

Public Reporting Fire Regulation Posted for Municipal Comments

On February 16th the Ministry of Community Safety and Correctional Services (MCSCS) [released](#) the proposed [Public Reporting for Fire Department Response Times](#) Regulation under the *Fire Protection and Prevention Act, 1997* (FPPA).

With this latest posting, MCSCS is looking for comments on this draft regulation in addition to the other proposed two regulations that were [posted for comment on January 30, 2018](#):

- [Mandatory Training and Certification for Firefighters](#); and
- [Community Risk Assessments](#).

The deadline for the January 30 postings is March 11, while comments on the draft Public Reporting regulation are due on March 18, 2018. We encourage all municipal councils with fire services to work with your Fire Chief and fire services to develop a comprehensive response for your municipality on all three regulations.

What does the Public Reporting Regulation say?

- As of January 1, 2020, public reporting on fire responses will be required according to a series of reporting criteria, depending on the type of fire service the department provides (e.g. full-time/"non-volunteer", composite or volunteer).
- The proposed reporting standards are based on the National Fire Protection Association (NFPA), a United States trade association, with some international members, that creates and maintains private, copyrighted standards and codes for usage and adoption by local governments.
- The NFPA 1710 standard is for full-time fire services and the NFPA 1720 standard is for volunteer fire services. Composite fire services by their nature will need to use both standards in separate zones under the service where appropriate.
- Response time calculations for each fire department will be supplied by the Office of the Fire Marshal and Emergency Management, unless departments have sufficient resources to do the calculations internally.

- Fire departments will have to submit their public report to the Fire Marshal within six (6) months after receiving their calculation.
- Before it is submitted to the Fire Marshal, the fire department will be required to give the public report to their local municipal council, or each municipality in the group of municipalities if fire protection services are provided.

It is suggested that municipal responses to the draft Public Reporting regulation focus on:

It is not clear on what would happen if the municipal council disagrees or raises concerns with the fire department's public report on response times. This raises concerns with principles of good governance and accountability as the draft regulation has the fire department providing the public report to the Fire Marshal directly.

- It is not clear on what would happen if the municipal council disagrees or raises concerns with the fire department's public report on response times. This raises concerns with principles of good governance and accountability as the draft regulation has the fire department providing the public report to the Fire Marshal directly.
- It is problematic that a municipal council does not appear have a decision-making role in the proposed reporting process.
- There is concern on how the proposed regulation is drafted with respect to composite fire services:
 - As currently written, if a first emergency response unit doesn't have a volunteer firefighter on it, the standard for the reporting would be for a full-time service (1710).
 - However a composite service may have the second, third and other units responding to the event to be composed of volunteers.
 - This could have the effect of having those zones where it is primarily volunteers but with some full-time firefighters being categorized as a full-time service for reporting which may not reflect the reality of the fire service and its composition.

- It is critically important that this draft regulation does not establish service levels that are not required by the 1720 standard for a volunteer fire service or that zone of a composite fire services that is primarily volunteer:
 - The 1720 volunteer standard does not set out a defined numerical performance level.
 - The 1720 standard is locally determined depending on the population, densities and distances to cover.
 - Specifically the Schedule 2(1) 1 should not require a 90%, or any other defined performance level as response times depends on the population, densities and distances to cover.

As you can see, there are significant fiscal, risk management, timing and technical aspects that require local consideration and comment. Stay tuned for AMO's comments on these three draft regulations in early March.

To assist AMO members in the development of their municipal responses to the draft MCSCS fire regulations, refer to our January 30th [AMO Briefing Note on Draft Regulations](#) for an analysis of what the previously released two draft regulations may mean to your local governments.

We appreciate the efforts of local governments to respond, as it is important that the province receives a full set of consultation responses that reflect the diversity of Ontario's municipalities.

Note for Clarification on Grandfathering: MCSCS recently advised that the opportunity to grandfather existing firefighters to NFPA standards will not be open to everyone if the regulations are approved, but rather only to those who were provided the opportunity previously (in 2014), and chose to not certify at that time as it was not mandatory. This is a shift from the previously understood position, so it is recommended that municipalities include a request for a more open approach to grandfathering all in responding to the draft mandatory certification regulation.