Minutes of the Consumers Advisory Council (CAC) meeting of the Technical Standards and Safety Authority (TSSA) held in Boardroom 1434, 14th Floor, Centre Tower, 3300 Bloor Street West, Toronto, Ontario at 10:00 a.m. on the 19th day of October, 2011.

Present: Patricia Jensen (Chair), Robert Brady, Dolly Gerrior, Jane McCarthy, Elizabeth Nielsen, Matilda Presner, Keith Winslow and Kathryn Woodcock.

In attendance: Mike Adams, Director, Boilers and Pressure Vessels/Operating Engineers (items 8 & 9 only), Michael Beard, Vice President, Operations (all except item 16), Sheila Johnston, Sign Language Interpreter, Maram Khalif, Council Coordinator (all except item 16), Cole Lepine, Public Safety Performance Analyst (items 8 & 9 only), Srikanth Mangalam, Director and Chief Advisor, Public Safety Risk Management, (items 8 & 9 only), John Marshall, Director, Fuels (items 8 & 9 only), Kathy Milsom, President and CEO (all except items 13, 14, 15 & 16), Kathy Munro, Sign Language Interpreter, David Scriven, Corporate Secretary (all except item 16).

Regrets: Ministry of Consumer Services (MCS).

1. Constitution of Meeting

P. Jensen, Chair, welcomed the CAC members and called the meeting to order. She welcomed M. Khalif, Council Coordinator to her first meeting and acknowledged R. Magill’s contributions in the interim.

2. Approval of Agenda

The agenda was modified to reflect an additional item by E. Nielsen. Council members approved the October 19, 2011 meeting agenda, as amended.

3. Approval of the Minutes

Members approved the minutes of the June 9, 2011 CAC meeting as being a true and correct record of that meeting, as amended.

4. Review Action Items from Last Meeting

Council reviewed the outstanding action items from previous meetings.

D. Scriven advised the members that despite best efforts, TSSA has not yet posted plain language information regarding Risk Informed Decision Making (RIDM) on the TSSA web site. He did note, however, that the recently posted business plan does include a more easy to read description of RIDM and the Disability Adjusted Life Years (DALY) metric.

With regard to a pending telephone conversation with L. Hall, Chair of the Upholstered and Stuffed Articles (USA) Advisory Council, D. Scriven confirmed that this matter will be dealt exclusively at the USA Advisory Council meeting and considered the item completed at the CAC.

5. Council Chair’s Report

P. Jensen reported she and D. Scriven met with Sidney Han, this year’s recipient of the Safety Education Research Graduate Scholarship (SERGS). Due to conflicts with his PhD. schedule, he has requested that the research project be deferred to January 2012 at which time he will commence Phase 1 of his project examining consumer behavior in the amusement devices sector, followed by upholstered and stuffed articles sector. 2013 will be devoted to a much larger project examining advertising influences shaping fuel safety behaviours. It was also noted the project may require more funding for external
advertisement within the project. As a result, the Chair undertook to provide further updates on this project at future meetings.

P. Jensen also reported she attended the Committee of Council Chairs in September. The meeting introduced Council Chairs to key TSSA initiatives including the Business Plan and upcoming Fee Review. Although invited guest N. Inkster was unable to join the meeting, he is invited to the January meeting of that Committee. ERIN Research Inc. released findings of the council evaluations. Chairs, who were present at the meeting, shared insights re interpretation of results.

The Chair attended TSSA's AGM, along with council members K. Woodcock and M. Presner.

6. TSSA CEO's Report

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

K. Milsom provided an overview of the company’s continued strong performance from safety and financial results perspectives.

K. Milsom reported the delegated administrative authorities’ heads had their quarterly meeting on October 18, 2011 at TSSA, and the Deputy Minister attended to provide a post election update. The Ontario government priorities will be family, jobs, and the economy.

A question arose regarding the Dundas elevator incident and general reporting of incidents through the Spills Action Centre. K. Milsom responded that TSSA has an agreement in place with the Ministry of Environment and Energy’s Spills Action Center to receive notifications for incidents through a 24 hour hotline. In response to another question regarding public awareness, she indicated that Wilson Lee, TSSA’s new Director of Stakeholder Relations, will be responsible for considering opportunities to gain broader public awareness of TSSA where safety benefits are seen to exist. K. Milsom also responded to questions regarding the timing of incidents being reported to TSSA.

Councils shared methods of direct consumer reporting that are available online and encouraged TSSA to engage consumers to report incidents.

It was also confirmed that the Ministry of Labour (MOL) will report work related incidents to TSSA where the technologies we regulate are involved, and involve TSSA in the investigations as may be appropriate/beneficial. The Council requested that TSSA invite an MOL representative to a future meeting to provide information on how they decide when to report to TSSA and how they interact with other regulators.

ACTION: D. Scriven to provide CAC with current published articles regarding the RIDM and the use of DALY as a viable safety metric.

ACTION: D. Scriven to invite a member of MOL to a future CAC meeting for discussion on the process of work related incident reporting to TSSA, if a technology regulated by TSSA is involved.

7. Business Plan

As part of the advanced materials for this meeting, members received TSSA’s business plan for fiscal year 2011/2012, which was treated as read. With the aid of a PowerPoint presentation that forms part of the record of the meeting, K. Milsom and M. Beard presented an overview of TSSA’s business plan including the implementation of the four strategies and eleven objectives, and TSSA’s approach to planning to ensure that operational plans, budgets and performance targets. It was also noted that the business plan is required to meet MCS’s oversight requirements.
In response to a question, K. Milsom noted that TSSA recognizes its impact on the public through its vision goals related to safety outcomes.

A discussion ensued on the planning process and planning framework, including the vision goals, strategies, objectives and initiatives. K. Milsom provided a brief history of the process of developing strategic plans including the environment scan of strength, weakness, threats and opportunities (SWOT). Council members provided suggestions for enhancements to the presentation of the business plan in future years.

K. Milsom concluded by presenting TSSA’s budget goals, assumptions and resulting budget.

8. Annual Public Safety Performance Report

This item was combined with item #9.

9. Risk Informed Decision Making (RIDM)

With the aid of a PowerPoint presentation that forms part of the record of the meeting, S. Mangalam updated the Council on the RIDM working framework, annual public safety performance report structure, fiscal year 2010/2011 safety performance, updates on other RIDM Initiatives, and the public risk standard. He also introduced C. Lepine, another member of TSSA’s Public Safety Risk Management team.

A high level discussion ensued on the possibility of new technology affecting regulated sectors, near misses occurrences data, and house inspections issues impacting consumers.

A question arose around boilers that are exempt from TSSA inspection (under the regulations) if they are insured. It was confirmed that TSSA does not inspect insured boilers directly; however, TSSA is involved with the oversight of the design, fabrication and installation of all boilers in Ontario. Also all inspectors being used by the insurance companies are certified by TSSA.

Additionally, plant operating engineers inspect all plants every 6 months to 12 months.

The council requested a copy of the PowerPoint presentation.

ACTION: Council to receive a copy of the PowerPoint presentation and section 4.6 from the Public Risk Standard.

10. Advisory Council Survey Result

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

D. Scriven provided an update on how the survey was administered and how to interpret the findings.

In response to a question, it was confirmed that a summary of the results of in camera sessions are shared with TSSA either after the meeting or via emails from the Chair and it was encouraged to continue.

Some council members suggested that not all of the questions in the survey were applicable to them, for example questions relating to fees. It was agreed that this matter would be considered in developing the next survey.

One area of discussion related to how council members can enhance their contribution at industry advisory council meetings. The need for orientation of a new member was also highly recommended as follows:
  • providing minutes of the past few meetings;
  • the possibility of having a field trip with an inspector of the representing sector;
- meeting with the chair of the council or the contact person at TSSA prior to the first meeting; and
- utilizing social networking and the social media.

Having a vice-chair as a back up for the Chair and having back up support for CAC representation at Industry Councils were discussed. Council also recommended expanding Council size to ensure that there is CAC representation on the Boilers and Pressure Vessels Industry Council. The challenge with switching sector representatives within the CAC was raised and the council agreed that there is a level of knowledge and interest that is needed to be a representative for a particular sector. The need to have a skills matrix in assessing the appropriate mix of membership was noted.

The gap between priorities and performance in the survey result was discussed. The Chair reiterated one of the most important priorities for CAC is consumer education and particularly facilitating public access to public safety education resources through enhancement of the TSSA website. Concern was expressed as the validity of responses to questions asked of all councils as CAC members would not have received the same exposure to specific questions concerning TSSA operations as Industry Councils.

11. Safety Education Fund Update

SERGS:
Discussion ensued on expanding the criteria to accept short term funding. It was agreed the education funding will be prorated accordingly. The council also agreed there was sufficient information to modify the request for proposals (RFP) to include the preceding change and add wider appeal while still maintaining relation to the TSSA mandate.

Skills Canada:
Discussion ensued regarding opportunities to enhance TSSA’s existing participation in the Skills Canada competition.

ACTION: E. Nielsen will update the SERGS RFP to reflect the comments and direction of the council.

ACTION: P. Jensen will review all the university contacts and forward it to TSSA.

ACTION: A subcommittee including M. Presner, J. L. McCarthy, and R. Brady to follow up with G. Smyth on how TSSA can further leverage its objectives through the Skills Canada competition.

12. Explore Outreach and Enhanced Information Sharing with Other Organizations

D. Scriven provided an update on meeting with the Electrical Safety Authority (ESA) on August 30, 2011 to discuss collaboration of the respective CACs. ESA was very receptive to the idea and willing to meet and share information with TSSA’s council, especially information on consumer advocacy and public education.

Discussion ensued on next steps and whether to have a symposium to allow broader discussion or to include it as part of the next TSSA CAC meeting.

ACTION: A subcommittee including E. Nielsen, D. Gerrior, R. Brady, P. Jensen, K. Woodcock, and D. Scriven will further discuss next steps of collaboration between TSSA and ESA CACs.

13. Public Confidence Research Update

This matter was deferred to the next meeting.

14. Summary of Industry Advisory Council Meetings for Fall 2011 Highlighting Consumer/Public Perspective
CAC members highlighted consumer issues that arose in industry advisory council meetings that they attended since the last meeting.

M. Presner briefed members on the Liquid Fuels Advisory Council meeting on June 29, 2011. She provided an update of their priority safety issues follow up and on TSSA’s effort to raise Ontario’s public awareness on fuel safety which focus on carbon monoxide (CO) as a key factor. An RRG has been struck to examine the incidence of corrosion in above-ground fuel tanks, which are predominantly located in personal dwellings. Initiatives to establish oil leak/spill protection measures to safeguard Ontario’s water supply were also discussed.

J. L. McCarthy briefed members on the USA Advisory Council meeting on July 6, 2011. She reported the Chair provided an update on the Minister’s exemption of padded undergarments and shoulder pads from the regulations. She reported the USA council was not in agreement with the decision. The challenge of available funding for further research to address this issue was also discussed at the USA meeting.

E. Nielsen informed she was not present at the last Natural Gas Advisory Council meeting on September 20, 2011 and highlighted from the meeting minutes areas impacting consumers. The MCS representatives provided information on home inspector qualifications and informed that there was no regulatory requirement for home inspectors to be registered. It was recommended that N. Stewart discuss this matter with E. Nielsen and P. Jensen. N. Stewart will be invited to a future CAC meeting to update the CAC on which schools train home inspectors in Ontario. E. Nielsen also informed Council about the launch of the heating, ventilation, air conditioning and refrigeration (HVACR) website. She also reported on the success of a Career Promotion Committee that is part of HVACR and different ways it is trying to attract those between 16 and 21 years into the trades. Regarding a cross-boring safety issue, which was described in a previous report, she noted that a risk reduction group had been set up to review and recommend a solution to the issue, and a code adoption document was developed which was reviewed at the Natural Gas Advisory Council meeting.

D. Gerrior briefed the members on the Ski Lifts Advisory Council meeting on October 12, 2011. The council has noted a concern with the decline in educational school visits, which is a primary audience for public safety messaging. Discussion ensued with respect to the Director’s Order on loading and unloading zones. She also provided an update on TSSA’s partnerships and on site public safety initiatives.

15. Questions on Information Items and Other Business

Industry Input on Industry Trends:
M. Beard informed that he will be seeking information from each IAC on industry trends.

A question arose regarding whether inspectors seek to verify the training of the person operating propane refilling equipment. M. Beard advised that a record of training (ROT) is issued by the training provider and the operator is required to present it if asked during a TSSA inspection. A member of the public could ask to see an ROT and could report the lack of one to TSSA.

16. In Camera

Council members met in camera without management.

The following action items were provided by the Chair:

ACTION: Council evaluation discussion: the council agreed that there is a need for increasing the membership by one person. The council would prefer that the vacancy be posted on the TSSA website with the understanding that the vacancy will remain posted until filled.
ACTION: Given the changes at MOL, the council would like to receive a briefing note outlining their new preventative mandate and how they interact with other regulators. As well, how does MOL define a site under their mandate when the injury/fatality is that of a public user of a system?

ACTION: The council would like to see TSSA presentations confined to 15 minutes with provision for 10 minutes for council members to ask questions. The council acknowledged the need to work on balancing time for council member to interact versus TSSA presentations.

ACTION: The council would like to have RIDM presentations printed prior to the meetings.

17. Termination

The meeting was terminated at 3:15 pm. The next meeting date is to be determined.