damages tax declaration” calling for a global tax “on producers of oil, gas and coal to pay for the damage and costs caused by climate change.” The funds

raised from the climate damages tax would fund international efforts to alleviate and avoid “the suffering caused by severe impacts of climate change in developing countries, including those communities forced from their homes.”

## Campaign Dynamics

A campaign that talks about local climate costs and how to pay for them is a campaign that faces the reality of climate change head on and from a position of strength. Far from climate action being a feel-good thing that it would be nice to do, this type of climate action defends us and our neighbours from threats that British Columbians increasingly recognize as real.

From this point of view, it is those that fail to address climate change that can be seen as fiscally irresponsible, putting citizens at risk or spending taxpayers’ money without attempting to recover it from those responsible.

As discussed further in Part III, British Columbians increasingly see the role of climate change in wildfires, flooding, drought and extreme weather. We believe that candidates who think climate change is a priority can use the fossil fuel accountability narrative to draw important links for voters.

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# CAMPAIGN PROMISES AND LEGAL TOOLS

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So what's a candidate for local government to do?

Broadly there are two parts to this equation:

- Quantifying, managing, and reducing the costs of climate change to your community; and
- Using political and legal tools to ensure that fossil fuel companies pay their share of those costs.

## Costs of Climate Change

In dealing with the Costs of Climate Change the first step is to engage in climate adaptation and resiliency planning (something that many communities have already started), but that needs to quickly go beyond planning to include implementing the resulting plan and a detailed understanding of the costs of doing so.

## Climate adaptation and resilience planning

Communities across BC are already talking about how to prepare for climate change. Examples include:

- Flood planning, including reviewing flood maps to recognize that what was a 1 in 100 year flood event may be happening every 20 years;
- Identifying alternative sources of water for a glacial-fed water system;
- Implementing the Province of BC's direction to plan for a 1 metre increase in sea-level rise by 2100, through sea walls and dykes, green dykes or

even moving neighbourhoods and infrastructure back from the sea; or

- Identifying wildfire-urban interface areas for treatment to reduce wildfire risk.

Find out if your community has an existing climate adaptation plan. If it does, to what extent has it been implemented? Are the costs of different implementation actions, and options, well understood? Most communities that have Climate Adaptation Plans have not fully costed them, and in some cases they are sitting on shelves.

For more information on Climate Adaptation Plans and how to develop and implement them, see our award winning publication, *Preparing for Climate Change: An Implementation Guide for Local Governments*.<sup>3</sup>

A community might not have a Climate Adaptation Plan, but it is still likely to be implementing some climate adaptation measures, even if they are not specifically identified as such. For example, professional engineers hired by municipalities to design infrastructure that will be affected by climate change, which includes roads, storm drains, water systems, etc., are required to consider expected changes in climate in their design.

Much of what we have taken for granted in building our communities – water systems, weather patterns, sea level rise – will be changing for decades to come, even if the world gets its fossil fuel addiction under control. A failure to build climate-resilient communities now may give rise to huge costs in the future, from flooding, wildfires or other climate-worsened events.

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<sup>3</sup> <https://www.wcel.org/publication/preparing-climate-change-implementation-guide-local-governments-british-columbia>.

## Tracking climate costs

There's a tendency to talk about climate impacts as if they are far off – distant both in space and time. But as the wildfires, floods and droughts of recent years have demonstrated, our communities are already facing costs that look very much like climate change. Linking a particular year's weather to climate change takes in depth scientific investigation (although it is starting to be done), but increasingly British Columbians are willing to make the link between the types of impacts we are seeing and climate change. We are also starting to get a taste of what future impacts could be like.

However, the financial books of most local governments say little about these climate costs – or the costs of preparing for climate change. The total cost of a new sea wall may be listed, and that sea wall may be higher to accommodate rising sea-levels, but no effort is made to quantify that increased cost. Similarly, no effort is made to assess the financial risks to municipal assets or to bring together the many small climate costs into one place. Asset Management Plans and other financial assessments of assets must explicitly account for the costs and risks of climate change and the costs of managing those risks.

Similarly, where there is a climate adaptation plan, it must be fully costed. Most communities with such plans (with a few exceptions) have no idea what they will cost to implement.

A first step to demanding accountability for climate change, to explaining to officials and to the public why such accountability is necessary, is an understanding of what climate change is costing us. The dollar value of climate change should not be the only costs discussed – the impact on human rights, on human health, on our environment, on culture, on other non-monetary values are all important. However, talking about the current and near-term dollar costs of climate change allows us to emphasize that these costs are occurring now.

It is also possible, and may be useful in terms of justifying costs related to adaptation, to help quantify the financial

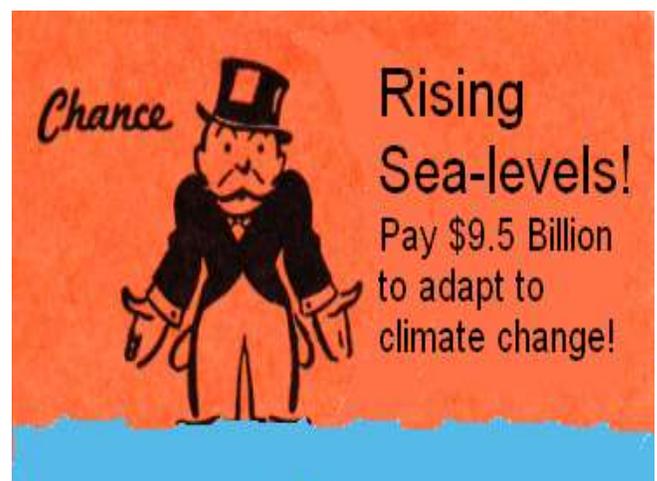
losses that might occur if climate adaptation measures are not implemented.

## Demanding accountability

Communities around the world are starting to demand that fossil fuel companies pay a fair share of local climate costs – fifteen local governments across BC have sent climate accountability letters to 20 fossil fuel companies and over a dozen communities in the U.S. and Peru (plus the State of Rhode Island) are suing fossil fuel companies.

Communities who want to recover costs from fossil fuel companies have a range of tools that they may wish to explore. These tools include:

- Climate Accountability Letters;
- Joint legal action (brought by several communities working together) against fossil fuel companies for climate costs under current laws;
- Pressing for new laws that clarify how and when fossil fuel companies can be sued for their share of climate impacts; and
- Shareholders raising questions about Climate Accountability Letters and the risks of litigation.



*The province of BC estimates that MetroVancouver municipalities need to pay \$9.5 Billion between now and 2100 to prepare for rising sea levels.*

## Climate Accountability Letters Starting a Public Conversation

A straightforward and inexpensive way to start a public conversation about the accountability of the fossil fuel industry for local climate costs – challenging the assumption that taxpayers will pay the full costs of climate change – is for a community to send individual oil, gas and coal companies a Climate Accountability Letter. A Climate Accountability Letter talks openly about how climate change harms our community and then firmly and publicly tells fossil fuel companies that we expect them to take responsibility for the harm caused by their products – likely by paying a fair share of climate impacts.

Municipalities and Regional Districts from across BC - as well as the Association of Vancouver Island and Coastal Communities representing 53 local governments - have voted to send Climate Accountability Letters. Climate Accountability Letters are a hugely flexible tool.

Sent by a local government or other appropriate level of government, Climate Accountability Letters can demand the company pay specific compensation, raise the question of what a company's fair share of climate costs is, or suggest other ways for the company to take responsibility for its products. Our website provides a number of resources to help local governments write and send these letters. You'll also find resources to support community groups in asking their local government to do so. Check out our Resources page: [www.wcel.org/program/climate-law-in-our-hands/resources](http://www.wcel.org/program/climate-law-in-our-hands/resources).

While Climate Accountability Letters and public conversations about fossil fuel industry accountability may encourage difficult questions about our fossil fuel economy, they are unlikely – by themselves – to result in real consequences for the fossil fuel industry. What they will do is create the public space for community groups, shareholders and governments to pursue some of the tools discussed in this part of the Brief.

## The legal advantages of focusing on fossil fuel accountability

Canada has contributed about 2% of historic global greenhouse gas emissions, and BC's share is less than 0.2%. No wonder climate activists often hear: "Why are you focused on Canada's emissions? They're insignificant." That thinking is flawed – each additional tonne of fossil fuel pollution imposes significant costs on the world, and pushes it closer to dangerous thresholds. But these numbers do show that focusing only on Canada's emissions cannot by itself solve climate change.

The world's top 20 fossil fuel companies, on the other hand, are responsible for 29.4% of historic emissions. And by focusing on legal accountability for climate harm, BC governments and courts can create global consequences for harm occurring in the province (as can authorities elsewhere).

That's a game changer, since it means that the global operations of fossil fuel companies are accountable to individual countries – and to the communities in those countries.

*For detailed analysis on the legal principles that allow the laws of one country to claim global jurisdiction over climate harm suffered in that jurisdiction, see [Taking Climate Justice into our Own Hands](#), a report you can find on the [West Coast Environmental Law website \(www.wcel.org\)](http://www.wcel.org).*

## Climate Lawsuits – Taking the Fossil Fuel Industry to Court

Big Tobacco boasted for years that it would never lose a court case, never need to settle with a victim of smoking-related cancer or other diseases. That changed very rapidly in the late 1980s and early 1990s, when public opinion began to shift around the role of giant tobacco companies in the health issues faced by smokers.

## A Liability for Climate-related Harm Act – Making it easier to hold fossil fuel companies accountable

Big Oil strenuously resists the parallels between tobacco and oil, but there is no doubt that large-scale, successful litigation against industry is a worst-case scenario for the fossil fuel industry, and one which could defend our communities and our global atmosphere while sending an international message to the world's fossil fuel polluters.

Recently, over a dozen U.S. cities and counties, including (for example) New York City, San Francisco and Boulder, have filed lawsuits against fossil fuel companies for the costs associated with preparing for climate change.

To date no lawsuits of this type have been filed in Canada, but in our opinion, BC's communities – represented by our provincial government or in a class action brought by local governments – are well-placed to claim compensation for the costs of preparing for climate change. In 2017, over 60 community groups wrote to all of BC's local governments asking them to consider a class action to recover their climate costs from fossil fuel companies.

A class action lawsuit brought by BC municipalities against a number of fossil fuel companies is a realistic possibility – an important way for BC's communities to recover a share of their climate costs from these companies.

In addition, class actions lend themselves to flexible funding arrangements, so that the full cost of bringing a case need not fall on any one municipality. Funding for a class action could involve “contingency funding” (meaning the lawyers get paid in whole or in part only if they win), contributions from multiple local governments, funding from third parties, crowdfunding and other sources of funding.

Recent polling reveals that 63% of British Columbians would support climate litigation brought by their local government to recover a share of climate costs from fossil fuel companies. Candidates for office will want to emphasize the need to collaborate with other local governments and allies to answer the questions about funding and bring the strongest case possible.

While BC local governments could launch a class action under existing laws, there are unanswered questions about how a court would decide a case concerning the role of fossil fuel companies in climate costs. Since fossil fuel companies have deep pockets, each legal question would likely be hard fought through multiple appeals.

To address these issues directly, one option would be for the BC government to pass a new law – a *Liability for Climate-related Harm Act* – to clarify the legal rules for such litigation. Such legislation is discussed in detail in *Taking Climate Justice into our own Hands*, but would:

"depending on one's interpretation of the law, either clarify the law related to climate change litigation or alter the law to make climate litigation possible. ... Where possible a Climate Compensation Act should be based on existing and well recognized legal principles and be focused on fair compensation ..."

Similar laws were enacted by BC and other provinces to establish a legal basis for lawsuits against tobacco companies for healthcare costs.

In April 2018 the Ontario Legislature debated such a law, introduced by MPP Peter Tabuns, the NDP's Environment and Climate Change Critic, and voted to examine the idea further; the Bill died with that province's recent election.

In July 2018 more than 50 BC organizations called on the BC government to enact its own *Liability for Climate-related Harms Act*.<sup>4</sup> Candidates, and Local governments, can join these groups in pressing the BC government to pass a law that makes it easier to sue fossil fuel companies for local climate impacts. The voice of local governments will help strengthen calls for laws of this type.

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<sup>4</sup> <https://www.wcel.org/publication/joint-letter-premier-horgan-liability-climate-related-harms-act>.

## Shareholder action & divestment

The risks of litigation, and of climate compensation legislation, to fossil fuel companies are real. As discussion becomes more widespread, and the likelihood of such actions being taken and being successful rise, fossil fuel companies will face increasing questions from their shareholders to address these risks.

A local government candidate can promise to look for ways to challenge corporate shareholders on the responsibility of fossil fuel companies for local climate harm, and the risks that the company may be forced to pay a share of a community's local climate costs.

That could involve the municipality participating in a fossil fuel company's Annual General Meeting. If the

municipality is given "proxy shares" – the right to represent a shareholder – representatives of the municipality can ask questions about (for example) whether the company intends to answer its Climate Accountability Letters or the risks of litigation if the company ignores its responsibility for its products.

In addition, local governments are increasingly seeking ways to manage their investment portfolio to divest from the fossil fuel industry. BC municipal investments are managed through the Municipal Finance Authority (MFA), so BC local governments cannot directly divest from fossil fuels (as New York City is doing), but Councils can press the MFA to offer divestment options. Climate accountability letters and risks of litigation are one more reason for municipal investors to steer clear of fossil fuel companies.



*A mudslide in 2012 tears through Fairmont Hot Springs. Photo from Prepared BC.*

# MESSAGING FOR FOSSIL FUEL ACCOUNTABILITY

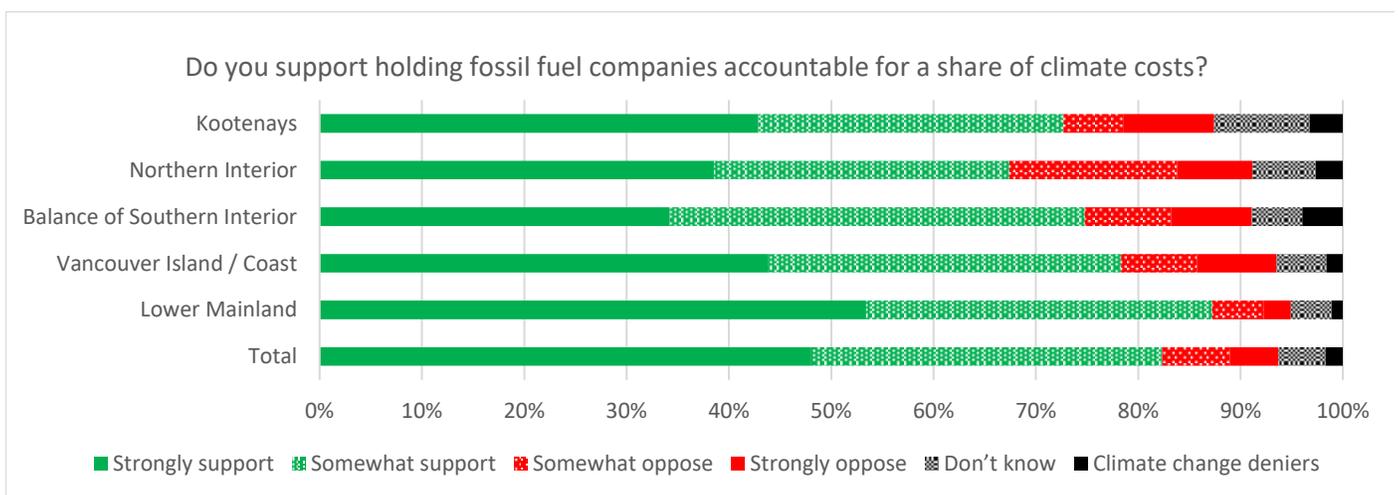
Anyone running in an election campaign wants to know what the public thinks about key public issues and how best to talk about them. This section of this brief reviews what we know about public attitudes on fossil fuel accountability based on two polls and our experiences in talking about the issues.

## Fair share v. blaming industry

Far from being a radical position, a large majority of the public – 82% of British Columbians – supports the idea that fossil fuel companies should pay a fair share of climate impacts. This level of support is present across all regions of the province (from a high of 87% in the Lower Mainland to a low of 67% in the Northern Interior) and all of the Province’s major political parties (from a high of 91% among NDP voters to a low of 71% among BC Liberal voters).

It is important to note that those high levels of support are associated with the view that fossil fuel companies should pay **their share** of the costs of climate change, which is more nuanced than saying that fossil fuel companies should pay all or even most of the costs of climate change. A significant number of respondents did feel that fossil fuel companies (31%) and/or car manufacturers (13%) should be primarily responsible for the costs of climate change, but not nearly as many as agreed that the companies owe a share of the costs.

Put this way, the debate should be about what the fair share of fossil fuel companies for climate costs should be. At a general level, the polling data seems to indicate that British Columbians recognize that the share/level of responsibility of fossil fuel companies is higher than that of individuals.<sup>5</sup>



Polling by Justason Market Intelligence, 2017. 1292 British Columbians polled.

<sup>5</sup> For individuals seeking a more technical answer, we have referenced Richard Heede’s peer reviewed paper, which indicates that the products and operations of the largest fossil fuel companies, such as Chevron and Exxon, have contributed more than 3% each to the human-caused greenhouse gases in the global atmosphere, as a starting point for

discussing their respective “fair share.” However, factors such as the immense profits made by the industry and role of the industry in blocking action on climate change and its refusal to develop patents on solar technology and low emission vehicles may convince some that a higher share is appropriate.

Some additional points:

- Industry and governments currently assume that we, as taxpayers, need to pay the ever-increasing costs of preparing for climate change.
- Proactively acknowledge that we all need to do our part to solve climate change and to pay for the costs of climate change, but point out that the Fossil Fuel industry needs to do its share too. Right now they are not paying for any of the local climate impacts.
- Chevron, Exxon Mobil and other fossil fuel companies have been major players in causing climate change, and need to pay their fair share. They have made billions of dollars extracting, processing, manufacturing and selling products that they know degrade the global atmosphere, causing massive economic and human harm to communities around the world.
- Fossil fuel companies knew as early as the 1960s that their products cause climate change and instead of working to develop alternatives (such as the solar cells and low emissions cars that they owned patents for), they stood in the way of developing a more sustainable world – through funding mis-information on climate science and lobbying governments against climate action.
- Focusing on the responsibility of individuals to address climate change through our lifestyle choices – without dealing with the billions of dollars of profits being made by the fossil fuel economy – ignores the elephant in the room.

### Support for particular actions

It is worth noting that while there is broad support for fossil fuel companies paying a share of climate costs (82%), the support for particular actions by local governments is slightly (but only slightly) lower. 75% would support their local government writing a climate accountability letter to fossil fuel companies demanding this while 63% would support litigation by local governments to recover a share of climate costs.

### Talking about local climate impacts

Our communities are experiencing climate costs here and now – both direct impacts and the current costs of preparing our communities for expected future impacts. Speak personally and honestly about specific and visually powerful examples of climate-impacts that you worry about.

British Columbians are increasingly willing to make a link between climate change and the wildfires, floods, droughts and other issues that we are seeing, but talking about specific types of climate impacts helps them make this link. While 59% of British Columbians believe that climate change is already harming Canadians, a larger number – 85% – believe that climate change has played a role in “significantly warmer temperatures, flooding, wildfires, droughts and hurricanes” experienced in North America.

It is true that it can be difficult to link specific weather events to climate change (although scientists are increasingly doing so). In general it is most accurate to say that these types of events have been made more likely and worse by climate change rather than (absent a detailed scientific review) claiming that they were caused by climate change.

It is also important to stress that local governments are incurring costs that are directly related to climate change – costs that are not the result of one weather event but due to the current and expected changes due to climate change. Drainage systems, sea walls, dykes and other climate adaptation measures are being built, or their resiliency increased, precisely because the frequency and magnitude of extreme events has increased (and will increase) due to climate change. Climate planning, flood plan re-evaluations, etc. These are the costs that it is easiest to say are being passed on to taxpayers.

A few additional points:

- When we talk about the harm that climate change is causing our communities, it's also important to stress that our communities have the right to demand accountability from the global fossil fuel industry for that harm.
- The costs of climate change are often invisible because governments talk about them as natural disasters or one off events, rather than recognizing the rising tide of climate costs that we face.
- Emphasize that governments cannot ignore climate change, but need to:
  - Build more resilient communities to protect us all from climate change impacts; and
  - Be fiscally responsible by seeking to recover climate-costs from fossil fuel companies.
- Credit ratings agencies warn that communities which fail to prepare for climate change may face reductions in their credits ratings.

## Fighting climate change

We believe that a fossil fuel accountability frame is most powerful when the public understands that holding fossil fuel companies accountable has the potential to protect our global atmosphere. Yes, it's about establishing the rules of liability so that taxpayers will not be alone in paying for the costs of climate change. But it also gives fossil fuel companies a financial incentive to stop blocking action on climate change and to instead put their considerable expertise and resources into reducing fossil fuel pollution, by investing in renewable energy and energy efficiency technologies, for example. We will always have an energy industry, but we need to get it on the path to being a clean energy industry.

The “polluter pays principle” recognizes that when those responsible for pollution pay their fair share, they have an incentive to stop polluting.

Fossil fuel pollution is the main cause of climate change.

- If the fossil fuel industry had paid its fair share of climate costs from when it first became aware of them, in the 1960s, it would have developed solar technology and low emissions vehicles (which they held patents on) in the 1970s. We would have a dramatically different, less polluting and safer world.
- If the industry were responsible for the true cost of fossil fuels, their products could not hope to compete with renewable energy and other alternatives. Until the fossil fuel industry pays its fair share for climate impacts, they – and the governments that support them – are going to have no incentive to move to a sustainable future.

## Best of luck on your campaign

We hope that you will consider the information in this Candidate's Brief and seriously consider talking about the harm that climate change is causing your community, how your community can protect itself and the importance of recovering those costs from the fossil fuel industry.

If you have questions about the contents, or are elected and want to send a climate accountability letter – please do not hesitate to get in touch.

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# PROTECT YOUR TAXPAYERS! FIGHT CLIMATE CHANGE!

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## **Congratulations on your decision to run for local office.**

As the fossil fuel pollution blanketing our planet continues to push global temperatures ever higher, many of us are looking at the risks for our communities—droughts, wildfires, floods, landslides—and feeling fearful. Fearful for our communities, for people around the world, and for the world we leave our children.

Local governments grapple with how to pay for a rising tide of climate change costs without unduly burdening their taxpayers, while the global fossil fuel industry continues to profit from selling the products that they know will create those risks and costs.

82% of British Columbians agree that the fossil fuel industry should pay its share of BC's climate costs. This election, we're looking for candidates who will fight for corporate climate justice for our communities.

Local governments have a range of political, moral and legal tools to expose the true costs of climate change and demand accountability from the global fossil fuel industry. Candidates for local government office can talk about these tools on the campaign trail.

We are not powerless. We have work to do to adapt to climate change, but we don't have to sit back and take the worst. There is much to hope for and many options to fight with.

Demand Fossil Fuel Accountability!

Climate Law in our Hands is possible through the support of Eden Conservation Trust and:



*Front Cover Photos: Photo of Peachland, BC fire courtesy of Michael Healey; Photo of community meeting from Pixnio.com.*



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