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RMA Concerned Bill 21 Will Centralize Control of Local Emergency Response

Nisku, AB, May 13, 2024 – Last week, Minister of Public Safety and Emergency Services Mike Ellis introduced Bill 21, *Emergency Statutes Amendment Act*. If passed, the bill would give the province sweeping authority to seize control over local emergency situations. Bill 21 undermines Alberta’s current partnership-based approach to emergency response and centralizes control with the provincial government, even when emergencies are declared locally. Along with bills 18 and 20, this is the third piece of legislation introduced this session that erodes the responsibility and local decision-making authority of municipalities.

“In recent weeks, we’ve seen an alarming trend from this government when it comes to how they view municipalities,” said RMA President Paul McLauchlin. “Bill 21 is the latest attempt to reduce the authority of municipal leaders, with no clear explanation as to how this will do anything other than confuse and complicate emergency response moving forward. Our provincial government seems intent on overreaching their powers while accusing the federal government of doing the same to them. This pattern of centralization and big government flies in the face of conservative principles. Since the content of bills 18, 20, and 21 were not included in the platform material from the provincial election just last year, it leaves us wondering who is controlling the policy direction of this government.”

Currently, the *Emergency Management Act* enables municipalities to declare a local state of emergency. Doing so gives municipalities the ability to action emergency response plans and issue evacuation orders. Bill 21 would give the Minister authority to assume control of a local emergency situation when a municipality has declared a local state of emergency. This would mean municipalities would be required to turn over control of their fire departments and other staff working to control a situation to an authority that is not familiar with the community. Bill 21 includes no criteria or thresholds for when the Minister would take this control.

“Bill 21 would amend the *Emergency Management Act* to give the provincial government the authority to take over control of emergency operations once a municipality has declared a local state of emergency,” said McLauchlin. “While the government claims this would only be done in rare circumstances, the legislation provides no clarity on what those scenarios are. This will add

an extra layer of stress for municipalities managing an emergency, wondering if the province will arbitrarily step in, and more confusion for residents related to who is in charge during local emergencies. This is not legislation municipalities asked for and is not helpful to our members. Municipalities appreciate support and partnership from the province during emergencies, but the best path towards a positive outcome is collaboration, not control.”

Bill 21 also proposes change to *The Forest and Prairie Protection Act* that would allow Minister to take control of wildfire response in areas outside of the Forest Protection Area (FPA). Fighting wildfires outside of the FPA is a municipal operational and financial responsibility, and it is not clear if the amendments would shift the financial responsibility for fighting these fires to the provincial government. RMA members have already expressed concerns with how the province and municipalities collaborate in addressing fires outside the FPA. The RMA is in the process of forming a working group to develop a strategy, with the involvement of the Government of Alberta. It is unfortunate that rather than work with the RMA and municipalities on solutions to improve response capacity for municipalities, the province has simply given itself power to take control of response with no corresponding capacity-building or cost-recovery support for municipalities.

“Municipalities manage wildfires outside of the Forest Protection Area. This includes taking the lead in coordinating a response, as well as responsibility for the actual firefighting work,” explained McLauchlin. “If the Government of Alberta insists on intervening in fires outside the FPA without a municipal request, they must take on the all the costs of fighting these fires. In 2023, municipalities outside the FPA that responded to wildfires were consistently frustrated by a lack of provincial capacity support when they requested it. It is hard to see how giving themselves more power to intervene will address the fact that they were not prepared to help municipalities outside the FPA last year.”

The RMA is also concerned with Bill 21’s proposed amendments to *The Water Act*. Bill 21 would give the provincial government powers to allow for temporary inter-basin water transfers. Inter-basin water transfers should only be considered as a last resort, as they could create unintended regional impacts related to water availability and ecosystem health. The lack of limitations on the scale and very broad criteria for inter-basin transfers within the bill is highly concerning. The RMA has been working with the Government of Alberta on a drought management committee and has been active in promoting drought management material for municipalities. However, without consultation, the provincial government has laid out their path forward that gives them total control over water emergencies.

“The RMA is opposed to allowing inter-basin water transfers except in the most dire of situations. As written, Bill 21 opens the door to transfers in situations where other solutions may exist,” stated McLauchlin. “Additionally, we are very concerned that decisions made in a water emergency would be exempt from authorizations and not be eligible for appeal. Speed matters in emergencies, but so does making the correct decision, especially given the environmental and public health impacts of controlling water. The RMA wants to be an active

partner in managing water emergencies, but Bill 21 allows the province to cut municipalities out of the process.