



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

Minutes of the Liquid Fuels Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in Boardroom 1434, 14th Floor, Centre Tower, and 3300 Bloor Street West, Toronto, Ontario at 9:00 a.m. on the 15th day of December, 2011.

Present: Eric Bristow, Canadian Petroleum Products Institute, Al Kiers Federated Insurance, Matilda Presner, Consumers Advisory Council, Trisha Anderson, CIPMA, Jim Wood, McKeown & Wood Ltd.

In attendance: Michael Beard, Vice President, Operations, Bernadette Celis, Communication Advisor, Public Education (Item 16), Judy Harrison, Project Manager (Item 15 only), Stephen Hoyle, Senior Engineer Geoscientist, Maram Khalif, Council Coordinator, Marek Kulik, Engineer, Fuels Safety Program, Wilson Lee, Director, Stakeholder Relations (Items 1 to 10), Cole Lepine, Public Safety Performance Analyst (Item 12 only) John Marshall, Director, Fuels Safety Program, Kathy Milsom, President and CEO (Items 1 to 8 only), Lency Mulamooti, Business Performance Analyst (Item 12 only), David Scriven, Corporate Secretary (Item 10 only), & Richard Smart, Chief Financial and Information Officer (Item 8 only).

Guest: Melanie Ward, Group Leader, Source Protection Programs Branch, Ministry of Environment (Item 9)

Regrets: Andrea Ongaro, Canadian Tire Corporation, Robert (Bob) Smith (Chair), Canadian Oil Heat Association & representatives of the Ministry Consumer Services (MCS).

1. Constitution of Meeting

J. Marshall announced J. Wood will chair the meeting on behalf of the R. Smith today. J. Wood, designated Chair, welcomed the council members and called the meeting to order.

W. Lee and M. Khalif were introduced to the council.

2. Approval of Agenda

Council members approved the agenda of the December 15, 2011 meeting as presented.

3. Approval of the Minutes

Council members approved the minutes of the June 29, 2011 Liquid Fuels Advisory Council meeting as drafted, as being a true and correct record of that meeting.

4. Review Action Items From Last Meeting

M. Kulik reviewed the outstanding action items from previous meetings with council members noting that several items were completed as shown highlighted in grey. The three of the outstanding items will be discussed as part of the agenda as items #4, #11, & #12. The rest of the outstanding items will be updated at the next meeting.

Discussion around presenting top safety issues specific to liquid fuels, the council requested to have more detailed information and including this information in the quarterly compliance report.



Technical Standards and Safety Authority Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

Discussion ensued around trailer manufacturers leasing trailers and the requirement for inspection at every new lease. J. Marshall reported each trailer will be inspected once every 12 months regardless of how many times it is leased.

A. Kiers sent requested data on tank information to S. Mangalam in November 2011 and requested a meeting for follow up.

ACTION: Council requested to have top safety issues specific to liquid fuels be included in the quarterly compliance report presentation.

ACTION: J. Marshall will update the result of policy changes on trailer manufactures leasing trailers and the requirement for inspections.

5. Council Chair's Report

In the absence of the Chair, this item was deferred.

6. TSSA CEO'S Report

As part of the advance materials for this meeting, members received a report from the President and CEO regarding TSSA's key activities over the last quarter, which was treated as read.

With the aid of PowerPoint presentation, K. Milsom highlighted compliance safety performance as measured by periodic inspections passed on first visits, orders per periodic inspections, and shut downs/cease and desists of some of TSSA programs in relation to the liquid fuels sector. Possible factors contributing to these findings were discussed and further details will be provided at the next meeting.

K. Milsom also noted that as part of the fee review process framework, to be discussed under agenda item 8, TSSA will be seeking to create additional incentives and deterrents for compliance and non-compliance respectively. The adoption of declaration of compliance for some programs was also highlighted.

7. Business Plan

With the aid of a PowerPoint presentation, K. Milsom and M. Beard presented an overview of TSSA's business plan for fiscal years 2011/2012. The presentation outlined TSSA business plan purposes including implementation of the first year of TSSA's strategic plan, ensuring operational plans, budgets and performance targets are aligned, and responding to MCS oversight requirements.

K. Milsom provided a brief update on the new Minister of MCS and a new Deputy Minister, who she will be meeting today.

TSSA's innovative use of the disability-adjusted life years (DALY) metric was discussed, including the interest being shown by some other regulatory organizations, which would be beneficial to cross jurisdictional benchmarking.

TSSA has suggested that MCS, industry and TSSA start preparing now for the planned review of the propane regulation in 2013 by establishing a Propane Task Force. The success of TSSA's carbon monoxide (CO) safety campaigns was also discussed. TSSA's public awareness strategy for educating public and disseminating information was emphasized.



Technical Standards and Safety Authority Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

Some of the planned initiatives for this fiscal year, such as increasing time available for core safety services for field staff, and how this may impact on management functions were also discussed.

A brief discussion ensued with respect to how the findings from advisory council surveys impact the business plan. K. Milsom noted that the safety priority setting process undertaken by each council was considered in developing TSSA's strategic and business plans, for example with respect to issues such as ageing devices or skills shortage as the initiatives to respond to these issues is considered "uplift"; however, the survey results will also be addressed but as business as usual.

The revenues from additional inspections were discussed. It was noted that these increases are due to both existing workloads and, in some cases, increase in regulations.

8. Fee Review and Framework Process

As part of the advance materials for this meeting, members received a briefing note on the fee review framework and process, which was treated as read.

R. Smart reiterated to council that this fee review will focus on incentives and deterrents for compliance and non-compliance respectively. The consultative process will ensure transparency and TSSA will seek to simplify the fee structure where possible. He also emphasized TSSA's considerations with respect to value for the money and TSSA's status as non-profit entity.

He noted that the process will be governed by TSSA's Memorandum of Understanding (MOU) with MCS – Schedule "I" Fee Setting Process and Criteria. It was noted that TSSA consults MCS as stipulated in the MOU; however, MCS does not approve the fee reviews.

R. Smart reported there will be sufficient time allowed for communication and system change. He also noted that with respect to incentives and deterrents any ideas from council will be appreciated. He noted he will be working with M. Beard and W. Lee for effective communication roll out.

R. Smart concluded by noting the importance of engaging each council to provide input and recommendations throughout the process and that subcommittees or webinars could be arranged, if desired.

He also reviewed the timeline for the communication strategy and noted the final implementation of the recommendations to be May 1, 2013.

9. Source Water Protection Approvals

With the aid of a PowerPoint presentation, M. Ward presented the background of Source Protection Program (SPP) and the purpose of the Clean Water Act.

The council identified two major challenges with the Source Protection Program (SPP). First, the challenges for businesses to deal with 19 different Source Water Protection Committees (SWPC) and how this poses structural issues were discussed. Second, the core issue was providing risks and threats assessment reports without any consideration of protection and disregarding any regulations that are already in place. The council noted the need for Source Protection Committee (SPCs) to acknowledge the existence of risk mitigated by regulations. The difference in approach between environment vs. safety was acknowledged as well as the difference in public safety vs. source protection.



Technical Standards and Safety Authority Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

SPCs will be required to consult on draft policies and then the consolidated source protection plan two separate public consultation periods and consider comments received. It was noted only implementing bodies will submit comments during draft policies but the general public including businesses can provide comments during both consultation periods. TSSA is currently involved with the consultative process.

All stakeholders should provide comments to the Ministry of Environment (MOE) during the consultative period (February, March, April) in 2012.

Next steps, submissions of source protection plans from source protection committees to MOE are scheduled for August 20, 2012 and implementation will be in 2013/2014.

10. Advisory Council Survey Result

As part of the advanced materials for this meeting, members received the result of the advisory council survey, which was treated as read.

D. Scriven provided an overview of how the survey was conducted. He noted five members participated in both the online and telephone survey. He noted considering the size of the council, this was sufficient feedback.

The themes of the result were discussed. The challenges with ageing devices/technology and aging workforce were noted. The council stated that their request of sufficient information sharing has not been met yet. Improving the process of the consultation time and response time were noted. The need to fill council vacancies was also noted. D. Scriven emphasized that TSSA values the councils' input and the issues raised in the survey result will be followed up.

Having a representative from MCS attend the meeting was received as being beneficial. Having in camera sessions was also highlighted as being a positive trait. The council acknowledged all the issues needing to be addressed were already in the report and that was sufficient enough information for TSSA to follow up on.

11. Safety Compliance in Fuels

As part of the advance materials for this meeting, members received a briefing note on safety compliance in fuels, which was treated as read.

Any further details will be included in Item #12 – Data Root Issue Analysis.

12. Priority Safety Issues Follow Up

Fuels Risk Reduction Group (RRG) Update:

As part of the advance materials for this meeting, members received a briefing note highlighting updates of fuels RRGs, which was treated as read.

ACTION: M. Kulik will continue to present an update on RRGs at the next meeting.

Data Root Issue Analysis:

With the aid of a PowerPoint presentation, C. Lepine and L. Mulamooti presented an overview of Risk Informed Decision Making (RIDM) and further details on safety compliance in the fuels sector.



Technical Standards and Safety Authority Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

Non-compliance was the primary root cause of an occurrence. A high level discussion ensued on spillage by a consumer, and ways to better educate the public and attendants at stations. It was noted any spills more than 25 litres must be reported.

The council requested to have more detailed presentations of the compliance safety report; however, they also acknowledged the highlights were very important and beneficial.

13. Issues and Incident Update

J. Marshall presented details of four incidents since the last meeting. There were no trends to follow up on and two of them involved fires. These incidents did not highlight any significant or ongoing issues and as such no further action was required. Fuel oil incidents are reported separately.

ACTION: J. Marshall to follow up if there was any fuel oil incidents since June 2011 and will update A. Kiers offline.

14. Customer Value Results

The aim of the research is to gain insights to help TSSA with the delivery of its value proposition and better understand customer drivers of value. The survey takes place every two years. One of the findings of the survey was that contractors have been consistently below average results. TSSA will be increasing efforts to engage contractors over the coming months.

15. Input on Industry Trends

M. Beard introduced J. Harrison who will be collecting data on industry trends in preparation of TSSA strategic planning. M. Beard requested the council to share any industry trends in technology and working conditions that may be emerging.

There is a trend in the U.S. towards a proliferation of fueling stations that service electronic cars, presumably there will be some implication with respect to site safety. Nissan has been working with retailers such as Walgreen to roll out a significant number of these types of sites.

Concerning hydrogen fuel cells, there are different technologies in use for splitting out hydrogen from hydrocarbon source.

There has been a transition this year in the retail sector involving payment by PIN vs. card swipe - customers like to stay in their cars. Council is looking to TSSA to get approval from a safety perspective. For example, is there a potential safety hazard for static electricity with the use of these methods? How this may impact on regulations was discussed.

From an insurance perspective, the Insurance Bureau of Canada has a long standing problem with the use of oil tanks to heat homes. Insurance companies will only insure homes under certain conditions. The Canadian Standards Association has formed a group (contractors, distributors, etc.) to look at the solution to this problem. This and other restrictions (surcharges) will potentially push home owners to move to other options such as natural gas, electric heating or propane.

ACTION: TSSA, Engineering will follow up on the use of electronic point of sale payment devices at gasoline stations.



Technical Standards and Safety Authority Minutes of the Liquid Fuels Advisory Council Meeting on December 15, 2011

16. TSSA Recent Fuels Safety Public Education Activities Update

With the aid of PowerPoint presentation, B. Celis presented campaigns targeted at specific sectors such as Ontario households, seasonal users, and the broader Ontario public including partnerships with LCBO and The Office of the Fire Marshal. In regards to partnerships, the boating industry was seen as a viable source.

Council recommended utilizing Skills Canada to approach young kids about safety especially the CO campaign. It was noted that materials are provided at the Skill Canada Competition already.

17. Questions on Information Items and Other Business

Membership:

The council discussed the need to fill vacancies and post a call for nomination for Independent Retailers, Transporter and Construction sectors.

ACTION: A call for nomination will be issued for Independent Retailers, Transporter and Construction sectors.

18. In Camera

[In Camera it was proposed to hold a conference call of the council members in the New Year to evaluate the direction the council will take and information it needs to do that.

ACTION: J. Wood will inform R. Smith, Chair, on this proposed teleconference meeting for the council]

19. Termination

The meeting was terminated at 1:45 p.m. The next meeting is scheduled for June 20, 2012.