



# Technical Standards and Safety Authority

## Minutes of the Propane Advisory Council Meeting on November 23, 2011

Minutes of the Propane Advisory Council (Council) meeting of the Technical Standards and Safety Authority (TSSA) held in Boardroom 1433/34, 14<sup>th</sup> Floor, Centre Tower, 3300 Bloor Street West, Toronto, Ontario at 9:00 a.m. on the 23rd day of November, 2011.

**Present:** David Karn (Chair), Dowler-Karn Limited, Gord Ellis, Ellis Management Group (alternate for Larry Boyd), Jim Facette, Canadian Propane Association, Ron Shoemaker, Superior Propane, Keith Winslow, Consumers Advisory Council.

**In attendance:** Michael Beard, Vice President, Operations (all except item 9 & 13 to 21), Bernadette Celis, Communication Advisor, Research and Education (only for item 16), Maileen Gan, Government Relations and Communications Advisor (all except item 21), Judy Harrison, Project Manager (only for item 18), Maram Khalif, Council Coordinator (all except item 21), Cole Lepine, Public Safety Performance Analyst (only for items 11 & 12) Srikanth Mangalam, Director & Chief Advisor, Public Safety Risk Management (only for items 11 & 12), John Marshall, Director, Fuels Safety Program (all except item 21), Kathy Milsom, President and CEO (all except items 14 to 21), David Scriven, Corporate Secretary (only for item 9), Richard Smart, Chief Financial & Information Officer (only for item 8).

Judith Borts, Senior Policy and Program Analyst, Ministry of Consumer Services (MCS) (all items except item 21), Nicole Stewart, Director, Policy Branch, MCS (all except items 14 to 21).

**Regrets:** Larry Boyd, Ontario Recreation Vehicle Dealers Association, Laverne Coulter, Coulter Heating & Air Conditioning, Peter Maddox, Canadian Tire, Ezio Sbrizzi, Coleman Canada, G.R. Steven Sparling, Sparling's Propane Co. Ltd., Scott Sprack, PSL Facility Energy Management Services,

### 1. Constitution of Meeting

D. Karn, Chair, welcomed the council members and called the meeting to order. M. Gan and M. Khalif were introduced to the council.

### 2. Approval of Agenda

Council members approved the agenda of the November 23, 2011 meeting as drafted.

### 3. Approval of the Minutes

Council members approved the minutes of the May 4, 2011 Propane Advisory Council meeting as drafted, as being a true and correct record of that meeting.

### 4. Review Action Items From Last Meeting

J. Marshall reviewed the outstanding action items from previous meetings with council members, noting that all are complete with the exception of an item dealing with establishing a propane task force, which was deferred at the request of the council, to enable focus to be placed on the new regulations. This item will be discussed in further detail under item 14 on the agenda.

### 5. Council Chair's Report

D. Karn indicated that he did not attend the previous Committee of Council Chairs meeting on September 21, 2011. He also indicated J. Facette attended the TSSA annual general meeting on his behalf.



## Technical Standards and Safety Authority Minutes of the Propane Advisory Council Meeting on November 23, 2011

### 6. TSSA President & CEO'S Report

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

The fuels incidents included in the CEO's report were discussed. Most of these incidents are still ongoing investigations and council will be updated on the progress of the investigations at upcoming meetings.

A high level discussion ensued on the process of incident investigations at TSSA. The importance of having consistency in fuels sector investigations was noted. A further discussion ensued on factors other than compliance issues that may contribute to incidents such as user behaviour and other root causes. TSSA takes all incidents very seriously and will investigate all aspect of the process leading up to the incident including any root causes. TSSA has a comprehensive critical incident response plan, that is regularly reviewed, updated and tested, including with MCS participants, and is applied as appropriate with respect to the investigation of each incident.

A question was raised regarding the protocols for follow up on the outcome of investigations; that is, are the findings of investigations utilized to influence codes, standards or best practices. TSSA considers the findings of each incident investigation and follows up with any necessary action such as director's orders, recommendations for code changes, or, if warranted, recommendation to MCS for regulatory changes.

Where user behaviour is found to be the root cause, TSSA considers the utilization of its educational and public awareness programs to promote safe behaviour for targeted audiences. These public awareness campaigns are funded by TSSA and their effectiveness is evaluated to ensure value for money. One example of how TSSA seeks to educate the general public is the ongoing carbon monoxide (CO) campaign. Additionally, TSSA also partners with other agencies or organizations to disseminate safety messages, such as the Office of the Fire Marshal of Ontario.

The council reiterated how the Sunrise incident impacted on all facets of the propane industry and expressed a desire to work with MCS and TSSA to prepare for the review of the regulations in 2013.

### 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, M. Beard provided an overview of TSSA's objectives and initiatives for 2011/2012 as well as TSSA's budget.

A high level discussion ensued on the how TSSA and industry can work together to enhance compliance. The council acknowledged the need for the industry to partner with TSSA for safety advocacy. It was noted this approach is consistent with the shared responsibility for safety priority in TSSA's strategic plan.

M. Beard also noted that TSSA has introduced the Declaration of Compliance (DC) initiative across all programs, which will enable operators to be proactive on low-risk compliance issues and allow TSSA to focus on higher risk non-compliances. M. Beard reported DC is an effective tool that was launched across all programs in October. M. Beard will follow up with the council on ways to get the message out and encourage communications that will make DC successful in the propane industry as well. It was also noted that, DC can reward operators by avoiding fees associated with follow up inspections for low-risk non-compliances.

With respect to further discussion regarding the propane regulations, N. Stewart reconfirmed MCS's commitment to review the regulations in 2013 through a transparent process, working closely with TSSA and the propane industry.



## Technical Standards and Safety Authority Minutes of the Propane Advisory Council Meeting on November 23, 2011

A high level discussion ensued on TSSA's risk informed decision making (RIDM) model as presented in the business plan. In response to a question, it was clarified the RIDM is much more than the risk based scheduling of inspections. It is the approach to effective safety decision making across the organization. Examples of the application of RIDM were provided, including its application to the Risk and Safety Management Plan (RSMP) guidelines and aging devices. As a further question was raised with respect to the applicability of RIDM with respect to having MCS move away from annual inspections being required under the regulations and that a task group be created for this purpose, K. Milsom suggested that it would be beneficial for MCS, industry and TSSA to start working together more broadly to proactively understand and seek to meet the needs of MCS with respect to the review of the regulations in 2013.

The council requested more details and comparative information with respect to the contractor audit non-compliance scores for the fuels sector. It was confirmed that contractor audit non-compliance scores were not comparable across the various fuels sectors.

**ACTION:** A task group of MCS, industry and TSSA representatives is to be convened to commence the planning process for the 2013 regulation review.

### 8. Fee Review Framework and Process

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

R. Smart informed council that this fee review will include the same level of council engagement as in the past; however, the focus will be on the following three goals:

- ensuring transparency of the process including input from council;
- seeking to introduce financial incentives/deterrents for compliant and non-compliant behaviours respectively; and
- simplification of the fee structure, wherever possible.

He noted that the process will be governed by TSSA's Memorandum of Understanding (MOU) with MCS – Schedule "I" Fee Setting Process and Criteria.

Discussions ensued around the impact the inspection frequency has on businesses and ways to improve communications with TSSA when there are issues related to inspectors. The most expeditious way to escalate an issue with an inspection is to their supervisor. Council requested that TSSA provide an up-to-date list of supervisors.

A further discussion was held regarding the RSMP implementation and whether it is possible to coordinate the RSMP inspections and annual inspections. While TSSA's preferred approach is to coordinate the two inspections, it was explained that the regulatory requirements are such that this is not possible in all instances at present; however, an opportunity will arise in the review of the regulations in 2012 to resolve this issue. The council continued to discuss the details of the process of conducting RSMP and other inspections. It was confirmed that an annual inspection is currently being considered as completed if the RSMP inspection has occurred in the same time window.

Funds resulting from TSSA prosecutions were discussed and whether they were reinvested in safety programs. It was noted any fines levied through the judicial system go to government's consolidated revenue fund, not TSSA.

A question was raised regarding premium fees. It was explained that premium fees are charged for rush or after hours service requests, as outlined in the fee schedules posted on TSSA website.



## Technical Standards and Safety Authority Minutes of the Propane Advisory Council Meeting on November 23, 2011

ACTION: J. Marshall to provide an up-to-date list of supervisors, with contact information.

### 9. Advisory Council Survey Result

As part of the advanced materials for this meeting, members received the results of a survey of the Propane Advisory Council members, which was treated as read.

D. Scriven provided background on how the survey was conducted. He noted that five members completed the online portion and only three members completed the follow up interview survey.

The council advised the discrepancies between priority and performance needs a further discussion. It was agreed that there is a need to collectively improve the perception of the council and TSSA relationship.

Looking ahead, the council agreed to focus as a priority for the next two years on establishing a task force to address the issue of the severity of non-compliances and also differentiating between low-risk non-compliances and high-risk safety hazards. Additionally, the council also requested to have in camera session before the meeting and have council meetings in the afternoon.

ACTION: The next meeting of council will be scheduled as follows: 10:00 a.m. to 12:00 p.m. in camera session and 1:00 p.m. to 4:00 p.m. council's regular meeting.

### 10. Issues/Incident Update

J. Marshall reported that seven incidents occurred since the last council meeting as a result of utilization. He reported there was one fatality involving a camping site. He advised all incidents are still ongoing investigations and progress updates will be provided at future council meetings until the completion of the investigations.

### 11. Compliance Safety

This item will be covered under item 12 on the agenda.

### 12. Risk Informed Decision Making (RIDM) as it Applies to Propane Industry

With the aid of a PowerPoint presentation which forms part of the record of the meeting, S. Mangalam updated council on the RIDM framework and how it relates to the propane industry and the annual public safety performance report which is posted on TSSA website. He also introduced C. Lepine, another member of TSSA's Public Safety Risk Management team.

Private dwellings and risks associated with them were discussed. It was noted that there is a pilot project in fuels supplier audit program to understand private dwellings risks.

Measuring non-compliance, low-risk non-compliances as well as what is included in the cease and desist data were discussed. It was confirmed if one aspect of any business is still operating, it would not be captured under the cease and desist category in the data presented. It was also confirmed that the data presented is reflecting longer term trends rather than quarterly trends. Council requested to receive the PowerPoint presentation presented.

High level discussions ensued around ways to enhance compliance in the propane industry and setting specific goals to achieve in time for the MCS review in 2013. It was noted that industry's assistance in this respect would be beneficial. Having a task force to develop those goals was advised. The council was encouraged to continue discussing this issue in their in camera session.

ACTION: RIDM PowerPoint presentation will be sent to the Propane Advisory Council.



## Technical Standards and Safety Authority Minutes of the Propane Advisory Council Meeting on November 23, 2011

### 13. Risk and Safety Management Plan

*Industry Update:* D. Karn provided a company specific update (less than 5000 USWG) on the RSMP implementation process. They are at level two of RSMP implementations and continuing to finish it by February 2012. D. Karn noted there appeared to be good cooperation with TSSA, and was encouraged to call TSSA engineers for any information or to assist him in completion of the RSMPs. A discussion ensued regarding the ongoing challenges of having certain fire services not being prepared to sign the RSMPs. N. Stewart advised that facility operators should contact the municipality involved in such cases.

J. Facette provided an update on behalf of the Canadian Propane Association (CPA) as follows:

- changes to propane supply providers coming from the United States;
- increase to propane value and being treated as a commodity; and
- focusing on improving propane industry image nationally.

*TSSA Update:* J. Marshall provided an update noting that there have been 9 shutdowns for non-compliance of renewal requirements (some temporary only) and two voluntary shutdowns. He reported that renewal non-compliance issues were the main focus. G. Ellis requested that quarterly breakdowns of RSMP status be provided to council.

*MCS Update:* N. Stewart provided an update on RSMP implementation, noting that at the six-month mark of implementation the majority of facilities had filed Level 1 and Level 2 RSMPs. N. Stewart also provided an update on the government's priorities. She noted that the government's priorities continue to focus on jobs, the economy and families. She noted that the Throne Speech indicated an anticipated slowing economy. In response to a member's question about any knowledge of government cuts, N. Stewart indicated that she did not have information regarding the government's fiscal plans, but that information might be available in the Fall Economic Statement to be released that afternoon, or in the Drummond Report anticipated in the new year.

ACTION: J. Marshall to provide quarterly break down of RSMP implementation status to council.

### 14. Council Task Group Discussion

The council reiterated the need to establish a task force to focus on enhancing compliance in preparation for the upcoming regulatory review in 2013. The Propane Advisory Council recommended this council can be used as a forum and act as the task force. A brief discussion ensued around the process of establishing a Risk Reduction Group (RRG) and task groups at TSSA and J. Borts informed MCS has interest in getting involved in the process. MCS would like to be invited to any new RRGs and task groups and they will attend as they see it fit.

ACTION: J. Marshall to inform his team to include MCS for any new RRGs or task groups being established in the future.

### 15. Update from the Canadian Propane Association (CPA)

J. Facette provided an update on the CPA board of directors meeting in October 2011 in Edmonton. He reported in relation to the Propane Advisory Council, CPA is developing in the next two years a code of practice (COP) which will be presented to the CPA board of directors meeting in 2013 for approval. He advised the next CPA board of directors meeting is in February 2012 in Toronto and encouraged TSSA to present any propane safety progress to the board.



# Technical Standards and Safety Authority

## Minutes of the Propane Advisory Council Meeting on November 23, 2011

### 16. Fuels Safety Public Education – Autumn Watch

With the aid of a PowerPoint presentation which forms part of the record of the meeting, B. Celis provided an update to the council on the fall campaign including the CO campaign and other fuels safety initiatives. Council discussed how the targets were selected and developing partnerships with the industry. It was confirmed TSSA is still testing more targets including urban cities to evaluate how responsive they might be to certain campaigns. The council reiterated how partnering with the propane industry will also be beneficial to both parties.

### 17. Customer Value Survey Result

This item is deferred to the next meeting.

### 18. Input Industry Trends

J. Marshall introduced J. Harrison and advised council she will be collecting the input received on industry trends in preparation for TSSA strategic planning process. The council was encouraged to share any technology, industry trends or safety methods that are impacting the propane industry.

In addition to the industry update, the possibility of propane supply from the US rather than western Canada was highlighted. Evidence suggested propane is being used as an alternative fuel and the possibility of advocating it to be included in energy policies were also noted. Propane as a commodity was also reiterated. Propane as a new exploration tool called “fracking” which uses a flammable propane gel instead of the water in shale rocks is also gaining momentum.

Regulation issues impacting on propane industry was emphasized and the support of performance type regulations were discussed.

The upcoming COP from CPA and the impact it may have on membership were also highlighted.

### 19. Questions on Information Items and Other Business

Memberships: discussion ensued on appointing a new member.

Skills shortage updates (HRAI Career Promotions Committee Update): J. Marshall suggested that in view of the lack of time, he will send a written update to the council.

ACTION: J. Marshall to send a written update on HRAI Career Promotions Committee to the council.

### 20. Memberships

This item was dealt with under item 19 on the agenda.

### 21. *In Camera*

Council members met *in camera* without management and guests.

### 22. Termination

The meeting was terminated at 1:30 p.m.

The next meeting is scheduled for **March 21, 2011 starting at 1:00 p.m. In camera session will be held at 10:00 a.m. to 12:00 p.m.**