



Ontario Regulates Firefighter Certification

June 28, 2022

On April 14, 2022, the Ontario government filed *O. Reg. 343/22: Firefighter Certification* (the “Regulation”) under the *Fire Protection and Prevention Act, 1997*. The Regulation sets out mandatory minimum certification standards for fire protection services for firefighters in a municipality, or in a fire department in a territory without municipal organization. The Regulation comes into force on July 1, 2022.

The requirements are based on National Fire Protection Association (“NFPA”) certification standards. Certification standards are specific to each listed fire protection service. Depending on the particular fire protection service requiring certification, the compliance deadline will be either July 1, 2026 or July 1, 2028.

The Ontario government *indicates* that the Regulation “does not change or add any new regulatory requirements on fire departments that are currently training and certifying to full NFPA standards, as they will already meet or exceed the minimum certification requirements” outlined in the Regulation. Additionally, “fire departments would also still have the option to train firefighters to a higher certification standard than what is prescribed in the regulation.”

Exemptions

The Regulation outlines exemptions for supervised firefighters in certain circumstances. A firefighter will be exempt from the certification standard for certain fire protection services (firefighter exterior attack and auto extrication, as outlined in the Regulation) if they:

- Are performing a service that is within the scope of that item;
- Have been a firefighter for no more than 36 months; and
- Are operating under the supervision of a firefighter certified to that standard.

Additionally, a certification standard will not apply to a firefighter who is:

- Temporarily assigned to perform a different fire protection service for which a different minimum certification is required; and
- Operating under the supervision of a firefighter who has obtained the certification corresponding to the fire protection service or services being delivered.

The pump operations certification standard does not apply to a firefighter who performed pump operations before July 1, 2022.

The Regulation provides that a firefighter who was previously certified under the Regulation for a



listed fire protection service will continue to maintain valid certification if the requirements for certification are later updated or changed.

If a firefighter is granted a letter of compliance with a certification standard by the Fire Marshal before July 1, 2022, the letter of compliance will continue to be valid and the firefighter is deemed to be in compliance with the corresponding certification standard.

Transition

The Regulation also indicates that the certification standard for certain fire protection services will not apply to a firefighter if the Fire Marshal issues the firefighter a letter of compliance with the certification standard. The Fire Marshal shall issue a letter of compliance if:

- The firefighter has been performing the fire protection service that the standard corresponds to since at least January 1, 2020 or January 1, 2021, depending on the particular standard;
- Before September 30, 2023, the firefighter's municipality, or fire department in an area without municipal organization, provides the Fire Marshal with information, such as training records, to demonstrate to the satisfaction of the Fire Marshal that the firefighter, through past training and experience, has obtained the requisite knowledge and requisite skills associated with the corresponding standard; and
- The Fire Marshal is satisfied with the information provided under clause (b).

The Ontario government **indicates** that "the Office of the Fire Marshal would set out the required information for fire departments to submit."

What Does This Mean for Municipal Employers?

Municipal employers should familiarize themselves with the new certification requirements. They are encouraged to review the transitional provisions and the requirements of the Office of the Fire Marshal regarding the requirements to obtain a letter of compliance from the Fire Marshal for firefighters who have the requisite experience, training, knowledge, and skills for fire protection services covered by the transitional provisions. The opportunity to provide the Fire Marshal with information to support such a letter of compliance is time-limited, as discussed above.