

DRAFT

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March XX, 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: Comment 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 three 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 for municipalities. 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, along with the O AFC, are asking that the draft Public Reports regulation is put on hold until an overhaul of the Ontario Standard Incident Reporting (SIR) be 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 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.

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 training and 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, the current final decisions cannot be evidence-based and 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 financial resources to cover the expected staffing costs for training that this new regulation will require. We also ask the grandfathering provisions associated with this mandatory certification are made as broad as possible as those who could have been certified in 2014, when voluntary, should have every opportunity to be certified now.

In closing, we are looking for the following key amendments or provincial commitments prior to the proposed Firefighter Certification and the Community Risk Assessment regulations being 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; and
- The draft Public Reports regulation be held and not approved until Ontario's SIR framework, system improvements, and implementation strategies are discussed and consensus is achieved at the Table.

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