

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



ELIMINATING THE ‘FOREVER CHEMICAL’ PFAS FROM FIRE FIGHTERS’ PROTECTIVE GEAR AND FIRE FIGHTING FOAMS

31ST CANADIAN LEGISLATIVE CONFERENCE

APRIL 14-16, 2024 | OTTAWA, ONTARIO | #IAFFCDNLEG



Joint Statement Regarding PFAS in Fire Fighter Turnout Gear



The International Association of Fire Fighters (IAFF) and Metropolitan Fire Chiefs Association (Metro Chiefs) have come together to notify members of the adverse health risks from fire fighter turnout gear.

Recent studies have shown that all three layers of fire fighter turnout gear contain Per and Polyfluoroalkyl Substances (PFAS), a class of fluorinated chemicals known as “forever chemicals” which have been linked to cancer and other serious health effects.^{1,2} These studies highlight the risks associated with the materials and finishes used in turnout gear even before it is exposed to its first fire.

Identifying safe and effective PFAS-free materials for turnout gear is a long and challenging process. Until PFAS is fully removed from turnout gear, the IAFF and Metro Chiefs are asking fire fighters to reduce exposure to PFAS in turnout gear by using the following precautions:

- Turnout gear should NOT be taken into firehouse living areas.
- When transporting gear in personal vehicles, it should be in a sealed container or bag, and preferably NOT transported in the passenger compartment.
- Apparatus cabs should be cleaned regularly and after every fire.
- Wash your hands after handling turnout gear.
- Legacy turnout gear should be replaced as new PFAS-free technologies become available.
- Do not wear turnout gear on responses where this level of protection is not necessary.*

The IAFF has been working with researchers, advocacy groups, industry stakeholders, and legislative leaders to help address this issue and remove harmful substances from protective equipment. The IAFF has also recently partnered with the American Cancer Society and hired its first ever Chief Medical Officer to expand cancer research.

Both the IAFF and Metro Chiefs are dedicated to removing PFAS chemicals from turnout gear. The joint efforts will take place before regulatory bodies and in continuing discussions with manufacturers in the critical initiative of eliminating PFAS “forever chemicals” from turnout gear.

The International Association of Fire Fighters and the Metropolitan Fire Chiefs Association stand shoulder to shoulder in our combined efforts to rid occupational cancer from the fire service. The time has long passed for occupational cancer to be accepted as “part of the job.” You can do your part, and we urge you to take these steps to reduce your exposure.

We must raise our collective voices and diligently work toward a day when firefighting gear will not be a source of fire fighter illness.

**Wearing all PPE and SCBA during firefighting, overhaul, and while working in smoke is still the best first line of defense when it comes to limiting exposures to fireground contaminants. Following any exposure to the products of combustion, all PPE should be cleaned in accordance with NFPA 1851 to reduce cross-contamination and further exposure.*

Rob Shaw: Is B.C. ready to lead the way on firefighter safety?

Green MLA Adam Olsen says B.C. firefighters deserve gear free of harmful chemicals
[Rob Shaw](#) Mar 4, 2024 8:30 AM



B.C. firefighters are visiting the legislature Tuesday as part of the community's annual political advocacy day, where they are expected to pressure the government on eliminating harmful chemicals from their gear. Photo Mike Howell

B.C. firefighters put their lives on the line every day responding to hazardous calls, and the last thing they should be worried about is their protective gear harming their health.

Greater Victoria firefighters use best practices in absence of PFAS-free gear

MLA Adam Olsen pitches bill to ban potentially cancer-causing firefighting equipment



[Christine van Reeuyk](#)

Mar 30, 2024 5:30 AM



Sidney's Community Safety Building building is specifically designed with limiting exposure to cancer causing substances, including keeping firefighter turnout gear in the 'dirty' areas. (Christine van Reeuyk/News Staff)

[Listen to this article](#)

2023 – 2024 STATE PFAS LAWS

Laws that have some ban on PFAS foam	Laws that require PFAS label in PPE	Current bills introduced in 2023 and 2024 to ban foam or PPE & others related to PFAS
IL – HB 3508 (2023) *take back of foam	IN – HB 1341 (2023) *bans purchase	AK – HB 166 *ban PFAS foam
MN – HF 2310 (2023)	ME – LD 206 (2023)	AK – HB 269 *funds to replace PFAS foam
NJ – AB 1413 / SB 1417 (2024)	VT – S 73 (2023) *PPE replacement & cancer screening	CT – SB 338 *grants for removal of PFAS
WV – HB 2860 (2023) *disposal of foam		DE – HB 325 *fund for foam reclamation
		HI – HB 2783 * PFAS grant program & blood testing
		HI – SB 2371 *PFAS grant program & blood testing
		HI – HB 2797 *investigate dangers of PFAS
		HI – SB 2369 *investigate dangers of PFAS
		IL – HB 3092 *PFAS reporting data
		IL – HB 3128 * take-back program for foam
		IL – HB 5424 *income tax for PFAS distributors
		IL – HB 4627 *PFAS manufacturer data collection
		IL – SB 3360 *PFAS manufacturer data collection
		IL – SB 1927 *take back and foam storage
		IN – HB 1399 * bad PFAS definition bill
		IA – SF 2033 * PFAS label in PPE
		IA – SF 2229 *prohibit PFAS foam
		IA – HF 62 *prohibit PFAS in foam and PPE
		KY – HB 116 *PFAS health working group
		KY – SB 159 *PFAS blood test reimbursement
		ME – LD 132 *PFAS blood testing in healthcare plans
		MA – HB 863 *PFAS disposal best practices
		MA – HB 2339 *bans PPE that contains PFAS
		MA – SB 1502 * ban PPE that contains PFAS
		MA – SB 1556 *bans PPE that contains PFAS
		MA – SB 1559 *PFAS Public Safety Research Fund
		MN – HF 2586 *income tax for PFAS manufacturers
		MN – SF 2842 *income tax for PFAS manufacturers
		MN – HF 742 *bans PFAS foam
		MN – SF 776 * bans PFAS foam
		MN – HF 372 *PFAS notice from manufacturer
		MN – SF 450 *PFAS notice from manufacturer
		NH – HB 1352 *ban PFAS in station wear
		NH – HB 1707 *PFAS blood test cost liability
		NH – HB 465 *bans PFAS treatment on textiles
		NH – HB 614 *PFAS kidney cancer study
		NH – HB 414 *Preventative PFAS health coverage
		NJ – AB 2787 *restrict PFAS foam from training
		NY – SB 7136 * PFAS foam recall
		NC – HB 349 *foam buyback program
		NC – HB 732 *ban PFAS foam from training
		PA – HB 1541 *ban PPE containing PFAS

There are situations where an employee gets injured in the course of their employment.

Some of these situations involve occupational disease, or a health problem caused by exposure to a workplace health hazard.

A Brief History of Workers Comp

In 1915, Ontario passed Canada's first Worker Compensation Act. Based on recommendations from an Ontario Royal Commission, the Act involved a *historic trade off* in which workers gave up the right to sue their employers for a guaranteed protection from loss of income regardless of fault.

Before the workers compensation system was established, workers and employers had limited protection from the impacts of workplace injury and illness. For example, workers—those who could afford it—could use the legal system to sue their employers, but if a worker or coworker contributed to the accident in any way, they had no recourse. Conversely, if a worker's lawsuit was successful, it could result in an employer being forced into bankruptcy.

Today, there are twelve jurisdictions in Canada with separate Workers Compensation Acts and separate governing bodies.

For over a hundred years, the five basic principles that were adopted in Ontario have formed the foundation for workers compensation law in Canada:

1. **No-fault compensation**, in which workplace injuries are compensated regardless of fault, and the worker and employer waive the right to sue.
2. **Collective liability**, so that the total cost of the compensation system is shared by all employers.
3. **Security of payment**, with a fund established to guarantee that compensation will be available for injured workers when they need it.
4. **Exclusive jurisdiction**, with all compensation claims directed solely to the compensation board.
5. **Independent board**, that is autonomous and financially independent of government or any special interest group. Unlike the United States where a worker can generally pursue workers compensation and bring a lawsuit against entities other than their employer, in Canada, you cannot do both. And, in some instances, an injured worker cannot sue regardless of the situation.

With the assistance of IAFF Canadian Legal Counsel,
PFAS LAW FIRMS have prepared these FAQs to
address unique issues for Canadian members.



I have submitted a claim for worker's compensation because of a cancer diagnosis. Can I still bring a claim against the PFAS industry?

All Canadian jurisdictions have a presumption for fire fighters diagnosed with certain cancers under their applicable worker's compensation law, and province and territory specific summaries of coverage can be referenced at www.iaff.org/presumptive-health. However, when a worker elects to receive worker's compensation benefits, any right of action against a third party, which is defined as someone other than the worker or the employer, vests with the worker's compensation board (WCB, WorkSafe, WSIB, or CNESST). By way of example, in Ontario, Section 30(10) of the Workplace Safety and Insurance Act provides that where a worker/dependent elects to receive benefits, the WSIB has a subrogated right to bring an action in the name of the worker and the WSIB controls and directs the litigation.

Further guidance will be provided on the various worker's compensation boards' decision(s) with respect to whether they will pursue third-party litigation against PFAS manufacturers either in the United States or Canada.

I was recently diagnosed with a work-related cancer. Should I submit a claim for worker's compensation?

Generally speaking, worker's compensation benefits in Canada are paid pursuant to the applicable legislation and the policies of the worker's compensation board.

This provides predictable benefits for injured workers as well as a defined decision-making process upon the submission of a claim. These benefits can include loss-of-earnings, non-economic loss, health-care benefits, help to return to work, loss-of-retirement income, survivor benefits, and benefits for future economic loss, whereas litigation is uncertain and can be time-consuming.

As a result, in consultation with the IAFF Canadian Legal Counsel, we recommend that IAFF Canadian members recently diagnosed with a work-related cancer submit a claim for (or elect) worker's compensation.

I've read that your attorneys are not licensed in Canada. How can you help me?

Motley Rice attorneys have worked with attorneys licensed in Canada for more than 35 years concerning cross-border litigation, including having filed thousands of asbestos claims in the United States for Canadians.

Motley Rice attorneys **Anne McGinness Kearse**, **T. David Hoyle**, and **James W. Ledlie** each hold a Foreign Legal Consultant (FLC) permit issued by the Law Society of Ontario to give legal advice in Ontario about the federal law of the United States.

Motley Rice employs a Certified French Translator and other professionals to assist French-speaking clients.

As a result, Motley Rice brings these resources and experience to PFAS LAW FIRMS and provides assistance to Canadian IAFF members.



PFASLawFirms.com

Motley Rice LLC, Simmons Hanly Conroy LLC and Sullivan Papain Block McGrath Coffinas & Cannavo P.C.
are three independent law firms working together on PFAS litigation.

With the assistance of IAFF Canadian Legal Counsel, **PFAS LAW FIRMS** have prepared these FAQs to address unique issues for Canadian members.



What can we do to change regulatory standards and systems that have enabled toxins in fire fighter protective turnout gear?

The IAFF and our affiliates have been successful in passing presumptive laws to provide benefits to fire fighters battling cancer. In addition to obtaining benefits, Canadians have a voice in demanding that all turnout gear be replaced with PFAS-free alternatives.

The IAFF is currently working on legislative and/or regulatory ways towards eliminating PFAS from turn out gear.

More information on how you can get involved in the legislative fight for your safety will be provided.

Will I be receiving information as the litigation process progresses?

The IAFF and PFAS LAW FIRMS will continue to update members about their litigation efforts.

By way of example, the IAFF filed suit March 16 against the National Fire Protection Association (NFPA) for its role in imposing a testing standard that effectively requires the use of PFAS in fire fighter protective gear. The suit, filed in Norfolk County Superior Court in Dedham, Mass., seeks damages and other relief. "It's about removing the cancer-causing chemicals in our gear and finding justice for our brother and sister members," said General President Edward Kelly.



It's about removing the cancer-causing chemicals in our gear and finding justice for our brother and sister members"



PFASLawFirms.com

Motley Rice LLC, Simmons Hanly Conroy LLC and Sullivan Papain Block McGrath Coffinas & Cannavo P.C. are three independent law firms working together on PFAS litigation.

		PA – HB 1571 * PFAS label in PPE
		PA – SB 612 *PFAS defined as hazardous substance
		RI – SB 2055 *funding for PFAS-free PPE
		RI – SB 2152 *ban PFAS foam & disclosure of PFAS
		SC – HB 4929 *liabilities for PFAS discharge
		TN – HB 2535 *ban PFAS foam
		TN – SB 1786 *ban PFAS foam
		WI – AB 312 *survey of PFAS foam use
		WI – SB312 *survey of PFAS foam use

OTHER LAWS THAT RELATE TO PFAS IN FOAM & GEAR:

*Indiana passed a law to create a PFAS biomonitoring pilot program to collect and analyze blood samples of individuals who were previously or are currently fire fighters for serum PFAS levels to determine whether there may be corresponding health implications associated with elevated serum PFAS levels and establish the PFAS biomonitoring fund - [HB 1219](#) (2023)

*Maine a bad PFAS bill was passed to law that would extend the January 1, 2023 deadline for reporting the use of PFAS in products for sale to January 1, 2025 and would authorize reporting the amount of total organic fluorine if the amount of each PFAS compound is not known. The bill would allow the amount of PFAS to be reported based on information provided by a supplier rather than testing. It clarifies that packaging exemption under the law regulating PFAS in products, exempts from the reporting requirements manufacturers that employ 25 or fewer people, clarifies that the requirements and prohibitions of PFAS in products do not apply to used products or used product components, and makes other technical clarifications to PFAS reporting requirements. The changes made by the bill to the law regulating PFAS in products would be made retroactive to January 1, 2023 [LD 217](#) (2023)

*Maine passed an appropriations bill to provide a one-time funding to replace firefighting gear that has intentionally added PFAS [LD 206](#) (2023)

00:05:56

Cutting out potential cancer-causing gear seems a simple decision on the surface – reality sees firefighters work closely with potentially harmful chemicals in both the foam they fight fires with and the gear that protects them from the flames.

Creating policy prohibiting the harmful equipment is a logical starting point for MLA Adam Olsen, who filed a member's bill on the subject.



Todd Schierling, president of BC Professional Fire Fighters' Association, holds up a personal protective gear at a news conference in Victoria. His organization has praised a private member's bill from BC Green house leader Adam Olsen that would phase out 'forever chemicals' found in personal protective gear and foam. (Wolf Depner/Black Press)

The target is to get rid of personal protection equipment including pants, gloves and jackets as well as firefighting foam known to contain polyfluoroalkyl substances – commonly called PFAS or "forever chemicals." PFAS is a category of manufactured chemicals previously linked to cancer and other diseases.

If enacted, the bill would require employers to provide PFAS-free fire suppression foam and prohibit foam containing PFAS, by Dec. 31, 2025. It would also require transition to PFAS-free personal protective equipment by Jan. 1, 2029.

Olsen picked up the cause pitched by the BC Professional Fire Fighters' Association and tabled the bill on March 14.

RELATED: [BC Greens table law to douse 'forever chemicals' in firefighting gear](#)

In Sidney, which lies in Olsen's constituency of Saanich North and the Islands, the fire department works from a community safety building completed in 2019. As early as the design phase, fire chief Brett Mikkelsen sought specific requirements, looking for expedient workflow to get crews to the trucks quickly while maintaining no cross-contamination. For example, all the "dirty areas" such as the turnout gear room and garage are on separate airflow from clean areas such as the kitchen, dorm and gym.



Sidney's Community Safety Building is designed to keep toxins contained, specifically from equipment exposed to toxins during active fires. (Christine van Reeuyk/News Staff)

The goal was to avoid known toxins encountered during active fires as materials burn, as well as exhaust from the vehicles in the hall. They've also known about the "forever chemicals" existing in firefighting foam for a while, the chief said.

“In Sidney our plan is to obviously, once we run out of existing stock, we’ll start procuring the new non-PFAS product,” Mikkelsen said.

A more recent revelation, is that turnout gear contains PFAS – in fact it’s a potentially life- and limb-saving element that creates flame resistance.

The plan there is to replace the gear with something PFAS-free – as it becomes accessible.

In the interim, best practices are in place, including only wearing gear when necessary, ensuring appropriate decontamination and isolating dirty turnout areas from clean.

READ ALSO: [Sidney firefighters sweat out poisons after battling toxic blazes](#)

“Every set of turnout gear has a 10-year shelf life whether it’s used 100 times or one time, at 10 years it has to be replaced,” Mikkelsen said. That provides a natural replacement timeline for non-PFAS gear, if the supply is available. Even if a department could find the huge cash layout needed to replace all turnout gear in short-order, it can be hard find.

“Until the last couple weeks there hasn’t been a single manufacturer who has been able to provide a certified PFAS-free product on the market,” said Oak Bay Fire Chief Frank McDonald.

That department also works to ensure good decontamination habits and limits wearing affected gear to as-required.

While it’s not cut and dried, Olsen hopes if the province creates policy it will create demand and result in more PFAS-free personal safety equipment becoming available as technology constantly adjusts.

“This is a transition, to be expected. When fire departments and fire chiefs set their budgets and their finances, they’re constantly upgrading gear. As that gear comes up ... we want to make sure the provincial standards will require them to upgrade into the standard gear,” Olsen said. “As they design new gear that is PFAS-free those fire departments can start to implement them.”

The goal is not to point fingers, but to work proactively as well as create a level playing field from Vancouver to small volunteer-run departments, Olsen said.

READ ALSO: [Greater Victoria firefighters battle in 1-day memorial hockey tournament](#)

He envisions a reality where volunteer gear might go in the trunk of a car, connecting with kids hockey or ball gear, extending exposure beyond the firefighter. The province would need to financially support such a transition, he said.

The bill for Olsen is not only a starting point to provide a healthier work environment for firefighters in the province, already facing higher cancer probability, but to highlight other areas “forever chemicals” are present.

“This is an important issue for firefighters but it’s an important issue more broadly in our society,” Olsen said, noting PFAS are incorporated in many everyday items such as menstrual products and sports gear.

“It did open the door for me for just how prevalent these chemicals are in many, many products and product types.”

READ ALSO: [Why cancer is deadlier than fire for firefighters in B.C.](#)

That's the premise of a new private member's bill by Green MLA Adam Olsen, which, if successful, would ban cancer-causing substances in firefighting equipment and foam over the next five years.

"Why not limit the fire suppression foam if there's a product available and why not drive a market change in the materials they wear when they are responding?" Olsen said in an interview.

"We have a government that is paying attention to these things, and why not put it on the table?"

Almost all modern firefighting turnout gear contains per- and polyfluoroalkyl substances (PFAS), which are a kind of chemical linked to cancer, hormonal changes and other health risks. Fire suppression foam also contains the substance.

Thousands of firefighters in the United States are suing the companies that make the gear and foam, as part of a movement by the International Association of Fire Fighters. The union says cancer is now the leading cause of death for firefighters in the line of duty. Washington state moved to restrict PFAS in firefighting in 2018.

B.C. firefighters are visiting the legislature Tuesday as part of the community's annual political advocacy day, where they are expected to also pressure the government on the issue.

In Canada, the federal government is considering a ban on so-called "forever chemicals" included in firefighting foam following a draft report into the issue in 2023.

"It's important to point out in the past we'd send firefighters into burning buildings and their gear didn't protect them, and now they are much more protected but it's much more toxic," said Olsen.

"So there's this balance that needs to be struck here in protecting them when they are doing the short-term work in fighting the fire but also what is the long-term piece."

PFAS are most prevalent in turnout gear like boots, coats, pants, gloves and helmets, because the chemicals are embedded in the layers that provide heat protection.

Olsen's bill calls for B.C. fire departments to ensure 25 per cent of gear is PFAS-free by 2026, rising to 50 per cent by 2027 and 100 per cent by 2029.

In addition, local governments must provide facilities to properly wash and store the protective gear, as well as provide PFAS-free alternatives for less serious calls (such as medical responses) that do not require wearing the full firefighting equipment.

Olsen acknowledged the legislation creates financial and logistical problems for fire departments, because not only is replacing gear expensive but there are currently limited options for safe PFAS-free equipment.

For example, a small rural volunteer fire department likely does not have the wash station and storage facilities to comply. The bill contains fines for municipal governments that fail to adhere.

However, Olsen said the pressure of the timelines would align B.C. with other countries already demanding change from manufacturers, and show support to a cause being waged by firefighters internationally.

"I recognize the added pressure this is going to put financially on fire departments, however, the cost of cleaning facilities and storage facilities is a much lower cost than a potential loss of life of a firefighter," said Olsen.

"What I'd be calling on the government [to do] is to be removing all financial obstacles from local governments to get the proper facilities built for their fire crews," he said, suggesting the province create some type of provincial grant program to mitigate the costs.

Olsen said he's provided his bill to the government for review and intends to table it next week in the house.

B.C. has made some changes to tackle the prevalence of cancer amongst firefighters. It changed the Workers Compensation Act in 2022 so that it would be presumed firefighters who develop certain types of cancer contracted them while working, removing the onus on the firefighter to prove the job was the cause.

Olsen's proposal on PFAS will need NDP government backing if it is to pass into law. The Ministry of Public Safety said it would review the idea.

“We look forward to seeing the proposed legislation introduced in the house,” the ministry said in a statement.

“Firefighters do heroic work and are always there when people need them.”

Olsen said the cause is worthy of the attention of MLAs at the legislature.

“We know it’s challenging, that is true, and that’s the reason why between now and 2028, hopefully other jurisdictions look at us and say we’re going to join B.C. in this work,” he said.

“Or if it’s a challenge to find an alternative, at the very least we are limiting the use of PFAS-containing turnout gear as much as possible and finding an alternative for our first responders.”

Rob Shaw has spent more than 16 years covering B.C. politics, now reporting for CHEK News and writing for Glacier Media. He is the co-author of the national bestselling book A Matter of Confidence, host of the weekly podcast Political Capital, and a regular guest on CBC Radio.

rob@robshawnews.com

References

1. Muensterman DJ, Titaley IA, Peaslee GF, Minc LD, Cahuas L, Rodowa AE, Horiuchi Y, Yamane S, Fouquet TNJ, Kissel JC, Carignan CC, Field JA. Disposition of Fluorine on New Firefighter Turnout Gear. *Environ Sci Technol*. 2022 Jan 18;56(2):974-983
2. Peaslee, G. F.; Wilkinson, J. T.; McGuinness, S. R.; Tighe, M.; Caterisano, N.; Lee, S.; Gonzales, A.; Roddy, M.; Mills, S.; Mitchell, K. Another Pathway for Firefighter Exposure to Per- and Polyfluoroalkyl Substances: Firefighter Textiles. *Environ. Sci. Technol. Lett*. 2020, 7, 594–599.
3. Environmental Protection Agency: <https://www.epa.gov/pfas/pfas-explained>
4. Centers for Disease Control and Prevention: https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html
5. Agency for Toxic Substance and Disease Registry: <https://www.atsdr.cdc.gov/pfas/activities/assessments.html>
6. IAFF Position on PFAS: <https://www.iaff.org/news/statement-from-iaff-general-president-edward-a-kelly-on-pfas-lawsuits>

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
2384CV02517-BLS2

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

v.

NATIONAL FIRE PROTECTION ASSOCIATION, INC.

DECISION AND ORDER ON
DEFENDANT'S MOTION TO DISMISS

The International Association of Fire Fighters ("IAFF") is a labor organization that represents firefighters. The National Fire Protection Association, Inc., is a non-profit organization that (among other things) promulgates codes and standards related to fire safety.

The IAFF contends that NFPA promulgated and maintains a standard for firefighters' turnout gear (also known as bunker gear) that effectively requires manufacturers to use PTFE (polytetrafluoroethylene) and other PFAS (polyfluorinated alkyl substances) that are carcinogenic, especially when subjected to heat. It alleges that NFPA has done so to further the commercial interests of some of its members that produce materials for use in turnout gear that contain PTFE or other PFAS. The IAFF claims that NFPA is liable for engaging in a civil conspiracy with manufacturers of turnout gear, for engaging in unfair or deceptive conduct in trade or commerce in violation of G.L. c. 93A, § 11, and for negligence.

*emailed
to Ramesh,
counsel
on 3/6/24
BLL
Apost
Clem*

NFPA has moved to dismiss all of these claims. The Court will allow the motion in part with respect to the conspiracy claim, because the IAFF alleges no facts suggesting that the disputed standard is unlawful or that NFPA or any co-conspirators used any unlawful purpose to achieve or maintain the standard. It will deny the motion in part as to the claim under c. 93A and the negligence claim, because the facts alleged by the IAFF plausibly suggest that NFPA may be liable under either or both of these theories, and the IAFF is not required to join equipment manufacturers as defendants before seeking relief against NFPA.

1. **Civil Conspiracy Claim.** "Massachusetts law recognizes two distinct theories of liability under the umbrella term of 'civil conspiracy';" one is known as a "'concerted action' conspiracy," while the other is known as a "true

conspiracy." *Greene v. Philip Morris USA Inc.*, 491 Mass. 866, 871 (2023) (citations omitted).¹

The IAFF specifies in its complaint that it asserting a conspiracy claim only under the "true conspiracy" theory.

To state such a claim, the IAFF must allege facts plausibly suggesting "that alleged conspirators agreed to accomplish an unlawful purpose or 'a lawful purpose by unlawful means,' ... and then caused harm to the plaintiff via 'some "peculiar power of coercion" ' that they would not have had, had they been acting independently." *Greene*, 491 Mass. at 871 n.1, quoting *Willett v. Herrick*, 242 Mass. 471, 479-480 (1922), then quoting *DesLauries v. Shea*, 300 Mass. 30, 33 (1938); accord, e.g., *Wodinsky v. Kettenbach*, 86 Mass. App. Ct. 825, 837 (2015). (affirming jury verdict of liability under this theory).

If neither the purpose nor the means used is illegal, then the alleged combination cannot give rise to liability on a true conspiracy theory. See *Neustadt v. Employers Liability Assur. Corp. Ltd.*, 303 Mass. 321, 325 (1939) (affirming demurrers—what we would now call motions to dismiss¹—and final decree dismissing action); *DesLauries*, 300 Mass. at 33-34 (affirming directed verdict for defendants); *Robitaille v. Morse*, 283 Mass. 27, 30-35 (1933) (affirming demurrers and ordering judgment for defendants).

The IAFF does not point to, and the Court cannot find, any factual allegations in the complaint that plausibly suggest NFPA or any co-conspirators set about to accomplish an unlawful purpose, or used unlawful means to achieve an otherwise permissible goal.² Since the facts alleged could not establish a

¹ Before the Massachusetts Rules of Civil Procedure took effect on July 1, 1974, civil actions could be challenged through a "Demurrer." The modern equivalent is the filing a motion to dismiss for failure to state a claim upon which relief can be granted, under Mass. R. Civ. P. 12(b)(6). *Hub Theatres, Inc. v. Massachusetts Port Auth.*, 370 Mass. 153, 154 note a (1976); see also *Curran v. Boston Police Patrolmen's Ass'n, Inc.*, 4 Mass. App. Ct. 40, 40 (1976) (demurrer filed before July 1, 1974, was properly treated by Superior Court judge "as a motion to dismiss under Mass. R. Civ. P. 12(b)(6)").

² To survive a motion to dismiss under Rule 12(b)(6), a complaint must allege facts that, if true, would "plausibly suggest[] ... an entitlement to relief." *Lopez v. Commonwealth*, 463 Mass. 696, 701 (2012), quoting *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 636 (2008), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007).

necessary element of the IAFF's "true conspiracy" claim, NFPA is entitled to dismissal of that claim under Rule 12(b)(6).

Though the IAFF alleges that NFPA and co-conspirators "entered into a combination to accomplish an unlawful purpose and/or to accomplish a lawful purpose through unlawful purposes," it does not support those legal conclusions with any factual allegations of unlawful purposes or means. Merely stating this element of a true conspiracy claim, without alleging any supporting facts, is not sufficient to state a viable claim. See *Polay v. McMahon*, 468 Mass. 379, 388 (2014) (affirming dismissal of claim based on conclusory recitation of element of claim, unsupported by any factual allegation). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Doe v. American Guar. & Liab. Co.*, 91 Mass. App. Ct. 99, 105 (2017), quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

In deciding NFPA's motion to dismiss, the Court must "look beyond the conclusory allegations in the complaint and focus on whether the factual allegations plausibly suggest an entitlement to relief." *Maling v. Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*, 473 Mass. 336, 339 (2015), quoting *Curtis v. Herb Chambers I-95, Inc.*, 458 Mass. 674, 676 (2011). "While 'detailed factual allegations' are not required at the pleading stage, mere 'labels and conclusions' will not survive a motion to dismiss." *Burbank Apartments Tenant Ass'n v. Kargman*, 474 Mass. 107, 116 (2016), quoting *Iannacchino*, 451 Mass. at 636.

2. **Claim under G.L. c. 93A, § 11.** The IAFF has asserted a viable claim that NFPA engaged in unfair or deceptive conduct that interfered with trade or commerce in violation of G.L. c. 93A.

2.1. **Unfair or Deceptive Conduct.** The argument that "the Complaint has no allegations of unfair or deceptive conduct by NFPA" is unavailing.

The IAFF alleges that the NFPA adopted and maintains a standard for manufacturing fire fighter bunker gear that provides no safety benefit and instead creates serious health risks by exposing fire fighters to cancer-causing chemicals that can volatilize when exposed to the heat of a fire. It asserts that, although NFPA holds itself out as adopting standards that will help prevent personal injury and property damage caused by fire, NFPA deceptively adopted a UV light degradation test methodology that does not serve those purposes but instead "was deliberately chosen" to require that PFAS be used

in the middle moisture barrier layer of fire fighters' bunker gear. And the IAFF further alleges that NFPA did so to further the commercial interests of NFPA members that manufacture materials that contain these chemicals.

In deciding NFPA's motion to dismiss under Mass. R. Civ. P. 12(b)(6), the Court must assume that these factual allegations, and any reasonable inferences that may be drawn from the facts alleged, are true. See *Golchin v. Liberty Mut. Ins. Co.*, 460 Mass. 222, 223 (2011).

These allegations adequately support the IAFF's c. 93A claim because they plausibly suggest that NFPA engaged in unfair and deceptive conduct in trade or commerce. Though the IAFF does not allege that the challenged NFPA standard is somehow illegal, that is not required. "Legality of underlying conduct is not necessarily a defense to a claim under c. 93A." *Kattar v. Demoulas*, 433 Mass. 1, 13 (2000). "Chapter 93A creates new substantive rights and, in particular cases, mak[es] conduct unlawful [that] was not unlawful under the common law or any prior statute." *Commonwealth v. Fremont Investment & Loan*, 452 Mass. 733, 742 (2008), quoting *Kattar, supra*, at 12.

2.2. No Direct Commercial Relationship. NFPA's assertion that it cannot be held liable under c. 93A because it had no direct commercial relationship and never entered into any transaction with the IAFF is also without merit. The IAFF can prove that NFPA's alleged malfeasance took place in a business context, and thus implicates c. 93A, by showing either "that the defendant had a commercial relationship with the plaintiffs or that the defendant's actions interfered with 'trade or commerce' " in some other way. See *First Enterprise, Ltd. v. Cooper*, 425 Mass. 344, 347 (1997) (emphasis added).

To prevail on a claim under G.L. c. 93A, a plaintiff must be able to show that the defendant engaged in "unfair or deceptive acts or practices 'in the conduct of any trade or commerce.' " *Office One, Inc. v. Lopez*, 437 Mass. 113, 125 (2002), quoting G.L. c. 93A, § 2. That is true whether a claim is asserted by an individual consumer under § 9 or by a business under § 11. See *Fruzzo v. Landenberger*, 61 Mass. App. Ct. 814, 821 (2004). The "trade or commerce" requirement is satisfied "when the defendant was operating in 'a business context' at the time of its allegedly unfair or deceptive activity." *UBS Financial Services, Inc. v. Aliberti*, 483 Mass. 396, 411 (2019), quoting *Feeney v. Dell Inc.*, 454 Mass. 192, 212 (2009).

"Parties need not be in privity for their actions to come within the reach of c. 93A." *UBS Financial Services, Inc. v. Aliberti*, 483 Mass. 396, 410 (2019), quoting *Kattar*, 433 Mass. at 14-15. That is "because c. 93A allows *any* person who has been injured by trade or commerce *indirectly* affecting the people of this Commonwealth to bring a cause of action" (emphasis in original). *Id.*, quoting *Ciardi v. F. Hoffmann-La Roche, Ltd.*, 436 Mass. 53, 60 (2002).

For example, bringing a baseless lawsuit in an attempt to interfere with business relations between other parties constitutes interference with trade or commerce that violates c. 93A. See *Rental Property Mgmt. Svcs. v. Hatcher*, 479 Mass. 542, 552 n.9 (2018) (dictum), quoting *G.S. Enters., Inc. v. Falmouth Marine, Inc.*, 410 Mass. 262, 273, 277 (1991) (litigation conduct that supports claim for tortious interference with contractual relations also supports c. 93A claim). Similarly, knowingly or recklessly conveying false information in order to help a client bring about a commercial transaction with a third party is a violation of c. 93A. See, e.g., *Kirkland Const. Co. v. James*, 39 Mass. App. Ct. 559, 563-564 (1995) (reversing dismissal of 93A claim against lawyers who conveyed alleged misrepresentation by client and thereby allegedly induced plaintiff to contract with lawyers' client).

"[E]ach case requires examination of its own circumstances to determine whether it arose in a 'business context.'" *Linkage Corp. v. Trustees of Boston Univ.*, 425 Mass. 1, 24 (1997) (holding defendant's status as charitable corporation not dispositive of whether c. 93A applies), quoting *Planned Parenthood Fed'n of America, Inc. v. Problem Pregnancy of Worcester, Inc.*, 398 Mass. 480, 493 (1986) (same).

The factual allegations that the IAFF asserts in its complaint adequately allege that NFPA was operating in a business context and interfered with trade or commerce by creating circumstances that effectively require fire firefighters to purchase bunker gear laced with potentially carcinogenic chemicals, in order to benefit manufacturers that use those chemicals.

3. Negligence Claim. The IAFF has also asserted a viable claim that for negligence.

3.1. Duty of Care. NFPA asserts that it owed no duty of care to the IAFF as a matter of law. Whether a defendant owed a duty of care is a question of law that is appropriately addressed on a Rule 12(b)(6) motion to dismiss. *Leavitt v. Brockton Hosp., Inc.*, 454 Mass. 37, 40 (2009). But the Court is not persuaded by

NFPA's assertion that it had no duty to refrain from adopting manufacturing standards that, if followed, could harm or kill people.

"Negligence is the failure to exercise that degree of care which a reasonable person would exercise in the circumstances." *Guzman v. Pring-Wilson*, 81 Mass. App. Ct. 430, 432 (2012), quoting *Morgan v. Lalumiere*, 22 Mass. App. Ct. 262, 267 (1986).

Every person and every organization has a duty to exercise reasonable care to avoid foreseeable physical harm to others, with some exceptions that do not apply here. *Remy v. MacDonald*, 440 Mass. 675, 677 (2004). In other words, in general every actor "owes a duty of care to all persons who are foreseeably endangered by his conduct, with respect to all risks which make the conduct unreasonably dangerous." *Jupin v. Kask*, 447 Mass. 141, 147 (2006), quoting *Tarasoff v. Regents of the Univ. of Cal.*, 17 Cal. 3d 425, 434, 551 P.2d 334 (1976).

These principles apply with full force to trade associations and other organizations that set safety standards that they know will be followed by others; they have a duty of care to ensure that their standards, if followed, would prevent foreseeable harm to end-users of products manufactured in accord with those standards. See *Snyder v. American Ass'n of Blood Banks*, 676 A.2d 1036, 1048-1051 (N.J. 1996) (trade association that set standards for blood banks owed duty of care, and could be liable in negligence, to transfusion recipient who contracted AIDS after receiving transfusion of blood contaminated with HIV); *Jappell v. American Ass'n of Blood Banks*, 162 F.Supp.2d 476, 480-482 (E.D. Va. 2001) (same); *King v. National Spa and Pool Institute, Inc.*, 570 So.2d 612, 616 (Ala. 1990) (trade association owed duty of care in promulgating safety standards for safe diving from boards installed in residential swimming pools); *Meneely v. S.R. Smith, Inc.*, 5 P.3d 49, 57-58 (Wash. Ct. App. 2000) (same).

"Fundamentally, the existence of a duty of care depends upon the foreseeability of a risk of harm that the defendant has an ability to prevent." *Heath-Latson v. Styller*, 487 Mass. 581, 584 (2021). The facts alleged in the complaint plausibly suggest it was foreseeable that manufacturers would follow NFPA's standards when designing and manufacturing fire fighters' turnout gear, and that doing so would result in fire fighters unnecessarily being exposed to carcinogens. NFPA's argument that the harms alleged in the complaint are "impermissibly remote" is nothing more than an assertion that they were not foreseeable when NFPA promulgated and allegedly insisted on

maintaining the challenged standard. NFPA cannot avoid answering the claim for negligence merely because any physical harm would result from the actions of third-party manufacturers; since it was foreseeable that manufacturers would follow and implement the challenged standard, NFPA had a duty to ensure that doing so would not harm fire fighters. Cf. *Mullins v. Pine Manor College*, 389 Mass. 47, 54-55 (1983) (college had duty to take protect students against foreseeable risk of being attacked and raped by third parties).

The IAFF does not seek to hold NFPA liable for failing to control the conduct of turnout gear manufacturers, as NFPA contends. Instead, the IAFF alleges that NFPA was negligent in promulgating a standard that if followed would lead to the manufacture of gear that unnecessarily exposes fire fighters to carcinogens. The allegations in the complaint state a viable claim that NFPA owed the IAFF and its members a duty of care, and that NFPA's alleged breach of that duty has caused harm.

3.2. Economic Loss Rule. NFPA's assertion that the IAFF's claim for negligence is barred by the economic loss doctrine is also without merit. That rule does not apply under the circumstances of this case.

"[T]he economic loss doctrine ... provides that 'parties bound by a contract may not pursue tort recovery for purely economic or commercial losses associated with the contract relationship.'" *Lubin v. Allstate Vehicle and Property Ins. Co.*, 2021 WL 8999593, at * 1 (D.Mass. June 11, 2021) (Saris, J.), quoting *Schafer v. Indymac Mortg. Services*, 731 F.3d 98, 103 (1st Cir. 2013). Where it applies, this doctrine generally provides that "purely economic losses are unrecoverable in tort and strict liability actions in the absence of personal injury or property damage." *Aldrich v. ADD Inc.*, 437 Mass. 213, 222 (2002), quoting *FMR Corp. v. Boston Edison Co.*, 415 Mass. 393, 395 (1993).

The purpose of the doctrine is "to prevent ... tort concepts from undermining contract expectations," on the theory that contracting parties are free to allocate the risk of economic loss as they see fit. *Wyman v. Ayer Properties, LLC*, 469 Mass. 64, 70 (2014); accord, e.g., *Hunt Const. Group, Inc. v. Brennan Beer Gorman/Architects, P.C.*, 607 F.3d 10, 14 (2d Cir. 2010) (economic loss doctrine "serves to maintain the boundary between contract law, which is designed to enforce parties' contractual expectations, and tort law, which is designed to protect citizens and their property" from physical harm") (quoting *Hamill v. Pawtucket Mut. Ins. Co.*, 892 A.2d 226, 228-229 (Vt. 2005)).

As a result, “[w]hen the economic loss rule has been applied, the parties usually were in a position to bargain freely concerning the allocation of risk[.]” *Clark v. Rowe*, 428 Mass. 339, 342 (1998).

But NFPA concedes that it had “no formal contract or relationship” with the IAFF.

The economic loss doctrine therefore does not apply here, because the IAFF had no opportunity to bargain with NFPA to allocate the risk of possible harm. See *Wyman*, 428 Mass. at 70–71 (inapplicable to claim that builder’s negligence damaged common areas of condominium building, where trustees had no contractual relationship with builder); *City of Boston v. Purdue Pharma, LP*, Suffolk Supr. Ct. No. 1884CV02860, 2020 WL 416406, at *9 (Mass. Supr. Jan. 3, 2020) (Sanders, J.) (inapplicable to claim that negligent provision of opioids caused substantial government costs); *City of Boston v. Smith & Wesson Corp.*, Suffolk Supr. Ct. No. 199902590, 12 Mass. L. Rptr. 225, 2000 WL 1473568, at *9 (Mass. Super. July 13, 2000) (Hinkle, J.) (inapplicable to claim that negligent provision of firearms caused substantial government costs).³

4. **Joinder.** Finally, NFPA contends that because the IAFF seeks to enjoin NFPA from maintaining or enforcing the challenged standard, and NFPA insists that it “has no powers of enforcement,” government entities that require compliance with the standard are indispensable parties and the action must be dismissed if they are not joined. This argument is also without merit.⁴

If the IAFF were to prevail, it may be entitled to injunction relief requiring NFPA to repeal or modify the challenged standard. That relief would not

³ See also *Sullivan v. Pulte Home Corp.*, 306 P.3d 1, 3 (Ariz. 2013) (doctrine does not apply to non-contracting parties); *Gorsuch, Ltd., B.C. v. Wells Fargo Nat. Bank Ass’n*, 771 F.3d 1230, 1242 (10th Cir. 2014) (under Colorado law, doctrine does not apply “[w]hen claims arise from a non-contractual duty”); *Cummings v. Carroll*, No. COA19-283, 2020 WL 1016839, at *8 (N.C. Ct. App. Mar. 3, 2020) (doctrine does not apply when parties have no contractual privity and defendant’s duty to plaintiff is not established by contract).

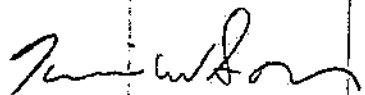
⁴ NFPA also argues that the IAFF may not press its claim for civil conspiracy without joining all alleged co-conspirators. As discussed above, the Court has concluded that it must dismiss the conspiracy claim on other grounds. In any case, this argument is wrong. Mass. R. Civ. P. 19(a) “was not intended to change the common law under which a plaintiff could elect between joining joint tortfeasors in one action or suing them separately” or, of course, suing one but not the others. See *Mongeau v. Boutelle*, 10 Mass. App. Ct. 246, 253 (1980).

implicate the rights of any government entity that may require compliance with NFPA's standards. Since relief may be granted against the defendant that is before the court, without "affect[ing] the rights of those who are not," any missing parties "are not indispensable parties." *Franks v. Markson*, 337 Mass. 278, 284 (1958); accord *Kitras v. Town of Aquinnah*, 64 Mass. App. Ct. 285, 291-296, rev. denied, 445 Mass. 1109 (2005) (Federal agency with legal interest in subject matter of State civil action not an indispensable party where relief may be granted against existing defendant without infringing legal rights of Federal agency).

ORDER

Defendants' motion to dismiss is allowed in part as to the claim for civil conspiracy, and denied in part as to the claims for violation of G.L. c. 93A, § 11, and for negligence.

5 March 2024


Kenneth W. Salinger
Justice of the Superior Court

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



DETECTING ASSAULTS AGAINST ON-DUTY FIRE FIGHTERS/PARAMEDICS

31ST CANADIAN LEGISLATIVE CONFERENCE

APRIL 14-16, 2024 | OTTAWA, ONTARIO | #IAFFCDNLEG

First Session, Forty-fourth Parliament,
70-71 Elizabeth II – 1-2 Charles III, 2021-2022-2023-2024

HOUSE OF COMMONS OF CANADA

BILL C-321

An Act to amend the Criminal Code (assaults
against persons who provide health services
and first responders)

AS PASSED

BY THE HOUSE OF COMMONS

FEBRUARY 28, 2024

Première session, quarante-quatrième législature,
70-71 Elizabeth II – 1-2 Charles III, 2021-2022-2023-2024

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-321

Loi modifiant le Code criminel (voies de fait
contre une personne qui fournit des services
de santé ou un premier répondant)

ADOPTÉ

PAR LA CHAMBRE DES COMMUNES

LE 28 FÉVRIER 2024

SUMMARY

This enactment amends the *Criminal Code* to require a court to consider the fact that the victim of an assault is a person who provides health services or a first responder to be an aggravating circumstance for the purposes of sentencing.

SOMMAIRE

Le texte modifie le *Code criminel* de manière à obliger le tribunal à considérer comme circonstance aggravante pour la détermination de la peine le fait que la victime de voies de fait est une personne qui fournit des services de santé ou un premier répondant.

BILL C-321

An Act to amend the Criminal Code (assaults against persons who provide health services and first responders)

Preamble

Whereas there is an increasing number of incidents involving violence against persons who provide health services and first responders;

Whereas assaults on persons who provide health services and first responders have both a physical and a psychological impact;

And whereas persons who provide health services and first responders, who care for and protect others, deserve to feel protected and valued by the justice system;

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. C-46

Criminal Code

1 The *Criminal Code* is amended by adding the following after section 269.01:

Aggravating circumstance — assault against persons who provide health services and first responders

269.02 When a court imposes a sentence for an offence referred to in paragraph 264.1(1)(a) or any of sections 266 to 269, it shall consider as an aggravating circumstance the fact that the victim of the offence was, at the time of the commission of the offence, a person who provides health services, including personal care services, or a first responder engaged in the performance of their duty.

441010

PROJET DE LOI C-321

Loi modifiant le Code criminel (voies de fait contre une personne qui fournit des services de santé ou un premier répondant)

Préambule

Attendu :

que les personnes qui fournissent des services de santé et les premiers répondants sont de plus en plus souvent victimes d'actes de violence;

que les voies de fait contre les personnes qui fournissent des services de santé et les premiers répondants entraînent des répercussions tant d'ordre physique que psychologique;

que les personnes qui fournissent des services de santé et les premiers répondants, qui soignent et protègent autrui, méritent de se sentir protégés et appréciés au sein du système de justice,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

L.R., ch. C-46

Code criminel

1 Le *Code criminel* est modifié par adjonction, après l'article 269.01, de ce qui suit :

Circonstance aggravante — voies de fait contre une personne qui fournit des services de santé ou un premier répondant

269.02 Le tribunal qui détermine la peine à infliger à l'égard d'une infraction prévue à l'alinéa 264.1(1)a) ou à l'un des articles 266 à 269 est tenu de considérer comme circonstance aggravante le fait que la victime est une personne qui fournissait des services de santé, notamment des services de soins personnels, ou un premier répondant et qu'elle exerçait ses fonctions au moment de la perpétration de l'infraction.



STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS

NUMBER 080 1 1st SESSION 1 44th PARLIAMENT

EVIDENCE

THURSDAY, OCTOBER 26, 2023

[Excerpted]

Mr. Paul Hills (President of the Saskatoon Paramedics Association, International Association of Fire Fighters):

Thank you, Mr. Chair.

Thank you, committee, and fellow witnesses. I appreciate the opportunity to be here today to discuss Bill [C-321](#). As stated before, I am Paul Hills, president of the Saskatoon Paramedics Association. I represent IAFF Local 3270.

On behalf of over 27,000 paramedics and firefighters across Canada who belong to the IAFF, we strongly support Bill [C-321](#). I personally have been coming to the Hill and advocating on this issue for over a decade. I've been a medic for over 25 years and a strong advocate for my profession for over 18. I serve one of the busiest cities per capita in Canada for EMS. I'm here personally because I have been a victim of violence and witnessed external acts of violence in the workplace.

I'll give you just a quick snapshot of what a shift look like for a paramedic. We normally start our 12-hour shift with a team briefing. We check our trucks and then it's go, go, go. We rarely have any breaks. That means no breakfast, no lunch and no supper as compared with the average worker, not to mention all while experiencing some of the most horrific and heart-wrenching situations that exist in society—incidents

involving children being stabbed by their parents, or families tragically dying in motor vehicle collisions.

The IAFF supports this bill because we believe that this legislation and the tougher penalties it proposes will build a strong foundation to address the growing trend of violence towards first responders and health care workers across Canada. The Criminal Code rightly addresses acts of violence against peace officers. This is now an opportunity to address acts of violence against paramedics and firefighters, almost a daily occurrence.

As a paramedic, I've seen many new pieces of safety equipment added to our ensemble over the years. The one piece of equipment coming out of school that I never thought I would be issued is that of a bulletproof vest. We've been wearing them in Saskatoon for over 15 years. This is not a piece of equipment that I as a paramedic should be issued. Last I checked, it's for military and police officers, not frontline health care workers.

An IAFF survey has shown that 13% of departments experienced at least one act of violence toward on-duty personnel at structure fires in the past five years, while 40% reported acts of violence toward personnel during medical calls in that same time period. I know first-hand that violence and threats against us are on the rise. There is no shortage of examples.

Personally, I've had my life and those of my family threatened by gang members. I've had machetes and knives pulled on me. I've removed guns from patients while attending to their medical needs. My best friend was in a house and had a patient with a nine-millimetre beside him in the chair. He had to choose: Possibly get shot in the face and have a chance to fight back, or run away and get shot in the back. Luckily, things turned out safely.

In Toronto just two weeks ago, a firefighter attempting to put out a fire in an encampment was attacked with a six-foot piece of PVC piping and hit in the face for no reason whatsoever.

In British Columbia, interactions with overdose patients have become violent or aggressive once we've rendered medical care to save their lives.

In Winnipeg, a firefighter got stabbed in the back while attending to a patient on a sidewalk.

I could spend the rest of the hour sharing real-life events—my partner here could as well—of violent acts or near misses, but the takeaway is that it's real. It's happening right now.

We must acknowledge that the consequences of violent calls aren't just physical injuries. There may be long-lasting mental health injuries. In Montreal, for example, a Local 125 member was chased by a man with a large knife. He had to barricade himself in a room. Although he was not physically injured, he was never able to return to work after 10 years of disability.

The IAFF understands and supports the overarching need to address root causes behind violent acts towards paramedics, firefighters and health care workers. These may stem from societal issues, such as economic inequality, addictions and mental health. In the meantime, we agree that there is a role for the federal government to play in protecting paramedics and firefighters and health care workers from the real threat of workplace violence in the form of tougher Criminal Code penalties.

To me, it isn't just about accountability for those who perpetrate violence against us or other health care workers. To me, it's about closure for the victim. The closure

comes from a recognition of decision-makers that we deserve better by caring for those who care for all of us in our time of need. We need to use all the tools in the tool box, as we've discussed, whether it be Bill [C-3](#), Bill [C-321](#) or Bill [C-324](#), to help deter the violence and help the helpers.

Bill [C-321](#) will definitely help in this mission. We urge the committee members to support this bill going forward, with any amendments that are necessary.

Thank you for this opportunity. I look forward to answering any questions.

(1645)

Mr. Frank Caputo:

Thank you very much, Mr. Chair.

I've already thanked our professor who is online. I thanked her for her time.

I thank you, Dr. Mausz.

Thank you, Mr. Hills. I'm a U of S grad, and it's good to see you here.

When we were talking—Mr. Hills and Dr. Mausz, you can feel free to jump in on this—I asked Mr. Doherty a question about the deterioration of respect when it comes to people in uniform. He touched on it. I believe you were here for his testimony. I understood that you wanted to weigh in.

The time is now if you want to weigh in on that issue.

[\[Expand\]](#)

Mr. Paul Hills:

I appreciate that. Thanks very much.

I think it's pretty simple from what I've been seeing in my career even prior to COVID and during COVID and afterwards. Society as a whole has lost a piece of kindness. We stopped being kind to each other.

When I walk into someone's home, even just everyday Joe Blow's, there's a level of understanding and a lack of respect for the work we do. Sometimes we're just treated poorly. They're blaming the system on us rather than understanding what we're bringing to the table and being there to help them, being there to care for them, and it can be taken to the extreme.

Gang members and other people never used to really strike out at us, but now, with the amount of verbal abuse, the amount of threats and people banging on our ambulances, there's just a lack of respect and kindness, really, for people helping anyone. It's even in the hospital system, as well, people are screaming at nurses when they walk into the triage area. People are screaming at doctors.

We've allowed it to be okay to harm each other rather than just respecting and being kind to each other. That's all I really wanted to touch on. I don't know how to fix it. Calling a spade a spade, we're just not as nice to each other as we actually could be.

[...]

In my lived experience, I've been called some of the nastiest things. I've been pushed. I've been shoved. But there's a big difference between me at six feet three, 250 pounds, versus another paramedic whose first day on the job.... My niece just started in the profession. Her experiencing that today versus me is a lot different. I'm sort of like the frog in boiling water. Over 25 years, you create a thicker skin.

In terms of longevity, she might not last in this career because she's facing these horrific statements and acts of violence at a much higher rate now.

You just get used to it. Me getting pushed is a lot different, again, than somebody else getting pushed. My tolerance level is there, based on experience and based on physical presence, but that doesn't make it okay. As you pointed out, it's a tolerance. Unfortunately, that's just something that we're all starting to wear, and it's starting to wear very thin.

[\[Expand\]](#)

Mr. Frank Caputo:

I understand that.

Even beyond the pushing—I mean, it's similar for correctional officers. They are verbally abused and the attitude is, "Well, what are you going to do—put me in jail?" That's not going to happen, right?

When it crosses the line into an assault or a threat—both of which are clear criminal offences—to me, it seems as though the way to address this, at least in part, is to take action. If you don't have action, there will be no consequences and it just perpetuates.... It perpetuates from the person committing the act, but it also perpetuates in the mind of the person who is the victim, as in, "This just goes without saying."

Can I get your comments on that, please?

[\[Expand\]](#)

Mr. Paul Hills:

If I may, I think we have no faith in the system. To be respectful to the chair, when she was talking about whether we trust the courts to do this, the courts right now have an opportunity to charge people that punch me or kick me in the face, stab me. They don't.

This adds a level of protection and a level of reasonability and puts something in law that says a first responder, paramedic, firefighter, will get their fair protection in the courts. Right now, they can be charged and they're just not charged. The prosecutors drop it. The police drop it. It's not taken seriously. We need something more than what exists.

[\[Expand\]](#)

Mr. Frank Caputo:

I know we have 10 seconds. I encourage—

No, actually, I have none.

Thank you.

[*Translation*]

[\[Expand\]](#)

The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)):

Thank you, Mr. Caputo.

Go ahead, Mr. Mendicino.

[*English*]

[\[Expand\]](#)

Hon. Marco Mendicino (Eglinton—Lawrence, Lib.):

Thank you to our witnesses, Mr. Mausz and Mr. Hills, and especially to Professor Donnelly.

[...]

What I'd like to ask is, on the issue of reporting or under-reporting, you said that approximately 40% of people who have been either threatened or are the victim of an assault do not report it. That is significant. It's high.

What are some of the ways in which we can reduce the barriers so that the people in your profession feel they can step up, report the incident, be treated with dignity, be treated in a way that is trauma-informed—which is part of the line of the work that you do, coincidentally—so that we can shine a greater light on this problem?

(1700)

[\[Expand\]](#)

Mr. Paul Hills:

With regard to reporting, he's the data guy. I'd say I'm the “bit more real” guy. We don't have time to fill out paperwork at work. Our guys are so tired and overtaxed by what they do every day, the last thing they want to do is fill out paperwork. Recently, the only time we've had people fill out paperwork is typically when they sought medical attention. I had two this weekend. People were assaulted and sought medical attention. Other than that, we have documentation. Our employer is fantastic. There are routes to do this. It is not heavily embedded in our culture.

I look at this situation like the five-minute mile. We don't think it's possible right now. With your help, we can run a five-minute mile. We need that first case. We need that first situation to happen. Someone will be held accountable, and that will spread like wildfire. Paramedics need a situation where they feel that decision-makers are taking their job seriously, protecting them and doing something to make their lives better at work.

[\[Expand\]](#)

Mr. Rhéal Éloi Fortin:

I found it very troubling—and my fellow members would no doubt agree—when you said that a good many assaults against first responders simply go unreported. Would the passage of Bill [C-321](#) make a difference on that front, or are there other things we can do as well?

For example, do you feel as though you have adequate physical protection when you respond to a situation? First, is there additional equipment you should have? Second, do your superiors encourage you to report incidents? You said that there wasn't too much paperwork, but isn't there anything that could be improved on that end?

Do you think stiffer sentencing for those convicted of assaulting health care professionals or paramedics is enough to make a difference?

[English]

[\[Expand\]](#)

Mr. Paul Hills:

Thank you for your question. It is one tool in the tool box. We do have to work on reporting. We do not need to reinvent the wheel. We need to learn from better practice around the country and share information on what is working.

Research is coming out of Peel. They are leaders in the industry as far as mental health research goes, and we need to learn from the chiefs and disseminate that

information down to the front line. As far as reporting goes, we need to get better at that, educate our members and make it easier for them to do it.

In regard to other mechanisms, we have staging policies for violent acts. We have the ability to call police if necessary in significant situations, but that also depends on whether our radios work. That also depends on their not being busy. That also depends on.... I don't know that someone's going to pull a knife on me. I don't know that there's a gun beside someone, because they're calling me because they have a sore back and then they have mental health issues.

There are a lot of things in place. It's not to say that this is the be-all and end-all. This is just a major foundational piece, I think, moving forward, that will assist cultural change in industries that aren't a Peel, aren't a Medavie, aren't Saskatoon small mom-and-pop shops that say, "We have someone else doing what they need to do to take care of us in multiple areas" and to put it all together.

[*Translation*]

Mr. Rhéal Éloi Fortin:

The idea behind Bill C-321 is that these situations would lead to harsher sentences or have to be considered an aggravating circumstance. However, the bill would not do anything to change the degree or threshold of proof required in cases involving assaults or threats. How will the provision in Bill C-321 help you? What will change for you, your members and your co-workers if the bill is passed?

[*English*]

[[Expand](#)]

Mr. Paul Hills:

It's a recognition that we're putting ourselves in situations that normal people don't put themselves into. My back is turned to gang members when I'm walking into houses where there are weapons. I have people with needles and guns who are protecting themselves and they turn on me. It's just a recognition again that we're doing what most people are not doing. That's the best I can do.

[*Translation*]

[[Expand](#)]

Mr. Rhéal Éloi Fortin:

Thank you.

[[Expand](#)]

The Chair:

Thank you, Mr. Fortin.

[*English*]

Mr. Garrison, go ahead.

[[Expand](#)]

Mr. Randall Garrison:

Thank you very much, Madam Chair.

Thanks very much to both witnesses for being here today. My sympathies to Ms. Donnelly, whom I very much would like to have heard from in this session.

Obviously, I'm in support of this bill, but I have a concern that this bill is not enough. We have heard very moving testimony about the impacts on individual paramedics—

[*Translation*]

[[Expand](#)]

Mr. Rhéal Éloi Fortin:

Madam Chair, there's no interpretation.

[*English*]

[[Expand](#)]

The Chair:

Mr. Garrison, can you speak a bit more? They're saying the sound is not good enough to interpret.

[[Expand](#)]

Mr. Randall Garrison:

It's difficult for me to say anything that will not be extremely frustrated.

I am in my constituency office, on the House of Commons desktop computer. If the system can't accommodate this, we have a serious problem.

[[Expand](#)]

The Chair:

We're going to suspend for a minute or two.
(1710)

(1715)

[[Expand](#)]

The Chair:

I call the meeting back to order.

Mr. Garrison, thank you. You've sent me the questions to ask on your behalf, because it's not an option not to have interpretation and their being unable to interpret.

We're going to continue, and I'm going to ask the questions on behalf of Mr. Garrison.

Can the witnesses tell us a bit more about the costs to the system resulting from this situation in terms of things like sick leave, stress leave and the retention of those with valuable training and experience in the profession?

Thank you.

[[Expand](#)]

Mr. Paul Hills:

Again, I'm a data guy and a story guy.

People get assaulted and they decide not to come to work tomorrow. I don't get lunch for 12 hours. I decide not to come to work tomorrow. There are so many stressors on a paramedic specifically that I can speak to that it is unfathomable why they decide to keep coming to work, honestly.

I commend my staff every day when they come to work, because it is awful right now. When I hear on the weekend that multiple more paramedics have been assaulted and they still show up to work the next day, it just baffles me. The only time they take time off work is if they are injured to the point where they can't show up to work after medical attention.

One of my members took multiple months off after their vehicle was surrounded by multiple assailants threatening to kill them inside the vehicle. It's time lost.

We cannot sacrifice a single paramedic on the street these days. That is how short we are. We are running short every single day. One person leaving is detrimental to our system and to the health and wellness of the rest of our paramedics trying to do what we do every day.

Thank you very much. I was going to give you three and a half minutes. Go ahead, Ms. Damoff.

[\[Expand\]](#)

Ms. Pam Damoff (Oakville North—Burlington, Lib.):

Thanks, Chair.

Thanks to our witnesses for being here.

Before I start, I want to give a shout-out to Carmen Santoro, who is here with the IAFF. He proudly served the Town of Oakville for many years with the fire service. It's really nice to have him here and to know that he's still continuing to do that good work.

Mr. Hills, you graciously took me on a ride-along with you in Saskatoon this summer. We had an opportunity to talk to people at the hospital and to some of your co-workers about this issue. One thing I'm thinking about is this: Can you choose not to attend an emergency when you know that there's a good chance that you'll be physically assaulted?

[\[Expand\]](#)

Mr. Paul Hills:

That is a very, very good question. Our right to refuse unsafe work has an extremely high threshold.

Now, obviously we have the ability through 911 and flagged addresses...or whether it be the police notifying us that there are weapons involved. We will typically stage in those situations and not go there until police are there and clear the scene. But once we're in a situation where it's unsafe, it's no holds barred. How do you get out of that situation? How do you deter the situation from getting worse? How do you de-escalate the situation?

Those are all skills and abilities that come with either experience or that are just situational. We don't know. That's where this comes into play. It's hard for me in the moment to just call up and say, "Hey, I'm done; I'm going to tap out of here", or "Just please don't stab me; I'm going to go over here". It's just not possible sometimes.

Yes, if my life is under threat and they're telling me to go into that place where someone is holding a gun, then I have the ability to say no, but often we don't know that situation is there until we get in there.

(1725)

[\[Expand\]](#)

Ms. Pam Damoff:

Yes, and you have a job where you're already putting your life at risk just by the profession you've chosen, right?

[\[Expand\]](#)

Mr. Paul Hills:

Yes, exactly.

If I may say, there's the moment I talked about of our being a health care worker on our day off. It is embedded in us to respond to situations we come across. If I'm in plain clothes and something happens, I'm going to do something.

Now, for that person, is it fair to them? They don't know I'm a paramedic. If they decide to stab me, they're going to get it worse, but the reality, again, is that I'm putting myself in this situation because it's born and bred into me and into my other colleagues—firefighters, health care professionals—to put ourselves in those situations, unlike a different cross-section of the population.

[\[Expand\]](#)

Ms. Pam Damoff:

Yes.

I have only a few seconds left. Do you think this bill—and thank you very much, Mr. Doherty—will increase the number of people who do report because they feel there are actual consequences for what happens?

That's for either one of you.

[\[Expand\]](#)

Mr. Paul Hills:

Absolutely: Knowing that people care about us and are doing something to make our jobs better is what we need right now. A pot and a pan on a front step is great—I need someone to do something to make my job better. Right now, we're losing paramedics at an alarming rate, and nurses and other health care workers. The threat is real. We need to fix it. Address it now.

Firefighters attacked with knife

WFPS chief expresses concern over level of violence facing members

The logo for the Winnipeg Free Press, featuring the words "Winnipeg" and "Free Press" in a bold, white, sans-serif font against a dark blue rectangular background.

By: Belle Riley Thompson

Posted: 2:52 PM CST Wednesday, Jan. 1, 2020

Last Modified: 10:26 PM CST Wednesday, Jan. 1, 2020 | [Updates](#)

A New Year's Eve incident in which two firefighters were assaulted and threatened with a knife while on duty is the latest example of an increased level of violence being directed towards service members, Winnipeg's fire chief says.

"It is very disheartening to stand in front of you on New Year's Day to kick off 2020 in this manner," Winnipeg Fire Paramedic Service Chief John Lane said Wednesday, addressing media.

An unnamed 19-year-old man faces several charges, including assault with a weapon, in the wake of the incident shortly before 11 p.m. Tuesday, in an apartment building on the 500 block of Elgin Avenue.

The WFPS said a crew responded to a fire alarm and was resetting the system, going floor to floor, when members encountered individuals outside a suite on the eighth floor. A young man punched one of the firefighters "for unknown reasons," the service said, before allegedly threatening to kill crew members and arming himself with a knife.

A second firefighter was injured while others restrained the man until police arrived, Lane said.

One WFPS member sustained defensive knife injuries to his hands; another sustained facial and hand injuries. Both were treated in hospital and released, Lane said. The suspect was also treated for unspecified injuries.

"This is one of the more acute episodes of violence towards first responders that we've been seeing in the past year or two in Winnipeg," said Lane, citing use of drugs, particularly methamphetamine at street level, to be a common factor.

"It's extremely concerning that responders who go into scenes with the intention of helping and assisting and serving citizens are faced with increasing levels of violence," he said.

"We go to a call that has absolutely no indication of any sort of violence and we end up in this situation where there was clearly a life threat to staff involved."

As a result, the WFPS has engaged consultants to conduct a review into circumstances when violent incidents occur to service members.

"That process got underway about six or eight weeks ago, and we're expecting the results of that early in this year, and then look to implement the measures that are recommended," Lane said.

Meanwhile, two men are charged with assaulting city police officers in separate incidents on New Year's Eve and New Year's Day.

In the first, a man injured two officers while resisting arrest, the Winnipeg Police Service said Wednesday.

Officers had been called to a "family-related incident" at a home on the first 100 block of Dzyndra Crescent shortly after 10 p.m. Tuesday.

Police said a man assaulted a woman in her 50s and threatened to kill her as he fled the home. Officers stopped a man in the area of Rougeau Avenue and Bournais Drive and arrested him after a struggle. One of the injured officers was treated in hospital.

Alen Mikic, 39, is facing several charges, including assault and two counts of assaulting a police officer.

The second incident happened shortly before 6 a.m. Wednesday, after police saw a truck travelling on Inkster Boulevard at Keewatin Street with the lights off and no licence plates. After coming to an abrupt stop on the 100 block of Kinver Avenue, a man got out and allegedly lunged at the officers with a knife.

Officers used a Taser to subdue the man.

Police learned the truck had been stolen from the Heritage Park area of the city Monday.

Kevin Bradley Sinclair, 34, is charged with assaulting a police officer with a weapon, two counts of failing to comply with a probation order, and other offences.

belle.rileythompson@freepress.mb.ca



Local firefighter injured by knife assault while answering a call this morning

At approximately 6:40 today, officers responded to reports that a firefighter with the North Bay Fire and Emergency Services had been assaulted while responding to a fire alarm

BayToday Staff
Sep 9, 2021 3:00 PM

City police say a North Bay firefighter was assaulted with an edged weapon while responding to a fire alarm at a house in the 100 block of Marshall Avenue this morning.



At approximately 6:40 today, officers responded to reports that a fireman with the North Bay Fire and Emergency Services had been assaulted while responding to a fire alarm.

Police say a woman damaged areas of the first and second floor of the residence and triggered a fire alarm on the second floor, then assaulted the firefighter with an edged weapon and also assaulted a second victim at the home with a piece of debris.

The firefighter was rushed to hospital with serious, but non-life-threatening injuries where he was treated and discharged. The second victim was treated on-site for minor injuries.

Responding officers arrested and charged **Roberta Hookimaw**, a female, age 35 of North Bay, with:

- Aggravated assault
- Assault with a weapon
- Mischief
- False alarm of fire

No fire was located upon the arrival of firefighters.

“Events like these demonstrate the dangers first responders face every day of their working lives,” said North Bay Fire Chief, Jason Whiteley.

“Whether they are firefighters, police, or EMS, all first responders are exposed to significant risks to their physical safety and mental health simply by doing their jobs. Facing challenges like these head-on is one of the many reasons I am so proud of my team at North Bay Fire and Emergency Services and all the first responders we work with every day.”

Hookimaw is currently in custody awaiting a hearing at the North Bay Courthouse.

Toronto firefighter injured in attack while battling encampment fire

Toronto Police officers 'intervened' and a suspect was taken into custody

[Kevin Connor](#)

Published Oct 14, 2023

A Toronto firefighter was attacked while battling an encampment fire Saturday morning in Rosedale.

Toronto Police say officers and firefighters responded to a report of fire under a bridge in the area of Sherbourne St. and Rosedale Valley Rd. – north of Bloor St. E. – shortly before 10:30 a.m.



A firefighter working the scene was “assaulted,” police said on X, adding the firefighter was taken to hospital.

It was initially reported that the injuries were serious but the firefighter is expected to be okay.

“I am thankful that the injuries are reported to be minor,” Toronto Fire Chief Matthew Pegg said on X, also expressing gratitude to the officers who “intervened” in the assault.

A suspect was taken into custody but there was no immediate word on any charges.

Police Chief Myron Demkiw posted a message on X explaining he spoke to Chief Pegg to let him “our thoughts” were with the injured firefighter.

“We hope for a full and speedy recovery,” he said.

Pembroke resident charged with threatening firefighters dousing bush fire: OPP



Author of the article:

[Megan Gillis](#)

Published Nov 08, 2022 • 1 minute read

Provincial police say a woman has been charged with uttering threats at the scene of a weekend bush fire in Pembroke.

The Pembroke Fire Department called the police just after 7:30 p.m. Sunday to report they were being threatened while working to put out the fire on MacKay Street, the Upper Ottawa Valley detachment of the Ontario Provincial Police said in a media release.

A 29-year-old woman was charged with two counts of uttering threats to cause death or bodily harm and held for a bail hearing, police said.

People facing criminal charges are presumed innocent until proven guilty. It's our policy not to name those charged unless we plan to follow the case through the justice system or it's of significant public interest to identify them.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



**STRENGTHENING CANADA'S AIRPORT FIRE
FIGHTING REGULATIONS:
RECOGNIZING M-96 AND THE NEED TO
MEET INTERNATIONAL STANDARDS FOR
RESPONSE TIMES AND RESCUE**

31ST CANADIAN LEGISLATIVE CONFERENCE

APRIL 14-16, 2024 | OTTAWA, ONTARIO | #IAFFCDNLEG

M-96 CANADIAN AVIATION REGULATIONS

44TH PARLIAMENT, 1st SESSION

MOTION TEXT

That:

(a) the House recognize that an assessment by the International Association of Fire Fighters concluded significant regulatory shortfalls concerning emergency responses at Canada's major airports are needlessly putting the safety of the flying public at risk, by

(i) failing to specify rescue as a required function of airport fire fighters,

(ii) requiring only that fire fighters must reach the mid-point of the furthest runway in three minutes rather than all points on operational runways within that time period; and

(b) in the opinion of the House, the government should, without delay, ensure that the Canadian Aviation Regulations reflect airport rescue and firefighting standards published by the International Civil Aviation Organization, specifically by

(i) giving fire fighters at Canada's major airports the mandate and resources necessary to reach the site of a fire or mishap anywhere on an operational runway in three minutes or less,

(ii) specifying that a required function of fire fighters be the rescue of passengers.



Ken Hardie

Liberal

Fleetwood—Port Kells
British Columbia

📅 LATEST ACTIVITY

December 13, 2023

Decision Made - Agreed To

🕒 HISTORY

September 19, 2023

Placed on Notice

September 20, 2023

Placed in the Order of Precedence

October 25, 2023

Debated

- [Read the transcript \(Hansard\)](#)

December 12, 2023

Debated

- [Read the transcript \(Hansard\)](#)

December 13, 2023

Decision Made - Agreed To

- [Read the Journals](#)
- [Vote details](#)

JOINT SECONDDERS (2)

Jointly seconding a private Member's motion is a formal way for up to 20 Members to show support for the motion before it is called for debate. They are displayed in the order they were received by the Clerk of the House.

Jointly seconded on **October 23, 2023**

TSB investigating fire on tarmac of the Montreal airport

By The Canadian Press and News staff

Posted July 10, 2023 2:57 pm.

Last Updated July 10, 2023 3:05 pm.

The Transportation Safety Board of Canada is investigating after a service vehicle caught fire under an Air Canada Boeing 777 aircraft at the Montreal-Trudeau International Airport on Sunday.

This was confirmed by the federal body in a brief statement on Monday, indicating that a team of investigators will be sent to the airport in the coming days or even hours.



On Sunday, Montreal firefighters were called to the Pierre Elliott Trudeau Airport after a fire broke out in a company vehicle under an Air Canada plane on the ground.

Air Canada says the fire developed in a water truck that was servicing the plane and that the flames were quickly doused by ground crew.

There were no reported injuries, according to authorities, who said the fire was under control in under half an hour.

The safety board did not give a cause of the fire.

The airline says the passengers, who had arrived from Geneva, were quickly taken off the aircraft with the help of crew.

This is the second in a string of recent incidents at the airport. On Saturday, an employee died in an on-site accident.

The employee worked for Equans, a company that offers technical services to airports, including baggage handling systems and electrical networks.

Antoine Leclerc-Loiselle, a spokesperson for the Quebec workplace health and safety board who are currently investigating the death, says a worker in charge of luggage handling fell early Saturday afternoon after trying to dislodge a suitcase from a piece of equipment, possibly a conveyor belt.

-With files from The Canadian Press

CANADIAN AIRPORT CATEGORY SIZE, CURRENT STAFFING AND STANDARDS COMPARISON

CITY	CAT	CURRENT STAFFING	ICAO	NFPA 460	EXTRA COMMENTS
Charlottetown, PEI	5	1	6	6	CARs Fire Training/ Airfield Operator Specialists
Gander, NL	5	0	6	6	Decommissioned Dedicated Fire Service
Sydney, NS (not NAS)	5	2/ min 1	6	6	in station 15mins prior to scheduled traffic until 15mins post departure
					worth noting
Fredericton, NB	6	2	7	9	CARs Fire training/ Airfield Operator Specialists
Iqaluit, NU	6	2	7	9	on operational hours/ 0 on duty and on call after hours
Kamloops, BC	6	2	7	9	ARFF coverage 0500-1230/crossover shift have 5/ NFPA & CARs Fire trained
Moncton, NB	6	2	7	9	CARs Fire training/ Airfield Operator Specialists
Nanaimo, BC	6	2	7	9	ARFF coverage 0530-0030/ crew crossover for 5 max 1330-1630
Saint John, NB	6	2	7	9	CARs Fire training/ Airfield Operator Specialists
Saskatoon, SK	6	2	7	9	NFPA ARFF Accreditation
Yellowknife, NWT	6	3/ min 2	7	9	CARs Fire training/ Bird control/ ARFF coverage 0500-0100
Kelowna, BC	7	4/ min 3	8	9	NFPA ARFF Accreditation/ drop to 2 for annual
Regina, SK	7	2	8	9	NFPA ARFF Accreditation
St. John's, NL	7	3	8	9	NFPA ARFF Accreditation
Thunder Bay, ON	7	2	8	9	CARs Fire training/ Airfield Operator Specialists
Victoria, BC	7	3/ min 2	8	9	Dual role of Bird Control/ ARFF Coverage 0500-0000
Whitehorse, YT	7	2	8	9	8 Auxillary Firefighters to backfill
Winnipeg, MB	7	3 moving to 4	8	9	NFPA ARFF Accreditation
Halifax, NS	8	7/ min 5	10	12	NFPA ARFF Accreditation
Ottawa, ON	8	5/ min 4	10	12	NFPA ARFF Accreditation
Calgary, AB	9	6/ min 5	12	15	NFPA ARFF Accreditation
Edmonton, AB	9	6/ min 5	12	15	NFPA ARFF Accreditation
Montreal, QC	9	7/ min 6	12	15	NFPA ARFF Accreditation
Toronto Pearson, ON	9	13/ min 11	12	15	NFPA ARFF Accreditation
Vancouver, BC	9	14/ min 12	12	15	Hiring process occurring to have 21 max on duty
					All NFPA ARFF Accreditation

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

30TH CANADIAN

LEGISLATIVE CONFERENCE



ASSOCIATION INTERNATIONALE DES POMPIERS

30^e

**CONFÉRENCE LÉGISLATIVE
CANADIENNE**

Legislative Lobby Issue:

Strengthening Canada's Airport Firefighting Regulations



Airport Firefighting Regulations

Air passengers deserve no less than the highest level of protection when using commercial air travel in Canada.

This means airport rescue and firefighting services that meet the highest international standards, including rapid response to all areas of operational runways with enough personnel to initiate the rescue of trapped passengers while simultaneously working to put out the fire.



Airport Firefighting Regulations

It is shocking to learn that the Canadian Aviation Regulations (CARs) that govern Canadian airports fall well short of standards such as those of the International Civil Aviation Organization (ICAO) because they fail to specify rescue as a required and resourced function of airport fire fighters, among other shortfalls.



Airport Firefighting Regulations

- Always potential for mass casualties
- Conditions inside downed aircraft can become lethal in three minutes
- Danger exists particularly on or near airport runways, where majority of aircraft accidents occurs



Airport Firefighting Regulations

- **ICAO:** clearly references rescue as a function of airport fire fighters
- Crews should be positioned to reach all points on all operational runways in three minutes
- U.S. and Canadian military follow this model
- So does NFPA 403



Airport Firefighting Regulations

- **CARs:** Fail to specify **recue** as a resourced function of airport fire fighters
- Only requires fire fighters to reach midpoint of furthest runway in three minutes
- Specify fire fighters should have ability to discharge certain amount of extinguishing agent based on anticipated number of airplane movements
- CARs do not specify a required number of personnel



Airport Firefighting Regulations



When people are trapped inside a burning building, fire fighters are expected to do more than hose down a path on the sidewalk. They're expected to initiate aggressive interior operations and to rescue anyone who may be trapped inside.

But when that fire is on a commercial aircraft, the CARs only require fire fighters to hose down a path through the burning jet fuel in the hopes that passengers can escape on their own or with assistance from flight crews who have just endured the same crash.

Airport Firefighting Regulations



- **Some Canadian airports voluntarily meet or exceed ICAO-level firefighting**
- **Many such as Macdonald-Cartier International Airport in Ottawa do not**
- **3 million passengers fielded in 2022 but not enough personnel on duty to perform rescue**

Airport Firefighting Regulations



- **Ottawa airport relies on backup from City of Ottawa municipal fire fighters**
- **Common among large Canadian airports**
- **Response time is 10 minutes or more, nowhere fast enough to be of practical assistance following aircraft emergency where passengers are trapped inside burning fuselage**

Airport Firefighting Regulations

IAFF Canada 2023 online survey of affiliates: airport emergency response

- **Confirmed few municipal fire services positioned to respond in timely and effective manner to aircraft emergency at an airport:**
 - **Average nine-minute response time to airport gate**
 - **96% described their training as either none (38%) or basic (58%)**
 - **Only 24% said their airport response training is kept up to date**
 - **22% said they did not have any SOPs etc. in place to assist their response**
 - **Only 24% said they had a good or general level of awareness about their department's role in airport emergency response**



Airport Firefighting Regulations

IAFF Canada 2023 online survey of affiliates: airport emergency response

- Only 8% of respondents felt their department was adequately trained and resourced to respond safely and effectively to an aircraft accident at an airport. A full 82% said they were not and 10% were unsure.
- Confirms that reliance on municipal backup is problematic and existing airport fire fighters should be resourced and positioned to respond to aircraft emergencies including the rescue of trapped passengers.



Airport Firefighting Regulations

What we're asking:

To address significant regulatory shortfalls that needlessly put the safety of the flying public at risk, the IAFF asks the Minister of Transport to immediately review the Canadian Aviation Regulations to bring them up to ICAO standards including specifying the rescue of trapped passengers as a required and resourced function of airport fire fighters at major Canadian airports.



Airport Firefighting Regulations

Tell your MP or Senator:

- The flying public deserves the highest level of emergency response
- Canada's Aviation Regulations fall well short of ICAO standards
- This issue also affects airport and municipal fire fighter safety
- As an MP or Senator, you likely use the Ottawa airport on a frequent basis...
- You would be shocked to learn what minimal emergency response resources are in place in the event of an aircraft accident at that airport due to shortfalls in the Canadian Aviation

