

MEMORANDUM

TO: Chair and Members of the Community and Corporate Affairs Committee

FROM: John deHooze, Commissioner and Fire Chief

DATE: March 20, 2018

MEMORANDUM NO.: MEM-FIRE-2018-0007

RE: Comments on Draft FPPA Fire Regulations

PURPOSE OF THE MEMORANDUM:

To provide the Community and Corporate Affairs Committee with an overview of proposed changes to regulations under the Fire Prevention and Protection Act 1997 (FPPA) and the outcomes which may impact the Halton Hills Fire Department. The current consultation process is ongoing which suggests that from the writing of this Memo, regulations and subsequent impacts to the Halton Hills Fire Department will continue to evolve.

To advise the Community and Corporate Affairs Committee that the Halton Hills Fire Department supports, in principal, the proposed draft regulations under the FPPA and in particular the proposed amendments suggested by the Ontario Association of Fire Chiefs. It is anticipated that in order to meet the regulations once formalized, the Department may need to hire a Training Officer to meet the required training and certification.

BACKGROUND:

The FPPA provides municipalities and fire services with the legislative and regulatory framework that governs expected program and service delivery. Fundamentally it requires;

2. (1) Every municipality shall,

- (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Over the course of January and February of this year, the Ministry of Community Safety and Correctional Services (MCSCS) released three proposed DRAFT Regulations under the FPPA.

1. Mandatory training and certification for firefighters
2. Community risk assessments to inform the delivery of fire protection services
3. Public reporting and fire department response times

The MCSCS created opportunities throughout the month of March for public and stakeholder feedback.

Established in January 2017 by the Province, the Fire Safety Technical Table (FSTT) comprised of fire service experts, provided the MCSCS with recommendations that shaped the DRAFT Regulations currently being discussed. The FSTT's task was to examining current and emerging fire safety challenges/opportunities identify priorities for action and support the development of evidence based recommendations that would enhance fire safety in Ontario.

Membership on the Fire Safety Technical Table is comprised of representatives from the MCSCS, Office of the Fire Marshal and Emergency Management (OFMEM), Association of Municipalities Ontario (AMO), Ontario Association of Fire Chiefs (O AFC), Ontario Professional Fire Fighters Association (OPFFA), Toronto Professional Fire Fighters Association (TPFFA), Fire Fighters Association of Ontario (FFAO), and a lower tier CAO representative.

DRAFT Regulation 1: Mandatory Training and Certification

The MCSCS proposes to establish mandatory certification requirements set out by the National Fire Protection Association (NFPA)¹ for all new firefighters employed or appointed to a fire department for the following positions:

- Suppression firefighters,
- Pump operators,
- Technical rescuers,
- Fire officers, and
- Fire educators.

These requirements are proposed to come into force January 1, 2019 with the exception of technical rescuers which would come into force January 1, 2020.

In addition, MCSCS is proposing that mandatory certification requirements also set out by the NFPA apply to existing firefighters currently employed or appointed in fire departments across Ontario, including:

- Fire inspectors,

¹ NFPA standards are internationally recognized and are what fire services throughout North America are measured against when being litigated.

- Fire investigators,
- Fire instructors,
- Hazardous Materials personnel, and
- Fire dispatchers.

It is proposed that these mandatory certification requirements apply to existing firefighters given these roles are exposed to increased risk, including risk to the individuals performing these roles. These requirements are proposed to come into force January 1, 2020 to give fire departments additional time to train and certify staff.

DRAFT Regulation 2: Mandatory Community Risk Assessment

MCSCS is proposing to require that municipalities conduct a standard risk assessment every five years focusing on key profiles in their communities (e.g., demographics, geography, past fire loss and event history, critical infrastructure, building stock profile within the community, etc.).

Municipalities would be responsible for reviewing their risk assessment annually to ensure that any significant changes in the mandatory profiles are identified. If there are any significant changes (e.g., addition of retirement homes or care facilities) the municipality will be responsible for updating their assessment. This information will be used to inform decisions about fire protection services in their community. This requirement is proposed to come into force January 1, 2019.²

DRAFT Regulation 3: Public Reporting on FD Response Times

The Ministry of Community Safety and Correctional Services (MCSCS) is seeking public input on a proposed change under the Fire Protection and Prevention Act, 1997 related to new requirements for public reporting on response times.

This proposed new regulation would increase transparency and accountability by requiring all fire departments report to the Office of the Fire Marshal and Emergency Management (OFMEM) on a number of standard response times (e.g., the amount of time between when a fire truck is on route to an emergency incident and when the fire truck arrives at the scene). OFMEM would provide fire departments with calculated response time data, unless fire departments choose to conduct their own calculations. Fire departments would be required to submit this information to their local municipal council.

²

<http://www.mcscs.jus.gov.on.ca/english/OfficeFireMarshal/LegislationDirectivesandTechnicalGuidelines/OFMeBulletin/ArchivedBulletins/Publicconsultationproposedregulationpublicreportingfiredepartmentresponsetimes.html>

Every year, OFMEM would be responsible for making these response times public on its website. This requirement is proposed to come into force January 1, 2020.³

COMMENTS:

The Department follows closely the ongoing updates from various stakeholders and in particular, those from the Ontario Association of Fire Chiefs (O AFC) who are representative of, and act on behalf of, fire service leaders across the province. The O AFC proposes the following summarized changes.

DRAFT Regulation 1: Mandatory Training and Certification

- That the Mandatory Training and Certification regulation not come into force until at least July 1, 2019, preferably January 1, 2020.
- That the Internship Program of 24 months be expanded to include all applicable areas and positions.
- Ontario's fire service will still need assistance from the provincial government – in the form of specialized funding – to achieve compliance.
- The O AFC believes that grandfathering should be re-opened and made as broad as possible. **See Note below.**
- Access to free, online testing through the OFMEM will aid the certification process and reduce municipal travel expenses.

DRAFT Regulation 2: Mandatory Community Risk Assessment

- That the reference to building stock and classifications should use MPAC data to classify building usage in regards to fire risk.
- Ensure that expectations are in line with a municipality's set level of service (e.g., fire inspections upon request or complaint as permitted, under the FPPA.)
- The remaining recommendations relative to this DRAFT Regulation requires clarification and the removal of certain language that is unattainable or not readily available.

DRAFT Regulation 3: Public Reporting on FD Response Times

- This regulation should be put on hold until Ontario's Standard Incident Report (SIR) framework is overhauled based on their recent proposal to amend 13 SIR criteria.
- The proposed regulation needs to be reflective of the different types of fire service delivery models in the province.
- That fire prevention and public education reporting (two of the three lines of fire defense) be considered as part of the proposed regulation.
- Further recommendations are made to seek clarity and use of understood definitions.

Note: As stated earlier, the consultation process is dynamic and adjustments to proposed regulations are continuously being made. In a March 23rd, 2018 communique, the Office of the Fire Marshal and Emergency Management (OFMEM) indicated they will be re-opening the “grandfathering” program to support the implementation of the proposed mandatory certification regulation.

The following provides the relative narrative to each of the proposed draft regulations as they may impact the Town of Halton Hills Fire Department.

DRAFT Regulation 1: Mandatory Training and Certification

Of the three proposed draft regulations, this particular regulation has the most impact to the Town and Fire Department should the regulation be implemented as initially proposed. While the majority of HHFD firefighters have been trained to NFPA standards, few have been certified. Without the changes as proposed by the OAFC, the Department would incur significant overtime costs to ensure staff is current and ready to be certified within the proposed timeframes. Notwithstanding the aforementioned, completing the necessary refresher training will be a heavy lift for our staff and may require additional human resources to complete and maintain the new requirements.

DRAFT Regulation 2: Mandatory Community Risk Assessment

The timeline change to every 5 years with an annual review will enhance our ability to determine levels of service requirements to our community. The issues identified by the OAFC will clarify expectations when conducting a risk assessment. Conducting the proposed Mandatory Community Risk Assessment will impact Prevention resources such as additional manpower/overtime costs as well as finding staff with the appropriate expertise to conduct a risk assessment of this scale.

DRAFT Regulation 3: Public Reporting on FD Response Times

Assuming that the changes as proposed by the OAFC are made to the Standard Incident Report and, the draft regulation is amended to recognize the different fire service delivery models, the Department supports a revised Public Reporting Regulation. We do not anticipate any unusual impacts as a result of the proposed amendments.

CONCLUSION:

Of the tri-services (Police/Fire/EMS), Ontario’s fire services have the weakest legislative and regulatory framework. This is evident in the significant gaps in fire service delivery from municipality to municipality, gaps in resources, competency and programming/services.

The Halton Hills Fire Department along with fire service leaders across the province welcome the opportunity to bring new regulations into the FPPA that professionalizes Ontario's fire services. New standards for credentialing, the collection of data, more fulsome reporting will better position fire services in providing local programs and services for their communities.

Fire Management will continue to follow the evolution of these and future FPPA Regulations and keep the Community and Corporate Affairs Committee apprised of outcomes that may impact the Department. Should there be financial implications (i.e., hiring a training officer) when the regulations are proclaimed, the Department will either identify the staffing need as part of the 2019 budget process or bring a report to the Community and Corporate Affairs Committee seeking approval to recruit a Training Officer.

Reviewed and Approved by,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style with a large initial 'B' and 'M'.

Brent Marshall, CAO