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January 20, 2019

DNV Council
355 West Queen's Road
District of North Vancouver

Re: WCEL Initiative: Letters to fossil fuel companies demanding
climate change costs

Dear Council:

I write in response to the January 9, 2019 North Shore News article entitled (see "WV asks oil companies for climate change cash", and on the understanding that West Coast Environmental Law ("WCEL") is encouraging DNV to do the same.

Chances of success and risks of the initiative.

I believe these letters have negligible chance of success, and carry a serious risk that DNV will appear hypocritical and foolish, as has already happened elsewhere, especially in Whistler. There could also be negative financial repercussions such as in the case of Whistler and Victoria (see attached copies of these two articles) <https://www.dawsoncreekmirror.ca/peace-region-municipalities-fuming-over-whistler-s-climate-change-letter-1.23603802> and <https://www.timescolonist.com/opinion/editorials/editorial-drop-the-climate-lawsuit-1.23599080?fbclid=IwAR1DqNvWU107S73wOrU3yiZNunP4WOPakuSxnjyjbPsTH3uBVihSLQe6yA>.

Demanding payment from multinational and foreign corporations has a low likelihood of success, and is therefore often seen as a "virtue signaling" public relations stunt that spends valuable Council/Staff time and effort, and cash costs for lawyers for no likely reward to DNV. Losing the lawsuit(s) might result in costs awarded against DNV.

Is WCEL conflicted?

I also question whether WCEL is conflicted in that it appears, to be, inter alia, a law firm that undertakes litigation. Might they intend to be involved in litigation against the recipients of the proposed letter? If so, I strongly suggest you consider any of their work be on a contingent fee basis.

Lawsuit Issues: I assume that lawsuits would be required to collect any funds. This could take decades of expensive litigation. Issues that might arise in court include Anthropogenic Global Warming ("AGW") reality, who caused it, and for what portion are they liable?

I will be highly disappointed if WCEL do not present to Council the history of this type of litigation against energy companies, such as the mid 2018 California case (attached) wherein the judge threw out a case launched by two municipalities against several oil companies re climate change blame.

Are big foreign oil companies the right target, are they the only target, and for what share of the "blame"?

In the order of 80-90% of greenhouse gases ("GHGs") associated with oil and natural gas use are caused by the consumption of the fuel, not the production, transportation, and distribution phases. This seems to suggest the average consumers and businesses are the primary cause of these GHGs – be it cars, buses, airplanes, house heating, and use of plastics and other petrochemical products. Do we sue dairy and meat farmers whose cows emit the very bad GHG methane? How about gasoline stations, natural gas distributors, and pipeline companies? Do we give a free pass to those who build road vehicles, trains, and airplanes that burn fuel? What about the governments, including municipalities, who buy oil and natural gas for their fleets and heating? We had certainly better sue all banks and institutions who financed oil and gas companies, their shareholders, and most mines (heavy users of diesel fuel). In BC, we have burned (and still burn) logging slash in our forestry industry for decades: are the forest industry and Ministry of Forests to be sent letters?

The list could go on for pages. Where does it stop? The oil/gas companies are definitely not the only target and it will take years or decades in court to fight the battle implied in the title to the above paragraph.

What is "their fair share": I note that West Vancouver's letter to the companies asks them to pay "their fair share". What is that? Is it the target company's share of world GHGs, or only their share of GHGs emitted in British Columbia or WV? Do the target companies include coal companies? How does WV propose to collect from national oil and gas companies (e.g. Saudi Aramco, Petroleos de Venezuela, PEMEX, SINOPEC and CNPC, etc.) who together (these 5 plus many others) comprise the largest oil and gas producers in the world? WV's letter offers no answers. I do not have any answers either, and I can only say "good luck". Are large oil companies appropriate targets for crusading municipal councils?

How will the companies react? The natural reaction of the recipients of these demands might be to reduce supplies to those demanding past and/or future compensation. We could not survive that without decades to adapt, and I seriously doubt supply reduction will happen, but it does perhaps cause one to wonder why we are attacking companies who massively increased our standard of living and produce useful and desired products. Will any companies who pay simply raise prices to compensate? I highly doubt any will pay, but if any do, I predict they will raise prices to compensate.

The Tobacco Analogy: In my view, the claim that this initiative is analogous to suing tobacco companies is false. Petroleum, natural gas, and petrochemicals are a **HUGE** part of our everyday lives and enable us to enjoy life immensely more than in pre-petroleum days. I can think of no useful purpose for tobacco except for the unfortunate addicts, hardly the case for petroleum.

In summary, I believe this initiative is ill-advised, is unlikely to have any benefits except for litigators, and may injure DNV's reputation and treasury.

Sincerely,



FOOTNOTES and four Attachments:

1) Canada in its entirety produces only 1.6% of world GHGs. If we shut Canada down 100%, it is doubtful the impact on world GHGs would be measurable. China, India, the Russian Federation, and the USA are the worst GHG producers, so large that whatever we do is futile in world terms. In my opinion, we would be better to spend our money on mitigation steps; our potential role in climate change prevention will be de minimis.

2) Judging by the sales of SUVs and trucks compared to the reported diminishing sale of cars and the extremely small sales of EVs, people are apparently not as fearful of climate change as some would have us believe.

3) How can DNV retain any credibility in continuing to use fossil fuels while paying oil companies money? Many people feel we cannot credibly ask big oil to pay for the impacts of using their specification products.

4) <https://www.alaskahighwaynews.ca/opinion/columnists/evan-saugstad-no-cnrl-moguls-in-whistler-this-winter-1.23581672> (attached).

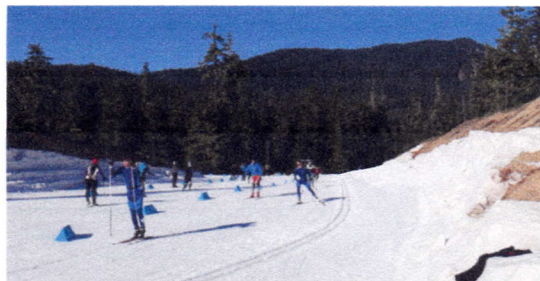
5) Four Other Attachments

cc: Mr. David Stuart, CAO
North Shore News
Vancouver Sun
Contributors

Peace Region municipalities fuming over Whistler's climate change letter

Austin Cozicar / Pipeline News North

JANUARY 17, 2019 12:26 PM



Early snow at Whistler due to snow conservation
Photograph by: SUBMITTED PHOTO/CLAYTON WHITMAN

Municipal governments in the Peace are upset over a November letter signed by Whistler mayor Jack Crompton asking Canadian Natural Resources Ltd to pay for the costs of climate change.

Similar letters have been sent by other B.C. municipalities to companies in the oil and gas industry as part of a campaign by West Coast Environmental Law.

Municipalities including Dawson Creek and Pouce Coupe, as well as the Peace River Regional District, have all agreed to send letters of their own expressing their disappointment with the campaign and of their support of the industry.

"When this first came out, especially from a town like Whistler that most likely wouldn't even exist if there's no way to get there, I was kind of surprised," said PRRD board chair Brad Sperling.

The regional district also agreed to send a letter to the Union of BC Municipalities asking the organization to discontinue using Whistler and Victoria as locations to host the annual convention of provincial municipal leaders. Victoria was also one of the municipalities who sent such a letter as part of WCEL's campaign.

"This is about our disappointment with the decision, as well it's more expensive," said Burnstead.

"People who say this, that we got to do something different, it's the consumers that are driving the bus, Burnstead said. "If you want to do something different, do something different — stop burning natural gas."

Said Pouce Coupe mayor Lorraine Michetti, "I will never attend a UBCM if it's at Whistler again."

Dawson Creek councillor Blair Lekstrom, a former provincial minister in charge of B.C.'s energy, mining, and petroleum resources, said Canada is rich in resources that it has developed to the benefit of the country.

"People have to get their head around the fact that we use this resource. We're a resource rich nation, we use it, we're responsible in how we develop it, and the oil and gas companies are improving every day in what they do," Lekstrom said.

"It certainly makes a person rethink the communities you'll go visit in the future if that's how they're going to [act]. Our livelihoods are based around oil and gas, our families, our friends, they work in the industry, this is how they provide for their families. To have municipalities take that stand I have very little respect for."

Austin Cozicar covers Dawson Creek and the South Peace region of Northeast B.C. Have a news tip? Email Austin at reporter@dcdn.ca.

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Peace region municipalities fuming over Whistler's climate change letter

1/20/2010



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Editorial: Drop the climate lawsuit

Times Colonist

JANUARY 15, 2019 05:30 AM



Stormy sea at Ogden Point breakwater.
Photograph By ADRIAN LAM, TIMES COLONIST

Local governments in B.C. have to bring climate change into their long-term planning, but suing fossil-fuel companies to recover costs would be a waste of time and money.

On the lower Island, rising sea levels are just one of the effects of climate change that will transform the lives of residents and heap new burdens on municipal governments.

A Capital Regional District report said that storm surges combined with a one-metre rise in sea level could result in business disruption losses of \$415,557 per day, by the year 2100.

Victoria and other municipalities have already sent letters to big oil and gas companies asking them for compensation.

Shell Canada president Michael Crothers wrote back that his company recognizes the challenge of climate change and is working hard on new energy technologies. It was a gentle way of saying: "No dice."

If cities and towns do go ahead with lawsuits, those sympathetic words will be replaced by an army of expensive lawyers.

B.C. has been fighting Big Tobacco for 20 years for compensation for the health costs of smoking. Despite having a strong moral case, the province is lost so deep in the courts that there is not even a glimmer of light at the end the tunnel.

Fighting Big Oil would be many times harder, not only because of its immense resources but because just about everyone in the world is complicit in the use of fossil fuels.

Assessing responsibility would be a moral and legal nightmare.

Some battles are worth fighting, no matter how difficult. This one isn't.

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Editorial: Stop the climate lawsuit

David A. Asch, MD

Editor, JAMA



A large crowd of people gathered outdoors, likely for a protest or demonstration.

On June 1, 2012, the U.S. District Court in New York City ruled in favor of the American Coal Association and its members, rejecting the federal government's request to allow the public to sue the coal industry for its contribution to global warming.

The court's decision is a significant setback for the federal government's efforts to hold the coal industry accountable for its role in climate change. The court's ruling is based on the fact that the coal industry is not a single entity, but rather a collection of many different companies.

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Evan Saugstad: No CNRL moguls in Whistler this winter

Evan Saugstad / Alaska Highway News

JANUARY 10, 2019 07:43 AM



The village of Whistler, B.C. is seen as the sun sets on the snow capped mountains Friday, Feb. 3, 2012. The resort town of Whistler is learning the hard way that getting involved in the emotionally charged fight between environmentalists and oil companies can result in negative consequences. THE CANADIAN PRESS/Jonathan Hayward



One of the [late breaking news stories from 2018](#) was the mayor of Whistler sending a letter to Canadian Natural Resources (CNRL) demanding them to pay for costs associated with fireproofing their community, and the great response that CNRL gave back.

My short interpretation of their response: *Mr. Mayor of Whistler, don't let our shadows darken your door; our moguls are leaving no moguls on your hills.*

And, while I am at it, kudos to CIBC for cancelling the energy portion of its Whistler Investor Conference in support of all companies who said they would not attend, in support of CNRL's stance.

What many of you may not have read, or understand, was why the mayor sent this letter. From my simple view in this flat world, he got sucked in by some very "fake" news coming from West Coast Environmental Law (WCEL). If I was to write the headline for this story, it would have read, 'West Coast Environmental Law duped local governments into writing dumb letters.'

WCEL is an environmental law and public advocacy organization based in Vancouver, and has, for several years, been pressuring local governments to write letters that demand oil and gas companies pay for costs that communities associate with climate change.

To date, a total of 16 local governments have either sent these letters, or passed council resolutions stating they will. WCEL's website has a complete list of these governments — most are Vancouver Island or southern coastal — and copies of some of their letters.

So, why do I call this a dumb letter?

Whistler is likely the most hypocritical of the lot. Their mere existence depends upon cheap travel using carbon fuels to get their customers to their ski hills. If Whistler was serious about climate change and carbon dioxide in our atmosphere, they would have written an open letter to the world, as people from around the world to ski Whistler, asking or insisting that they not come, unless they can travel via a non-carbon transportation system. Instead, they asked someone else to do something.

Although I don't have the statistics on where Whistler's skiers originate, it's a safe bet that the vast majority are flying into Vancouver, then driving or busing to Whistler. We also know that one large source of carbon emissions occurs when we fly. I am also guilty of this, and as long as I continue living here I will be flying.

Plane and simple, it takes a lot of fossil fuel to keep an aircraft off the ground.

We know why the mayor didn't ask the world not to come. A simple request asking that people stop visiting Whistler would have ended with council leaving town on an expedited basis. Unfortunately, the good voters of Whistler will now have to wait four years before they can replace council with those who exhibit a bit more intelligence.

Same goes if he had asked that no more fossil fuels be consumed in Whistler. Could be a great move to reduce carbon, but not very bright politically. Incidentally, I believe it was Sururus Pipeline of Fort St John that built a larger pipeline to Whistler a few years ago, to ensure they could promise their guests the opportunity to warm their toes and roast their nuts over an open fire.

In short, it was much more politically expedient to ask someone else to address the world's carbon issue, rather than develop a made-at-home solution.

As to reducing the fire risk? If you have too many trees and you believe they're a fire risk, I could likely find a logging company or two willing to take them off your hands, and they would likely not charge a cent if they could just get all those logs in return.

Now, to West Coast Environmental Law.

Before I get started on my rant about another dumb enviro-company, I can say they have done some very good work helping people who could not otherwise afford a good defence. But that accolade doesn't apply to everything they do or their full climate crusade program.

On its website, WCEL writes about American cities suing oil/gas companies for climate change costs, but it doesn't tell you that these lawsuits are now being thrown out of U.S. courts (that is what my research shows). In part, one U.S. court decision stated, "... the serious problems caused thereby are not for the judiciary to ameliorate. Global warming and solutions thereto must be addressed by the two other branches of government." The corresponding news headline for this was, ['You can't sue your way to a solution for global warming. So says the judge.'](#)

It also doesn't tell you that if we wish to burden oil and gas companies with billions more in costs that the two likely outcomes are either higher fuel prices or no fuel at all, both to which are not acceptable to the vast majority of voters and taxpayers.

WCEL do tell you that it tried to have the Union of BC Municipalities pass a resolution last fall asking that all B.C. local governments send these same letters, and it failed. From my view, it goes to show that if you do get enough politicians in the same room, you can get reasonably bright decisions as there are usually more intelligent people than dumb ones who would blindly follow poor advice from the WCEL. I know if you asked our Mayor Lori Ackerman and her council, they would tell you they have spent a lot of time and travel advocating for our gas and oil industry, and telling other communities the real story.

WCEL's website is also dedicated in the opposition of pipeline projects, such as the defeat of the Enbridge Northern Gateway Pipeline, the north coast ban on oil tankers, and the current fight to stop the Trans Mountain expansion. They also write about how they support aboriginal communities in opposition, but I can't find any mention of the many aboriginal communities who support these projects and who wish to see them proceed in some way, shape, or fashion. Looks to me a case of only telling your supporters what they wish to hear and not the whole story while you ask them to donate, donate, and donate so they can keep up their barrage of ignorant campaigns.

Now, back to the climate change letter. Doesn't it sound like President Trump's definition of "fake" news? In short, my simple perspective of these phoney letters is that if enough are sent, some will actually begin to believe they are for real. Go figure.

Evan Saugstad lives in Fort St. John.

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U.S. judge throws out climate change lawsuits against oil companies

THE ASSOCIATED PRESS Updated: June 26, 2018



Some of the 60 rigs that are drilling surrounding McKenzie County, 40 percent of the rigs statewide, work in western North Dakota. *MATTHEW BROWN / AP*

SAN FRANCISCO — A U.S. judge who held a hearing about climate change that received widespread attention ruled Monday that Congress and the president were best suited to address the

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