

**THE ELLIOT LAKE  
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,  
Commissioner



**LA COMMISSION D'ENQUÊTE  
SUR ELLIOT LAKE**

L'honorable Paul R. Bélanger,  
Commissaire

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**Roundtable 1: Issues relating to the conduct and management of an emergency response:**

1. IMS related issues:

How can Incident Management System be made more understandable, simpler and still achieve its purposes?

We should not blame the system when it is used improperly or abandoned and freelancing occurs.

Provide real examples of how IMS has been used successfully.

Should Incident Management System be required in emergency management-related legislation?

Should common sense be required in legislation? IMS is a process/system that should be intuitive. TRAINING/COMPETENCY in IMS should be a requirement of all those (even as a matter of health and safety) in senior roles that could be in incident leadership roles.

Should Ontario use the same Incident Command System as other jurisdictions in North America?

We already do. It is not the system it is the application and use or non-use of it that is lacking. The system should be the same, although some terminology may differ by jurisdiction which is typically not an impediment for trained practitioners.

Should elements of Incident Management System be mandatory? If so, what elements should be mandatory? At a basic principle level yes The system should be mandatory it is not intended to be a buffet. You will create a loose program where freelancing will flourish. Freelancing is the biggest danger that can be imparted by responders at any scene.

*I find the question may be based on assumptions that are not entirely accurate. Before anyone could make informed comment a re-write of the questions may be needed.*

- 1. Do you understand the provincial IMS as it is today?**
- 2. Do you understand the difference between IMS and ICS?**
- 3. Should the use and the training to operational levels of the Provincial IMS be mandatory for all emergency response agencies?**
- 4. Should the use and awareness training of the Provincial IMS be mandatory for all Provincial government agencies and staff that may have to respond to or support an emergency scene?**

*Not being party to the event nor having an opportunity to view all the testimony my perception is that*

- Authority Having Jurisdiction was not always respected*
- Freelancing became the normalization of deviation from accepted practice*
- At some points there appears multiple uncoordinated command presences including the CCG*
- “unified command” was not understood by all*
- The majority of the work went well, the small percentage that didn’t has become the story*
- The scope and magnitude of the rescue was lost. At the risk of sounding cold it was a 2 person rescue. It would barely newsworthy outside the community if it was a fire, an auto-extrication or an industrial accident. What happened ?*

*The following seem to be plucked from someone else's questions ( Hansard?). They lack context or are in isolation*

*Way too far down in the weeds for usefulness at this point.*

Incident Action Plans – somebody needs to have a plan that is well articulated to everyone else who is involved.

Planning Operation/Planning cycle

Someone should be planning for how long each step or action should take before next steps are taken, in a response, and at the very least have a regular “check-in” with those involved to assess progress and successes/opps to adjust/regroup based on immediate outcomes

Communications

Communications is fundamental to any situation where more than one person is involved in anything

Debriefing.

in any major activity, taking the opportunity to look back and reflect on plus/delta to identify continuous improvement opportunities. Very few if any collective efforts run perfectly, and even if they do, it's important to capture WHY it was successful and enshrine what is learned even from that. More importantly, where weaknesses or errors are identified, it is incumbent on the organization to take that information back and make changes to prevent recurrence, else face “negligence” given what they know can be prevented in future.

Can the terminology involved be clarified and expressed in simpler terms (e.g. Incident Commander)?

This is more of a training issue than a terminology issue. Agencies are very attached to legacy titles, and there is a need to adjust some of the ancient thinking and lexicon that is currently standing in the way of collective progress on IMS.

Should there be a requirement for a preliminary reconnaissance by someone either on the scene or who can be transported there quickly i.e. by air especially where the scene is remote from Toronto so planning can begin immediately?

A proper Provincial deployment model would take this into account. What planning are you talking about here? Who would be doing it? If there is a request for help you don't start planning how to send help. You activate a system that deploys the required assets according to the needs of the requesting AHJ's Incident Commander. How much planning does it take to decide whether you will help or not. The agency sending the requested assets would already have preplanned options to deploy.

That response needs to be preplanned. Look at OFM Mutual Aid System or the CBRNe response program as preplanned quickly deployable models. That is what response organizations are for. As long as there is a point person (as there is in the Provincial CBRNE system) and frankly that is what the Provincial teams are supposed to do in terms of liaising with the local jurisdiction on scene as soon as they are deployed and en route (even before). The OFM plays an important role, in coordinating that communication and ensuring that all relevant parties critical to the response are in the loop on early information.

At the risk of sounding sarcastic Toronto is not the centre of the universe. But in Toronto's defense the possibility of an event that would exhaust their resources to the point of requesting Provincial support is slimmer than most communities. The events (except for intentional) will not in all likelihood happen in Toronto. Plan on it happening somewhere else when a program is developed.

## 2. Organization of Search and Rescue Teams

What is the role of the Provincial Government in managing, and being responsible for, search and rescue resources?

The Ontario fire marshal's Office is the appropriate agency to coordinate a provincial plan, asset inventory and response and deployment model with Fire departments. Very successful models exist. i.e. Mutual Aid System and the CBRNe program. Assessment of the need for additional resources, identification of resources such as the Provincial teams, that the Incident Commander deems are needed or anticipated to be needed. There is little value in piling up a plethora of resources and foisting these on an IC when they are either not needed or not welcome.

Within the Provincial Government, which department(s)/agency(ies) should be responsible for managing search and rescue assets?

OFMEM

The requesting municipality is responsible for managing all aspects of these events. A Fire Chief is the most logical Incident Commander for a search and rescue event. Regardless of the expertise and support provided to the community by the province the responsibility stays local. The above noted OFM models or expansions of them would be appropriate. This questions appears to be a repeat of 2 (a).

Should the Ontario Provincial Police and the Office of the Fire Marshal manage discreet search and rescue resources?

I have no idea what discreet means in this context. I stand by the previous answer that prior to deployment the OFM manages the resources but once deployed they are managed by the requesting Incident Commander. There should be close collaboration between the OPP and OFM and the Provincial teams. As it stands, only the legacy "guns and hoses" rivalry mentality is standing in the way of effective working relationships. Each brings an important perspective, and in the case of deliberate acts of terrorism or criminal activity that results in a situation requiring HUSAR or CBRNE resources, police become a critical component of the response effort beyond directing traffic beside the yellow tape. Every skill that can be brought to bear effectively and efficiently should be included regardless of whether they carry a gun or a hydrant wrench.

*I think this another question (#2) that may have been picked out of transcripts from the hearings as valuable but with out context in solution . I think this question re-framed to a more concise one would be more*

*productive and less complicated for the members. Answering questions below may offer some context*

*For example.*

- a) Are you aware of the current deployment model for urban search and rescue**
- b) Are you aware of the capacity of that model?**
- c) Who is best positioned to manage and support the assets of a Provincial response model?**
- d) Who is best positioned to manage the deployment of requested assets to the Incident Commander ( authority having jurisdiction)?**

### 3. Decentralized Emergency Management

Does the model of “bottom-up response” established by the *Emergency Management and Civil Protection Act* and its regulations need to be refined?

NO. First response is just that – local jurisdictions have the authority and responsibility to respond to incidents in their community FIRST. Only when they deem it necessary, should higher levels of government intervene. Otherwise where does it stop? Will the province start sending resources to every vehicle accident? Every fire? Fire Chiefs and senior officials are charged with responsibilities that cannot be supplanted by higher level agencies particularly when it may be a competency or comfort level issue on the part of the local official. These local leaders should have the training and foresight to anticipate the “what ifs” that are most likely in their community, and abdication or ignorance is no excuse. I did not know that EMO had an emergency response role or a capacity to do so.

Are communities adequately supported by the Province?

While we all want more support usually in the form of dollars. Many small northern communities lack the resources and expertise to be realistically prepared. The provincial mutual aid system supported by the OFM and Fire Departments supports communities when they have exhausted resources or when that it is anticipated. I don't fully understand the context of the question since there are 2 opportunities to support communities. 1. Before events happen. 2. During and after events.

Is there adequate oversight of local preparedness, such as emergency management plans and related training? *See above*

Should the Province have responsibility for dealing with specific roles, such as media relations?

NO. Municipalities are responsible for media relations in the event of a murder, a fire, a major vehicle collision or other emergency. If they don't know how or don't have the right people, they need to address that locally. This is another question that is contrary to principals of the Incident Management System. Media relations responsibility are with the Authority Having Jurisdiction (AHJ). Questions like this actually add to confusion of who is responsible and who does. For example, in a declared emergency the head elected official of the community would be the best one to speak to the media. But he may need support from many agencies to get a good message out. A properly trained and experienced provincial asset can be part of that support.

Should teams, such as Incident Support teams used in the United States, be considered in the Ontario emergency management structure?

What is the Ontario Emergency Management Structure?

Are you referring to the Incident Management System? An Incident Support Team needs defining for a proper answer. Typically these teams are an asset that could be requested by the AHJ from the provincial tool box. Just like asking for additional radios from the OFM cache. They are not intended to be “take over” teams and may be requested for as simple a reason is the Incident Commander and his or her staff need a sleep break. Those individuals would simply continue to work the Incident commanders Incident action plan or be as complex as advising the IC continuously so the IC can develop sound IAP’s.

As long as chiefs are amenable to someone being parachuted in to take over their role and jurisdictional responsibility. To increase that comfort, clearly defining the roles and limitations of such teams long before an event happens anywhere in the Province is critical.

Any such teams should not be deployed unless requested by the AHJ. “standing up” a team or staging that type of asset may be done in anticipation of a request. But sending it without request and permission of the AHJ is freelancing. In the **2011 forest fire evacuations the EMAT hospital was sent to Thunder Bay without request, permission or even notice. There was no need or an anticipated need. It wasted our time and lots of money. \$k’s/hr.**

On a request basis, where the legal aspects of liability (resulting from decisions that may be made on behalf of a jurisdiction in which the transplanted Incident Commander) are addressed. Legal opinions may help define this and help in defining the roles and limitations. A good place to start looking would be the OFM’s mutual aid system and possibly the definition of Assistant to the Fire Marshall. There is basis and history for this kind of support between fire departments. There may be existing MOU’s for response and assistance that could provide help.

If a Chief been parachuted in/inserted and he./she had made the decision to keep FFs in the collapse zone, and if it had in fact collapsed, would there be legal ramifications?

In proposing this, do we inherently presume that those being parachuted in are as trained and as skilled the Incident Commander they are replacing.

#### 4. Clarity in the relevant legislation

Should *the Occupational Health and Safety Act*, its regulations, or policies related to it, specify the powers of Ministry of Labour inspectors in an emergency?

Training and proficiency in the Incident Management System must occur first. To be realistic a regulatory change is not going to happen. Agreed to policies defining the MOL role and its limitations could be done. Until recently (5 years) it was not an issue at emergency scenes. Without policy and IMS training the potential for conflict is high as a result of freelancing. There should be more clarity and some concrete EXAMPLES of how the Ministry engages in these circumstances. The ramifications of the MOL inspector arbitrarily shutting down a live fire rescue scene while there are trapped persons inside the structure is unfathomable and the Ministry has demonstrated in past the wide variety of approaches (collegial to militant authoritarian) depending on the inspector of the day.

How can the powers and authority of the Ministry of Labour at a rescue/recovery be clarified? How can the manner in which those powers should be exercised be clarified?

See answer a) There is a Section 21 committee that should take a hard look at this. The ramifications of the MOL inspector arbitrarily shutting down a live fire rescue scene while there are trapped persons inside the structure is unfathomable and the Ministry has demonstrated in past the wide variety of approaches (collegial to militant authoritarian) depending on the inspector of the day.

Do any laws need amendment in order to allow responders to access and remove bodies located on private property?

I don't think they do unless Elliot Lake highlighted a need. As long as the scene is an emergency regardless of rescue or recovery the Fire Chief has powers of entry to private property and has the authority to bring along any person that can assist in securing the safety of the scene or mitigating the emergency This area should be looked at more carefully, with a realistic assessment of what actually happens in that case.

For example in the case of a confirmed recovery operation without hazard a policing agency and or the coroner would become the AHJ and logically should become the IC.

5. Directory of Vital Services:

Should emergency response-related entities be required to maintain a directory of emergency-related vital services such as heavy equipment and lumber?

There are existing inventories of assets. Having a provincial inventory would be a needless bureaucratic exercise except for the GTA. Maintenance and reliable accuracy of an inventory is labour intensive.

The model of using CAER committees locally or regionally may be better

Mandating at a local level probably won't produce the desired Result for all jurisdictions.

As some communities could may actually have nothing to inventory

Whatever local jurisdictions need or better still, anticipate they need, should be based on a THOROUGH risk assessment of what could happen here, how would we deal with it, and who would we need/call in that case?  
How well has this been done well in many communities?

The "we'll deal with it when it happens" or basing the future on history "never happened here and don't see that it would" are both myopic and unrealistic approaches.

- a.
- b. What vital services should be required to be included in such a directory?  
Heavy equipment, pumps, power generation, construction materials, accommodations. Engineering assets.

## **Roundtable 2: Issues relating to the entities that may respond to an emergency:**

### 1. What should be the future of the Province's urban search and rescue resources?

Is there a role/requirement for a heavy search and rescue team? Teams" is more like it. One TF based in Toronto is nice in theory but not good in practice when geography is considered. Timely response and resilience are keys. Toronto can provide the resilience but cannot always provide a quick response.

Toronto is likely the first target of any terrorism (other than Ottawa) and it is quite foreseeable that this team would be needed there first. However, accidental collapses are much more prevalent throughout the province. Light/medium capabilities in strategic geographic locations is a much better model.

Should there be more medium and/or light teams?  
Where should they be located? ?

Geographically dispersed, and there have been past recommendations, that suggest Ottawa, Windsor, Thunder Bay, and perhaps Sudbury should be considered for medium teams. Similar model as the CBRNE teams.

What should be the expertise and capabilities of these teams?

All fire departments should have LIGHT capabilities. The above suggests medium USAR capabilities in strategic locations, and all in accordance with NFPA standards for interoperability.

How should sites far from Toronto, especially in Northern Ontario, be accessed more quickly?

The Province should support the regional team approach to supplement the TF. To provide a faster response geographically or also importantly to provide "a response" in the event of the TF already deployed or unable to respond.

The CBRNe program has successfully dealt with a number of Provincial deployments where the on ground intel has been key to the decision making that saved dollars and assets that otherwise may have been deployed. That on ground intel piece is used within CBRNe Teams to assist in confirming appropriate deployment of the team.

Trained regional teams would also provide the additional on the ground intel for the Province and support the AHJ in determining further needs. i.e. is there a need for the TF to continue on when all life threats have been mitigated by the local and regional response?

Instead of leaving it to one guy in Toronto to run the whole operations of the HUSAR program, it should be supported with a collective/group that is actively engaged in making formal assessments of the appropriate resources to support transport and logistics (not handshake or other agreements based on personal relationships). Private sector corporations do it all the time – Purolator does it, Fedex does it, perhaps take a lesson in getting things from one place to another quickly from the experts who do this for a living.

Can other entities, such as Ontario Mine Rescue, be integrated into the current emergency response structure, at least in some areas?

Use of private sector resources would have to be examined carefully and specific contracts set up well in advance. Private sector resources are not covered or responsible for public sector rescue. Unless the COMPANY is specifically contracted to perform public sector rescue (which will be a contracting out issue for the OPFFA/IAFF) with the appropriate legalities address, the “blind date at the gate” of would-be rescuers would be hard pressed to have their leaders agree to sending them into a situation where the corporation then becomes liable for their employees’ actions and any ensuing damage or injury to either their personnel, private citizens, or property resulting from their actions or inactions. There is also no guarantee that private sector responders are interoperable with public sector emergency responders given the very DIFFERENT nature of work performed, unless they have trained together regularly and adhere to the same STANDARDS. CVECO in Sarnia is a decent model of cooperation but the Chemical Valley companies are not likely to send their firefighters into a large-scale conflagration of a shopping mall.

Can Federal assets, such as cargo transport planes, be deployed? ?

Sure, if they are needed and if the logistics are practical and timely, and not based on handshake agreements or personal relationships. (wink wink we’ve got a Herc anytime you need it)

## 2. Deployment of search and rescue assets

How can it be assured that sufficient personnel are deployed to particular emergencies?

Defining the scope, scale and rescue profile of any incident is critical. Regional Response and a rapid assessment capacity within those teams can provide the information to confirm or advise adjustment of the deployment required by the AHJ.

Better question, how many people are NEEDED? What is “sufficient”? NFPA sets out the numbers based on TASKING. Sending busloads without defined roles and responsibilities doesn’t help a response, it in fact hinders it.

Everyone there either has a job or is resting waiting to fill that job that is being done by someone on the opposite shift.

How can it be assured that sufficient personnel are deployed with training in specialized areas such as rigging, planning? ? Assign, train, ensure backup (in case your only Planner is at a conference)

Can response time be improved? Is six hours the best possible mobilization time that can be expected for a heavy team?

The asset and the resilience that a TF can provide will be bulky by nature. A scalable provincial program can have both a quicker response followed by the resilience and capacity of a TF

Sooner is always faster, depends on what the parties want to spend.

Again local responders have an OBLIGATION for first response. We all want an ambulance at our door immediately, but we know that can’t happen and as “first responders” we are trained to do CPR and take other actions to help bridge the time.

### 3. Jurisdiction/Command and Control

When more than one entity responds to an emergency, how should command and control operate? (ie. who should be in charge?)

The local jurisdiction is always in control until they decide they are not. The nature of the call and the priority need at the scene should dictate which agency is the AHJ. If it is a rescue then Fire is the Incident Commander. That would not preclude coordinating activities with police for example when there is the possibility it is a crime scene. When the rescue is complete and there are no more life threats to the public logically Police would then be Incident Command after a formal communicated transfer. Fire would then be in a support role or their participation terminated. This is consistent with a Unified Command or a Single Command.

That is also one of the fundamental principles of the municipal/provincial relationship. The AHJ cannot just drop the basket in the provinces lap nor can the province arbitrarily usurp it.

If a municipality is having difficulty balancing their budget, do we parachute in the Ministry of Finance SWAT team to take over their Finance department? If they are having trouble collecting garbage, do we send in the Ministry of Environment to take over? How about water quality (e.g. Walkerton). The Province didn't take over the water treatment facility, they worked with the municipality(s) to better define what the LOCAL responsibilities are under legislation, and to help ensure that clear training requirements and standards are in place for them to follow.

Should there be a more specific command structure within individual entities and between different entities (eg, the command structure within TF3 and the command structure between TF3 and UCRT)?

This is not rocket science and doesn't take an astrophysics degree to understand the very clear and straight forward command structure. Command structures are not built to individuals. The structures are built on the principles of span of control, chain of command, available assets and the identified supports to carry out the development of strategic goals, tactical objectives and required tasks.

That structure is the responsibility of the Incident Commander of AHJ. Commonality and standardization is the product of one system, adoption and discipline of the system, along with consistent training and exercising.

#### 4. Consistency in Response

Should there be greater consistency in training standards among emergency-related entities?

Yes if someone could agree on what standard? That is often used as a pushback to consistency, so everyone can “do it their way”. Adoption of the NFPA standards that the rest of the universe uses is a good step forward for Ontario.

Should emergency-related entities train together more frequently?

Yes but who will pay for that?

How can uniformity in communications (e.g. radio communications) be improved?

Common language, functional interoperability before technical interoperability. We have been romanced by the shiny object of technology to support interoperability, but we are missing the very fundamental skills and willingness to work together in an interoperable fashion. Until that happens, no radio or doodad will solve the problem, just makes the situation more expensive.

How can terminology used by different emergency-related entities be more consistent (e.g. incident commander, action plans)?

The IMS clearly defines terms. The problem is legacy terminology that has been an issue of history, tradition, protectionism, and until that is resolved, we can develop an encyclopedia that won't be read

## 5. Role of Engineers

Should search and rescue teams be required to have a structural engineer as part of their team?

it makes a lot of sense to have an expert, preferably a qualified engineer, to assess structural integrity and risk.

What should be the role of a structural engineer in a rescue involving a collapsed or partially collapsed structure? See above

Who should fill the role of engineer in such incidents (MOL, private industry)?

An engineer that has the legal jurisdiction to make a professional judgment in that circumstance. PEO prohibits freelancing and “street” engineering, so talk to them about this. Their members can be stripped of their P.Eng. for dabbling.

Where should the engineering resources be located?

Where they are needed.

## 6. Equipment and Expertise

Are there gaps in equipment that is accessible by emergency-related assets?

Bigger question, who NEEDS what equipment? Geography can be hinderance

Are there gaps in the training related to heavy equipment?

If a helicopter is engaged no one will take it with a pilot, no one will rent heavy equipment with a qualified operator.

These are firefighters and cops – just because you need a helicopter for a particularly response, does that mean they all have to be helicopter pilots now too? That is what standing agreements/contracts are for, with specified terms for response time and capable qualified personnel to operate the equipment.

If so, how can those gaps be filled?

above