



Technical Standards and Safety Authority

Minutes of the Propane Advisory Council

Meeting on September 24, 2019

Present: Joe Adams, EDPRO Energy Inc; Russel Cardott, Parkland Fuel Corporation; Ian D'Cruz, Superior Propane; Sue Hardy, National Energy Equipment (NEE); Jay Jackson, TSSA's Consumers Advisory Council; David Karn (Chair), Dowler-Karn Ltd.; John Lastoria, Canadian Tire Petroleum Network Development; Marcelline Riddell, Canadian Propane Association.

Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (Item 13); Tom Ayres, Vice President and General Council (Item 1-9); Alexandra Campbell, Vice President, Communication and Stakeholder Relations; Andrew Chin, Finance Specialist, Special Projects (Item 13); Sandra Cooke, TSSA Ombudsman (Item 1-9); Viola Dessanti, Director, Strategic Analytics (Item 1-12); Danielle Fernandes, Advisory Council Coordinator; Zenon Fraczkowski, Engineering Manager, Fuels Safety Program; Kristian Kennedy, Manager, Government Relations; Solomon Ko, Senior Engineer, Fuels Safety Program; John Marshall, Director, Fuels Safety Program; Bonnie Rose, President & CEO (Item 1-9); Phil Simeon, Director, Regulatory Policy; Robert Wiersma, Manager, Public Safety Risk Management.

Guests: Diane Allen, Senior Policy Advisor, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Ryan McLachlan, Slegers Engineered Products Inc; Allison Nicholls, Policy Advisor, Technical Safety Unit, MGCS.

Regrets: Doug Fines, HURONIA/MED-E-OX Ltd.

1. Constitution of Meeting

The Chair called the meeting to order at 9:35 a.m.

For the safety moment, K. Kennedy provided some context and 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 September 24th, 2019 Agenda

Council approved the meeting agenda of September 24th, 2019 as presented.

3. Approval of February 28th, 2019 Minutes

S. Hardy advised that she was left off the attendance list at the last meeting. Council approved the minutes of February 28th, 2019 as amended.

Action: D. Fernandes to update the minutes to reflect S. Hardy's attendance.

4. Review of Action Items from Last Meeting

J. Marshall spoke to the pending action items and provided an overview of the initiatives taken to address the refilling of one-pound non-refillable propane tanks. He advised that in partnership with the Canadian propane association, TSSA has reached out to Amazon to remove "how-to" videos on refilling these tanks. Additionally, he advised that TSSA has re-issued the advisory regarding this matter, noting that communication has been rolled out to various stakeholders including Health Canada, Ontario Federation of Anglers and Hunters, Northern Ontario Tourism Organization, and the Interprovincial Gas Advisory Council. He advised that the rest of the action items would be addressed under today's agenda.

There were no comments and questions from Council.

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5. Chair's Update

D. Karn treated his report to the President & CEO, circulated prior to the meeting, as read. There were no questions or comments from Council.

6. TSSA President & CEO's Report

B. Rose treated her report to Council as read. There were no questions or comments from Council.

a) Strategic Priorities

B. Rose spoke to this item and advised that TSSA's priorities, as they relate to the propane sector, are informed by the strategic plan, noting further that the themes identified by the Auditor General (AG) are consistent with the strategic plan. She provided some examples specific to the sector, such as the work being done on inspector consistency, the changes made to the licensing of propane cages, and the business model (fee structure) revamp.

There were no questions or comments from Council.

7. AG Action Plan - Update

T. Ayres spoke to this item and provided an overview of the AG recommendations both as they relate specifically to the Fuels program and TSSA more generally. He advised that risk-based inspections were a major consideration in addressing the recommendations of the AG. He provided an example of the risk-based approach taken with the development of a checklist for the propane cylinder exchange program. He noted that the data showed, in relation to the cylinder exchange program, that an enhanced inspection process would not be beneficial in mitigating risk, opting instead for enhanced authorization. He advised that currently TSSA is carrying out a similar exercise for fuel oil transporters. He noted that there is currently jurisdictional overlap with Transport Canada, adding that TSSA has convened a working group comprised of industry stakeholders. He explained that one of the findings was that an enhanced inspection regime does not add a lot of value. He advised that the recommendation coming out of the working group is to have enhanced licensing, similar to the propane cylinder exchange program. He advised that TSSA must strike a balance between having a risk-based presence and not causing undue burden on industry. He provided some additional examples of working currently being done in the fuels sector, among others, he noted the use of RSMP data to influence inspection scheduling, which is a forthcoming initiative and the inspection of off-site propane storage as part of the periodic cycle, rather than creating a new regulatory regime for a small number of sites.

In response to a comment from Council regarding being unaware of the use of RSMP data to inform inspection frequency, T. Ayres advised that there is viable information in the RSMP, such as sensitive receptors and hazard distance, that is being analyzed by TSSA. There was some significant discussion on this issue, specifically as it relates to the definition of sensitive institutions and what the use of this data would mean for the industry. T. Ayres advised that TSSA has done analysis on this, adding that for most facilities there would be no change to the risk ranking. R. Wiersma added that detailed information on this was presented at the last Council meeting and at the RRG. He noted that in the past the threshold was constant, now the threshold is dependent on land use, and land use will impact risk ranking. T. Ayres confirmed that this change would not impact the creation of an RSMP, adding that this was an AG recommendation which was communicated to industry. In response to a comment from Council regarding the sensitive nature of this issue to the propane industry, J. Marshall acknowledged industry concerns, but advised that the issue must be reviewed from a regulatory perspective and in light of AG recommendations. T. Ayres added that the idea is to find an accommodation that does not compromise safety.

Action: TSSA to provide further details on risk ranking of sensitive institutions.

Action: D. Fernandes to append to the minutes the AG plan specific to the propane industry.

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8. Outcome based Regulator - Update

P. Simeon spoke to this item and provided Council with an update on the progress being made on TSSA's transformation to becoming an outcome-based regulator. He advised that the principles of consistency, evidence-based decision making, and stakeholder outreach underpin this directive. He noted some examples of initiatives that are currently underway, including the compliance checklist developed for tanker trucks, and the work currently being done on pipelines and fuel oil distributors. Additionally, he advised Council of TSSA's compliance support program, which is scheduled to launch in the upcoming weeks. He advised that this service seeks to provide assistance to higher risk customers who may not know how to comply with the regulations. He advised that this program is compliance focused as opposed to enforcement focused, adding that involvement in the program is completely voluntary and that it operates independently from TSSA inspections.

In response to a question from Council regarding a status update on tanker trucks, S. Cooke advised that TSSA's tanker truck initiative is almost complete with a projected launch date within the next 3-4 weeks. She added that TSSA will continue to do the initial inspection followed by an enhanced authorization regime. J. Marshall also added that TSSA is working to roll out a mobile application for standard orders, in an effort to standardize, bundle, and provide oversight of the orders being issued by inspectors. He added that this initiative is consistent with TSSA's priority of increasing inspector consistency across all programs. Several Council members commented that this is a welcomed initiative within the industry.

9. 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.

10. Update from Strategic Analytics

V. Dessanti spoke to this item and provided a historical framework for Risk-Informed Decision Making (RIDM) at TSSA. She explained that TSSA is in a period of transformation, which requires a review of current model to capitalize on opportunities for improvement and consistency, adding further that the model needs to be 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, 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.

In response to a question from Council regarding the time commitment for peer review panel volunteers, V. Dessanti advised that the time commitment would be approximately 6-9 days over a 6-month period.

11. Safety and 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, noting that this is also relevant in the fuels sector.

As it relates to the fuels sector the actionable areas remain carbon monoxide (CO) in apartments and condominiums, fuel risks in private dwellings, and fuel risks in schools. She explained that a significant



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difference in the report this year, is the tracking of pipeline occurrences. Additionally, she noted 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.” V. Dessanti presented data on compliance by fuel type, and advised that for propane specifically, the compliance rate is 65.9%, noting the level of high-risk orders is approximately 5.4% overall. In speaking of the inventory risk profile, V. Dessanti advised that 4.5% of the inventory in the propane sector was considered high risk.

In response to a question from Council regarding why there is no inventory risk profile for the natural gas sector, since there are natural gas sites, R. Wiersma advised that the inspection volume is very low for these sites and so does it does not provide an accurate picture of the risk profile. Additionally, in response to a question regarding whether TSSA knows the root cause for the removal of fuel risks in retirement and long-term care homes and fuel-related fire risks in food service locations from enhanced monitoring, V. Dessanti advised that this is something that TSSA is reviewing, adding that we want to be able to ascertain what is driving the change. Several Council members noted that knowing the root cause is important as this should direct and underpin TSSA's compliance activities. In response to a question from Council regarding why compliance has gone down but risk level has also gone down, V. Dessanti advised that not all orders that are issued impact the risk score. D. Karn noted that this is a good news story for the industry. He noted that this shows that compliance infractions are generally for low risk issues, adding that these can and should be fixed. In response to a question from Council regarding how TSSA will address the fact that most risk lies where TSSA has no jurisdiction, V. Dessanti explained that some of this can be addressed through partnerships as well as education and outreach tools.

a. Incidents and Issues Report

J. Marshall provided an update on incident and issues specific to the propane sector, he advised that there was a total of five incidents and specified that two were explosions with the remainder being fires. He provided Council with an overview of the incidents and status of investigation.

There was a comment from Council that user behaviour seems to be an underlying issue for the incidents cited.

b. Sensitive Public Institutions

R. Wiersma spoke to this item and advised there is an upcoming meeting for the working group to discuss this issue. He advised the objective of the meeting is to come to a consensus on the way forward.

There was a concern from a Council member that the focus of the working group is expanding beyond the initial focus, noting further that the group may need to be broader particularly given that RSMPs may be introduced to other sectors. R. Wiersma advised that the upcoming meeting will be to discuss sensitive public institutions but would take broadening the working group into consideration.

c. RSMP Process and New Risk Ranking

R. Wiersma spoke to this item and provided an overview of the RSMP process and risk ranking. He advised that facilities that are closer to sensitive populations will have a higher risk ranking.

In response to a question from Council regarding how TSSA will treat changes (increases) to number of sensitive public receptors that move into the hazard distance of a facility, R. Wiersma advised that if the facility is fully compliant this should not be an issue, adding further that the nuance of density has not yet been considered. D. Karn added that the Council is not against enhanced enforcement around sensitive institutions but wanted to be consulted on any changes.



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12. Ministry of Government & Consumer Service (MGCS) - Update

D. Allen treated the report circulated to council in advance of the meeting as read and welcomed and questions from Council.

In response to a question regarding why the “first-fill” exemption within the auto-sector did not consider propane, K. Kennedy advised that this exemption is applicable to a discrete process on automobile assembly lines. In response to a question regarding when the CRN implementation plans will be shared, D. Allen advised that the government is still working out the details of implementation, noting that sufficient time will be provided to allow for the implementation. In response to a question from Council regarding the date for implementation, K. Kennedy advised that the BPV program at TSSA is anticipating implementation for January 1st and is preparing accordingly. He added that there are some jurisdictions that are working through some issues they have with the interprovincial reconciliation agreement.

a. PP03 - Update

D. Allen spoke to this item and advised that the government approved amendments to the Fuels Industry Certificates regulation to simplify training requirements for individuals who refuel propane powered vehicles at cardlock/keylock facilities and private outlets. She noted that this was a key burden reduction initiative undertaken by the government. She advised the changes came into effect on July 1, 2019.

There were no questions or comments from Council.

13. Business Model

D. Brazier spoke to this item, referring to the presentation shared with Council prior to the meeting. He advised that our 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 cover 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 fee-for-service model towards a model where the license fee is inclusive of regulatory inspection activities, adding that the new model would be revenue neutral. 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. Moreover, he advised 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. D. Brazier explained that once we have consensus on the option, further detail will be provided, with the final rollout to depend on the complexity of the option chosen. Council was presented with some examples specific to the propane sector for discussion.

There was significant decision regarding this item, with several members noting that option # 2 or option # 3 seem the most viable in consideration of TSSA's transition to becoming an outcome-based regulator. A number of members raised concerns with option # 3, noting specifically that changes in risk score would not be immediate and which would mean paying a higher fee until the risk score is re-evaluated. In response to a question from Council regarding additional costs, D. Brazier advised this model is intended to be revenue neutral, adding that the principle of cost recovery underpins the initiative. Additionally, D. Brazier noted, in response to a comment from Council about the complexity inherent in option #3, that these risk-calculations are already part of the outcome-based regulator plan, the question is whether the risk score should be a consideration in fee allocation. It was noted by a Council member that for the propane industry you can be considered high-risk as a result of the location of the facility (i.e. proximity to sensitive public receptors). S. Ariyaretnam explained that other Councils have raised an option that is a hybrid between #2 and #3, specifically that those that are non-compliant would be charged for additional inspections over and above the ones included in the license fee. There was some additional discussion regarding the merits of this hybrid option.



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D. Brazier advised, in response to a comment from Council, that option #3 affords the most chance of compliance, since individuals would want to avoid the higher fee, that TSSA has looked at external studies on the effectiveness of using fees to drive compliance, noting that the findings are inconclusive. Several Council members commented that TSSA must find a way of dealing with defiant non-compliance, D. Brazier advised enforcement and prosecution are options for dealing with those unwilling to comply. In response to a question about cross-subsidization, D. Brazier advised that the fee increase initiated in August would over time eliminate cross-subsidization, adding that the mandate of reviewing the fee model is cost recovery. Additionally, responding to a question regarding whether cost savings from new technologies have been considered, D. Brazier advised that dollar amounts have not yet been determined, adding that the objective is first to get the model right. Several Council members cautioned that cost can influence the option that is chosen. D. Brazier advised that TSSA is currently working on analyzing the data related to costs, noting that overall the change is structured to be revenue neutral.

14. Council Issues I

a. Smart Meters Working Group

J. Marshall spoke to this item and advised that since the last meeting in February, the Electrical Safety Authority (ESA) has issued a bulletin to clarify which meters are covered and which are not. J. Adams added that a docket from the propane industry working group is going to the electrical code, adding that the working group is broad but is addressing Smart Meters specifically.

Action: D. Fernandes to post the bulletin on portal and append to the minutes.

b. Rail to Truck Transloaders

J. Adams spoke to this item and advised that there has not been much progress on this issue. He advised that this remains a significant issue and noted that the CPA has new members on the file, adding that the main question underpinning this is about jurisdiction, specifically is this within the federal jurisdiction or is this a provincial mandate.

15. In-Camera with CEO

Council held an in-camera session with B. Rose. The meeting resumed shortly thereafter.

16. Council Issues II

a. Inspection of Propane Tanks

Z. Fraczkowski spoke to this item, noting that this has been in the code and regulation for a long time, adding that there is a 10-year inspection requirement. He advised that TSSA has used the National Board Inspection Code (NBIC) criteria, however recently industry has raised a concern that the code is too expensive. He explained that TSSA has approached NBIC regarding costing for pertinent sections, to which they were not receptive. He advised that another option explored by TSSA was to include the criteria in the CPA training package, but there were some legal concerns regarding this option. He advised that a final option explored by TSSA was to create an advisory on the matter, noting that this was also not an option due to legal copyright constraints related to original material. He advised that after having explored all viable options, TSSA is back to square-one. He explained that the present requirements are not being revised and TSSA is unable to come up with a solution that satisfies both the legal constraints and industry concerns.

In response to a recommendation from Council to state on the website that propane tanks are being inspected to NBIC supplement 7, S. Ko advised that this is already in the CAD. A council member confirmed that this language is in the CAD.

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b. Mandatory Training of Certificate Holders

Z. Fraczkowski spoke to this item advising that there are two core issues, first, board training of all certificate holders, and second, training requirements for training providers. He advised that TSSA is working on both, noting that the issues are being handled by TSSA's Training and Certification department through the Training and Certification Advisory Board (TCAB). He also advised that updates will be provided as they are available.

Action: TSSA to provide an update on this issue at the next meeting.

Action: J. Sorman to be invited to the next PAC meeting.

c. Refilling One-pound Non-refillable Propane Tanks

D. Karn confirm that this item was addressed earlier in the meeting, with an update being provided already.

There was a comment from Council that the advisory seems to conflate non-refillable with refillable propane tanks, noting that refillable propane tanks may pose another issue for consideration. S. Ko advised that refillable tanks cannot be refilled unless by a trained technician. Several Council members noted that although these are referred to as "refillable," no one in the industry is refilling them.

17. RRG- Update

S. Ko spoke to this item advising that the next meeting of the RRG is on October 16th, 2019. He advised that CAD will be the focus of discussion at the next RRG. He acknowledged meeting cancellations and explained that the last meeting was cancelled due to unavailability of TSSA staff. He noted that in the future he would reach out to RRG members to confirm if cancellation is required.

In response to a question from Council whether TSSA is willing to accept the findings of Hydro-Québec, which concluded that Smart Meters cannot be considered a source of ignition, S. Ko advised that there are differing opinions on the matter in Ontario. Z. Fraczkowski added that there were two reports issued, one said that Smart Meters were a source of ignition, and another that said they were not, noting that ultimately this falls within ESA's jurisdiction to determine what they consider a source of ignition. In response to a comment from Council regarding the impact of this on industry, J. Marshall advised that the bulletin provides some information on the types of meters and additionally provides guidance on identification of these meters. He echoed that ESA is the authority in regard to smart meters.

In response to a comment from Council regarding Code Adoption Documents (CADs) amendments being on hold, P. Simeon advised that TSSA will be triaging and prioritizing all 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 to safety, 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. In response to a question from Council regarding whether this applies to all CAD amendments, P. Simeon advised that all CADs will be review through this filter. Several Council members aired concerns that not adopting certain codes is a major area of concern, P. Simeon explained that this is not about not implementing the code, it is about demonstrating the need for adoption and demonstrating with data that code adoption is in the best interest of safety.

a. Risk Ranking

This item was discussed at length under item 11c of the agenda. There were no additional questions or comments from Council.

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b. Meeting Cancellation

This item was discussed under item 17 of the agenda. There was a request from Council for advance notice prior to cancellation of meetings. S. Ko confirmed that TSSA would provide advance notice moving forward.

18. Questions and Other Business

a. Piping Systems Issues Identified by BPVAC

Z. Fraczkowski spoke to this item advising that there was a meeting regarding this issue earlier in the year. He noted that the coverage in the code is limited, adding that the issue will be raised at the next RRG meeting. He explained that there isn't a total gap and that the data does not support that there have been any incidents. He acknowledged that further clarification should be provided on the matter.

b. Single CRN Review Status - Update

K. Kennedy spoke to this item advising that there is not much more to added to the discussion earlier in the meeting. He advised that TSSA is working within the Provincial-Territorial Advisory Committee (PTAC) timeline, adding that PTAC is trying to gain national consensus among the provinces.

c. Original Equipment Manufacturer (OEM) labels, Maintenance and Inspection

Z. Fraczkowski spoke to this item and advised that the issue is twofold. First the requirement to look under the hood of a vehicle for an OEM label, and second, to be licensed as a conversion center. He advised that there has been some discussion on the first issue, noting that if TSSA steps into this area, there will be overlap with the manufacturer and with national vehicle requirements. As it relates to conversion centers, he questioned whether removing the licensing requirement is in the best interest of safety. D. Karn advised that the new code, if adopted, would resolve the OEM labelling issue. Several members commented that this is a significant impediment for the propane vehicle industry.

Action: D. Fernandes to include OEM labels, maintenance, and inspection on the agenda for next PAC meeting for an update.

d. NPSAC Strategic Plan

K. Kennedy confirmed that the NPSAC Strategic Plan would be circulated shortly after the meeting.

Action: D. Fernandes to circulate the NPSAC Strategic Plan post meeting and to append to the minutes.

19. Council Administration

a. Council Matrix Review

Council affirmed the matrix with no changes.

Action: D. Fernandes to update affirmation date on membership matrix.

b. Membership Renewal: Sue Hardy

The Chair confirmed the membership renewal of S. Hardy.

Action: D. Fernandes to update membership information with renewal information for S. Hardy.

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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 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.

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. The survey found a slight increase in the overall impression of the relationship between TSSA and the councils, but he cautioned that these results are based on a relatively narrow dataset.

20. Adjournment

The meeting adjourned at approximately 2:00 p.m. Council held a Council-only in-camera session without TSSA staff or guests.



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Appendix

Link to the Auditor General Action Plan

Please see below the link to an overview of TSSA's action plan to address the Auditor General (AG) recommendations. Please note the following:

- This document tracks TSSA's progress on implementing the AG recommendations. As such, a legend with the definition of the various status' can be found on the last page.
- Progress on the AG recommendation is ongoing, as such this document is updated and posted quarterly and represents a point-in-time depiction of the tracking status.

https://www.tssa.org/en/about-tssa/resources/Auditor-General-of-Ontario-Recommendations_Web-Summary_-_July-2019_fvp.pdf.

ESA Bulletin on Smart Meters (Double click paper clip to open)



NPSAC Strategic Plan (Double click paper clip to open)

