

August 29, 2024

sent via email

Emergency Management Policy and Governance Branch
Emergency Management Ontario
Treasury Board Secretariat
315 Front St. W
Toronto, ON M7A 0B8

Re: Engagement on Proposed Modernization of the *Emergency Management and Civil Protection Act* ERO 019-8860

Dear Michelle Astill:

I am writing to you on behalf of [AMCTO's](#) members to be able to provide our input, advice and recommendations regarding the [consultation on engagement on proposed modernization of the *Emergency Management and Civil Protection Act \(EMCPA\)*](#).

AMCTO represents excellence in local government, management, and leadership. For over 85 years we have provided education, accreditation, leadership, and management expertise for Ontario municipal professionals. With 2,200+ members working in municipalities across the province, we are Ontario's largest association of local government professionals.

As you are aware, the Province requires municipalities to develop, implement, and maintain emergency management programs and adopt standards for these programs through legislation and regulation. The respective statute places the accountability for emergency management programs with the municipal head of council and ministers.

Communities across Ontario are experiencing increasing pressures and realities of extreme weather events and natural disasters such as floods and tornados. Large-scale emergencies, including non-weather related threats like pandemics, have immense impacts on communities and emergency response resources.

We are pleased to see the Government of Ontario consider changes to improve and modernize emergency management and keep the province safe. It appears these changes build on amendments to the *EMCPA* made in 2022 following the COVID-19 pandemic that for example, require the Treasury Board Secretariat to establish an accountability and governance framework that sets out the roles and responsibilities of Emergency Management Ontario (EMO)'s partners during an emergency.

AMCTO welcomes modernization of the *EMCPA* with more regular reviews and updates going forward. Outlined in the submission below include high-level comments on current capacities, gaps and limitations on municipalities. While there are a variety of emergencies that

municipalities encounter and must manage, the considerations outlined below are preliminary in nature and relate to lessons learned from weather and non-weather related emergencies such as the COVID-19 pandemic. This early consultation on proposed changes to help inform a framework in Ontario is appreciated. Consultation and engagement with a broad range of partners and stakeholders including bordering provinces and territories is critical to ensure the proposed changes reflect the realities and needs of various communities.

Improve Resiliency

Investing in and providing incentives for municipalities towards strengthening social, technology and physical infrastructure, as well as resources for staffing, volunteers and necessary education and training will support municipalities in preventing, withstanding, responding to, and recovering from disasters and emergencies. With these investments, requirements and standards for infrastructure and resources based on a community's diverse factors such as population should be set.

It is critical that resiliency and coordination is improved among other orders of government, Indigenous governments as well as non-profit organizations involved in emergency response. Municipalities may be first to manage emergencies, but the responsibility for emergency response is spread across partners including the Province, and municipalities may request such assistance as needed.

In line with the one-window coordination focus area, strengthening coordination, communication and information sharing among all partners, and building integrated teams that support each other, is essential for prevention and mitigation of emergencies and ultimately improved services delivery.

Provide Tools to Leverage Digital Opportunities

Some municipalities have leveraged technology to monitor and assess risks and impacts of emergencies, inform the public of emergencies and more. For example, we are aware of a municipality that has implemented a public alerting notification system to alert residents of a potential hazard or concern that is considered an emergency. There may also be opportunities to leverage artificial intelligence (AI) to monitor critical infrastructure and analyze images to detect wildfires, among other uses. Additional guidance for the use of such technology for these purposes would encourage consistency in use, standards, and data privacy and protection. Municipal administrators require the right legislative tools and guidance to manage risk, security, and other impacts of technology on emergency management service delivery.

In alignment with our [regulatory submission](#) on Bill 194, Strengthening Cybersecurity, we look to the Province to provide support and guidance for the public sector to explore and adopt digital service delivery in a way that protects privacy and security. Ontario's municipalities can be

vulnerable to emergencies ranging from extreme weather events to cybersecurity attacks which can have devastating impacts on delivery of emergency services to the community as well as the financial health of the municipality.

That is why we have been [advocating for modern legislation](#) in an updated *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* to respond to these technological advances with the goal of enhancing their processes and services and protecting privacy. With respect to *MFIPPA*, our recent submission called for *the Act* to be comprehensively reviewed and modernized so that it is future-proofed to manage the opportunities and challenges that arise with technology.

Balance Flexibility with Consistency in Approach

Flexibility in legislation and emergency management plans is needed as municipalities vary in size, capacity, risk profiles, and available resources and need to be able to address local needs and circumstances. Nevertheless, there are opportunities to clarify the legislation so *the Act* is easier to read and understand. For instance, bringing clarity to who are “other persons” would be helpful as would better outlining the role of upper-tier governments. *The Act* must also be consistent with provisions of other applicable legislation. Without such clarity the interpretation of terms and roles are left up to individual municipalities which may be opening themselves up to risk or claims of inconsistency. Further, there are opportunities to better define and classify emergencies, types of incidents or events, and declarations.

Municipal Staff and Financial Resources

Throughout the COVID-19 pandemic, municipalities were put in the position of enforcing social distancing, some without the capacity to do so which put strain on already limited resources. Though some municipal enforcement teams may be larger and operate on a proactive basis, in smaller communities, there may be fewer staff available to conduct enforcement tasks. Additional support from provincial resources to manage emergencies of this level would be necessary.

When it comes to reporting associated with emergency management, the Office of the Ontario Fire Marshal and Emergency Management performs an annual year-end audit of all municipal emergency management programs in Ontario. Reporting requirements, while important, can take away from operational needs and require staff to spend their limited time responding to requests for information and trying to respond using forms and formats that may not work for them. Municipalities provide over 400 reports annually to the Province. Reporting requirements should consider:

- Consolidating information gathering through existing mechanisms and process that municipalities must report into with other ministries;

- The rationale for the collection of new data and whether that data will be aggregated and shared back with the sector in a useable form;
- Whether the information can be collected from other sources;
- The adequacy of reporting timelines; and
- The form and frequency of the collection.

It is important to note that to access various disaster or emergency funding from other orders of government, municipalities may be required to go through a claims-based process, such as the Municipal Disaster Recovery Assistance Program. This often means municipalities must maintain and produce various records and reports related to a specific emergency. When new funding envelopes are developed where possible, information should be provided as to qualifying criteria, the types of information, records and reports required so that where municipalities need to adjust policies or procedures they can do so in a way that ensures that will have access to available information and funding. Efficient access to resources is critical to the recovery of the municipality.

Finally, in addition to consulting with the sector, sufficient time for transition and implementation of new responsibilities, requirements or obligations, policies or processes is crucial and is especially important for spreading education and training, general awareness and local public consultation to lessen administrative burdens.

The proposed changes provide a high-level view of what is being proposed without many specifics. As such, we look forward to providing more detailed feedback following the development of a proposed modernized legislative framework that includes proposed updates to regulations.

We appreciate the opportunity to participate in this consultation.

Sincerely,

[Originally signed by]

Paul Shipway CMO, AOMC, Dipl.M.A.
President, AMCTO

cc. Hon. Caroline Mulroney, President of the Treasury Board
Bernie Derible, Deputy Minister and Commissioner of Emergency Management,
Treasury Board Secretariat