

July 13, 2023

Ministry of the Solicitor General
Office of the Fire Marshal
25 Morton Shulman Ave.
Toronto, ON
M3M 0B1

Submitted online via Ontario's Regulatory Registry

To Whom It May Concern:

Re: Regulatory Registry #23-SOLGEN011: Proposed Changes to the Ontario Fire Code

The Ontario Federation of Agriculture (OFA) appreciates the opportunity to provide input on regulatory registry #23-SOLGEN011: Proposed Changes to the Ontario Fire Code. Consulting with the farm business community is imperative to a thriving agricultural industry and economy in Ontario, to reduce red tape and achieve the priorities in the province's ambitious Grow Ontario agri-food strategy.

Ontario's agri-food sector is an economic powerhouse – producing more than 200 farm and food products, fuelling rural communities, generating nearly 750,000 jobs, and contributing over \$47 billion to Ontario's annual GDP. The province's agri-food strategy, Grow Ontario, aims to strengthen the agri-food sector, support economic growth, and ensure an efficient, reliable and responsible food supply. By removing barriers, unnecessary costs and red tape, Ontario farmers will be positioned to seize opportunities and rise to the challenge of an ambitious growth strategy, allowing the agri-food sector to drive the economy forward.

Ontario's diversity in agricultural production requires unique building forms to house livestock or poultry, to store various crops, to house the machinery and inputs used to grow and raise agricultural commodities, and to provide quality worker housing, each having their own distinctive structural and operational requirements. OFA supports the effort to update the Ontario Fire Code (OFC) to better harmonize and align with the National Fire Code of Canada (NFC) and with the Ontario Building Code (OBC). Clarity and consistent interpretation and application of building and fire safety requirements are paramount to a thriving agri-food sector in Ontario.

While the OFC has not applied to farm buildings in the past, modern farm buildings are increasing in size and complexity. It is our understanding that the Office of the Fire Marshall oversees the OFC and is seeking application of the OFC to new, large (building area more than 600m or more than 3 storeys in building height) farm buildings to mitigate risk of specific uses. OFA generally supports incorporating clear, consistent fire safety measures into the design and operation of new, large farm structures for the protection of our farm members, their families and their livelihoods. OFA also appreciates that these proposed changes will apply to the new, large farm buildings

only, and will not be applied retroactively to existing farm structures or to the entire farm property. Further, it is clear that the proposed changes are intended to compliment existing regulation by other agencies – fuel storage regulated by TSSA, for instance – and OFA applauds this complimentary approach.

However, OFA has concerns about how the OFC will be applied to new, large farm buildings going forward. First, it is our understanding that when a new, large farm building is constructed under Part 2 of the OBC (approximately March 2024 and forward), and therefore the OFC will also apply, how will farmers be informed of this change, particularly when it will be the entirety of the OFC that will apply? Given that the OFC has not historically been applicable to farm buildings, OFA strongly suggests training specific to farm structures and operations for those enforcing the OBC and OFC, as well as a communication and education plan for those designing farm buildings and for the farm community. Training and communication will not only increase awareness but will help ensure consistency in applying the codes to the agriculture sector.

OFA would also like clarification on how building additions and application of the OFC will be handled, given the applicability of OFC to new buildings – will the OFC apply only to the new part of the structure or to the entire building? The agriculture sector often incorporates structural additions to greenhouses, livestock barns, equipment sheds and grain/hay storage as the farm operation expands over time. Specific guidance is necessary to understand OFC applicability in these scenarios, and to ensure consistent application across the province.

With the application of the entirety of the OFC to new, large farm buildings, clarification is needed to understand and relate specific existing requirements of the OFC to the farm operation. It will be critical that those in the business of designing and engineering farm buildings understand how these provisions will apply. OFA requests clarification regarding the application of the following existing provisions in the OFC, in the context of an agricultural operation:

- Division B, Part 2 of the OFC includes fire escapes, exit signs, emergency lighting and fire safety plans, which form new requirements to the farm community. While OFA appreciates linkages of these specifications with the OBC, it will be critical that those designing farm buildings and the farm community be educated on these new-to-agriculture requirements.
- Division B, Part 3 of the OFC addresses indoor and outdoor storage, and storage of combustibles and dangerous goods. OFA appreciates that the OBC and OFC are complimentary in this area, in that OFC requirements come into design of the new structure. However, it is unclear if the requirements for combustible fibres will be applied to hay and straw storage. Specifications for maximum pile size and aisle spacing could be particularly problematic when applied to storage of hay and straw, increasing building size and adding a significant cost burden to farmers.
- Division B, Part 4 pertains to combustible and flammable liquids, where they are not regulated by other agencies, and provides an exemption for farms where the liquids are not sold or moved and are intended for individual farm use. Many farms operate from one base site, or home farm, serving multiple other fields and/or sites. OFA requests that the farm exemption be further clarified to ensure regular farm use of combustible and flammable liquids, including movement among farm sites, is captured.
- Division B, Part 5 on hazardous materials includes combustible dust. OFA requests clarification on how the combustible dust requirements will be applied to farms. The concern is that every small feed room with a hammer mill on a hog or dairy operation, for instance, should not be required to prove that they do not pose a fire or combustible hazard.

- Division B, Part 8 covers fire safety during demolition. OFA understands that the OBC does not require a permit to demolish a farm building, creating concern about how this section of the OFC will apply in practice. OFA requests more information to better understand the requirements.

Proposed changes to the OFC reference a new subsection in Part 5 dealing with grain handling and storage systems, however details are not provided in the consultation documents. OFA previously provided the following comments on the proposed OBC Section 2.4.2.4 – Silos and Grain Storage Bins:

The OFA believes these clauses are to protect personnel from silo gas. Horizontal silos are usually not "connected" to a feed room as they are loaded and unloaded using farm tractor loaders. Typically, only tower silos are connected directly to a feed room in livestock barns. They are generally connected to grain storage bins with enclosed four to six-inch augers. With these enclosed augers, the potential for gas transfer is not an issue. However, dust can accumulate in a feed room while preparing feed. Feed rooms connected to a vertical silo should include a provision for ventilation and OFA notes that natural ventilation, using opening panels or windows, is preferred and may be a more appropriate choice. Sealing a feed room from a barn's livestock area is problematic, and adjoining doors are usually open during feeding operations. When personnel are present during feeding operations, with the feed room doors ordinarily open, the ventilation system in the livestock area will overpower any mechanical ventilation system in a feed room. During feed preparation, adequate ventilation should be provided, although airflow need not be restricted from other rooms.

OFA requests consultation with the agriculture sector prior to the addition of grain handling and storage system requirements to the OFC.

OFA understands that the OBC relates primarily to building construction, while the OFC applies to how the building is maintained and used. While compliance with the OBC and OFC are the responsibility of the building owner, farmers engage with qualified professionals knowledgeable about the OBC when constructing a new farm building. However, beyond design specifications, there is no inspection or opportunity for farmers to engage with qualified professionals to ensure OFC requirements are met during operation of that building. Coupled with the fact that OFC requirements will largely be new to the agriculture sector, this creates a chasm in knowledge. OFA strenuously urges the Office of the Fire Marshall to implement a training program for farm building engineers and designers and an education campaign for farmers to address this knowledge gap and help achieve the goal of consistent interpretation and application of code requirements.

The OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA appreciates this opportunity to provide its agricultural perspective on the proposed changes to the OFC, and the new application of OFC requirements to large farm buildings on behalf of our members. We look forward to ongoing discussions with the Office of the Fire Marshall and Ministry

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of the Solicitor General, to ensure that the OFC supports farm businesses and reflects OFA's advice and recommendations.

Sincerely,

A handwritten signature in black ink, reading "Peggy Brekveld". The signature is written in a cursive, flowing style. To the right of the signature is a vertical line.

Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors