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 9th day of June, 2011.

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

In attendance: Tom Ayres, Vice President and General Counsel (item 5 only), Roland Hadaller, Director, Elevating and Amusement Devices Program (item 5 only), Sheila Johnston, Sign Language Interpreter, Debbie Kontos, Senior Policy/Program Analyst, Ministry of Consumer Services (MCS) (all except item 13), Róisín Magill, Recorder (all except item 13), Srikanth Mangalam, Director and Chief Advisor, Public Safety Risk Management, (items 8 and 9 only), Kathy Milsom, President and CEO (all except item 13), Kathy Munro, Sign Language Interpreter, David Scriven, Corporate Secretary (all except item 13), Colleen Sonnenberg, Manager, Technical Safety Unit, MCS (all except item 13).

Regrets: Michael Beard, Vice President, Operations

1. Constitution of Meeting

   P. Jensen, Chair, welcomed the CAC members and called the meeting to order. She welcomed J. McCarthy to her first meeting. A roundtable of introductions was held.

2. Approval of Agenda

   The agenda was modified to reflect that item 12 be covered under item 4 and 6 respectively and Council members approved the June 9, 2011 meeting agenda, as amended.

3. Approval of the Minutes

   Members approved the minutes of the March 2, 2011 CAC meeting as being a true and correct record of that meeting.

4. Review Action Items from Last Meeting

   D. Scriven reviewed the outstanding action items from previous meetings.

   He confirmed to members that the requested search capability to provide enhanced reporting from the Customer Contact Centre is not possible.

   With regard to posting an overview of risk informed decision making (RIDM) on the website, D. Scriven advised members that TSSA has worked to provide a more reader friendly description of RIDM and the disability adjusted life years (DALY) metric. He will confirm availability of this version to members when completed.

   He also advised members that he met with P. Marucci, Vice President, Regulatory Affairs, Electrical Safety Authority (ESA) who advised they are open to exploring an agenda for a joint meeting between the ESA and TSSA Consumers Advisory Councils. He will report back in the future on the results of a meeting of the respective Chairs and organization leads to discuss this opportunity.

   With regard to a telephone conversation with L. Hall, Chair of the Upholstered and Stuffed Articles (USA) Advisory Council, D. Scriven confirmed that he had spoken with L. Hall regarding the CAC assisting with collection of data for a review of the USA regulation and the matter will be discussed at the upcoming USA Advisory Council meeting on July 6, 2011.
P. Jensen added that she had received and circulated a draft advisory council survey. D. Scriven advised that the questions are currently being amended and will be re-circulated when revised.

ACTION: D. Scriven to arrange a meeting with N. Evans, VP Communications and Stakeholder Engagement, ESA and D. Anderson, CAC Chair, ESA and report back to members.

ACTION: D. Scriven to post the new reader friendly version of the RIDM and DALY descriptions.

5. Council Chair’s Report

T. Ayres and R. Hadaller joined the meeting for this item.

The Chair advised that T. Ayres and R. Hadaller had been invited by the Chair to advise the members on recreational liability waivers (particularly in relation to ziplines) in response to a recent case in British Columbia (BC). This case established that the waiver could be upheld even if the harm to the consumer was a direct result of the negligence by the operator, if the waiver stated it released the operator from such responsibility. T. Ayres informed the members that the BC case was an aberration and not indicative of the law in Ontario as devices in Ontario are regulated, and in his opinion the Ontario courts would be loathe to accept a waiver of liability where the operators did not comply with the amusement devices regulation.

R. Hadaller added that in Ontario as a statutory director he has the authority to commence a prosecution against an operator due to the fact that Ontario ziplines are regulated.

T. Ayres responded to a question on what precedent this BC case sets for the country as a whole by advising that while it may be used as a guide, it would not be a binding precedent in Ontario. He reiterated that it is a different set of circumstances because Ontario regulates this type of activity.

He responded further to a question on personal injury claims relating to such incidents by advising that TSSA enforces the regulatory requirements, remains impartial and avoids private disputes. A member commented on how Florida has been grappling with the issue of parental waivers for minors with the result that children are suing their parents.

In response to a comment regarding a concern that even if operators are found to be negligent, the regulation should state that you cannot induce a patron to waive negligence, he advised that this would likely require an amendment to the governing legislation, and was not recommended as it is inconsistent with the preferred impartial role of the regulatory outlined above.

T. Ayres circulated a document on recreational liability waivers.

The Chair thanked T. Ayres and R. Hadaller for their time and also for the research carried out on this matter.

In advance of the meeting, members had received the Chair’s annual report to the CEO. She apologized to M. Presner whose name was inadvertently omitted from the membership list in this report and advised that it will be corrected.

ACTION: Membership list in the Chair’s annual report to be corrected.
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.

With the aid of a PowerPoint presentation, K. Milsom provided an overview of the company’s continued strong performance from safety and financial results perspectives.

She noted the external validation of RIDM and the DALY metric through various organizations, as well as the enthusiasm and interest demonstrated at the recent National Public Safety Advisory Committee (NPSAC) meeting.

K. Milsom responded to comments on measuring movement on the behavioural change continuum and the most effective way to communicate key safety messages. She informed members of a pilot direct mailing carried out in Milton which was followed up by a survey that demonstrated good retention, proving that this format is working. A discussion ensued with regard to radio spots, television spots and a new partnership with the Blue Jays whereby there will be safety messages on baseball cards.

She responded to a question on radio spots outside the Greater Toronto Area (GTA) and noted that key messages are delivered across Ontario.

One member advised that she was an advocate of new media such as Twitter. K. Milsom advised that TSSA will be considering the use of social media over the course of the next year. She agreed that there is notable potential to reach the broader public.

K. Milsom responded to questions on periodic inspections, aging equipment and emergent technologies, and informed members that TSSA is currently beginning the process of enhancing its approach to risk based scheduling of periodic inspections.

7. **Discuss Regulation/Policy Review Consultation Process**

CAC members provided attendees from MCS with suggested revisions to their notes from the last meeting on March 2, 2011 that were shared with members. These changes related to the distribution of TSSA’s strategic plan and the consumer product safety practical guide for suppliers. C. Sonnenberg advised that the corrections would be made and the notes will be redistributed.

C. Sonnenberg advised the members that unfortunately the proposed opportunity for MCS to support consumer research did not get approval and will not move forward at this point.

She informed members that MCS will work with the Delegated Administration Authorities (DAA) on all issues and impacts related to policy development. C. Sonnenberg further informed members that while MCS is not looking at immediate regulatory changes, they are looking to industry advisory councils (IAC) for an analysis of proposals based on evidence. She advised that MCS is working with TSSA to develop a new regulatory plan, particularly in light of the forthcoming Ontario election. She will report back to all IACs with updates.

A CAC member requested that MCS fund consumer organizations to do the requested research as they cannot do it or fund it themselves. The Chair echoed this suggestion in view of the fact that the CAC does not have the capacity or funding to develop and present the required evidence. C. Sonnenberg advised that no funding is available and that the requested evidence would only require demonstration that there is some basis for MCS to put forward the idea for consideration in the overall regulatory plan.

K. Milsom informed members that TSSA was invited to comment on MCS’s draft strategic plan and noted MCS’s plans for a consultative process for regulatory change. She further informed members that TSSA is working collaboratively with MCS in this regard. A CAC member advised that she has a wealth of experience
in the area of regulatory policy development and consultation and offered to assist MCS in this regard. The Chair supported this offer.

C. Sonnenberg closed by confirming that her and D. Kontos’s attendance at IAC meetings gave MCS the opportunity to hear information and issues first-hand.

8. Safety Education Research Graduate Scholarship (SERGS) Update

S. Mangalam joined the meeting for this item.

The Chair informed members that one application had been received for the 2011 SERGS award program. The applicant’s proposal seeks 2 years funding to examine the effect of risk message framing on shaping consumers’ message-based risk perception and risk handling behavior in three TSSA mandated sectors – fuel safety, amusement devices, and upholstered and stuffed articles.

The reviewers each spoke briefly on the application and all agreed that the research complemented and meshed well with the current research that D. Lisle, Director, Research and Education, was leading.

Motion made to award $15,000 per year over two years to the University of Guelph PhD student for the proposed research. The motion was seconded and approved by all members present.

A discussion ensued with regard to whether the current SERGS request for proposals is too narrowly drafted as it relates to awarding funds for short term initiatives and research that is supported by an external supervisor. There was also a suggestion that CAC should consider awarding safety education grants beyond Ontario universities. The suggestion was explored briefly with comments relating to the extra expense involved and also the need for outside universities to partner with someone in Ontario such as on a Capstone project. As a result, the CAC agreed that it should revise its policy to allow short term funding, where it would not limit approved research funding and that externally supervised research could be supported provided that their academic supervisor was also identified.

R. Brady gave an update on his attendance and that of J. McCarthy’s at the Skills Canada – Ontario Competition in Waterloo in May. They were given a personal tour of the facility where the competition was held. Six winners were awarded $1,000 from the Safety Education Fund. J. McCarthy presented a picture slide show of the day and showed members a pin which was designed by a competitor and which all competitors received. All agreed that this was a successful expenditure of the council time and resources, and there were no objections to members supporting the funding of this project again next year. The Chair thanked members, D. Scriven, and M. Beard for their attendance and participation in the event.

Members received the safety educations fund status report as part of the advanced materials for the meeting and D. Scriven gave a brief update reminding members that their attendance at the CAC and IAC meeting was reflected in the fund at the rate of $1,000 per member, per meeting.

Motion made to support engagement in the Skills Canada – Ontario competition again next year. The motion was seconded and approved by all members present.

ACTION: R. Magill to distribute the research proposal via email to members.
ACTION: P. Jensen to informally advise the successful applicant of their section and put together a proposal for project progress reporting.
ACTION: D. Scriven to forward names of the Engineers who attended the competition to the Chair.

9. Discuss TSSA Strategy Related to Aging Equipment

With the aid of a PowerPoint presentation that forms part of the record of the meeting, S. Mangalam updated the Council on an initiative to enhance management of aging technology. He outlined how a risk informed
approach is being used to prioritize safety actions required for fuel oil storage tanks, pipelines, high pressure vessels and boilers’ internal inspections. He demonstrated the results of the current pilot, the status of TSSA’s actions and next steps. He responded to questions on environmental, geographical or seasonal influences on failures and external and internal tanks.

A discussion ensued with regard to a recommendation that internal inspections of boiler and pressure vessel devices be made mandatory. Further discussion followed about how having a controlled environment would make predicting failure rates more difficult, the reliability of the concept of the ‘bathtub’ probability curve (an increasing failure rate as a result of equipment aging and deteriorating), natural gas distribution pipelines and the expertise of the Japanese in this area.

The Chair thanked S. Mangalam for his informative and helpful presentation, and welcomed him for further updates.

10. Summary Reports For Spring 2011 Industry Advisory Council Meetings

CAC members highlighted consumer issues that arose in IAC meetings that they have attended since the last meeting.

D. Gerrior briefed members on her attendance at the Ski Lift Advisory Council meeting on March 29, 2011. She updated members on the risk reduction group (RRG) for aging equipment, operational issues that have been identified, how the industry is looking at ways to determine how to keep chairs safe where they do not meet life cycle requirements of newer chairs, and aging carriers and counterweighted tensioning system on T-bars and J-bars. She also spoke of industry support for TSSA’s involvement in on-site ski safety programs. During the past ski season, there has been a significant decrease in serious lift injuries.

K. Woodcock advised members on her attendance at the Amusement Devices Advisory Council meeting on April 6, 2011. She informed members that TSSA has established a risk reduction group (RRG) on aging amusement devices. K. Woodcock noted the challenge of effectively identifying the age of devices as many parts have been replaced since their original manufacture. She spoke of how the parameters of aging equipment are now defined as technical and material. She also advised members that she was absent from the last CAC meeting as she attended the Amusement Devices Safety Forum where there was a record number of attendants this year. She further informed members about the BC waiver issue which was covered earlier under item 5.

E. Nielsen briefed members on her attendance at the Natural Gas Advisory Council meeting on April 28, 2011. She reported on a number of priority safety issues which were identified, including:

- qualification of home inspectors and a suggestion they be regulated (in recognition of their responsibility to check for any negative pressure conditions);
- how they would like TSSA to take a larger role and work on making more consumers aware of TSSA; and
- portable fuel cans and how there needs to be a way of identifying what is in them.

She also gave an update on the cross boring issue (unintended intersection of underground utility lines that can occur during construction that uses trenchless technologies). In the case of natural gas, a safety issue is most common when someone is clearing a sewer line and damages a natural gas pipeline that may have intersected it, allowing natural gas to escape into the home. E. Nielsen further informed members that the utilities are developing a sewer safety program to make customers aware of the potential problem and the need to have utility lines located before any construction or unblocking of sewer lines is undertaken. Ontario One Call provides this location service and should be called prior to construction. In addition, an RRG has been established to provide input to TSSA on risk, gaps in code and to determine the best approach to address the issue. A discussion ensued with regard to making consumers aware of potential problems. K. Milsom suggested inviting someone from the ‘One Call’ initiative to make a presentation to the Council. Members all agreed that this is a good initiative.
C. Sonnenberg informed the Council that the Ontario College of Trades is looking at training home inspectors and regulating the industry. K. Milsom advised that TSSA is happy to look at partnering and helping out with this initiative.

P. Jensen updated the members on the Elevating Devices Advisory Council meeting on May 18, 2011. She spoke briefly on the consumer issues that were addressed including a compliance policy that involves shutting down non-compliant elevating devices in appropriate instances (e.g. when it is not the only device in the building). This approach has raised concerns with the industry. A lively discussion ensued with regard to industry’s expressed concerns and the appropriate compliance message, and CAC members were highly supportive of the additional compliance measures being taken. C. Sonnenberg advised that MCS is very supportive of TSSA’s compliance actions in the elevating devices area.

A general discussion ensued with regard to outreach procedures in place (such as the proactive contacts to licensed facilities) and the weekly teleconference with the Office of the Fire Marshal and MCS regarding the implementation of the new propane regulation.

ACTION: Information on the regulation of heat pumps to be provided with the minutes.
D. Scriven to invite someone from One Call to present to CAC at a future meeting.

11. Advisory Councils Updates

D. Scriven updated members on the review of the per diem rates and asked C. Sonnenberg to forward to TSSA current information regarding Government per diem rates for agencies, boards and commissions. D. Scriven will conduct a survey and let the members know if there is any change to be implemented.

ACTION: D. Scriven to conduct a benchmark survey and report to CAC at their next meeting.

12. Information Items and Other Business

Information Items

Members received and reviewed the following information items without discussion:
- Status of members’ terms.

Other Business

Customer Contact Centre Survey Results: This item was struck from that agenda as the results were outlined in the President and CEO’s report which was circulated before the meeting.

K. Woodcock gave an overview, along with still photos and video, on the current projects at the Ryerson’s THRILL Lab (Tools for Holistic Ride Inspection Learning and Leadership). The THRILL program is studying the application of human factors engineering (also called ergonomics) to enhance amusement ride safety.

Further details are available at: www.ryerson.ca/thrill and also: http://twitter.com/#!/THRILL_Lab
For other interesting tweets about safety that are not ride related, you can also follow K. Woodcock’s personal twitter: http://twitter.com/#!/safeandsilent

13. In Camera

CAC members met in camera without TSSA and guests.

14. Termination

The meeting was terminated at 3.40 pm. The next meeting date is October 19, 2011.