

Working Together for a Safe New Brunswick

Office of the Fire Marshal
Information Guide



Our mission

“To safeguard both persons and property from fire hazards through Education, Investigations, Inspection and Hazardous Material Emergency Response.”

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Introduction

Advances in technology, higher public expectations, recruitment and retention of volunteer firefighters have all played a significant role in the increased demands and expectations placed upon the New Brunswick Fire Service in recent years. More than ever before, the local fire department is now being called upon to respond to a broader range of emergency incidents. This increase in demand and expectations is followed closely by the commitment of the Office of the Fire Marshal, to enhanced fire department support, investigations, fire prevention education, policies and guidelines.

This guide has been developed by the Office of the Fire Marshal (OFM) with the goal of assisting NB firefighters to better understand the fire service of today, including the expectations, responsibilities and challenges faced by the New Brunswick Fire Service. This guide has also been developed with the goal of providing fire department officials with a better understanding of the role and responsibilities in meeting the challenge of providing this essential service.

The guide is also intended to provide a brief overview of the resources available to the fire service, information on the various acts and regulations that govern the emergency services as well as provide an overview of the necessary elements of an effective community fire protection program.

Finally, this guide is intended to provide fire department officials with information about the OFM in direct support of local fire departments. We hope that you will find this guide informative and helpful. Should you require further information on a topic of interest to you or your fire department, you are encouraged to contact us directly at (506) 453-2004 or visit our website at www.gnb.ca/fire.

The Fire Service of Today

Most often, the average person perceives the fire service as only being their local community Fire Department. In reality, the New Brunswick Fire Service is comprised of a wide variety of career, composite and volunteer fire departments, various levels and branches of government, regulatory bodies, codes and standards boards as well as a variety of associations and support agencies that may be international, national or provincial in scope. These are very diverse groups who are continually involved in the development of improved legislation and regulations, technical specifications and evaluation procedures regarding building construction, safety systems, emergency planning, fire fighting and emergency response procedures. As an example, the National Building Code of Canada and the National Fire Code of Canada are prescribed under the *NB Fire Prevention Act, Regulation 82-20*.

The Office of the Fire Marshal

The New Brunswick Office of the Fire Marshal is a branch of the Public Security and Corrections division under the Department of Public Safety. The Fire Marshal has the authority to appoint local assistants, deputy fire marshals and such fire investigators and fire prevention officers as the Fire Marshal considers necessary to assist in the proper carrying out of the provisions under the *Fire Prevention Act and Regulations*. Branch services are broken down into the following broad sections:

Administration – Activities that provide overall leadership and direction to the Office of the Fire Marshal, planning for fiscal, operational, human resource management and policy development is the responsibility of this section. This section is also responsible for the collection and analyses of records on fire loss and publishes statistical data annually as mandated by the *Fire Prevention Act*. This data provides the NB Fire Service with detailed information on areas of concern.

Fire Investigations - The Fire Chief is mandated under the *Fire Prevention Act* to determine the origin and cause of every fire in New Brunswick. This is often determined at the local level however, in instances of fire death, fire causing injuries, high dollar loss (\$250,000+), suspicious fire, the services of the OFM may be called upon by local law enforcement or fire officials to either assist in determining the fire cause or take the lead in the fire investigation. Fire Investigators work closely with law enforcement and fire officials to determine the origin and cause.

Technical Inspection Services (TIS) - Technical Inspection Services is responsible for the provincial enforcement of legislation affecting electrical, plumbing, boiler and pressure vessel, propane, natural and medical gas installations, elevators and amusement rides.

Regulatory activities include standard setting, fire safety inspections, plans review, equipment registration, permits, inspection, qualifying and licensing manufacturers, installers and operators, compliance and accident investigation.

TIS Fire Inspections – Regional Fire Inspectors are responsible for fire safety inspections throughout the Province. “They may from time to time inspect hotels, apartment houses, hospital facilities, schools, churches, theatres, halls, factories and other places in which numbers of persons work, live or congregate for any purpose, with a view of determining whether precautions against fire and the spread of fire, and the means of exit in case of fire, are adequate and satisfactorily maintained, and to directing such alterations to be made and such precautions to be taken as he considers necessary for the safeguarding of persons and property.” Fire Prevention Act, Section 4(2), (d).

Education and Training – “The Fire Marshal shall determine the content of training programs for firefighters in firefighting and fire prevention” (*Fire Prevention Act, Section 4(4)*). The OFM, along with our partners, the New Brunswick Community College, New Brunswick Association of Fire Chiefs, New Brunswick Fire Service, is committed to providing standardized fire and life safety training that meets the needs of NB firefighters.

Fire Prevention - The OFM offers fire prevention programs aimed at assisting the fire service, community groups, home support workers, families, friends and the media in educating New Brunswick residents about fire safety. The goal is to advance fire prevention and protection programs that are focused on safeguarding people and property from the ravages of fire. These programs include the Older and Wiser Program, Learn Not to Burn Program and the Youth Fire Setters Program. Copies of these brochures are available online at www.gnb.ca/fire.

Hazardous Materials Emergency Response Program – The provincial Hazardous Materials (HazMat) Emergency Response Program provides an emergency response in situations where a potential contaminant is found and lives may be at immediate risk or there is a significant danger to the environment. Hazardous materials incidents encompass a wide variety of potential situations including fires, spills, transportation accidents, chemical reactions, explosions and similar events. Hazards involved may include toxicity, flammability, biological, radiological hazards, corrosives, explosives, health hazards, chemical reactions and combinations of factors.

Fire Truck Standards – The OFM reviews fire truck specifications and examines emergency vehicles before they are released to fire departments from the manufacturer. This service is meant to ensure each department receives a quality product that has been built to the specific needs & requirements of the purchasing department.

Associations

There are many professional associations and agencies with specific ties to building, code enforcement, fire and life safety and emergency response activities. These include the following:

The New Brunswick Association of Fire Chiefs (NBAFC) is comprised of members from municipal and industrial fire departments. This group acts as the centre for the gathering and dissemination of information affecting the fire service. It promotes discussion and education at its regularly scheduled events and is an effective lobby group for the fire service at the political level. The NBAFC is considered to be “the voice of the NB Fire Service” by government officials. This association holds an annual conference and annual general meeting in a different community in New Brunswick in the spring of each year. More information is available online at <http://nbafc.ca>.

The Council of Canadian Fire Marshals and Fire Commissioners – The mission of the council is to support its members in their efforts to minimize losses from fire by the following objectives:

- advising on and promoting legislation, policies, and procedures pertinent to fire protection;
- participating in the development of codes and standards relating to fire safety;
- promoting fire safety awareness;
- supporting the professional development of the Canadian fire service;
- arranging for the compilation and dissemination of national fire loss statistics;
- identifying trends relative to the causes and the severity of fire;
- providing advice to Accredited Agencies involved in the certification and testing of fire protection equipment, materials, and services relating to fire safety;
- providing a forum for the exchange of information on fire safety matters.

More information is available online at www.ccfmfc.ca

The Canadian Association of Fire Chiefs (CAFC) is a non-profit, national public service organization whose primary goals are to reduce the loss of life and property from fire and to advance the science and technology of the fire service in Canada. The CAFC is actively involved in professional and public education programs aimed at improving fire prevention and fire service administration. This association holds an annual conference once a year in a major city in Canada. More information is available online at www.cafo.ca.

The Canadian Volunteer Fire Services Association (CVFSA) was formed in Halifax, NS, in 1998. The CVFSA is dedicated to creating a unified voice for volunteer firefighters and firefighter associations throughout Canada. More information is available online at <http://www.cvfso.ca>.

Legislation affecting the NB Fire Service

The Government of New Brunswick has made the continuing consolidated statutes of New Brunswick and supporting regulations available online. They can be found at: www.gnb.ca/acts.

Municipalities Act – Section 109 of the *Municipalities Act* establishes that every municipality may provide fire protection services within its boundaries to reduce the danger of fire. Services may include education programs, inspections of property, the installment of alarms, instructions on fighting fires, the provision of firefighting equipment and a fire protection force.

Fire Prevention Act – Under the *Fire Prevention Act*, the Fire Marshal and local authorities are given the responsibilities and the supporting authority to safeguard both people and property from fire and life safety hazards through training, education, investigations, inspections and effective code application.

The following persons are considered to be local assistants under this *Act* and therefore are delegated certain responsibilities and authority by the Fire Marshal:

- The chief of the fire department of a local authority;
- Local assistants;
- A person designated in writing as a local assistant by the Fire Marshal.

Transportation of Dangerous Goods Act - Transport Canada – Under this Federal Act, environmental officers and/or inspectors are granted considerable authority to control, contain and clean up dangerous goods in the event of an environmental accident. In most emergencies, however, the local fire department will be either first on the scene or called to the incident to provide support, decontamination, fire protection or assistance in the clean up.

Forest Fire Act - The purpose of the *Forest Fire Act* is to protect life and property across the province from the destructive powers of out of control forest fires.

Dangerous Goods Handling & Transportation Act – Under this federal act, environmental officers and/or inspectors are granted considerable authority to control, contain and clean up dangerous goods in the event of an environmental accident. In most emergencies, however, the local fire department will be either first on the scene, or called to the incident to provide support, decontamination, fire protection or assistance in the clean up.

The Emergency Measures Act –The Emergency Measures Organization (EMO), established under this Act, will assist local authorities in the preparation of local emergency plans, as well as assisting municipalities in practicing their local emergency plans, by conducting simulated exercises within the community. The local fire department is obviously an integral part of local emergency planning and therefore should be involved in the development and exercising of the local emergency plan.

Generally the fire department, local EMS or police are the first to respond to an emergency incident, evaluate the situation and notify those concerned. However, it is usually the fire department that has the manpower, training, equipment and knowledge to safely and effectively manage many of the large scale emergencies.

Emergency 911 Act – *Regulation 96-104*, of the *Emergency 911 Act* contains provisions respecting the civic addressing of residences and business located in the Province. These civic addresses are to be displayed for the purpose of services and functions performed by the public safety answering point (PSAP).

Motor Vehicle Act – Emergency response vehicles are designated and are subject to the provisions of this Act. Operators of these vehicles when responding to but not upon returning from a fire alarm may exercise, with caution, the privileges set forth in *Section 110* of the Act. It is your

responsibility as a driver of an emergency response vehicle to ensure that you are familiar with the NB modification to the NFPA 1451 Standard for a Fire Service Operations Program, 2002 Edition, reflected in the OFM Bulletin 2004-06. Copies of this bulletin are available online at www.gnb.ca/fire.

Occupational Health & Safety Act – This Act applies employees who provide fire services to the public from a fire department within a municipality, rural community or local service district. The safety and well being of responders is as important as that of the citizens being rescued or protected. Fire fighter helmets, protective clothing and boots are easily recognized as essential personal protective equipment. However, the fire service is called upon to respond to many types of emergency situations beyond the normal structure fires. Specialized training and personal protective equipment specific to the emergency must be provided as they are essential tools for emergency responders.

Workers' Compensation Act – All emergency response personnel that are full-time, part time, casual or volunteer firefighters are considered to be “workers” as defined under this Act. For casual or volunteer emergency workers, the period of employment begins at the time of the emergency call and continues until the resumption of normal daily activities.

Bill C-45 – Amendments to the Criminal Code of Canada affecting the Criminal Liability of Organizations. – Bill C-45 was established by the Federal Government of Canada on March 31, 2004. It was referred to as the *Westray Amendment to the Criminal code*, in memory of the 26 miners that were killed in a tragic coal mining disaster in Pictou County, Nova Scotia. This bill added a new Occupational Health and Safety (OHS) duty to the Criminal Code, thereby establishing a new crime of OHS Criminal Negligence in Canada.

Bill C-45 establishes a legal duty for all persons in a position of authority to take reasonable steps to ensure the safety of its workers and the general public. Bill C-45 also provides for organizations, including municipal corporations and/or its officers, to be charged with a criminal offence if it is found that they have not taken “*reasonable steps to prevent bodily harm*” to any person. “*Reasonable steps*” is generally accepted to include compliance with Provincial Occupational Health and Safety Legislation and supporting Regulations.

Municipal officials and fire officers must be aware of their responsibilities under the various Acts and Regulations governing emergency response operations and **must ensure that ongoing training, records management (fire reporting, training logs etc.), equipment maintenance, policy and guideline development are a continual part of the fire department’s operations.**

The Provincial Mutual Aid System

The Mutual Aid System is a no-charge reciprocal system of emergency response and assistance that communities and municipalities in New Brunswick can access through their local fire departments. The main focus of the Mutual Aid System is to make a large number of resources available in a pre-arranged, organized fashion at no additional cost to the community or municipality requiring assistance during a large scale emergency situation.

Mutual Aid may be activated when the fire or emergency is beyond the capability of the responding department. For example, if a fire in your community is too large for your local fire department to handle alone, Mutual Aid could be activated to mobilize additional equipment and personnel. Mutual Aid also offers back-up protection when there are more emergency calls than the local fire department can respond to. For example, if the local fire department is attending to one or more fires or emergency calls, this system provides response to any other fire or emergency that may arise in that community or municipality. All of this additional assistance is provided at no cost.

Fire Chief's Responsibilities

In addition to the management and co-ordination of the fire department's emergency response activities, the Fire Chief is responsible for ensuring that the fire department is competently trained, properly equipped, and that the accurate fire department records are maintained. The Fire Chief is responsible for ensuring that the department is operating in accordance with the various Federal and Provincial Acts, supporting regulations, local municipal by-laws and or policies (i.e. Policy Guidelines for NB Local Service District Fire Departments).

The safety of department members must be given the highest priority. All of the departments' activities, policies and operating guidelines must be in support of this very important objective. Together the Fire Chief, local service district and municipality must continuously be aware of the possibility of civil litigation being taken or charges under various Acts being laid against the municipality or its representatives as a result of ineffective equipment, techniques or incompetence. This risk can be reduced through effective training, equipment and records management.

Under the *Fire Prevention Act*, the Fire Marshal may appoint the chief of a fire department or other member of a fire department as a local assistant to assist the fire marshal in carrying out the provisions of the *Act* within the territorial jurisdiction of the appointment. This delegation of authority is required to be made in writing by the Municipal Administrator or the Local Service Advisor (LSA) and is subject to the limitations and conditions that are prescribed or set out in the delegation.

The Fire Chief may also request in writing, the delegation of a “local assistant” for another member of his department. In most cases this is the Deputy Chief or Fire Prevention Officer. This Along with the designation of a “local assistant”, come various delegated authorities and responsibilities:

Responsible to immediately notify and request the Regional Fire Marshal through the Provincial Mobile Communication Center (PMCC) and/or police authority of all fires within their area of jurisdiction that involve fatalities, injuries, explosions, major loss, suspicious origin or if the Fire Chief requires assistance in determining the origin and cause.

- Responsible for notifying the Fire Marshal of any fire or explosion within his or her territorial jurisdiction that involves serious injury or death no later than twenty-four hours after the fire or explosion. *Fire Prevention Act 7.1(2)*
- Responsible for initiating and conducting an investigation of the origin, cause and circumstances of a fire or explosion occurring within the jurisdiction for which they are appointed.
- Responsible for submitting a formal report of all fires within their area of jurisdiction within six days after the occurrence of the fire or explosion. *Fire Prevention Act 7(3)*
- Responsible for completing the fire and casualty report form and forwarding to the Office of the Fire Marshal no later than 14 days after receiving the fire call. *Fire Prevention Act 7.1(1)*
- Enforcement of Canadian fire codes within their area of jurisdiction. Fire Chiefs are encouraged to ensure they are familiar with their responsibilities and authorities with respect to any changes in the enforcement of National Building codes and National Fire Codes, including any other supporting regulations or municipal by-laws that promote a fire safe community.
- Fire Chiefs are encouraged to emphasize the importance of fire prevention and public education as the most effective way to protect

their community and citizens. Priority should be given to public education programs, particularly those designed for pre-school and school age children. Assistance in this area is available from the Office of the Fire Marshal.

The following components are suggested as being essential elements in developing a comprehensive and efficient Fire Protection System for any fire department:

- A hazard analysis and risk assessment
- A public education program
- A fire prevention inspection program
- An incident management system
- General operating guidelines
- A yearly training plan and or program
- A records management system

Many of these essential elements have become legislated requirements in provinces across Canada over past years. This underlines the importance of each in creating a comprehensive Fire Protection System for your department. As a municipal official responsible for either your community emergency planning or protective services, it is important that you ensure that your department's plan includes each of these components.

Municipal Officials Role

Municipal councils are responsible to provide a reasonable level of protection through effective emergency planning, emergency service delivery and code enforcement. It is therefore prudent for municipal officials to ensure that an up-to-date hazard analysis and risk assessment has been completed and maintained for their community and that an effective emergency plan and resources required to deal with any potential emergency are available in a timely manner.

By-laws supporting fire safety and life safety such as those requiring regular fire safety inspections in prescribed buildings, yards to be kept in safe condition, or the safe storage of explosives and flammable substances in defined areas, are valuable fire prevention tools to help protect your community. The by-laws must also be enforced and consistently applied.

Local Service Districts Role

The provision of fire protection services in local service districts (LSDs) is the responsibility of the Minister of Local Government. Fire protection services include fire suppression, investigation, inspection and education. There are currently two mechanisms for the delivery of these services. In some cases, the Minister may enter into a contractual arrangement with one or more non-LSD fire departments for the provision of fire protection services to an LSD. In other situations, the Minister may establish a fire department in an LSD. The LSD fire departments are maintained by the Local Government Finance and Community Service Delivery Branch of the Department of Local Government and are administered by the Local Services Advisor (LSA) responsible for the LSD region in which the Fire Department is located.

Awards

Certificates – The Fire Marshal may award certificates of appreciation to fire service personnel deserving of such recognition for specific years of service or upon retirement. This certificate is a sincere appreciation of the number of years the member has served for courageous and faithful service to the citizens of the Province of New Brunswick in protecting their lives and property from fire.

The Fire Service 15 Year Pin - The Fire Marshal may award 15 year pins to fire service personnel who have attained this number of years of service.

New Brunswick Fire Service Long Service Medal - A provincial long service medal is awarded to fire service members who have been involved in fire fighting, pre prevention and/or fire investigation for 25 years or more. Municipal, local service district and federal fire service agency representatives are all eligible under this regulation.

Special Awards – The Fire Marshal may from time to time present special awards of recognition as deemed appropriate for special or extenuating circumstances as the need arises.

Federal Canadian Fire Service Medal - The Fire Marshal may award the Federal Canadian Exemplary Fire Service Medal on behalf of the Governor General of Canada, to qualify fire service personnel or qualifying Office of the Fire Marshal staff with 20, 30, 40 years of exemplary fire service.

Written requests are required for all award applications and must be received at the Office of the Fire Marshal on the appropriate forms from the sponsoring authority within each fire service jurisdiction. Please note: Applications for all federal medals must be applied for through the New Brunswick Office of the Fire Marshal. Further information is available at www.gnb.ca/fire.



Fire Investigator Mark Nowlan and Snickers

The Fredericton Fire Department was one of the first in the Maritimes to use the service of a fire investigation canine in the investigation process when necessary. Snickers was the department's first canine who worked fire scenes all over the Province and in Nova Scotia.