MODERNIZATION

of the

EMERGENCY PREPAREDNESS ACT

Consultation Paper

Public Safety and Emergency Preparedness Canada

July 2005

Canada

An electronic version of this paper is available via **www.psepc.gc.ca** on the Internet.

Cette publication est aussi offerte en français.

Foreword

The legislative process works best when all the expectations for a law and views on its current form are taken into consideration. This paper provides a context for the legislative review of the *Emergency Preparedness Act* and launches consultations to inform the amending process.

While the scope of the *Emergency Preparedness Act* does not go beyond the Government of Canada, it is essential due to the interrelated nature of emergency management to initiate a dialogue with public- and private-sector stakeholders, including other federal departments, provincial and territorial governments, owners and operators of critical infrastructure, and non-governmental organizations.

Along with this review, Public Safety and Emergency Preparedness Canada (PSEPC) is conducting complementary policy and program initiatives. These include consultations for the development of a national critical infrastructure strategy; the development and implementation of a national emergency response system; the Government of Canada's chemical, biological, radiological and nuclear strategy; and the federal/provincial/territorial fora and their work plans.

This consultation paper covers long-standing emergency management practices, the current threat environment, the implications of modern emergency management for the Government of Canada, the protection of critical infrastructure and the related requirement for information sharing, and the need for collaboration among jurisdictions. It includes proposals for the modernization of the Act and questions for comment.

Consultations will take place with other federal departments as well as with the provinces and territories. Input from private-sector stakeholders will be sought directly and further public commentary will be solicited by posting this document on the PSEPC Web site (www.psepc.gc.ca). You are invited to forward your comments on the proposals by September 30, 2005, to:

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Introduction

The *Emergency Preparedness Act* establishes in legislation the inherent responsibility of each federal minister to develop and implement emergency preparedness measures. It is the basis for the Government of Canada's emergency preparedness and management activities.

Events in recent years have challenged governments at all levels and the private sector, stretching their ability to cope with emergencies. These events have been studied extensively to derive lessons learned and propose remedial action. Within this context, it has become evident that the federal *Emergency Preparedness Act* (EPA) must be enhanced to better meet the range of events faced by Canadians.

Emergencies that are large, complex, or that transcend provincial or international boundaries call for shared responsibilities. They also highlight the need for different or increased capacities and collaboration on all components of emergency management: mitigation, preparedness, response and recovery. Roles at the federal level must be defined and strengthened and measures put in place to develop an emergency management system that can be integrated with the provinces and territories.

In addition, the protection of Canada's critical infrastructure has become essential to the functioning of our society and is one of the challenges of emergency management. This infrastructure is also highly interconnected and dependent on common information technologies. Therefore, cyber security and related information sharing have become fundamental safeguards.

Leadership and responsibility for coordinating emergency management at the federal level is important, as are ongoing, dynamic partnerships with the provinces and territories and at the international level. Both help assure an adequate state of readiness for any emergency and the maintenance of essential services to Canadians.

It is time to review how the Government of Canada manages emergencies and explore the options available to provide a modern and responsive legislative framework for emergency management in the 21st century.

1. New Vulnerabilities, New Assumptions

Security and emergency management has become a major focus for most governments since September 11, 2001. An entirely new kind of physical vulnerability that transcends borders emerged.

But another kind of vulnerability that transcends borders has also emerged in recent years, threatening the global cyber environment. Cyber security has become a pressing concern since so much of daily life is dependent upon technology.

The extensive power outage in August 2003 demonstrated the reality of interconnected critical infrastructure. One weakness in a link in the American Midwest brought down the electric power grid in north-eastern U.S. and Ontario. The problem did not stop at the border.

Much of our planning and ways of handling emergencies – be they natural disasters, accidents or intentional attacks – are based on the challenges we faced years ago. We knew what the dangers were. We understood where they would come from, we could better predict their origin and frequency, and we knew how to manage the consequences. We tried to prevent them or at least lessen their impact, and we benefited from lessons learned.

However, the shift in our lives stemming from globalization and the pervasiveness of technology means that we must adapt how we handle our vulnerabilities. The 2003 SARS crisis underlined this need. From a few isolated cases in China, the disease rapidly threatened to become a potential pandemic. The fallout was widespread. While all levels of government and the public health community worked well together, the need for a seamless pan-Canadian public health system was clear. There were marked economic consequences as well: from lost income and reduced output to the repercussions of people no longer traveling or going out.

The current threat environment demands an accelerated federal response to any significant emergency, particularly in terms of federal leadership and public communications. Governments must also have effective overall emergency coordination to rapidly deal with complex emergencies involving several areas of accountability and more than one jurisdiction. A seamless national emergency management system requires a legislative foundation that addresses contemporary challenges.

2. Why Change the Act?

Simply put, the provisions of the *Emergency Preparedness Act* have not kept pace with the new risk environment or evolving emergency management concepts. It does not provide the clear and solid authority to ensure that plans for dealing with emergencies are robust, current and reflective of a standard federal emergency response framework for all hazards. The EPA does not address the collection and protection of vital information for planning purposes and for the mitigation of future incidents. Finally, it does not provide the statutory basis to address threats to Canada's critical infrastructure and cyber networks.

Since September 11, 2001, Canada's domestic security focus has been evolving. It is addressing expanded and more complex threats and developing the capacity to manage the consequences of terrorist actions. Transnational terrorism calls for a coordinated international response. In Canada there is also a demand for increased coordination at all levels in our public sector, as well as the realization that there is more infrastructure that must now be considered critical. This requires more tools and skills for its protection.

Currently the *Emergency Preparedness Act* emphasizes preparedness activities and civil emergency plans. Federal ministers are responsible for identifying possible civil emergency contingencies that may occur within their respective areas of accountability and making plans to

deal with them. The Minister responsible for the Act is charged with advancing these activities and plans by encouraging, coordinating and supporting. However, the Act does not provide the authority to more closely monitor preparedness at the federal level. The *National Security Policy* has placed the responsibility for testing and auditing federal departments' key security responsibilities and activities with the Minister of PSEPC.

Critical infrastructure protection is one of the emerging challenges of modern emergency management, particularly the possibility of service disruptions caused by terrorists or hackers. In addition, Canada's critical infrastructure is increasingly integrated with American and global systems. The existing legislation does not directly address this new reality. It also does not provide direction for widespread cooperation and information sharing on cyber threats, incidents and protective measures, which are required in our computer-dependent world.

Assumptions about emergency management have changed in recent years and so have our approaches to it. Provinces and territories expect leadership at the federal level to enhance and renew Canada's emergency management system. They want a single point of entry for requesting federal government assistance, and a national system that serves all levels of government with a standard all-hazards federal emergency framework.

Recent federal organizational changes, the provisions of the *National Security Policy*, and the recently enacted *Department of Public Safety and Emergency Preparedness Act* have contributed to the need to review the *Emergency Preparedness Act* in order to maintain a relevant, flexible and robust enabling framework.

Modern legislation should build on existing provisions of the Act to address today's challenges. It must provide the necessary authorities for the Government of Canada to address not only the challenges of its own preparedness and a coordinated federal response, but also the requirement for partnerships with key stakeholders and the protection of critical or sensitive emergency management information.

3. Modern Emergency Management

It is estimated that more than 90 percent of the emergencies that occur in Canada are handled locally or regionally and do not require direct federal involvement. However, the Government of Canada works with local or regional authorities and coordinates the national response when an emergency transcends provincial boundaries, when its impacts are mainly in areas of clear federal jurisdiction, or when an event is of clear national interest and is inter-jurisdictional and/or international in nature.

When an emergency does occur, people normally see to their own safety to the extent possible, then seek assistance from local and provincial or territorial governments if necessary. If an emergency moves beyond their capabilities, those governments in turn seek federal support. This assistance may entail the coordination of supplies and services for response and recovery activities, the deployment of the Canadian Forces to aid civil authorities, or the allocation of financial assistance to the provinces or territories.

> - *The components of modern emergency management are:*
> - ***mitigation:** anticipatory measures taken to reduce or eliminate the likelihood or effects of disasters*
> - ***preparedness:** development of policies, procedures, standards, risk analysis, plans, roles and responsibilities for the management of an emergency, including related training and simulation exercises*
> - ***response:** measures undertaken during and after an emergency to save lives, treat the injured and prevent further injury or other kinds of loss*
> - ***recovery:** decisions and measures taken to repair and restore communities after an emergency, facilitating the return to normal conditions*

Emergency planning in Canada is based on an 'all-hazards' approach which assumes that whatever the cause of the emergency, there are commonalities in mitigation, preparedness, response and recovery.

Canadians want assurances that emergencies will be minimized, assistance will be available and disruptive effects will be limited and short-lived. A comprehensive national emergency management system thus encompasses the identification of risk, the protection of citizens, the mitigation of the impact of emergencies, the protection of physical or cyber assets and the proper management of the recovery phase.

Hence, collaborative emergency management in Canada must synchronize the efforts of many jurisdictions. Protecting critical infrastructure and assuring the continuity of critical services are key challenges in this system.

> *Critical infrastructure protection is concerned with the readiness, reliability and continuity of essential services. It is about making infrastructure less vulnerable to disruption, ensuring that any incidents that do occur are short-lived and limited in scale, and that services can be quickly restored.*

Our dependence on cyber infrastructure and its interdependence with critical infrastructure is vitally important to emergency management programs and activities. Recognizing this leads to a more realistic appreciation of vulnerabilities. It is clear that cyber security is integral to protecting our critical infrastructure because Canada's critical infrastructure relies on modern information technologies.

Issue

> *Is the current scope of the* Emergency Preparedness Act *broad enough to adapt to a continuously evolving threat and risk environment, and adequately balanced to promote the full spectrum of emergency management activities?*
>
> *Discussion – The EPA should be revised to recognize:*
>
> - *the full spectrum of emergency management activities, including mitigation, preparedness, response and recovery*
> - *that critical infrastructure protection and cyber security are elements of modern emergency management*

I. Ensuring Government of Canada Readiness

Federal leadership is exercised by making quick decisions, coordinating activities and resources at a strategic level, and communicating effectively with other federal entities, provincial and territorial governments, international organizations, non-governmental organizations (NGOs), the private sector and the general public. All this must be accomplished while respecting provincial and territorial jurisdiction.

In a major, multi-sector emergency of significant scope, the Government of Canada must quickly establish and demonstrate leadership in shaping and coordinating the national response. This is pivotal to public confidence and international credibility.

The federal government must also ensure the continued delivery of essential government services and the security of its assets, including personnel, under all circumstances. To assure Canadians that the Government of Canada has the ability to continue operating during emergencies, and has the resiliency to quickly recover from disruptions, it is important that the power to monitor, test and make recommendations on the Government of Canada's state of readiness be entrenched in a renewed *Emergency Preparedness Act*.

Measuring the effectiveness of plans requires the development of sound performance criteria, most readily achieved by establishing standards. To be useful, these standards must be developed in collaboration with both experts and practitioners. Simulation exercises, surveys, advisory group feedback, media analyses and lessons learned from real events can then be used to assess performance against the standards.

Establishing clear leadership and responsibility for coordinating emergency management within the Government of Canada will provide Canadians with confidence that their government is ready with policies, strategies and action plans that remain up-to-date, yet flexible enough to be sustainable over time.

Issue I.

> *How should the Minister of Public Safety and Emergency Preparedness report on the Government of Canada's state of preparedness for dealing with emergencies?*
>
> *Discussion – The EPA should be revised to:*
> - *establish a mechanism to monitor, coordinate, assess and make recommendations about the Government of Canada's state of emergency preparedness*

II. Seamless Emergency Management

From a national perspective, ensuring that authorities at all levels have a complementary framework for dealing with emergencies is a key preparedness objective. Emergency services – both systems and people, private or public, local or national – must be able to work together (and often with international partners) to deal with natural disasters, critical infrastructure disruptions, cyber incidents and terrorist attacks.

A seamless emergency management system includes joint development of new operational procedures, response and support structures, and readiness programs. Under the existing framework, PSEPC has undertaken several major initiatives, collaborating with provinces and territories in such areas as chemical, biological, radiological and nuclear (CBRN) preparedness.

Based on recent emergencies, including the terrorist attacks of September 11, 2001, and the 1998 ice storm, the Canadian emergency management community has realized the importance of a "whole of government" response framework.

PSEPC has been integrating the federal response systems used for resolving national security, cyber and physical incidents into an all-hazards emergency response framework called the National Emergency Response System (NERS). This system is designed to provide national leadership and strategic level coordination on behalf of the Government of Canada in response to an emerging or occurring event affecting the national interest.

The NERS development includes the establishment of the Government Operations Centre (GOC), which operates 24/7 as a communication capability with federal, provincial and territorial emergency operations centres. It provides a single point of contact for domestic and international events affecting the national interest.

Issue II.

> *How should the Government of Canada address the fact that the Canadian emergency management communities have recognized the need to harmonize with federal emergency response activities?*
>
> *Discussion – The EPA should be revised to:*
>
> - *explicitly provide the Minister of Public Safety and Emergency Preparedness with the responsibility to coordinate, on behalf of the Government of Canada, the actions of federal players in emergencies of national significance*
>
> - *require federal departments and agencies to use a standard all-hazards federal emergency response framework that is complementary to provincial and territorial systems*

III. Effective Partnerships

The *National Security Policy* recognizes that addressing many threats and emergencies requires a coordinated approach with provinces, territories, NGOs, the private sector and international partners. The policy sets out processes for engaging these partners in the development of coordinated plans to support the overall framework.

Effectively responding to all types of emergencies requires well-planned, well-coordinated efforts by all players. Major events such as natural disasters, critical infrastructure failures or terrorist attacks may require the coordinated efforts of first responders from multiple jurisdictions within a province or from different provinces/territories. Thus, developing a coordinated plan for such events should generally involve participants from the multiple jurisdictions that would be involved in responding to the event. Practically, this means integrating plans, participating in joint exercises and ultimately creating a harmonized approach that can be applied across jurisdictions.

Traditionally, protecting critical infrastructure has consisted of identifying specific physical assets of national importance and developing plans for their protection. Due to the increasingly interdependent nature of critical infrastructures (e.g. telecommunications, power supply, Web-linked commerce), focusing attention on individual facilities is no longer sufficient. We need to consider how each element of Canada's infrastructure has the potential to bring down all or parts of regional, national or international systems, and how to target our collective resources to the most vulnerable areas.

Critical infrastructure protection must be examined not just in terms of security, but also in terms of its impact on commerce and trade. Partnerships present a strategic choice for both governments and their private sector partners – voluntary commitments involve fewer regulatory burdens but require more trust and openness.

Issue III.

> *What kinds of arrangements should be considered to support effective partnerships in the areas of emergency management and critical infrastructure protection?*
>
> *What kind of arrangements should be considered to ensure that stakeholders' systems and approaches are complimentary and compatible?*
>
> *Discussion – The EPA should be revised to recognize:*
>
> - *that a coordinated approach – through collaboration, agreements, and arrangements with other Canadian jurisdictions, NGOs, the private sector and other countries – is required for modern emergency management*

IV. Information Sharing

Both the public and private sectors have a difficult task in balancing security measures, commercial confidences and the public interest. However, it is important for governments to receive incident reports from, and share threat information with, provinces and territories, NGOs and the private sector, including critical infrastructure owners and operators. Threats and incidents can happen to anyone at any time – they often occur rapidly and seem random. To limit potential damage or disruption, the ability to gather input from many sources is an important element in mounting an integrated and timely response.

Mitigation and preparedness measures such as assessing threats and vulnerabilities, improving warning and reporting capabilities, developing better defences and responses, investigating attacks and prosecuting their perpetrators may require the sharing of sensitive or confidential information.

For first responders, incidents evolve rapidly and their impact can be widespread. Obtaining timely and accurate information from reliable sources would enable accurate situational awareness, assessment and remedial action during an emergency. Provinces and territories have indicated that at the federal level, emergency management initiatives should be better integrated and coordinated. The need has been expressed for a "one-stop-shop" for the communication of relevant information (i.e. threats, alerts, warnings, advisories, lessons learned, standards and best practices). This concern has also been expressed by the private sector, which must deal with multiple layers of government with different requirements. The multiplicity of government programs, information and obligations can lead to uncertainty, duplication of efforts and additional costs.

These concerns cannot be addressed through an assignment of roles and responsibilities in legislation. To create a streamlined process for communicating information on threats and vulnerabilities to all those who need to know, a consensus must be reached with all levels of government and the private sector. The Government of Canada is committed to collaborating with provinces and territories on the best way to achieve this objective. At the federal level, this need for a coordinated and integrated approach is the foundation of NERS.

Recognizing the importance of timely information sharing on potential threats and vulnerabilities, an information network would facilitate the exchange and development of emergency management (EM) and critical infrastructure protection (CIP) expertise. An EM/CIP information network could be used as a centre of excellence for assessments of specific threats and vulnerabilities, intrusion reports, mitigation measures, business continuity plans for cyber failure, containment and recovery methodologies, protective and remedial measures, lessons learned and best practices from a wide range of trusted sources. Again, the establishment of such a mechanism may not require legislative change. However, to create a trusted environment for the exchange of sensitive information on threats, vulnerabilities and identifiable critical infrastructure assets, explicit provision is required to protect such information from unauthorized disclosure.

The Canadian private sector has expressed strong support for the exchange sensitive critical infrastructure information with the Government of Canada. However, concern has also been voiced about the confidentiality of commercial or proprietary information and its protection from inappropriate release. Such release could harm the competitive position and business reputation of service providers or expose them to liability by inferring negligence or fault.

Issue IV.

Is there a need for a new authority to protect specific sensitive information related to emergency management/critical infrastructure?

Discussion – The EPA should be revised to recognize:

- *that information on threats, vulnerabilities and critical systems provided by the private sector to the Government of Canada requires protection from unauthorized use*

V. Reliable and Resilient Critical Infrastructure

Canada's critical infrastructure consists of physical and information technology facilities, networks, services and assets that are vital to the health, safety, security or economic well-being of Canadians or the effective functioning of governments in Canada. Sectors include:

- **energy and utilities**: electrical power, natural gas, oil production and transmission systems
- **communications and information technology**: telecommunications, broadcasting systems, software, hardware and networks including the Internet
- **finance**: banking, securities and investment
- **health**: hospitals, health care and blood supply facilities, laboratories, pharmaceuticals
- **food**: food safety, agriculture and food industry, distribution
- **water**: drinking water and wastewater management
- **transportation**: air, rail, marine and surface
- **safety**: chemical, biological, radiological and nuclear (CBRN) safety, hazardous materials, search and rescue, emergency services, dams
- **government**: services, facilities, information networks, assets and key national sites and monuments
- **manufacturing**: defence industrial base, chemical industry

Owners and operators have long had to manage the risk of service disruptions. However, the increased dependency on computer- and Internet-based information systems to operate critical infrastructure exposes it to new cyber vulnerabilities.

Constant monitoring and early detection of new cyber threats are fundamental to prevention or containment. The protection of critical infrastructure has become an important national goal. What is the appropriate approach to protecting Canada's critical infrastructure? The provinces and territories are well advanced in their emergency management policies and operations to facilitate planning and responses within their respective jurisdictions. There is, however, a need

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for a consistent approach to critical infrastructure protection across jurisdictions. What can the Government of Canada do to reduce or eliminate risks and threats?

The private sector, which owns and operates an estimated 85 percent of critical infrastructure, is primarily responsible for protecting its own property. Collaboration and information sharing are instrumental in protecting infrastructure, and much has been accomplished by certain sectors in pursuit of these goals. However, the efforts of sector associations may be jeopardized by human error or equipment failure that leads to systemic disruption on a regional or national scale, such as the August 2003 electricity blackout in the north-eastern U.S. and Ontario.

All critical infrastructure owners and operators have an obligation to their shareholders and stakeholders to ensure threats to vital systems are understood and addressed. They must also ensure that their systems are resilient and can recover quickly from disruption. With the interdependencies among these sectors, some of which are not yet fully appreciated, the need for a collaborative and cohesive approach to protecting these assets becomes obvious. Standardized levels of reliability within and across sectors would facilitate improvements in response capability and coordination, help identify preparedness gaps, and promote long-term resilience within an integrated framework.

When would federal involvement be advisable to ensure a standard level of critical infrastructure reliability? Federal government regulation has proven to be effective in many sectors that have a direct and immediate impact on the health and safety of Canadians, such as nuclear safety, telecommunications, prescription drugs and aviation. However, such regulation requires active government oversight and a structured monitoring regime.

The role of the Government of Canada in protecting critical infrastructure must be carefully examined. The need for increased cooperation among federal, provincial and territorial governments, stakeholders, industry and citizens should be carefully considered to avoid overlap, duplication, inconsistency and unintended consequences. The development of voluntary standards and best practices for reliability may meet the same objectives as regulation, at less cost and with less opposition.

Issue V.

> *How can Canadians be assured that critical infrastructure is resilient to accidental or intentional disruption?*
>
> *Can Canada attain an acceptable level of critical infrastructure reliability through a voluntary standards approach?*
>
> *Is a single standardized approach across jurisdictions and sectors feasible?*
>
> *Is there a need to legislate industry standards? How enforceable and affordable would compliance be? How would the costs be absorbed?*
>
> *Discussion – The EPA should be revised to:*
> - *recognize the need for collaboration on standards and best practices in emergency management and critical infrastructure reliability*

4. Conclusion

The end of the 20th century saw preparations on an unprecedented scale for Y2K, an event with potentially catastrophic consequences that never happened. Governments and the private sector planned and worked together, and the interdependency of critical infrastructure was a prominent consideration. This fortuitous beginning was followed by the sobering events of September 11, 2001.

In these two instances, traditional emergency management encountered two exceptional situations: one that could be prepared for with the benefit of time and one whose proportions, effect and timing were shocking and unanticipated. Governments and the private sector learned valuable lessons about the importance of planning for and mitigating potential disasters and of preparing for the unexpected.

Information technology is pervasive in our way of life. Extreme natural events are more frequent. Globalization presents opportunities and challenges. Canada's emergency management system, in turn, has expanded its traditional focus to include a continuum of mitigation/prevention, preparedness, response and recovery measures. The protection of critical infrastructure is now a major new element of emergency management.

As a result of recent events and the changing nature of daily life, all levels of government in Canada recognize the need to use existing resources as efficiently as possible. They are also considering investing additional sums and effort in emergency management and critical infrastructure protection. The private sector also recognizes this need and is moving towards improving the continuity of its operations.

The Government of Canada has made public safety and emergency management a national priority, addressing it with organizational changes and its first-ever comprehensive public safety statement, the *National Security Policy*. The policy sets out the Government's broad safety and security vision. It articulates our core national security interests, identifies the current threats facing Canadians, and provides a blueprint for action to address these threats. One of the policy's commitments is amending the *Emergency Preparedness Act* to provide a modern and comprehensive legislative framework for emergency management in the 21st century.

The Government of Canada proposes that the Act address the full spectrum of emergency management activities and major challenges. The new EPA should treat critical infrastructure protection and cyber security as elements of public safety. It should place increased emphasis on mitigation, integrated responses and partnerships as well as sharing and protecting sensitive information on emergency management and critical infrastructure. It should also place increased emphasis on the authority to monitor, coordinate and assess Government of Canada emergency management plans.

With the help of feedback from this consultation paper, the Government of Canada is committed to developing a solid and comprehensive statutory framework for emergency management for the Government of Canada.

Annex A: Summary of Issues and Consultation Questions

The Government of Canada proposes that an amended *Emergency Preparedness Act*:

- recognize the full spectrum of emergency management activities, including mitigation, preparedness, response, and recovery

- recognize that critical infrastructure protection and cyber security are elements of emergency management

- establish a mechanism to monitor, coordinate, assess and make recommendations about the Government of Canada's state of emergency preparedness

- explicitly provide the Minister of Public Safety and Emergency Preparedness with the responsibility to coordinate, on behalf of the Government of Canada, the actions of federal players in emergencies of national significance

- require federal departments and agencies to adopt and use a standard all-hazards federal emergency response framework that is complementary to provincial and territorial systems

- recognize that a coordinated approach – through collaboration, agreements, and arrangements with other Canadian jurisdictions, NGOs, the private sector and other countries – is required for modern emergency management

- recognize that information on threats, vulnerabilities and critical systems provided by the private sector to the Government of Canada requires protection from unauthorized use

- recognize the need for collaboration on standards and best practices in emergency management and critical infrastructure reliability.

The Government of Canada invites comment on:

Modern Emergency Management

- Is the current scope of the *Emergency Preparedness Act* broad enough to adapt to a continuously evolving threat and risk environment, and adequately balanced to promote the full spectrum of emergency management activities?

Ensuring Government of Canada Readiness

- How should the Minister of Public Safety and Emergency Preparedness report on the Government of Canada's state of preparedness for dealing with emergencies?

Seamless Emergency Management

- How should the Government of Canada address the fact that the Canadian emergency management communities have recognized the need to harmonize with federal emergency response activities?

Effective Partnerships

- What kinds of arrangements should be considered to support effective partnerships in the areas of emergency management and critical infrastructure protection?

- What kind of arrangements should be considered to ensure that stakeholders' systems and approaches are complimentary and compatible?

Information Sharing

- Is there a need for a new authority to protect specific sensitive information related to emergency management/critical infrastructure?

Reliable and Resilient Critical Infrastructure

- Should critical infrastructure sectors be required to develop standardized business continuity plans? Who would evaluate them and what penalties may apply?

- Can Canada attain an acceptable level of critical infrastructure reliability through a voluntary standards approach?

- Is a single standardized approach across jurisdictions and sectors feasible?

- Is there a need to legislate industry standards? How enforceable and affordable would compliance be? How could the costs be absorbed?

Annex B: *Emergency Preparedness Act*

Emergency Preparedness Act
R.S., 1985, c. 6 (4th Supp.)
An Act to provide for emergency preparedness and to make a related amendment to the *National Defence Act*
[1988, c. 11, assented to
27th April, 1988]

SHORT TITLE

1. This Act may be cited as the *Emergency Preparedness Act.*

INTERPRETATION

Definitions

2. In this Act,

"civil emergency plan" means a plan, measure, procedure or arrangement
(a) for dealing with an emergency by the civil population, or
(b) for dealing with a civil emergency by the Canadian Forces;

"government institution" means any department, branch, office, board, agency, commission, corporation or body for the administration or affairs of which a minister of the Crown is accountable to the Parliament of Canada;

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

"provincial emergency" means an emergency occurring in a province if the province or a local authority in the province has the primary responsibility for dealing with the emergency.

R.S., 1985, c. 6 (4th Supp.), s. 2; 1995, c. 29, s. 23(F).

3. [Repealed, 1995, c. 29, s. 24]

RESPONSIBILITIES OF THE MINISTER

Ministerial responsibility

4. The Minister is responsible for advancing civil preparedness in Canada for emergencies of all types, including war and other armed conflict, by facilitating and coordinating, among government institutions and in cooperation with provincial governments, foreign governments and international organizations, the development and implementation of civil emergency plans.

R.S., 1985, c. 6 (4th Supp.), s. 4; 1995, c. 29, s. 24.

Responsibilities – development of civil emergency plans

5. (1) The responsibilities of the Minister with respect to the development of civil emergency plans are

(a) to develop policies and programs for achieving an appropriate state of national civil preparedness for emergencies;
(b) to encourage and support provincial civil preparedness for emergencies and, through provincial governments, local civil preparedness for emergencies;
(c) to provide education and training related to civil preparedness for emergencies;

(d) to enhance public awareness and understanding of matters related to civil preparedness for emergencies;
(e) to analyse and evaluate civil preparedness for emergencies and conduct related research;
(f) to establish arrangements for ensuring the continuity of constitutional government during an emergency;
(g) to establish arrangements with each province whereby any consultation with the lieutenant governor in council of the province with respect to a declaration of an emergency under any Act of Parliament can be effectively carried out; and
(h) to coordinate and support
  (i) the development and testing of civil emergency plans by government institutions,
  (ii) the activities of government institutions relating to civil preparedness for emergencies with like activities of the provincial governments and, through the provinces, of local authorities, and
  (iii) in accordance with the external relations policies of Canada, the participation of Canada in activities relating to international civil preparedness for emergencies.

[Responsibilities – implementation of civil emergency plans](#)

(2) The responsibilities of the Minister with respect to the implementation of civil emergency plans are

(a) to monitor any potential, imminent or actual civil emergency and to report, as required, to other ministers on the emergency and any measures necessary for dealing with it;
(b) to coordinate or support, as required,
  (i) the implementation of civil emergency plans by government institutions, and
  (ii) the provision of assistance, other than financial assistance, to a province during or after a provincial emergency; and
(c) to provide financial assistance to a province when authorized pursuant to section 9.

[Other responsibilities](#)

(3) The Minister has such other responsibilities in relation to civil preparedness for emergencies as the Governor in Council may, by order, specify.

R.S., 1985, c. 6 (4th Supp.), s. 5; 1995, c. 29, s. 25.

[Provincial agreements](#)

6. The Minister may, with the approval of the Governor in Council, enter into an agreement with the government of any province respecting civil emergency plans.

R.S., 1985, c. 6 (4th Supp.), s. 6; 1995, c. 29, s. 26.

RESPONSIBILITIES OF MINISTERS

[Responsibility of Ministers generally](#)

7. (1) Every Minister accountable to the Parliament of Canada for the administration or affairs of a government institution is responsible for

(a) identifying the civil emergency contingencies that are within or related to the Minister's area of accountability and developing a civil emergency plan therefor;
(b) developing, within or in relation to the Minister's area of accountability, a civil emergency plan for war or other armed conflict that, if implemented, would
  (i) support the overall defence effort,
  (ii) support the Canadian Forces and the armed forces of Canada's allies in the conduct of military operations,
  (iii) contribute to meeting Canada's military and civil wartime obligations to its allies, and
  (iv) mitigate the effects of foreign armed conflict on Canada; and
(c) conducting training and exercises in relation to a civil emergency plan developed pursuant to this subsection and, when authorized, implementing all or any part of the plan.

Civil emergency plans

(2) A civil emergency plan developed pursuant to subsection (1) shall, as appropriate, provide for

(a) assistance and advice to provincial governments and, through provincial governments, to local authorities;
(b) federal-provincial regional plans; and
(c) the safety and welfare, during an emergency, of officers and employees of the government institution.

Restriction

(3) Where the implementation of all or any part of a civil emergency plan developed pursuant to paragraph (1)(*a*) would be in response to a provincial emergency, that plan or part shall not be implemented unless the government of the province has requested assistance or an agreement between the Minister and the province requires or permits implementation.

8. [Repealed, 1995, c. 29, s. 28]

ORDERS OR REGULATIONS

Orders or regulations

9. The Governor in Council may, on the recommendation of the Minister, make orders or regulations

(a) respecting the development of civil emergency plans by ministers of the Crown or by government institutions;
(b) respecting the use of federal civil resources in response to civil emergencies;
(c) declaring a provincial emergency to be of concern to the federal government; and
(d) authorizing the provision of assistance, including financial assistance, to a province when a provincial emergency in the province has been declared to be of concern to the federal government and the province has requested assistance.

RELATED AMENDMENT

10. [Amendment]

COMING INTO FORCE

Coming into force

*****11**. This Act shall come into force on a day to be fixed by proclamation.

*[Note: Act in force October 1, 1988, *see* SI/88-213.]