

Advisory Brief to Prince George City Council On the Matter of Bylaw 8727, 2013, Fire Protection and Emergency Response Bylaw

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### **The Issue: Practice & Business Restrictions in the November 4, 2013 Bylaw Proposal**

ASTTBC is advising City Council that the amended definition of 'Fire Protection Technician' as proposed on November 4, 2013 includes practice and business restrictions not part of the Bylaw proposal that received Third Reading on September 9, 2013 and that the November 4, 2013 amended definition of 'Fire Protection Technician' is not recommended.

***ASTTBC advises the City Council to return to the September 9, 2013 definition of 'Fire Protection Technician', with the addition of 'maintenance' in the scope of work, if recommended by City staff.***

ASTTBC offers this advice for many reasons, including:

- ASTTBC certification is the most comprehensive in Canada
- ASTTBC certification is endorsed by the Fire Chiefs' Association, viewed as 'best practice' by the BC Fire Commissioner and supported by UBCM
- ASTTBC- registered Fire Protection Technicians carry out work that is very distinct from that of TQ Electricians and TQ Sprinkler Fitters
- TQ credentials are not required in law to carry out inspection, testing and basic maintenance of fire alarms and sprinklers
- The requirement of a TQ would seriously restrict practice and limit the availability of qualified workers
- The requirement for a TQ should be a business decision and not mandated by the City as a requirement to carry out the work
- The addition of qualifications beyond ASTTBC certification defeats the purpose of professional reliance
- The requirement for other than ASTTBC certification will significantly expose the City in that the City will be required to verify TQ credentials of those doing the work

ASTTBC's advisory brief outlines in detail the rationale for offering this advice.

### **Definition of 'Fire Protection Technician'**

ASTTBC worked with Prince George Fire and Rescue staff Dennis Perrault, Chief Fire Prevention Officer and Blake King, Deputy Fire Chief ("Fire Staff") in the development of the role and definition (September 9, 2013) of Fire Protection Technician.

The definition proposed with the September 9, 2013 Bylaw made direct reference to ASTTBC, as follows:

*"means a person certified by ASTTBC to inspect and test fire protection equipment."*

This Bylaw set the requirements usual in the province of BC. The Bylaw did not include 'maintenance' and this could be added.

Bylaw November 4, 2013 also included ASTTBC but added several practice restrictions:

*"means a person certified by ASTTBC to inspect and test Fire Safety Systems and;*

*a) for the purpose of inspecting, testing and maintenance of Fire Alarm Systems, the Fire Protection Technician must be either:*

*1. a licensed electrical contractor in good standing with the BC Safety Authority or;*

*2. an individual, holding a valid electrical Certificate of Qualification, working under the holder of the facilities electrical operating permit.*

*b) for the purpose of inspecting, testing and maintenance of Automatic Fire Sprinkler Systems, the Fire Protection Technician must be an individual, holding a valid Sprinkler fitter Certificate of Qualification.*

The November 4, 2013 definition imposed serious restrictions on those who can do the work and on business practices.

### **Collaborating with Fire Staff to Create Sept 9, 2013 Bylaw**

During the past year ASTTBC met one-on-one and had many email exchanges with Fire Staff all geared to working collaboratively on the Fire Protection portion of the Bylaw. Below under 'Consultation' ASTTBC outlines some of the good work completed together and also the lack of direct consultation with ASTTBC at the very end of the process when significant changes were made to the September 9, 2013 definition of Fire Protection technician.

### **Consultation on the September 9, 2013 Version of the Bylaw**

As noted, ASTTBC was directly involved with Fire Staff to help prepare Bylaw 8272, 2013 that was given Third reading September 9, 2013. While ASTTBC had SOME involvement with the public consultation ASTTBC was not consulted on the re-writing of the Bylaw and only by chance learned the September 9, 2013 Bylaw proposal had been revised and was going forward to Council with a significant revision and targeted restrictions. This point is amplified when on October 23 ASTTBC had not seen the revised Bylaw and was informed that the document was a work in progress. On October 25 the full submission to change the Bylaw was sent to City Council without further ASTTBC involvement.

After learning of the significant changes planned for the September 9 version of the Bylaw the author of the advisory brief, who happened to be in Prince George on other business, spent 90 minutes with Fire Staff on November 4, 2013 and from that discussion came away with the following (author's) impressions:

- staff were 'caught in the middle' between some in local industry advocating for additional restrictions in terms of the credentials of those allowed to carry out the work and ASTTBC as the professional regulator and the model Bylaw recommended for Local Government
- staff were rushing to get the Bylaw done
- staff understood ASTTBC's concerns
- staff recognized that the City was departing from the norm
- staff had NOT talked with Western Canada Fire Protection (WCFP) and quite possibly other smaller local firms that would face serious business challenges if the revised Bylaw were enacted. WCFP, for example, has 5 technicians none of whom have a TQ. In speaking with WCFP representative it was evident they had not been consulted and observed that they did not know they would have a future in this business

ASTTBC has enjoyed a positive, collaborative working relationship with Fire staff and wish this to continue. Fire staff expressed the same sentiment. The change to the Bylaw promoted by some in local business has, it seems, placed the fire staff in a difficult position.

### **Trades Qualifications and Fire Protection Technicians**

#### **The Law, Qualifications and Usual Practice**

In preparing this advisory brief the author connected with senior fire protection technicians and business owners in Metro Vancouver and a Chief Fire Prevention Officer with experience in a small community that adopted a Bylaw and is now employed with a larger municipality in Metro Vancouver.

Here are a few key points made by experts regarding the current law, qualifications usual to a TQ and the usual practice of inspecting, testing and maintaining fire protection systems.

1. BC law does NOT require a TQ electrician to service fire alarm systems or emergency lights; nor a TQ sprinkler fitter to inspect and test sprinkler systems.
2. The addition of TQ Electrician for fire alarm systems and TQ Sprinkler Fitter for sprinkler systems is a significant restriction in terms of WHO will be able to DO the work. The November 4 Bylaw is a clear attempt to restrict practice
3. The field of work of a TQ Electrician is separate and distinct from fire protection; likewise for a TQ Sprinkler Fitter.
4. Electrical TQ training includes very little training on fire alarm systems and only covers what is in the Electrical Code and does not cover the standards applicable to fire protection inspecting and testing, namely CAN/ULC S536 – Inspection and Testing of Fire Alarm Systems, CAN/ULC S537 – Verification of Fire Alarms Systems and any of the NFPA codes. Nor does it cover the inspection and testing of fire extinguishers or emergency lighting.

Likewise and maybe even a more pronounced difference exists with the sprinkler fitter. The training of a TQ Sprinkler Fitter includes little to no training on inspecting and testing the system.

5. The City of Vancouver, industry, business and practitioners took a long and careful look at the training and usual experiences of TQ credentials and came to the conclusion that the TQ does not possess the training and competencies required for inspecting and testing fire protection systems. This is not to say that SOME may acquire such competencies and SOME do carry out this work, but only after they acquire the competencies specific to this field of work and prove same through ASTTBC certification.

One expert Commented,

*“The City of Vancouver introduced the first Bylaw during which there was considerable debate on the question of TQ electrician and sprinkler fitter and the conclusion reached was that (a) these are different fields of work; (b) the TQ does not possess the required knowledge; (c) the imposition of TQ was inappropriate for the circumstances; (d) costs would be much higher; (e) most TQ would not likely do the work anyway...”*

Another expert commented,

*“From my 35 plus years in the life safety industry, I have come to learn that most TQ electricians and sprinkler fitters know little to nothing about how to service the equipment they install. To the point that we do not consider a TQ electrician or sprinkler fitter’s training as a qualification as a service technician”*

6. There is a severe shortage of TQ electricians now in the construction trade and an even greater shortage of certified life safety technicians in the Province. To expect any municipality or region to have enough double-qualified persons is unrealistic.

7. If the revised bylaw were enacted a company would have to have a person with an Electrical TQ and fire alarm certification, a person with a sprinkler TQ and water based suppression certification, a person with fire extinguisher certification and one with emergency lighting certification. In short there would need to be two to four service technicians on site.

8. The City of Prince George would be the ONLY municipality in Canada to require a TQ.

9. By having a TQ, the City is eliminating choice to the citizens and businesses by not allowing ASTTBC-registered Technicians without a TQ to complete this work. I think there will come a time when there will not be adequate trade qualified people to perform this type of work in the City. There is already a large demand for trades in the North; not allowing Technicians to do this work will drive up costs and lower service levels in the community. Not everyone wants to become a TQ, nor do you need a TQ to do this type of work.

10. Service technicians work closely with AHJ and Fire Department FPO offices as they are quite often the first in the field to see problems the encompass more than one system and see a building or hazard from an overall life safety perspective. TQ’s tend to have a much narrower perspective, especially construction, as they work under the direction/supervision of a ASCT or P. Eng meeting a specification.

## **Fire Protection : Implications for Prince George Businesses**

In the process of preparing this advisory brief the author connected with several business interests in the City. Here are a few key revelations for consideration:

- a. Western Canada Fire Protection (WCFP) is a small business that has been offering services in the City for 22 years. The business has 5 technicians, one of whom is ASTTBC-certified. The firm plans to move ahead and get all their technicians certified with ASTTBC. There are NO TQ qualified workers on staff. The imposition of a TQ requirement would bring significant consequences, including possibly closing the doors at the extreme to hiring TQ qualified workers, at great cost. A question remains as to the possible loss of work for the five technicians who will likely not acquire a TQ credential, and even if they were to pursue same it would take 5 or more years.
- b. One firm has made a business decision to hire TQ electricians and sprinkler fitters and with this decision know that more than one person is required on site to service a building. It is USUAL in the industry for an ASTTBC RFPT to be registered in more than one discipline so as to more effectively service a building (see earlier note on this point).
- c. One property management firm uses WCFP and is concerned that WCFP will not be available if the November 4, 2013 Bylaw proposal goes ahead.
- d. ASTTBC experts estimate that the cost to service a building would likely rise about 30 - 50% if the requirement for a TQ prevails.
- e. My experts say that it is should be a business decision to hire TQs and not a legislated requirement, as is the approach in all other AHJs with a Bylaw requiring ASTTBC certification

## **ABOUT ASTTBC | HISTORY OF FIRE PROTECTION CERTIFICATION**

### **ASTTBC's Interest, Style and Public Engagement**

As the professional regulator responsible for the certification and registration of practitioners working in Fire Protection Inspection, Testing and Maintenance ("Fire Protection") ASTTBC's interest in Bylaw 8272, 2013 Fire Protection and Emergency Response Bylaw is to work with and assist City Council and staff achieve a Bylaw that will most effectively serve the interest of fire protection and safety, be consistent with other Local Government Bylaws and general practice in BC, consider the business needs of building owners and managers, assure a sustainable supply of Fire Protection Technicians and align the skills and competencies with the practitioners doing the work.

ASTTBC's usual style is to work 'within the system' to the extent possible, helping to craft legislation, policy and practices and resolve issues as the process unfolds. In the case of Bylaw 8272 ASTTBC was initially at the front end of Bylaw development, crafting and supporting the Bylaw that was tabled for Third Reading on September 9, 2013. Following an initial consultation at which ASTTBC had representation at a meeting in Prince George, ASTTBC continued to submit documentation and answer questions posed by Fire and Rescue Staff ("Fire Staff"). ASTTBC was not included, however, as the Bylaw was being revised and only by chance learned that Third Reading of September 9, 2013 was being rescinded and the definition of 'Fire Protection Technician' was being substantially altered. Hence ASTTBC finds itself in the unenviable position where we have no option but to advise City Council in a more public manner.

### **ASTTBC's Purpose**

ASTTBC's purpose is to support and assist the City Council and staff, as well as the affected community, realize an appropriate and sustainable Fire Bylaw. ASTTBC has no 'axe to grind', seeking instead a balanced approach that supports health and safety, the best and most appropriate utilization of technical skills and a Fire Bylaw that is consistent with the other twenty (20) Local Government Bylaws in place throughout BC.

ASTTBC's advice is for City Council to return to the original (September 9, 2013) definition of 'Fire Protection Technician', which does not incorporate significant practice and business restrictions included within the revised Bylaw, November 4, 2013. ASTTBC found the September 9, 2013 definition of Fire Protection Technician acceptable, appropriate, consistent with the other 20 municipal Bylaws, in keeping with the skills needed to carry out this work and in line with BC laws.

The proposed change tabled with City Council on November 4, 2013

- adds significant restrictions to who can carry out fire protection inspections
- departs dramatically from the standard set by other municipalities
- will seriously limit those available to carry out fire protection inspection
- limits ASTTBC as the professional regulator to carry out its responsibilities
- will require the City to determine whether those providing fire protection services have TQ for Alarms and Sprinklers, adding to the work load of City staff
- adds to staff work load by requiring staff to verify and regularly confirm that Fire Protection Technicians are ASTTBC registered AND have a TQ
- unnecessarily exposes the City to increased liability
- will lead to higher cost of a fire protection service

ASTTBC raises these issues to assist City Council and staff arrive at a model Bylaw in the definition of Fire Protection Technician. ASTTBC has not reviewed nor considered other elements of the Bylaw.

### **ASTTBC as Professional Regulator**

ASTTBC is a professional regulatory body incorporated under the Applied Science Technologists and Technicians Act (1985). With over 10,000 registrants ASTTBC is the 9<sup>th</sup> largest professional association in BC.

ASTTBC's mandate is to serve and protect the public interest. ASTTBC's interest is to ensure that all qualified workers have access to and can secure professional certification. With the definition of Fire Protection Technician as at September 9, 2013 all those qualified, including TQ Electricians and TQ Sprinkler Fitters, are able to pursue and gain certification as a RFPT with ASTTBC.

ASTTBC has been certifying, registering and holding Registered Fire Protection Technicians (RFPT) professionally accountable for over 2 decades. There are currently over 800 Registered Fire Protection Technicians certified with ASTTBC.

As with any other professional regulator ASTTBC has established, in collaboration with industry, Authorities Having Jurisdiction (AHJ) and practitioners, the competencies, training standards, practice guides, continuing professional development requirements and accountability measures. These standards are widely supported in BC and are quite arguably the most comprehensive in Canada.

ASTTBC's certification is relied upon by AHJs who, with only two exceptions, call for ASTTBC certification without added qualifying restrictions. The approach with Bylaw 8272, 2013 amended November 4, 2013 is similar to saying the City will recognize a PEng but only if the PEng ALSO has OTHER qualifications set by the City. This approach defeats the purpose of professional regulation and would require the City to police the added qualifications.

### **History of Fire Protection and ASTTBC Certification**

ASTTBC was initially approached by the City of Vancouver some 20 years ago to assume responsibility for certifying and holding professionally accountable Fire Protection Technicians. Up to that point in time the City maintained a list of companies recognized to carry out this work. The City reached the conclusion that they wanted to know that the person doing the work was competent, qualified, registered and accountable.

The City also acknowledged that by maintaining the list of companies they were inadvertently assuming added direct liability by naming companies able to carry put this work. With ASTTBC carrying out the certification the City moved to a professional reliance model and removed itself from any direct involvement in setting the standards for those carrying out the work, leaving that to the professional regulator, ASTTBC.

The ASTTBC fire protection certification program is,

- the most complete and comprehensive in Canada
- endorsed by the Fire Chiefs' Association of BC
- considered 'best practice' by the BC Fire Commissioner
- endorsed by UBCM

- supported by 20 AHJs who have enacted a Bylaw calling for ASTTBC certification, NONE of which require a TQ credential to carry out this work
- separate and distinct from the field of practice of a TQ Electrician and TQ Sprinkler Fitter

ASTTBC offers certification in ten (10) different 'disciplines' including extinguishers, emergency lighting, sprinklers and fire alarms. It is USUAL for a RFPT to be registered in three or four disciplines, with extinguishers, emergency lighting, fire alarms and sprinklers among them so as to most effectively service a building. The interface of fire alarm and sprinkler devices (flow, pressure and supervisory switches) requires the inspection and testing technician to have both the fire alarm and sprinkler certification.

ASTTBC issues a stamp to each RFPT which shows their name, registration number and the disciplines in which they are registered. An open and accessible web site lists all RFPTs together with their disciplines of registration.

### **BC Safety Authority and Fire Protection**

ASTTBC recognizes there is a small sliver of maintenance work that may be construed to be 'electrical work' and so ASTTBC is working with the BC Safety Authority to define a restricted license that would be available to a RFPT who chooses to carry out this narrow scope of work as part of their service. This new license, once approved, will meet the requirements for the electrical component of life safety systems for the BCSA.