



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

Minutes of the Amusement Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 10:00 a.m. on the 24th day of October 2019.

Present: Keith Brown, BPOS Inc; Mike Cruz, Canadian National Exhibition; Darryl Hore (on Skype), Caliber Eng. Corp.; Janice Jeffreys, A.E. Jeffreys Insurance Brokerage House Inc; Rick McMullen, 401 Mini-Indy Limited; Michelle Playfair, Bingemans Inc.; Peter Switzer (on Skype), Canada's Wonderland; Cindy Sypher (Chair), Sypher & Associates Field Engineering Ltd.; Andreas Tanzer (on Skype), Proslide Technology Inc.; Kathryn Woodcock, TSSA's Consumers Advisory Council.

Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (item 11); Dan Brazier, Chief Financial Officer (item 11); Alexandra Campbell, VP, Communications & Stakeholder Relations; Andrew Chin, Finance Specialist, Special Projects (item 11); Sandra Cooke, Ombudsman (item 1-7); Viola Dessanti, Director, Strategic Analytics; Danielle Fernandes, Advisory Council Coordinator; Joelle Javier, Engineer, Elevating & Amusement Devices Program; Kristian Kennedy, Manager, Government Relations; Rob Kremer, Manager, Elevating & Amusement Devices Program; Dean McLellan, Director, Elevating & Amusement Devices (Interim); Nameer Rahman, Policy Advisor; Sonny Silva, Inspection Supervisor (Region 5), Elevating & Amusement Devices Program; Robert Wiersma, Manager, Public Safety Risk Management (item 8-9).

Guests: Nathan Fahey, Manager, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Jacqueline Kiwanuka, Senior Policy Advisor, Technical Safety Unit, MGCS; Sheila Johnston, ASL-English CASLI Certified Interpreter; Roman Pizzacalla, ASL-English Interpreter.

Regrets: Vince Brennan, Ontario Association of Agricultural Societies (OAAS); Bill Carter, Jim Kong Amusements Inc.; Andrew Gidaro, A to Z Fun Rentals; Peter Gismondi, Superior Events; Brendan Turner, Camp Quality Canada.

1. Constitution of Meeting

The Chair called the meeting to order at 10:05 a.m. Everyone was welcomed and thanked for their attendance at the meeting.

For the safety moment Council was shown a short video from the International Organization for Standardization (ISO) on the importance of safety symbols in promoting safety and helping to avoid injury.

2. Approval of the October 24th, 2019 Agenda

The Chair advised Council that an update on the Code Adoption Document would be provided after item 7 on the agenda. Additionally, she advised that continuing education would be added to the agenda under item 16.

Council approved the agenda as amended.

3. Approval of April 8th, 2019 Minutes

Council approved the minutes of April 8th, 2019 as presented.

4. Review of Action items from last meeting

D. McLellan spoke to the pending action items and advised Council that two outstanding action items related to Council membership would be addressed today under item 17 of the agenda.

5. Chair's Update

C. Sypher spoke to this item and treated her report to the CEO which was circulated prior to the meeting as read.

There were no comments or questions from Council.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

6. TSSA President & CEO's Report

A. Campbell spoke to this item, in the absence of B. Rose. She treated the report as read and opened the floor to questions.

There were no comments or questions from Council.

7. Ombudsman's Report

S. Cooke spoke to this item, referring to the report distributed to the Council prior to the meeting. She provided an overview of the role and function of the Office of the Ombudsman. She reminded Council that a third-party whistle blower service (for those who wish to remain anonymous) in addition to the Office of the Ombudsman, is available to stakeholders.

There were no questions or comments from Council.

8. CAD Update

K. Kennedy spoke to this item advised Council that TSSA will be triaging and prioritizing all Code Adoption Documents (CADs) organization wide, which aligns with the outcome-based regulator model. He noted that TSSA wants to demonstrate a consistent approach on how these are reviewed and implemented. He advised that four considerations underpin the analysis. First, does the code address a safety gap? What is the gap? What is the improvement, and what evidence supports this? Second, what is the cost to business? Third, how does this align with the outcome-based regulator model and/or an AG recommendation? And fourth, has there been adequate stakeholder engagement? He stressed that TSSA wants to be consistent in the approach to CAD assessments and implementation.

There were no comments or questions from Council.

9. Update from Strategic Analytics

V. Dessanti spoke to this item and provided a historical framework for understanding Risk-Informed Decision Making (RIDM) at TSSA. She explained that TSSA is in a period of transformation, which requires a review of the current model to capitalize on opportunities for improvement and consistency, adding further that the model needs to be pressure tested and vetted given TSSA's new strategic direction and in consideration of the Auditor-General (AG) recommendations. As a result, she advised the Council that TSSA is embarking on a peer review of its RIDM framework, adding that TSSA is looking for insights, input, and feedback on the improved risk model in order to prepare and validate a plan for implementing changes in the Spring/Summer of 2020. She added that TSSA is looking for suggestions of individuals best suited to be a part of the peer review panel, noting that currently TSSA is looking for individuals with expertise in quantitative methods and analysis.

10. Safety & Compliance Report

V. Dessanti spoke to this item and referenced the summary material sent to Council prior to the meeting. She advised that overall there were no fatalities in FY19. She highlighted a few key findings in the Annual State of Public Safety Report (ASPR) including an increased trend in the number of occurrences, noting that this is largely driven by increased reporting in both the amusement devices and elevating devices sectors. She advised that there has been an increase in the number of permanent and non-permanent injuries overall, however the number of high-risk devices is going down. She added that FY19 saw a decrease in the observed injury burden. She explained that a significant difference in the report this year, is the tracking of pipeline occurrences. Additionally, she advised that in FY19, fuel risks in retirement and long-term care homes and fuel-related fire risks in food service locations are no longer areas of concern for 'enhanced monitoring'.

As it relates to amusement devices more specifically, V. Dessanti advised that the Amusement Device program has a compliance rate of 52.7% with major safety concerns are found in 4.5% of periodic inspections. She explained that 1% of devices are considered high risk, while 93.6% of the regulated devices are considered low risk.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council

Meeting on October 24th, 2019

In response to a comment from Council that some incidents deemed to be caused by human interaction are caused by design issues in the device, V. Dessanti acknowledged the comment and recommended an analysis and review of the data in order to capture the nuance between user behaviour and design factors that result in incidents. As it relates to reports, V. Dessanti explained that there needed to be a review of reporting parameters in order to disaggregate the factors that underpinned the classification of human error. D. McLellan in response to a question regarding whether TSSA saw a potential in regulating trampolines parks, advised that TSSA is still looking into this and will report back to Council as required. Additionally, in response to a question regarding whether the number and type of devices has changed since 2015 and if this has an impact on the data presented, V. Dessanti advised that she would review the data and report back to Council accordingly.

Action: V. Dessanti to report back to Council if the inventory data changes depending on the number and type of device in a given year.

11. Emerging Trends

a. Incidents since last ADAC meeting

D. McLellan spoke to this item and explained that the data has not yet been reviewed and analyzed given that the season recently ended, he advised that he would report back to Council at the next ADAC meeting. There was a request from Council for a list of the high-risk device types and how the 'high-risk' classification was determined.

Action: V. Dessanti to provide Council with a list of the 29 high-risk device types and how the 'high-risk' classification is determined.

The Chair requested that Council view a video of an incident in the United States resulting from an inadequate clearance envelope (see appendix for link to video). She explained that the video is timely given the discussion of emerging trends. S. Silva advised Council that clearance envelopes have been discussed at ASTM by a new committee on mobile rides, and he added that in Ontario clearance requirements are included in the CAD.

12. Business Model

D. Brazier spoke to this item, referring to the presentation shared with the Council prior to the meeting. He advised that TSSA's existing fee model is outdated and complex, and that a new model is required to support TSSA's transition to becoming an outcome-based regulator, adding that its scope will include all programs and all activities. He explained that the guiding principles for the new business model are 1) simplicity; 2) equitability; 3) encouragement of compliance; 4) efficiency; 5) dispute reduction; 6) cost recoverability; and 7) accessibility. He confirmed that TSSA is moving away from a pure fee-for-service model towards a model where the license fee is inclusive of regulatory inspection activities. He proposed the following options for consideration within the framework: 1) flat fee regardless of category; 2) flat fee based on category; or 3) flat fee based on risk and category. He advised Council that this change is intended to be revenue neutral. He noted that online consultation would be utilized after each council meeting, adding that TSSA would be requesting feedback from various industry groups in addition to the Advisory Councils. He advised that once we have consensus on the option, further detail would be provided, with the final rollout to depend on the complexity of the option chosen. Council was presented with some examples specific to the Amusement Devices program for discussion purposes.

In response to a question from Council regarding whether this initiative was intended to reduce red-tape and increase revenue, D. Brazier advised that the change in business model is to be revenue neutral to TSSA. He explained that increasing efficiency is another mandate of this initiative. He added that the change in fee structure is a fundamental precursor in order for TSSA to direct revenue and activities to the best safety outcomes and to harm reduction. He explained that if TSSA maintains the current model, which is largely based on a fee-for-service principle, TSSA will be unable to fully meet the objective of becoming an outcome-based regulator. In response to a question from Council as to whether the business model will be consistent across all regulated sectors, D. Brazier advised that the intent is to apply it consistently across all program areas. Additionally, D. Brazier explained, in response to a question about risk models, that TSSA is currently working on risk models for all programs, noting that these risk models, once developed, will underpin the fee structure should option #3 be chosen. The Chair cautioned that the seasonal nature of the amusement devices industry should be considered, adding that revenue streams for this industry may not be year-round like other sectors. D. Brazier acknowledged the comments and encouraged Council to provide their feedback through the online consultation platform. He advised Council that a link to the online consultation platform would be shared with them shortly after the meeting and would remain open until December 31st, 2019.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

13. Ministry of Government & Consumer Services Update

J. Kiwanuka spoke to this item and provided an overview of the report distributed to the Council prior to the meeting. She advised that the Honourable Lisa Thompson was appointed Minister of Government and Consumer Services. She explained that the recommendations of the Auditor General in addition to burden reduction have been key issues for MGCS. In relation to the AG recommendations, J. Kiwanuka spoke specifically to recommendation 16 which was directed to the amusement devices sector and calls for a more robust oversight and inspection process. She explained that the AG recommends processes to be implemented to ensure operating permits are only issued to ride that have been inspected and found to be safe, and, an inspection process which ensures that only rides with a valid operating permit are in use. Additionally, she spoke to various burden reduction initiatives undertaken by MGCS, noting that in July the Minister held a burden reduction roundtable with TSSA and various stakeholders. Among other items, she provided an update on the agricultural exemption consultation, a proposed Ministerial exemption for 'first-fill' liquid fuels activities, the approval of amendments to the Fuel Industry Certificates regulation, and alternate rules being developed for the Operating Engineers program.

In response to a comment from Council that some of the burden reduction initiatives seem to be passive on pressing safety issues, N. Fahey advised that the burden reduction initiatives have been worked on for a number of years, adding that the objective is to reduce the burden on business without undermining safety. He explained that many of the initiatives undertaken work to reduce burden by addressing regulatory vestiges from the past that did not envision technological advances. He added that safety is a paramount consideration underpinning relevant burden reduction initiatives. Additionally, there was a comment from Council that the average consumer would not want to see compromises being made to safety in order to reduce burden, specifically as it relates to TSSA's move to becoming an outcome-based regulator. A. Campbell explained that though outcome-based regulation is in some way connected to burden reduction albeit a small part of the larger initiative. She added that, at its core, outcomes-based regulation is about using evidence to drive decision-making and using data to target identified high-risk sources of harm, thereby increasing positive safety outcomes. The Chair expressed that TSSA's inspection model for AD is the gold standard and cautioned against making overarching changes to the inspection model. Additionally, the Chair noted that it may be due to this inspection regime that the AD program is not an area of concern for enhanced monitoring.

14. Advisories – Update

a. Aging Rides

J. Javier spoke to this item advising that the Directors order addressing aging rides was issued in 2018. She explained that the number of reports submitted is low relative to the number of devices, noting that potentially the work is being completed but not reported. Another gap that has been identified, J. Javier added, is that reporting does not always coincided with the periodic inspection, noting that TSSA may consider reviewing the reporting requirements (i.e. checking the report at the periodic inspection rather than requiring the reports sent to head office). Additionally, she explained that there seems to be gaps in terms of what is being reported versus what is happening during inspections. S. Silva added that some information will be include on reporting at National Association of Amusement Ride Safety Officials (NARSO) meeting in order to increase the consistency in reporting.

There were no questions or comments from Council.

b. Retroactive Items

S. Silva spoke to this item advising that an advisory was issued on dealing with retroactive requirements for existing amusement devices, adding that the advisory was sent with the renewal packages. He advised that the objective of the advisory was to provide owners/operators with awareness of the retroactive requirements.

c. Pre-Inspection Checklists

S. Silva spoke to this item and provided an overview of the presentation material. He explained that pre-inspection checklists were created and used this season for amusement rides, waterslides, and go carts, noting that the objective of the checklist was to provide owners with a list of inspection items, increase inspector consistency, and reduce the number of orders issued. Overall, S. Silva explained that the number of orders increased despite the



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

intended purpose of the checklist, which was to decrease the number of orders. He opened the floor for comments and feedback.

There was a comment from a Council member that their experience with pre-inspection checklist was positive and facilitated a greater preparedness for the inspection.

Action: D. Fernandes to append presentation to the minutes.

d. Zipline Renewal Dates

S. Silva spoke to this item advising Council that the renewal date for zipline operators was changed this season to June 30th. He explained that 122 period inspections were completed in June adding that he received no negative feedback on the change.

There were no questions or comments from Council.

15. ASTM – Update

a. ASTM Code F-2783

R. Kremer spoke to this item referring to the presentation shared at the meeting. He provided Council with an overview the CAD amendment 535-18 which came into effect in January, 2019. He explained that as a result all amusement ride submission must comply with ASTM code F-2783 which includes language on service proven rides. He advised that there seems to be inconsistency across jurisdictions on how to deal with rides that are 'service-proven', adding the premise of 'service-proven' is that these rides need not meet current design requirements, because these rides seem to have proven the test of time. He explained however, that when a service proven ride enters a new jurisdiction, there is an opportunity to set the safety parameters and frame some language for a gap analysis. He added that TSSA saw some limitations to the existing definition of 'service-proven', noting that a benchmark must be established to improve safety outcomes.

There was some discussion on this topic. R. Kremer explained that due to the lack of harmonization in reporting parameters and cataloguing of incidents, 'service proven' rides pose an additional challenge without established benchmarks and safety parameters. Several Council members noting that operators have an obligation for reporting and added that in order to be classified as 'service-proven' the ride must have a maintenance log. R. Kremer acknowledged the comments and noted that the link between reporting and cataloguing of incidents is particularly important in the case of service proven ride, adding that since there is no consistency between jurisdiction, establishing benchmarks and requirements for service proven rides fundamental to improved safety outcomes.

Action: D. Fernandes to append R. Kremer's presentation to minutes.

b. Current Ballots

C. Sypher spoke to this item and advised that there are seven new ballots specifically aimed at cleaning up standards and to allow for Alberta to ease adoption. Moreover, she noted that there are two new task groups dedicated to escape room and virtual reality as well as hayrides. She welcomed Council participation.

Additionally, S. Silva advised that the committee is working on implementing a centralized system for housing safety bulletins, noting that this task was assigned to the regulators group.

16. Proposed new Regulatory Model for Inflatables Inspection

S. Silva spoke to this item and referred to the draft declaration for inflatables circulated to Council prior to the meeting. He explained that this change, once implemented, would represent a shift in the way that inspections are conducted for inflatables. He added that it would move TSSA toward a risk-based model for inspections as it relates to inflatable devices, noting further that inspections would be conducted during operation as opposed to the current model in which inspection occur prior to operation. He requested that Council review the draft proposal and contact him with any feedback. There were no comments or questions from Council.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council

Meeting on October 24th, 2019

17. Questions and other Business

S. Silva advised Council that he has received several calls from industry in relation to whether TSSA is looking at different dates for inspection/renewal. He advised that the mobile rides sector, in particular, would like to move renewal/inspection dates from March 31st to July/August. He explained that the objective of the current renewal/inspection dates is to ensure that rides are inspected prior to operation. Council wanted to discuss this topic in detail, as such, it was agreed that this would be added to the next ADAC agenda.

Action: D. Fernandes to include alternate renewal dates on next ADAC agenda.

Additionally, J. Javier advised Council that there has been a recent influx of question from industry pertaining to when alterations are required. She explained that in the elevating device sector TSSA has an alternate process for reviewing and assessing minor alterations, adding that the program is currently reviewing this practice to see if it can be applied to the AD program. Council requested to discuss this topic in more detail, as such, it was agreed that this would be added to the next ADAC agenda.

Action: D. Fernandes to include major and minor alterations on next ADAC agenda.

a. Continuing education

J. Sorman spoke to this item and advised that TSSA wants to seek the input of the AD Council on the necessity for a continuing education requirement for the program which would be tied to the certificate renewal. He advised that he is raising this with all Councils in consideration of recommendation 6 of the Auditor General report which calls for the implementation of a continuing education requirement as a condition of recertification, where needed and as required.

There was significant discussion on this topic. Several Council members noted that suggested ways of implementation and noted that there could be some benefit in a continuing education requirement for operators which addresses awareness of new code/regulatory changes. There was additional discussion on the merits of a continuing education program for operators, with some Council members noting that currently there is no accredited training program in this area. Other Council members suggested that training could be incorporated through the Amusement Industry Manufacturers & Suppliers (AIMS) or NARSO. J. Sorman advised that the manner in which continuing education is implemented is open for discussion, explaining that the current question for Council consideration was whether there was an immediate need for this within the industry. In general, Council agreed that there was not an immediate need for continuing education within the amusement device sector, however it should be something to consider in the future. There was a suggestion from Council to reform the TCAB committee to discuss requirements for mechanics and the recognition of experience. J. Sorman acknowledged the suggestion and confirm that TSSA will work on reforming the committee, adding that more information on this would be forthcoming.

18. Council Administration

a. Membership renewal – Brendan Turner

D. Fernandes spoke to this item, advising Council that she reached out to B. Turner and was unable to confirm if he wished to renew his membership on Council. A motion was raised and passed to post the position for nomination.

Motion: Post membership position for nomination.

Action: D. Fernandes to post call for nomination for Owner/Operator (Camps) sector representation.

b. Membership Matrix

Council passed a motion to propose the following change to the membership matrix in order to meet the current composition.

Motion: Change Manufacturer/Independent Eng./Consultant category from 1-2 representatives to 1-3 representatives to match current composition.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

Action: D. Fernandes to update the Proposed Matrix for review and affirmation by TSSA's President & CEO.

c. Changes to Council administration

K. Kennedy spoke to this item and advised the Council that D. Fernandes is now the new Council coordinator. He advised that meetings will no longer be scheduled two or three years in advance, but rather on a per annum basis to better leverage the Council more strategically for matters that require consultation. He requested that should Council members have material to share prior to a meeting, that it be sent to the Coordinator one-week prior to the meeting for distribution. Additionally, he advised that moving forward, any action items identified during Council meetings would need to be phrased as a Council deliverable as opposed to referencing corporate projects more broadly. He also advised Council that TSSA would be leveraging 'Bang the Table/ Engage TSSA' (new software) for online consultation to complement Council meetings during times when Council is not scheduled to meet, or the matter is lengthier than the Council meeting would allow.

There were no questions or comments from Council.

d. Advisory Council Survey

K. Kennedy provided an overview of the Advisory Council Survey results, he advised that 'Bang the table/Engage TSSA' was utilized to conduct the survey, adding that the number of respondents were lower than in the past. Overall the survey found a slight increase in members' views of the councils, but he cautioned that these results are based on a relatively narrow dataset.

There were no questions or comments from Council.

19. Adjournment

The meeting adjourned at approximately 2:00 p.m. Council held an in-camera session with A. Campbell, followed by a Council-only in-camera session without TSSA staff or guests.



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on October 24th, 2019

Appendix

Link to video shown at ADAC Council Meeting – October 24th, 2019

<https://abc7chicago.com/boy-9-injured-after-rides-collide-at-midlothian-carnival/5405473/>

Item 14: Presentation – Advisories Update
(Double click paperclip to open)



Item 15: Presentation – Service Proven Rides
(Double click paperclip to open)

