



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council Meeting on May 15, 2013

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 May 2013.

Present: Robert (Bob) Smith (Chair), Canadian Oil Heat Association, Terry Ablett, Wagg's Petroleum Equipment Ltd., Trish Anderson, CIPMA, Eric Bristow, Canadian Fuels, Brent Francis, Francis Fuels Ltd., Al Kiers, Federated Insurance, Andrea Ongaro, Canadian Tire Corporation Matilda Presner, Consumers Advisory Council, & Jim Wood, McKeown & Wood Ltd.

In attendance: Ann-Marie Barker, Engineer, (all items except 16), Michael Beard, President and CEO (items 6, 7, 9, 10, 11, 12), Zenon Fraczkowski, Engineering Manager (all items except 16), Wilson Lee, Director Stakeholder Relations (12 & 15), Maram Khalif, Council Coordinator (all items except 16), John Marshall, Director Fuels Safety Program (all items except 16), Lency Mulamootil, Decision Analysis Advisor (item 10), David Scriven, VP Research and Corporate Secretary (items 8, 13, 14), Richard Smart, Chief Financial and Information Officer (item 7), Supraja Sridharan, Public Safety Risk Analyst (item 10), & Jonathan Tsao, Advisor Government Relations (all except items 16).

Guests: Sarah Jeffrey-Hampton Senior Policy and Program Analyst, Ministry of Consumer Services (MCS).

1. Constitution of Meeting

R. Smith, Chair, called the meeting to order.

2. Approval of Agenda

Council members approved the agenda of the May 15, 2013 meeting as presented.

3. Approval of the Minutes

Council members approved the minutes of the December 12, 2012 Liquid Fuels Advisory Council meeting as drafted, as being a true and correct record of that meeting.

4. Review Action Items From Last Meeting

A. Barker reviewed the outstanding action items from previous meetings with council members, noting that the item highlighted in grey was completed.

J. Marshall reported to council that he has not received any information from T. Ablett on an incident that took place in the northern region; however, his concerns were taken into consideration when providing incident updates. He also noted that he made the appropriate changes when presenting the incident report to council.

In regards to establishing a Risk Reduction Group (RRG), J. Marshall noted that D. Scriven had given a detailed presentation regarding the process of establishing an RRG. He advised that in the future any new RRG will be shared with Chair and council.



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Incident reporting to council will include all incidents investigated by TSSA in each quarter and J. Marshall will provide as much detail as possible for those that are deemed significant.

In regards to the action item on inconsistent messaging for distributor's inspections, J. Marshall reported to council that TSSA will only ensure that regulations are adhered to where necessary. Further discussions ensued and J. Marshall and J. Wood will discuss particular examples of this issue offline.

5. Council Chair's Report

The Chair noted that due to his extensive absence in the past, he had no further update at this time.

Council discussed the status of the Protocol for Fuel Oil Spills and Leaks. A. Barker noted that the proposed advisory for the protocol was sent to council for feedback and deadline set for April 2015. The RRG will meet in the fall to follow up on the feedback.

Chair requested that the status of Protocol for Fuel Oil Spills and Leaks be included in the minutes sent to council.

ACTION: Protocol for Fuel Oil Spills and Leaks update or status will be sent to council following the meeting.

6. TSSA CEO'S Report

As part of the advanced 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.

M. Beard shared with council that TSSA's public safety initiative, Risk Information Decision Making (RIDM) has a patent pending in the United States and a patent application is underway in Canada.

He also further provided a high level update on the liquid fuels backlog which is expected to be completed by October 2013. The inspection process is also being revamped as part of TSSA ongoing strategy to improve its processes and data collections. The Fuels Safety Program is working diligently to complete this backlog by the deadline.

7. Fee Review Framework & Process Update

R. Smart provided an update of the fee review and process which has become effective as of May 1, 2013. He highlighted the process and improvements made during this fee review process and framework and particularly acknowledged the work of the subcommittees. He also noted that as of today, there have not been any concerns reported regarding billing or inspection fees as a result of the fee changes.

Discussion ensued around process improvement and for the clients to have electronic access to their accounts. This is TSSA's long range strategic plan; however, currently, TSSA has zero tolerance for customers getting wrong information on invoices, etc. and will be looking for ways to streamline the billing process and provide added value to customers.

He further reported to council that all fee schedules and billing information, both current and historical are posted on the TSSA website.

Further discussions ensued around TSSA's Field Support Services project and ways this project will improve the overall organizational efficiency in both inspection and data management.



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Further discussion ensued regarding TSSA's policy regarding double fees for follow up inspections. Council discussed the negative impact of this policy on small businesses. Some members provided other ways to deal with non-compliance by extending the time for compliance. It was reiterated that the changes to the policy were made after all other options were exhausted.

R. Smart reported to council that any administrative/non-safety compliance can be dealt with by submitting a Declaration of Compliance which cancels the follow up inspection when used appropriately.

8. Council Evaluation and Engagement Survey Update

D. Scriven provided an introduction of the council evaluation and engagement survey. He noted that all actions arising from the last survey results have been completed with the exception of the council's request to have a communication tool between meetings, i.e. portal.

He reported to council that TSSA is currently developing a web based tool to keep track of information between meetings and allow council to have features such as voting or discussion forums, etc. He further noted that this portal may be modeled similar to communication tool: Community of Interest recently launched by the Canadian Standard Association (CSA).

Council discussed the benefits and the hindrance of having a portal with added access information, i.e. log in and password, etc. D. Scriven noted that all concerns will be taken into consideration during the development of this tool.

He encouraged council to participate in both the online and interview phase of the survey in an effort to find ways to improve council processes. He also noted that as a result of discussions with other advisory councils, TSSA will be conducting the council survey every three years rather than every two years.

9. Issues and Incident Report

J. Marshall presented an overview of five significant incidents since the last meeting. He noted there was one fatality which is still under ongoing investigation and TSSA is currently providing technical assistance to the Coroner's Office. All other significant incidents involved fuels and are under investigation. He further noted as per council's previous request, that from December 5th to May 5th, there have been 68 occurrences in total in which five were significant incidents, as noted above.

10. Safety Compliance in Fuels

With the aid of a PowerPoint presentation, L. Mulamootil and S. Sridharan provided an overview of safety compliance results in occurrence inspections of the last quarter as well as a compliance summary from Fiscal Year (FY) 2005 Q1 to FY 2012 Q4. They reported no demonstrable trends in inspection outcome parameters.

They also presented the top five cited orders from FY 2013 Q1 to Q3. Council recommended that the order citations be broken down further to include the specifics of the top five orders issued as well as indicating geographic regions, where applicable. Though the limitation of the data was shared, council requested the possibility of gathering information that is more detailed (though unscientific) from the inspectors as to the top three areas of orders issued. Some council members would like to share the presentation with their members, and noted that having some specifics would be more beneficial for allowing industry to improve their sites accordingly.



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Council was further informed that Field Support Services will improve the data collection process and that TSSA will endeavor to give more details on the top citations going forward.

ACTION: Compliance Safety presentation will be sent with the minutes to council.

11. Priority Safety Issues: Engagement with Stakeholders and Risk Reduction Group (RRG) Updates

As part of the advanced materials for this meeting, members received a briefing note updating the outstanding fuels RRG which was treated as read.

Engagement with stakeholders has been divided into three separate, but related RRGs, as noted in the briefing note.

A. Barker informed the council that the Advisory on the Monitoring of Sumps was widely distributed to the industry through direct mail to registered contractors and license holders as well as emails to industry associations. She also encouraged council to feature this document in their newsletters or on their websites to get as much exposure as possible.

Further discussion ensued around the language / communication of Advisory documents. Some members of council expressed the need for an executive summary as well as having language that is easy to understand by the target audience.

The minutes for each of the RRGs were sent to the respective RRG members.

Council also discussed further the draft protocol for fuel oil spills. Please see the minutes under item #5.

12. Ministry of Consumer Services (MCS)

S. Jeffrey-Hampton noted that there has been no update on the home inspection initiative since the last meeting. She informed council that the home inspection initiative was spearheaded by the Consumer Protection Department and any new update will be presented at the next meeting. It was noted that information may be available by the Consumers Advisory Council meeting on June 19, 2013 which will be shared with this council at the next meeting.

She also informed council that the new Minister for MCS is Tracey MacCharles.

13. Input on Industry Trends and Issues

As part of the advanced materials for this meeting, members received a list of all industry issues and trends, which was treated as read.

D. Scriven presented the background information on industry trends and issues. Council would like to continue to monitor all items as presented, with the exception of payment by pin versus card swipe at some gas stations. This was deemed beyond the scope of TSSA's mandate and council agreed to remove it from the list. There were no new issues at this time.



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14. Establishing Safety Priority Issues for 2013 to 2015

As part of the advanced materials for this meeting, members received a historical list illustrating all industry issues established in 2010 while setting the priority safety issues, which was treated as read.

D. Scriven provided an introduction to this item by highlighting the background of setting priorities for the council.

Council discussed the items on the list and updated their status. Council also discussed issues that may be of a priority safety nature and those that may be monitored for future consideration. All items will be included in the industry issues and trends document and will be shared at each meeting to monitor their progress.

A revised list of all issues will be sent with the minutes. Council will select the top three safety priorities and will send their choices back to be tabulated for the next meeting.

ACTION: Council will select the top three safety priority issues and will email them to be tabulated for the next meeting.

15. Questions on Information Items and Other Business

Membership: A call for nomination for the transporter sector is still ongoing. Council was encouraged to inform their constituents of this vacancy.

A. Kiers announced his resignation. This was his last council meeting but he will assist J. Marshall and R. Smith in finding a replacement. It was also recommended to look into the Canadian Oil Heat Association (COHA) Partners for his replacement.

All other members, whose terms were expiring, renewed their memberships for another term: T. Anderson, A. Ongaro, M. Presner, R. Smith, and J. Wood.

Source Water Protection: S. Jeffrey-Hampton informed the council that this was ongoing consultation with Ministry of Environment (MOE) and 13 local source protection committees.

W. Lee provided a brief background on this issue by highlighting the issues arising from being named under implementation phases of policies for those 13 local source protection committees. He reported to council that some of these committees have removed TSSA and MCS from their policies. He further noted that TSSA and MCS were diligently working with MOE and other source protection committees to reach an agreement satisfactory to all.

Further discussions ensued around the historical issues with this initiative and the inherent challenges facing TSSA and MCS. Further update will be provided as information becomes available.

Liquid Fuels Backlog: J. Marshall provided statistical information around the liquid fuels backlog. He reported to council that there are approximately 500 gas stations remaining for inspection and reiterated that the deadline for the backlog to be completed in October 2013.

A brief discussion ensued around shutting down sites for non-compliance. Council was assured that TSSA was diligent on not shutting down the entire business, if possible and to minimize the amount of time that a site is shut down.

A brief discussion ensued around engineering variance issues in the Fuels Safety Program. Council would like to discuss this issue at the next meeting.



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ACTION: J. Marshall and R. Smith will follow up on A. Kiers' replacement in the council.

16. In Camera

Council met without guests and management.

17. Termination

The meeting was terminated at 12:30 p.m. The next meeting is scheduled for November 27, 2013.