



## The Corporation of the Town of LaSalle

|                     |   |                           |  |
|---------------------|---|---------------------------|--|
| <b>Date</b>         | February 20, 2018   | <b>Report No:</b>         | Fire 18-05   |
| <b>Directed To:</b> | Mayor & Members of Council  | <b>Attachments:</b>       | Draft Regulations                                  |
| <b>Department:</b>  | Fire Service  | <b>Policy References:</b> | By-Law 6073<br>Establishing &<br>Regulating By-Law |
| <b>Prepared By:</b> | D. Sutton, Fire Chief   |                           |  |
| <b>Subject:</b>     | <b>Public Consultation on Proposed Regulations</b><br>- Mandatory training and certification for fire service personnel<br>- Mandatory Community Risk Assessments for municipal fire protection |                           |  |

### **RECOMMENDATION:**

It is recommended that Council receive the report of the Fire Chief regarding the proposed draft regulations affecting the delivery of municipal fire services, and further that Council support the recommended comments to the Ministry of Community Safety and Correctional Services (MCSCS) through the public consultation process, prior to the close of public comment on March 11, 2018.

### **REPORT:**

On January 25, the Ministry of Community Safety and Correctional Services (MCSCS) released two proposed regulations under the *Fire Protection and Prevention Act, 1997* (FPPA) related to new requirements for:

1. Mandatory training and certification for firefighters; and
2. Community risk assessments to inform the delivery of fire protection services.

The MCSCS is seeking public feedback on both regulations. Comments are due March 11, 2018. The draft regulations are attached for review and information purposes. It is not anticipated that either of the proposed new regulations will have a significant impact on our overall departmental operations, as LaSalle Fire Service has traditionally been proactively in general compliance with the proposed legislation. As the regulations are currently drafted, there may however be some operational impacts during the short-term implementation period over the next several years.

### **Mandatory Training and Certification**

The first proposed regulation is intended to introduce minimum professional qualifications and training standards for the Ontario fire service. The LaSalle Fire Service has historically trained all personnel and certified all personnel to provincial standards, as required by Council in our Establishing and Regulating by-law.

MCSCS is proposing to establish mandatory certification requirements set out by the National Fire Protection Association (NFPA) for all new firefighters employed or appointed to a Fire Department in Ontario for the following positions:

- Suppression firefighters
- Pump operators
- Technical Rescuers
- Fire Officers
- Fire Educators

These requirements are proposed to come into force January 01, 2019 with the exception of technical rescuers, which would come into force January 01, 2020. An additional year for technical rescuers to achieve certification is being proposed to allow for sufficient time to develop training and certification examination materials.

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
- Fire Investigators
- Fire Instructors
- Hazardous materials personnel
- Fire Dispatchers

It is proposed that these mandatory certification requirements apply to existing Firefighters employed or appointed in these roles. These requirements are proposed to come into force January 01, 2020 to give Fire Departments additional time to train and certify their staff.

Unlike Police and Emergency Medical services, there is currently no mandatory certification for Firefighters. Each fire department in Ontario must determine its own training requirements and the associated method of delivery for such. LaSalle Fire Service has historically adopted and maintained the provincial standards for training and certification, and supports the introduction of minimum professional standards and certification.

#### Prior Certification through Grandfathering

In the transition period from the former Ontario Firefighter Curriculum and certification program, to the internationally recognized NFPA Standards and certification program in 2014, the Ontario Fire Marshal issued a directive, which enable Firefighters through their respective departments to apply for certain equivalent NFPA certifications through a "grandfathering" program. This provided an opportunity for firefighters to apply for certification based on their knowledge and experience at the time. The program required the Fire Chief of each department to review each application from within his or her department and forward only those who met the minimum requirements identified by the Fire Marshal.

LaSalle Fire Service took advantage of this program at the time and all personnel who qualified for recognition under the grandfathering opportunity will have those Certifications recognized going forward.

For our fire service, the greatest challenge will be implementing the testing and evaluating process. Given our current rate of turnover for paid-on-call firefighters, the proposed requirement for mandatory certification within two years of hire, could create capacity issues in the areas of certification for specialized rescue services. Currently our internal training program for new firefighters, combined with external capacity for course loading and third party certification testing may present challenges for compliance within the two year time period. Additionally, all existing personnel have been trained to provincial standards for technical rescue disciplines such as ice/water rescue, confined space rescue etc. but certification programs have been inconsistent so all personnel would require certification for those areas of technical rescue. As noted, in some cases the applicable training and certification testing materials have yet to be developed, but as currently proposed all personnel providing the rescue service would be required to be certified as of Jan. 01 2020.

In order to obtain Certification, third party testing must be conducted, which means a Department cannot train and certify its own personnel. Written exams and practical skills evaluation (where applicable) must be conducted by a Certified Evaluator representing the certifying organization. It is understood, at this point, that should the proposed amendments to the Regulations come in effect; testing and skills evaluation will be conducted through the Office of the Fire Marshal and Emergency Management. The exact details of how this will be accomplished; have not yet been communicated.

The current draft of the proposed regulation may also impact our current practice and training program to promote personnel from firefighter level to officers positions. The proposed regulation provides a period of two years for new hires to become initially certified to the firefighter level, however beyond new hires, existing personnel would be required to have the certification required before being promoted to an officer role. While this practice is certainly preferable, given the capacity of our training program currently, it is not always possible to provide all potential candidates with the required officer level training and certification prior to being considered in a promotional process.

To a lesser extent it is also conceivable that there may be some capacity issues with certifying all personnel to the standard for pump operators, as this is a new requirement. Although all current personnel are trained to the standard for pump operations that is current at the time they progress through the training program, certification processes have been inconsistent for this qualification. According to the proposed regulation, all personnel currently employed and performing the function would be "deemed" compliant, however it would be expedient for the department to establish a phased schedule for all personnel to achieve certification.

Ultimately, our ability to comply with the proposed regulations for certification may impact the our ability to provide the current levels of specialized services. It may also impact our ability to promoted pre-qualified individuals to Officer positions, particularly volunteer Captain positions. It is expected that these challenges will affect many municipal fire services. The recommended comments on the draft regulations included in this report are intended to attempt to affect amendments that will alleviate any perceived gaps in ability to provide capacity to achieve compliance.

## **Mandatory Community Risk Assessments**

MCSCS is proposing that effective January 01, 2019, municipalities be required to conduct a Standard Risk Assessment every five (5) 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 community risk assessment annually to ensure that any significant changes in the mandatory profiles are identified. If there are any significant changes in risk (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.

Comparable Risk Assessments have been conducted on a regular basis by LaSalle Fire Service. The current Risk Assessment document was approved by Council in July of 2016. The specific criteria in the proposed legislation may broaden the scope slightly, including some of the profiles traditionally included in the municipal emergency management planning documents, however the implications are expected to be minimal.

Overall, the proposed regulations are intended to improve the professionalization of firefighters and standardize or enhance the level of fire protection throughout the province. Fire administration is currently reviewing all of the draft Regulations in detail, to determine the operational and financial impact on the LaSalle Fire Service. Subsequent reporting through Fire Committee will provide Council with an update on impacts and financial implications once the proposed Regulations are finalized and become legislated requirements.

## **Recommended Comments**

The following comments are recommended to be submitted to the Ministry of Community Safety and Correctional Services (MCSCS) as part of the public consultation process:

### **Mandatory Certification:**

- a) It is recommended that the Internship Program of twenty-four (24) months for newly hired firefighters be expanded to include all applicable areas and positions, such as fire inspectors and Fire Officer I & II, replacing the limiting language found in Section 3(b) of the Act (attached); and
- b) It is recommended that the date of implementation be reviewed (in light of an election year) as there may not be enough time prior to July 2018 or at the initial Council meeting on/or after December 1, 2018, to make decisions (e.g. training funding) to ensure full implementation of the Mandatory Training and Certification regulation; and
- c) It is recommended that Certification for some individual chapters within the National Fire Protection Association (NFPA) 1006 may not be available for the January 1, 2020 deadline. Additional wording should be added, allowing the Authority Having Jurisdiction (AHJ) to manage the implementation of NFPA 1006 Technical Rescue 1006 as the

standards are updated, published, and testing/skills are made available, in order to support and complete the certification process; and

- d) It is recommended that reciprocity among AHJ's be addressed so that both current and newly hired firefighters that have received NFPA certifications outside the province of Ontario are recognized by the provincial AHJ under the proposed regulations. This recommendation will also assist with provincial capacity for testing and certification.

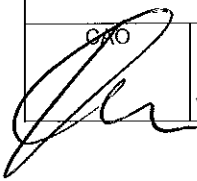
**Mandatory Community Risk Assessments:**

- e) It is recommended that the reference to building stock and classifications should use Municipal Property Assessment Corporation (MPAC) data to classify building usage in regards to fire risks; and
- f) It is recommended that, in Section 2 of the Draft Regulation – Mandatory Community Risk Assessment (Appendix B) Reporting the "state of compliance with the fire code" should be deleted as this 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); and
- g) It is recommended that, in Section 6 of Draft Regulation (Appendix B) that in a multi-tier Government, (e.g. lower-tier fire, upper-tier Emergency Medical Service (EMS) and /or Police Service), the data required for public safety response profile is not attainable, and
- h) It is recommended that, in Section 9 (2) of the Draft Regulation (Appendix B), that comparison to other "like communities" may be difficult to achieve. Reporting in comparison to provincial trends would be more appropriate.; and
- i) It is recommended that the Provincial Government provides liability indemnification for all municipal governments who comply with these new regulations at least twelve (12) months before the training and certification comes into force.

Respectfully,



Dave Sutton  
Fire Chief / C.E.M.C

| Reviewed by:  |          |        |              |          |               |          |      |
|---|----------|--------|--------------|----------|---------------|----------|------|
| GRO   | Treasury | Clerks | Public Works | Planning | Culture & Rec | Building | Fire |
|  |          |        |              |          |               |          |      |

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**FIRE PROTECTION AND PREVENTION ACT, 1997**

**FIREFIGHTER CERTIFICATION**

Contents

|                |                         |
|----------------|-------------------------|
| <u>1.</u>      | Definition              |
| <u>2.</u>      | Mandatory certification |
| <u>3.</u>      | Intern firefighter      |
| <u>4.</u>      | Transition              |
| <u>5.</u>      | Commencement            |
| <u>Table 1</u> | Mandatory certification |

**Definition**

1. In this Regulation,

“NFPA” means the National Fire Protection Association.

**Mandatory certification**

2. (1) Every municipality, and every fire department in a territory without municipal organization, must ensure that its firefighters only perform a fire protection service set out in Table 1 if,

- (a) the firefighter performing the fire protection service is certified to the corresponding certification standard set out in that Table; or

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**FIRE PROTECTION AND PREVENTION ACT, 1997**

**COMMUNITY RISK ASSESSMENTS**

Contents

|                   |  |
|-------------------|--|
| <u>1.</u>         | Mandatory use                                |
| <u>2.</u>         | What it is                                   |
| <u>3.</u>         | When to complete (at least every five years) |
| <u>4.</u>         | When to review (at least every year)         |
| <u>5.</u>         | Commencement                                 |
| <u>Schedule 1</u> | Mandatory profiles                           |

**Mandatory use**

1. Every municipality, and every fire department in a territory without municipal organization, must,

- (a) complete and review a community risk assessment as provided by this Regulation;  
and
- (b) use its community risk assessment to inform decisions about the provision of fire protection services.

### **What it is**

2. (1) A community risk assessment is a process of identifying, analyzing, evaluating and prioritizing risks to public safety to inform decisions about the provision of fire protection services.

### **Mandatory profiles**

(2) A community risk assessment must include consideration of the mandatory profiles listed in Schedule 1.

### **Form**

(3) A community risk assessment must be in the form, if any, that the Fire Marshal provides or approves.

### **When to complete (at least every five years)**

3. (1) The municipality or fire department must complete a community risk assessment no later than five years after the day its previous community risk assessment was completed.

### **New municipality or fire department**

(2) If a municipality, or a fire department in a territory without municipal organization, comes into existence, the municipality or fire department must complete a community risk assessment no later than two years after the day it comes into existence.

### **Transition**

(3) A municipality that exists on January 1, 2019, or a fire department in a territory without municipal organization that exists on January 1, 2019, must complete a community risk assessment no later than January 1, 2024.

### **Revocation**

(4) Subsection (3) and this subsection are revoked on January 1, 2025.

### **When to review (at least every year)**

4. (1) The municipality or fire department must complete a review of its community risk assessment no later than 12 months after,

- (a) the day its community risk assessment was completed; and



- (b) the day its previous review was completed.

#### **Other reviews**

(2) The municipality or fire department must also review its community risk assessment whenever necessary.

#### **Revisions**

(3) The municipality or fire department must revise its community risk assessment if it is necessary to reflect,

- (a) any significant changes in the mandatory profiles;
- (b) any other significant matters arising from the review.

#### **New assessment instead of review**

(4) The municipality or fire department does not have to review its community risk assessment if it expects to complete a new community risk assessment on or before the day it would complete the review.

#### **Commencement**

**5. This Regulation comes into force on the later of January 1, 2019 and the day it is filed.**

### **SCHEDULE 1 MANDATORY PROFILES**

1. Geographic profile: The physical features of the community, including the nature and placement of features such as highways, waterways, railways, canyons, bridges, landforms and wildland-urban interfaces.
2. Building stock profile: The number of buildings in the community, their age, their major occupancy classifications within the meaning of Ontario Regulation 332/12 (Building Code) under the *Building Code Act, 1992* and their state of compliance with the fire code.
3. Critical infrastructure profile: The capabilities and limitations of critical infrastructure, including electricity distribution, water distribution, telecommunications, hospitals and airports.

4. Demographic profile: The composition of the community's population, respecting matters relevant to the community, such as population size and dispersion, age, gender, cultural background, level of education, socioeconomic make-up, and transient population.

5. Hazard profile: The hazards in the community, including natural hazards, hazards caused by humans, and technological hazards.

6. Public safety response profile: The types of incidents responded to by other entities in the community, and those entities' response capabilities.

7. Community services profile: The types of services provided by other entities in the community, and those entities' service capabilities.

8. Economic profile: The economic sectors affecting the community that are critical to its financial sustainability.

9. Past loss and event history profile: The community's past emergency response experience, including the following analysis:

1. The number and types of emergency responses, injuries, deaths and dollar losses.
2. Comparison of the community's experience with the experiences of comparable communities.

Note: Each profile is to be interpreted as extending only to matters relevant to fire protection services.