Minutes of the Consumers Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 9:00 a.m. on the 3rd day of June 2019.

Present: Jane McCarthy, Chair; G, Rae Dulmage; Ahmad Husseini; Jay Jackson; Ronald Morrison; Elizabeth Nielsen (on Skype); Kathryn Woodcock.

Bonnie Rose, President and CEO (items 1-6); Tom Ayers (items 6-7); Robert Wiersma, Manager Public Safety Risk Management (item 8); Laura Glynn (item 9-10); Ian Shaw, Stakeholder Relations Advisor (item 10-11); Kristian Kennedy, Manager, Government Relations; Danielle Fernandes, Interim Council Coordinator;

Guests: Diane Allen, Ministry of Government and Consumer Services (MGCS), Senior Policy Advisor.

1. Constitution of Meeting

The Chair called the meeting to order at 9:02 a.m. She welcomed everyone.

Safety Moment

For the Safety Moment, K. Kennedy provided some context to a short video from the U.S. Department of Transportation on the dangers of refilling non-refillable DOT39 propane cylinders, such as the 1lb cylinders used for camping.

J. Jackson thanked TSSA for showing this video at the Industry and Consumer council meetings. There was a question from Council as to whether TSSA could include Canadian content and resource information, B. Rose noted that TSSA is currently moving toward an evidence-based communication strategy and provided examples such as the carbon monoxide (CO) campaign. She added further that currently the focus remains on addressing the recommendations of the Auditor General (AG) report.

2. Approval of Agenda for June 3rd, 2019

Council approved the agenda of June 3rd, 2019 as presented. The Chair announced her resignation from Council and noted that the new Chair nomination would occur under item 5 of the agenda.

3. Approval of the February 7th, 2019 minutes

Council suggested adding the words “as read” to item 6 for clarification. Additionally, there were some clarifications requested for item 12 of the minutes. Specifically, J. Jackson provided some language changes for the Upholstered and Stuffed Articles Advisory Council (USAAC) update and K. Woodcock requested to strike the last sentence from the Amusement Devices Advisory Council (ADAC) update. Council approved the minutes of February 7, 2019 as amended.

4. Review of Action items

K. Kennedy spoke to this item and confirmed that an update to the modern regulator model was provided at the February 7th, 2019 meeting and additional T. Ayers would be providing an update at today’s meeting. He also noted, in reference to the action item for the Safety Education Fund (SEF), that it would be addressed today under item 11 of the agenda.

5. Chair’s Update

A nomination and voting session was held to elect the new Chair, R. Dulmage was the elected the new Chair.
J. McCarthy noted for her update that TSSA is embarking on a period of great transformation and reorganization. She added that progress is clearly being made, however there is still a lot of work to be done. She added that the VP of Communications and Stakeholder Relations, Nancy Webb, has left the organization. B. Rose added that Joanne Rider is filling this role on an interim basis.

Additionally, J. McCarthy, expressed her concern for the visibility of the Consumers Advisory Council (CAC), noting that if you are outside the CAC you would not know the issues that are raised and discussed. She also noted the resignation of Council member R. Brady who was very supportive of contributing to Skills Ontario, adding she hopes Council recognizes the value of this contribution.

The Chair also noted the revocation of the Upholstered and Stuffed Articles (USA) regulations and asked about a communications plan. K. Kennedy confirmed that the USA regulation will no longer be in effect on July 1st, 2019 and that TSSA is planning to put contact information about federal consumer protection and textile labelling on the TSSA website.

As it relates to trampoline parks, the Chair requested for an update, adding that the last update was that TSSA was working on a report to MGCS. K. Kennedy confirmed that the TSSA is close to completing its report, and it is currently being reviewed internally. He added that once the internal review has been completed, the report will be sent to MGCS. Council had some questions regarding this issue and was concerned about the regulatory gap related to trampoline parks noting that they pose a significant safety risk.

The Chair also requested an update on the status of agricultural exemptions and asked if all Council members received a request to participate in the consultation meeting in June. D. Allen confirmed that the consultation was scheduled for June, noting that the invitations were sent to the Chair’s of the Operating Engineers, Boilers and Pressure Vessels, and Elevating Devices advisory councils. She added that the Chairs would be representing all council members in this consultation process. In response to a question from T. Ayers regarding whether agriculture would be considered as it relates to private fuel outlets, D. Allen noted that invitation for consultation would be extended to fuels stakeholders but that the scope of recommendation 19 in the AG report is limited to Operating Engineers, Boilers and Pressure Vessels, and Elevating Devices.

6. President and CEO’s Update

B. Rose treated the President and CEO’s Report to Advisory Councils, distributed prior to the meeting, as read. She provided a brief update on the Auditor General (AG) and advised that as soon as TSSA’s AG action plan is finalized and reviewed by government, it will be shared with the Advisory Councils. She further added that all councils meeting will now have an in-camera session with her in order to provide feedback in confidence.

There were no questions from Council.

7. TSSA’s Transformation to an Outcome-based Regulator Update

T. Ayers spoke to this item, referring to the PowerPoint presentation shared with Council prior to the meeting. He elaborated on TSSA’s move towards becoming an outcomes-based regulator with a focus on “harm reduction and improved safety”. Specifically, it was noted that this change represents a cultural shift on TSSA’s part that looks to work with regulated communities to increase compliance through education and compliance support. He emphasized the importance and role of compliance support programs for businesses that have challenges in complying with regulatory requirements, while maintaining a strong enforcement presence for those that pose the greatest safety risks through repeat non-compliances. He advised that TSSA would be introducing checklists as a mechanism for increasing inspector consistency and transparency, accurate data driven rating systems for ‘good players’ to facilitate compliance, and enhanced licensing as a tool for compliance. He noted that an external advisory group has been created to review this initiative and provide feedback.
In response to a question from council whether the methodologies employed have been tested within industry, T. Ayers confirmed that there has been a robust consultation process, and an external advisory group being created with representation from industry stakeholders. E. Nielsen complimented TSSA on the work being done to become and outcome-based regulator and added that although not all methodologies have been tested within TSSA there is national and international evidence of these methodologies being successful. In response to a concern from council about the merits of “turning over responsibility to industry”, T. Ayers assured council that TSSA has no intention of abdicating its authority, and that TSSA would maintain an active presence in the industries that are regulated, noting that it is about making the regulated community understand and own their part in safety. He added further that the transition to becoming an outcome-based regulator allows TSSA to focus on high-risk safety concerns. There was significant discussion from Council regarding the merits of allowing third-party declarations with several Council members noting that third-party declarations should only be allowed if the third-party can be held accountable. T. Ayers confirmed that currently the use of third-party declarations is conceptual and may not apply to all regulated sectors, adding that once the data and information is available it would be shared with Council.

Questions & Answers on AG plan

T. Ayers spoke to this item and provided a brief overview of the AG recommendations, noting there were 19 recommendation in total, 17 of which were directed at TSSA. He confirmed that the major themes identified in the recommendations are consistent with TSSA’s Strategic Plan. He added that the transition to becoming an outcome-based regulator is TSSA’s strongest response to the AG recommendation. T. Ayers also confirmed that Council will receive a copy of TSSA’s action plan once it is available.

8. ASPR Update

R. Wiersma spoke to this item and advised that there has been an increasing trend in occurrences and non-permanent injuries. He added that increase in occurrence can be, in part, attributed to increased reporting. He added that only 0.7% of all periodic inspections found a serious safety concern. Additionally, he advised that the Disability-Adjusted Life Year index (DALY) weighted values have been updated and certain incidents have been weighted differently due to more information regarding severity (i.e. concussions), noting that this could have contributed to the increase in occurrences in some areas.

9. MGCS Update

D. Allen spoke to this and treated the report distributed to council prior to the meeting as read. She confirmed that the changes to the Operating Engineers regulation has received Royal Assent and that alternate rules are currently in place.

10. Communications Strategy

Overview

L. Glynn spoke to this item and provided an overview of the internal and external communications strategy. She noted that TSSA is moving toward a communication strategy that is underpinned by data. She provided an example of the decline in CO awareness since the shift in strategy in 2016, noting that although award winning, the data shows that the revised strategy has not increased CO awareness. She added that we are returning to previous tactics that yielded better results in raising awareness, noting that the goal of the strategy is to be more proactive as opposed to reactive. She advised that any campaign will be underpinned by measurable data and would be analyzed and readjusted as necessary. She added that success of the strategy will yield greater public awareness, less negative media, increased reach and awareness with less long-term financial spending, and a strong reputational foundation for TSSA.
Consumer Brand

Additionally, L. Glynn spoke to this item noting that the new consumer brand will leave TSSA’s legal name and channels untouched while defining TSSA’s value proposition in consumer terms. She added that the consumer brand would include a new website that will leverage the information TSSA has in a consumer-friendly way. She noted that 200 name ideas were generated, to which a strategic brand filter and preliminary legal screen was applied which yielded a short list of 12 names. Out of these 12 names, four were brought to consumer focus groups, province wide. This resulted in two names, which are currently going through a full legal screening and then trademark protection for the final name. The final name is anticipated to launch in the spring of 2020.

There were a number of comments from Council that they should not be considered “ambassadors” of TSSA, but rather council members that provide advice on matters that effect the public. There was significant discussion on the matter, with several Council members advising that the connection between the consumer brand and TSSA should be undeniable from a consumer perspective. A number of Council members noted that the value proposition for the consumer brand was interesting. J. Jackson added that the Consumer Council of Canada would be happy to support in any way. R. Morrison noted that the value proposition must be sold internally in order to get buy-in externally. K. Woodcock advised to review the importance of conflict and as way of garnering more exposure on social media and E. Nielsen cautioned about being too Toronto-centric, noting that the consumer brand should be representative of the Ontario demographic.

In response to a question from Council about next steps, L. Glynn noted that the CAC is the first group to be presented with the consumer brand idea. She advised that the two names are currently in the process of being reviewed by our legal department and the final name would be shared once available. She added, that the lack of public knowledge of TSSA is what underpins this initiative for a consumer brand. Additionally, she noted that the analysis of the consumer brand names (focus groups) was in fact representative of the Ontario demographic with a wide, representative geographic distribution across the province.

11. Safety Education Fund

I. Shaw spoke to this item advising that TSSA is committed to continuing this fund, noting that the allocation should align both with the CAC and TSSA’s strategic mandate. He provided a historical overview of the fund noting that in the past the fund was strictly comprised of member honourarium donations, but that this changed and now TSSA contributes $1000.00 to the fund per member per meeting while Council members continue to receive their honourarium. He advised that due to financial considerations, TSSA is reducing its contribution to the fund from $1000.00 to $500.00 per member per meeting. He added that this would not impact Council member honourariums or payment of expenses. Additionally, he noted that at the last meeting a decision was made to put a hold on contributions to Skills Ontario, he asked if Council would consider outreach and communication to colleges and universities to get more exposure for the Research and Innovation Grant.

Council was receptive of reaching out to the research and innovation departments of universities to communicate the availability of the fund. K. Woodcock noted that one of the benefits of the grant program, in addition to funding a student’s research, is it also incentivizes supervisors to provided students with awareness of TSSA and its mandate. In response to a question from Council regarding whether the grant is limited to only colleges and universities and whether this grant could be extended to associations that are working on research that could have relevance for TSSA, I. Shaw noted that the grant has been structured to target colleges and universities, but would investigate if it could be applied to research conducted by associations.

E. Nielsen advised that she is supportive of the contributions made to Skills Ontario but was concerned about the amount of the contribution. She asked if TSSA could investigate the various levels of contributions. She added that perhaps Council and TSSA would consider looking beyond the technical areas. I. Shaw confirmed that TSSA would investigate the various contribution levels. In response to a question from Council as to who
controls the fund, I. Shaw confirmed that the CAC is responsible for the administration of the fund. There was significant discussion on the issue, with several Council members advising that the use of the fund should not offset the mandate of TSSA operations. Several Council members also advised going to the industry Councils with information about the grant, adding that some members may be interested in cost-sharing. There was a request from Council to review the parameters of the fund, adding that the CAC and TSSA need to be clear about both the intention and parameters of the fund.

**Action:** I. Shaw to investigate whether the grant can be extended to research being conducted by associations

**Action:** I. Shaw to investigate the various contribution levels of Skills Ontario. Additionally, I. Shaw to identify areas for contribution that do fall into operational areas at TSSA.

**Action:** I. Shaw to provide Terms of Reference for Safety Education Fund and list of past funding initiatives.

**Action:** I. Shaw to provide draft of outreach letter to Universities to Council for review and comment.

12. Summary Verbal Reports for Industry Advisory Council Meetings

a) **Natural gas (E. Nielsen)**

No update since last CAC meeting.

b) **Elevating devices (A. Husseini)**

A. Husseini provided an update in the Elevating Devices (ED) Industry Council meeting held on April 17, 2019. He noted that electronic logs are being worked on by TSSA, but that industry could proceed with use of them should they have a program in place. He provided information on the AG recommendation as it applies to the ED program. He advised that Council was presented with a flood report form for review and comment, adding that this form was a means of returning a device to service sooner.

c) **Propane (J. Jackson)**

J. Jackson advised that there were four incidents since the previous meeting, two fires and two explosions. He added that there was a request from the IAC to disaggregate the incidents so there is visibility to incidents specific to propane. He added that Council was receptive to the safety moment, adding that he has requested TSSA about the feasibility of sending a letter to the media outlets asking them to remove information on how to refill non-refillable propane tanks, as it poses a significant safety risk.

d) **Amusement devices (K. Woodcock)**

K. Woodcock advised that there have been updates to the ASTM and code adoption standards. She added that as it relates to the issue of trampoline parks, there seems to be some confusion as to who is responsible for reporting on the issue. She noted that pre-inspection checklists were presented to the Council and are currently in operation this season. Additionally, she advised that a new renewal date has been introduced for zipline operators.

e) **Liquid Fuels (R. Dulmage)**

R. Dulmage advised that use of smartphones is now permitted at gas stations. He also advised that there has been a name change for the Canadian Oil Heat Association, which now goes by Ontario Petroleum Transporters and Technicians Association.
f) Operating Engineers (R. Morrison)

R. Morrison spoke to the discussion at the Operating Engineers Advisory Council surrounding the issue of agricultural exemptions. He added that there was some concern at the Council regarding delays for certificates of insurance (COIs) being sent to operators.

g) Ski Lifts (J. McCarthy)

No update.

13. ISO Copolco Meeting Update

R. Dulmage spoke to this item and provided an update on the ISO Copolco meeting. He advised that the issue of trampoline parks is currently being reviewed and work is being done to create an international standard. As it relates to upholstered and stuffed articles, he noted that work is being done on developing an international standard for chemical and biological hazards in filling material. Additionally, he noted that work is also being conducted on symbol consistency, adding that symbols are an effective mechanism for communication of safety.

14. Other Business

Confirming assignment for IACs

Note: Due to time constraints these items were not discussed.

Recruitment

Note: Due to time constraints these items were not discussed.

15. Adjournment

Council held and in-camera session with B. Rose at approximately 12:30 p.m. after which Council resumed the meeting. The meeting adjourned at approximately 1:45 p.m.