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March 7, 2018

The Honourable Marie-France Lalonde  
Ministry of Community Safety and Correctional Services  
George Drew Building, 18th Floor  
25 Grosvenor Street  
Toronto, Ontario M7A 1Y6

**RE:** Comments on Draft Fire Regulations (Proposal No: 18-CSCS002 & 18-CSCS004)

Dear Minister Lalonde:

The Association of Municipalities of Ontario (AMO), representing municipal governments who are the employers and funders of fire services in Ontario, would like to provide our comments on three draft regulations to the *Fire Protection and Prevention Act, 1997* (FPPA), that were recently released by the Ministry of Community Safety and Correctional Services (MCSCS):

1. Firefighter Certification;
2. Community Risk Assessment; and
3. Public Reports.

Municipal governments are in general supportive of the efforts to modernize the FPPA and enhance the professionalism of the Fire Services that serve Ontario communities. MCSCS established the Fire Safety Technical Table (Table) in January 2017, to provide advice to the Ministry on current and future fire safety challenges and opportunities, identify priorities for action, and support the development of evidence-based recommendations that will enhance fire safety in Ontario.

Since the Table was established, AMO has been attending these monthly meetings with the Ontario Association of Fire Chiefs (O AFC), Toronto Fire Services, the Ontario Professional Fire Fighters Association, and the Fire Fighters Association of Ontario, to provide informed input to your Ministry officials on minimum standards for professional fire service qualifications. There was not always consensus at the Table; however, there were active discussions. The Table's input was considered by MCSCS staff towards the development of these draft regulations, for your final review and approval.

Local elected officials across Ontario share in the Province's commitment to keep our communities safe by providing public and firefighter safety, and are interested in finding ways to modernize fire service delivery in this province. However, as the sole funders of fire

services in Ontario, we are recommending that the Ministry adopt key amendments to these proposed regulations before they are finalized as well as providing explicit provincial implementation resources and measures.

We are very concerned about the fiscal impacts of these proposed regulations and would ask for a public provincial commitment, prior to these regulations receiving approval, for adequate financial funding for implementation so that they do not become an unfunded mandate. We understand that MCSCS will be surveying fire services shortly to get a better handle on the resource needs for successful implementation, particularly with respect to the draft Firefighter Certification regulation, however, we need an upfront commitment from the Province that appropriate funding will be provided.

We are also very aware that many small municipalities will not be able to maintain a viable volunteer fire service if the proposed Firefighter Certification regulation is instituted, even if provincial funding is provided to assist implementation. These volunteer firefighters are deeply committed to their communities, however, the imposition of mandatory training and examination requirements may demand too much for too little return from them. These municipal governments will likely soon face the hard and public discussion of what fire services, beyond the FPPA required fire safety public education and fire prevention, can be realistically provided to their community.

We, along with the O AFC, are asking that the draft Public Reports regulation be put on hold until an overhaul of the Ontario Standard Incident Reporting (SIR) is completed through the Table. Further, the current draft Public Reports regulation is not drafted well, has ambiguous language within it, and appears to be setting service level expectations for volunteer fire service response times (either within a composite service or a volunteer) as if they were full-time urban fire services. It is a municipal government's responsibility to set the level of fire services, including reporting standards. This draft regulation has been a challenging matter at the Table with a very short time for consideration and discussion. We are asking you directly that this proposed regulation not be approved at this time, even if some of the language is clarified in the next few weeks.

Further, we are frustrated and disappointed to see that MCSCS is proposing that medical response times by municipal fire services are included in the draft Public Reports regulation. AMO's and municipal governments' strong opposition to the provincial proposal to have fire-medical pilots is well known. The inclusion of medical responses in the draft regulation could be seen as a back-door measure to provide additional support for a fire-medical program in Ontario. It is exceedingly problematic that this draft regulation includes an Advanced Life Support response time for fire when this doesn't currently exist in Ontario along with a different AED onsite response than is legislatively required for paramedics, fire services, and citizen responses. We would respectfully demand that no medical response times are included in a future Public Reports regulation for municipal funded fire services.

As you will hear from our municipal members and the O AFC, implementing these fire regulations will take substantial effort, time, and financial resources to ensure that they can comply with the legislation by the proposed commencement dates. While the proposed

Firefighter Certification regulation does state that some of the mandatory certification to be required for only new hires, it is our concern that there is great liability risk to a municipal government if it does not certify to the new mandatory standard for all categories of fire operations.

Therefore, AMO is asking that provincial liability indemnification be provided legislatively to accompany these draft regulations. This indemnification should be in place for all municipal governments who comply with these new regulations at least 12 months before the Firefighter Certification regulation comes into force. We understand that the Province of Quebec provided such indemnification as a quid pro quo for the requirement of mandatory certification of fire service personnel.

This is essential protection as throughout this exercise the Table has not received information on what the gap might be between those fire personnel that are, or could be, certified and those that will need to receive immediate training in order to be able to be certified by the time the regulation comes into force. For these reasons, we are asking for the certification regulation not to come into force until at least January 2020. We know that the Ministry staff have tried to gather this information, however, the gap analysis is not available. Therefore, current final decisions cannot be evidence-based, rather they need to be done from a risk mitigation perspective.

We do thank the Ministry for its commitment to make sure all the training and associated examinations related to the mandatory Firefighter Certification regulation will be provided at no charge to the municipal fire service. That said we do need new financial resources to cover the expected staffing costs for training that this new regulation will require.

We also ask that grandfathering provisions associated with this mandatory certification are made as broad as possible. In the ideal state, grandfathering should be re-opened with updated eligibility, so all current fire service personnel could be grandfathered to their current level. At a minimum, grandfathering should be re-opened to all fire services as those who could have been certified in 2014, when voluntary, should have every opportunity to be certified now.

In closing, we are asking for the proposed Public Reports regulation not go forward at this time and the following key amendments or provincial commitments, prior to the proposed Firefighter Certification and the Community Risk Assessment regulations, be approved:

- Provincial commitment to fund new firefighter certification costs so that it is not an unfunded mandate for municipal governments;
- The Province provide, in legislation, liability indemnification for all municipal governments who certify their firefighters to the standards in the Firefighter Certification regulation and that this is done at least 12 months before this regulation comes into force;
- The proposed Firefighter Certification regulation does not come into force any earlier than January 1, 2020;

- Technical amendments to the draft Firefighter Certification Community Risk Assessment as per the attached appendix as well as those provided in the O AFC submission;
- The draft Public Reports regulation be held and not approved until Ontario's Standard Incident Response (SIR) framework, system improvements, and implementation strategies are discussed and consensus is achieved at the Table; and
- Medical responses are not included in any future reporting requirements for municipal funded fire services.

We trust that the Ministry appreciates the rationale behind why these key amendments are needed, and will recognize the significant burdens and impacts these regulations will have, especially on small, rural and northern municipalities if the fiscal, risk management, timing, and technical aspects are not resolved well.

For these reasons, further consultation with AMO and the municipal sector is needed before finalizing the regulations to ensure that these can be implemented successfully. We look forward to meeting with you soon to discuss these draft regulations.

Sincerely,



Lynn Dollin  
AMO President

cc: The Honourable Kathleen Wynne, Premier of Ontario  
The Honourable Bill Mauro, Minister of Municipal Affairs

## Appendix A

### Technical Comments on the Proposed Firefighters Certification

AMO's Proposed Change	Rationale
<p><b>Intern Firefighter</b></p> <ul style="list-style-type: none"> <li>▪ The Internship Program of 24 months needs to be expanded to include all applicable areas and positions, such as Fire Inspectors and Fire Officer I &amp; II, replacing the limiting language found in section 3(b).</li> </ul>	<p>As it is currently written, the regulation only applies to new hires.</p>
<p><b>Transition</b></p> <ul style="list-style-type: none"> <li>▪ In the ideal state, grandfathering should be re-opened with updated eligibility, so all current fire service personnel could be grandfathered to their current level. At a minimum, grandfathering should be re-opened to all fire services as those who could have been certified in 2014, when voluntary, should have every opportunity to be certified now.</li> <li>▪ OFMEM must also ensure timely access to free, online training and testing for departments.</li> </ul>	<p>Opening the grandfathering provision to <u>all</u> existing firefighters for a limited time could alleviate significant cost pressures for municipalities and unorganized territories. We are aware that there has been significant training over the years to NFPA standards outlined in the regulations, which should limit risk exposure.</p> <p>Access to free, online training and testing will aid the certification process and reduce municipal travel expenses. Otherwise, success/compliance is not likely.</p>

AMO's Proposed Change	Rationale
<p><b>Commencement</b></p> <ul style="list-style-type: none"> <li>▪ While departments should begin the work to move their department toward compliance with the regulation, the commencement date should be extended to at least January 1, 2020.</li> <li>▪ Certification for some individual chapters with NFPA 1006 may not be available for the January 1, 2020 deadline. Therefore, additional wording should be added, allowing the Authority Having Jurisdiction (AHJ) to manage the implementation of NFPA 1006 Technical Rescue as the standards are updated, published, and testing/skills are made available, in order to support and complete the certification process.</li> </ul>	<p>A delayed commencement date will enable the provincial government to provide the necessary funding for training and liability indemnification 12 months prior to the regulations coming into force.</p>
<p><b>Table 1: Mandatory Certification</b></p> <ul style="list-style-type: none"> <li>▪ Wording should be introduced to ensure future updates to NFPA standards are implemented by the AHJ as standards are updated, published, and testing/skills are made available.</li> </ul>	<p>As certification for some individual chapters within NFPA 1006 may not be available for the January 1, 2020 deadline, allowing the AHJ to implement this, will support and complete the certification process.</p>

## Technical Comments on the Proposed Community Risk Assessments Regulation

AMO's Proposed Change	Rationale
<p><b>Mandatory Use</b></p> <ul style="list-style-type: none"> <li>▪ The new requirements for a community risk assessment must be accompanied with guidance and resources from OFMEM and/or MCSCS to ensure that the data that is being required is retrievable, and the forms which are being used are user-friendly and accessible.</li> </ul>	<p>This regulation will require significant support and assistance for small rural and northern municipalities in meeting the new requirements of a community risk assessment. Standardized fillable forms for fire departments, and ensuring the criteria are easy to understand is needed to obtain success/compliance.</p>
<p><b>Commencement</b></p> <ul style="list-style-type: none"> <li>▪ The commencement date should be extended to at least July 1, 2019 or ideally January 1, 2020 to allow municipalities to transition from the existing simplified risk assessment, and become trained on the new requirements.</li> </ul>	<p>This will allow OFMEM &amp; MCSCS to secure resources and roll out the tools that will make success/compliance with this regulation possible.</p>
<p><b>Schedule 1: Mandatory Profiles</b></p> <ul style="list-style-type: none"> <li>▪ The reference to building stock and classifications should use MPAC data to classify building usage in regards to fire risk, with amendments to existing municipal agreements about what information is available to fire services.</li> <li>▪ The line about reporting the "state of compliance with the fire code" in Section 2 be deleted.</li> </ul>	<p>Further analysis is needed to determine if the MPAC information currently accessible by each municipality is sufficient to complete risk assessment profiles.</p> <p>The line needs to be deleted because it is directly dependent upon municipalities' set level of service for fire prevention (e.g. fire inspections upon request or complaints as permitted, under the FPPA).</p>

<b>AMO's Proposed Change</b>	<b>Rationale</b>
<ul style="list-style-type: none"> <li data-bbox="256 268 748 300">▪ Section 6 needs to be removed.</li>   <li data-bbox="256 516 867 625">▪ Section 9(2) should be edited to remove the requirement to compare to other "like" municipalities.</li> </ul>	<p data-bbox="899 268 1451 485">In a multi-tier government (e.g. lower-tier fire, upper-tier EMS and provincial police), the data required for a public safety response profile, as currently called for in the draft regulation, is not attainable.</p> <p data-bbox="899 506 1403 653">Comparison to other "like" communities will be difficult to achieve. Reporting to provincial trends would be more appropriate.</p>



**Technical Comments on the Proposed Public Reports Regulation for the purposes of illustrating the challenges the current draft contains.**

**Please note AMO is asking that this draft regulation be put on hold at this time.**

<b>AMO's Proposed Change</b>	<b>Rationale</b>
<p><b>Do Not Approve this Regulation</b> An overhaul of Ontario's Standard Incident Reporting (SIR) framework needs to be completed before any public reporting regulation is approved and implemented.</p>	<p>The Table should reconvene to discuss SIR system improvements and implementation strategies, while the proposed regulation is put on hold.</p>
<p><b>Medical Responses</b> Medical responses are not included in any future reporting requirements for municipal funded fire services</p>	<p>Not appropriate for fire services reporting in Ontario.</p>
<p><b>Ambiguous Language</b> The proposed regulation is not reflective of the different types of service delivery across the province. Need to use the terms "full-time", "composite" and "volunteer" firefighters or services for clarity.</p> <p>Greater clarity is needed on who or what the regulation applies to. "Fire departments" are often not a legal entity, and therefore, might not be able to be compelled to report pursuant to the FPPA.</p> <p>The proposed regulation references "non-volunteer firefighters" often," which is not a term used Ontario to describe any member of its fire service. If this is to define full-time firefighters, then use the term "full-time".</p>	<p>The draft language is ambiguous with respect to composite departments and may have the result of volunteers within a composite service being misclassified as full-time firefighters.</p> <p>Wording used throughout the proposed regulation in reference to "fire department" reporting accountabilities is problematic and confusing.</p> <p>This term needs to be clarified to be understood.</p>
<p><b>Composite Fire Services</b> Reporting by composite fire services should have those areas that are serviced by full-time firefighters should report to urban response standards and the volunteer</p>	<p>Schedule 1.1 (1) appears to have the potential impact of having some composite services into an urban standard reporting as the first truck may not include a volunteer</p>

<b>AMO's Proposed Change</b>	<b>Rationale</b>
firefighters should report to rural response standards.	firefighter but the next few trucks to arrive do have mostly volunteer firefighters.
<p><b>Response Standards for Volunteer Services</b></p> <p>Delete the 90% reference in Schedule 2(1) 1 as rural response standards for volunteer fire services do not require a 90% performance level.</p>	<p>It would appear that this proposed regulation is trying to establish service levels not required by the rural response standard in volunteer firefighter service areas. For volunteer services, the response time depends on the population, density and distances to cover.</p>