

# Lessons-Learned Report

Division 2.1 Spill Preparedness, Response and Recovery of the *Environmental Management Act 2003* (EMA) came into force on October 30, 2017. This amendment outlines a series of provisions aimed at enhancing the management of environmental emergencies in British Columbia. Division 2.1 of EMA enables the [Spill Reporting Regulation](#) which outlines the reporting requirements for responsible persons following a spill incident. The Spill Reporting Regulation describes the reports that are required by responsible persons.

The Lessons-Learned Report is required only when ordered by the director and may be requested when the emergency response phase is complete and there is time to reflect on the effectiveness of spill response actions. The Lessons-Learned Report fulfils one of the core principles outlined in Division 2.1 of EMA, the development of a process for continuous improvement.

This document is designed to assist responsible persons in understanding and complying with the requirements of a Lessons-Learned Report if ordered to submit one.

## Who can be ordered to complete a Lessons-Learned Report?

Responsible persons are required to complete a Lessons-Learned Report if ordered by the director. In cases where the responsible person is also a regulated person, there are additional requirements for the Lessons-Learned Report.

### Responsible Person

A responsible person has possession, charge, or control of a substance or thing when a spill of the substance or thing occurs or is at imminent risk of occurring.

## What must be included in the Lessons-Learned Report?

When ordered to complete a Lessons-Learned Report, the director will ask the responsible person specific questions about the spill and the response. In addition to this, the report must include:

- A description of the effectiveness of the spill response actions and
- A description of actions taken to prevent future spills and improve the response to future spills.

If a responsible person is also a regulated person, the Lessons-Learned Report must also include:

- A description of any changes that the regulated person intends to make to their Spill Contingency Plan to improve the response to future spills.

## How to provide the information

The Lessons-Learned Report must be in writing and submitted to the director of the Environmental Emergency Program of the British Columbia Ministry of Environment and Climate Change Strategy. Responsible persons have six months following the emergency response completion date to submit the Lessons-Learned Report. The director will indicate the manner and form in which the report is to be submitted at the time of the order.

The Spill Reporting Regulation outlines that the emergency response completion date for a spill is met when all of the following criteria are complete:

- The Incident Command Post is disestablished
- The source of the spill is under control and is neither spilling nor at imminent risk of spilling
- Emergency actions to stabilize, contain, and remove the spill have been taken
- The waste removed from the spill site has been received at a facility for disposal or received for transportation to a facility for disposal
- If applicable, all notices respecting evacuations from the spill area have expired or been rescinded
- All equipment, personnel, and other resources used in emergency spill response actions have been removed from the spill site other than equipment, personnel, or other resources required for
  - Sampling, testing, monitoring, or assessing impacts at the spill site or
  - Recovery or restoration of the spill site.

### **Oil and Gas Commission permit holders**

Permit holders for the purpose of oil and gas activities that are regulated under the *Oil and Gas Activities Act 2008* and its associated Emergency Management Regulation and Pipeline Regulation are exempt from submitting Lessons-Learned Reports.

### **Fines and Penalties**

It is the responsibility of regulated persons, responsible persons, and the owners of substances or things that have the potential to spill to understand and comply with EMA and its associated regulations.

This document is solely for the convenience of the reader and is intended to assist in understanding the legislation and regulations, not replace them. It does not contain and should not be construed as legal advice. Current legislation and regulations should be consulted for complete information.

Failure to be in compliance can result in convictions, fines, and/or imprisonment as outlined in EMA and its associated regulations.

### **Additional Fact Sheets**

Fact sheets on other relevant topics are published by the Environmental Emergency Program and available at:

[www.gov.bc.ca/spillresponse](http://www.gov.bc.ca/spillresponse)

The complete list of available fact sheets:

- 01 Regulated Person
- 02 Responsible Person
- 03 Spill Reporting
- 04 Lessons-Learned Report
- 05 Cost Recovery
- 06 Requirement to Provide Information
- 07 Spill Contingency Planning
- 08 Testing Spill Contingency Plans
- 09 Recovery Plan

**For more information, contact the Environmental Emergency Program at [spillresponse@gov.bc.ca](mailto:spillresponse@gov.bc.ca)**