



## Technical Standards and Safety Authority

Minutes of the Committee of Council Chairs

Meeting on January 21<sup>st</sup>, 2020

Minutes of the Committee of Council Chairs meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 10:00 a.m. on the 21<sup>st</sup> day of January 2020.

**Present:** Joe Adams, Boilers & Pressure Vessels Advisory Council; G. Rae Dulmage, Consumers Advisory Council; Brent Francis, Liquid Fuels Advisory Council (on Skype); Dave Karn, Propane Advisory Council; Kelly Leitch, Elevating Devices Advisory Council (on Skype); Martin Luymes, Natural Gas Advisory Council; Kevin Nichol, Ski Lift Advisory Council; Rod Philip, Operating Engineers Advisory Council (on Skype); Cindy Sypher, Amusement Devices Advisory Council (on Skype).

Dan Brazier, Chief Financial Officer (item 08); Alexandra Campbell, VP, Communication & Stakeholder Relations; Danielle Fernandes, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations; Bonnie Rose, President & CEO (Chair); Phil Simeon, Director, Regulatory Policy (item 06).

**Guests:** Erick Morales, Senior Policy & Program Analyst, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS)

### 1. Constitution of Meeting

The meeting was called to order at 10:00 a.m. B. Rose welcomed new member Kevin Nichol, Chair of the Ski Lift Advisory Council.

For the safety moment, Council was shown a short video on winter weather safety and walking safely in icy conditions.

### 2. Approval of the January 21<sup>st</sup>, 2020 Agenda

A Committee member raised the importance of timely distribution of meeting material, B. Rose acknowledged the concern. D. Fernandes confirmed to the Committee that the material was sent two weeks prior to the meeting, noting that the CEO report was sent later but would be appended to the minutes. The agenda was approved as presented.

**Action:** D. Fernandes to append the CEO report to the meeting minutes.

### 3. Approval of September 10<sup>th</sup>, 2019 Minutes

A Committee member noted there was a typographical error under item 6 of the minutes, specifically “explained that” was repeated twice.

**Action:** D. Fernandes to correct repetition under item 6 of the minutes from September 10, 2019.

The minutes were approved as amended.

### 4. Review of Action Items from Last Meeting

K. Kennedy spoke to this item and advised the Committee that there were no outstanding action items for this meeting.



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### 5. TSSA President & CEO's Report

B. Rose provided an overview of the report distributed to Committee prior to the meeting. She advised that the re-plan for OASIS (Operations Analytics Safety Innovation System) has been completed, adding that it received full Board approval in October 2019. She explained that the project team is executing a phased release, with the first release being for the BPV and OE programs. Among other items, B. Rose provided the Committee with an update on the issuance of Certificates of Insurance (COIs), the peer review of the Risk Informed Decision Making (RIDM) framework, the alternate rules framework for Operating Engineers which is to be implemented in July 2020, as well as a status update on the Auditor General Recommendations. Additionally, B. Rose advised that TSSA has a new Safety and Risk Officer (SRO), Angela Byrne, who will be undertaking her first assessment in the coming weeks. B. Rose advised that TSSA is making progress on addressing inspector consistency and has rolled out a new application for standard orders in the Fuels Safety Program.

In response to a question from a Committee member as to whether the SRO audit would be available to the Committee members for review, B. Rose confirmed that, as in the past, the report would be posted on the website. A Committee member suggested that the CEO report have more information on dates for deliverables, B. Rose acknowledged the suggestion, adding that there are date and accountabilities internally for all projects. She noted that the suggestion to include more specifics on dates would be considered during the next CEO reporting period. In response to a question regarding the cultural impact of all the changes at TSSA, B. Rose explained that culture is a major factor in the success of the changes, adding that though changing the culture is a long process, she is optimistic as there are already early signs of progress. In response to a question from the Committee regarding the status update on Canadian Registration Numbers (CRNs) for pressure equipment, K. Kennedy noted the update would be provided by MGCS under item 7 of the agenda.

### 6. CAD Development Strategy

P. Simeon spoke to this item and provided an overview of the CAD amendment review process. He explained that there are currently 51 codes and standards as well as many directors' orders and advisories equating to over 10,000 different rules. He explained that this review process places emphasis on evidence while prioritizing safety outcomes and measuring compliance. It fundamentally represents a shift away from measuring compliance with all rules toward a focus on safety outcomes based on evidence and risk analytics. He posed four questions to guide the discussion for feedback:

- i. What are the challenges your industry faces when it comes to meeting the requirements in the CADs?
- ii. How do codes and standards support your industry in meeting safety priorities?
- iii. What roles do your industries play in developing codes and standards at the national level and at the provincial level?
- iv. To what extent are trade issues affecting the use of codes and standards in your industries?

There was significant discussion on this topic. Several Committee members noted that the timing of this review process may be a bit out of sync with the pace of code development, adding that most changes to the code are safety related and work to enhance public safety. Additionally, some Committee members noted that new codes are often years ahead of what TSSA adopts, which has significant implications for the businesses operating in Ontario, noting that they recommend a timelier adoption process. Moreover, several Committee members advised that technological advances often underpin code changes, and by not adopting the new code we are not up to speed with new technology that can enhance safety. In response to a question regarding the importance of harmonization, a number of Committee members noted that harmonization is critical for their industries, explaining that lengthy adoption processes coupled with provincial exemptions make this difficult. Some Committee members noted that TSSA is well



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represented when voting on codes, so nothing in the code is new to TSSA; they recommended raising any concerns the TSSA may have during code deliberations rather than after the fact in Ontario-specific amendments.

### 7. MGCS Report

E. Morales spoke to this item, referring to the report circulated to the Committee prior to the meeting. Among other topics, E. Morales provided an update on agricultural exemption consultations, the CRN reconciliation agreement, as well as recent discussions about a gas fitters reconciliation agreement. Additionally, he advised the Committee, as it relates to elevator availability, that legislative changes are being considered to the Technical Standards and Safety Act, 2000 that would enable TSSA to impose administrative monetary penalties (AMPs) for non-compliances and required the reporting of elevator outages to the TSSA.

In response to a comment from a Committee member regarding the lack of communication with industry regarding the status of the CRN, E. Morales advised that currently MGCS is in the initial phase of implementation. K. Kennedy added that interprovincial disagreements have hampered implementation. It was recommended by a Committee member that the issue warrants some interim communication to update the industry. There was a question from a Committee Member regarding who was calling for a gas fitter reconciliation agreement, adding that the deadline for implementation may not be achievable due to the need for changes to provincial administration of gas fitter requirements. P. Simeon advised that the gas fitter project was initiated by the Maritime provinces, noting that the initiative is important in addressing labour supply. Several Committee members noted that interprovincial harmonization is critical for their industries. In the case of Amusement Devices, E. Morales confirmed that he would take the question of national registrations back to the policy expert and would provide an update once available. In response to a question from a Committee member regarding the impacts of Bill 159, Rebuilding Consumer Confidence Act, 2020, B. Rose advised that the Bill has few impacts to TSSA. A. Campbell added that the Bill will see other Delegated Administrative Authorities (DAAs) have industry advisory councils like TSSA

### 8. Business Model Update

D. Brazier spoke to this item and provided the Committee with an overview of the presentation circulated to the Committee prior to the meeting. He explained that fundamentally TSSA is moving away from a purely fee-for-service model towards a model through which license fees are inclusive of regulatory inspection activities. He advised that in the fall the business model survey was sent to each council to ascertain their input and feedback on the three proposed fee options. The three options presented were as follows:

- i. Flat fee
- ii. Flat fee based on category
- iii. Flat fee based on category and risk

He explained that there was little support for the first option (flat fee only), some support for option two (flat fee based on category), and strong support for the third option (flat fee based on category and risk). In addition to the number of responses, he noted, that the TSSA team analyzing the findings concentrated its efforts on the comments appended to the questions, explaining that those in support of option three understand and cautioned about the complexities. He advised the Committee that TSSA is currently working on the data analytics for each sector, which will be presented during the upcoming Industry Advisory Council meetings.

In response to a question from the Committee as to whether TSSA was considering one option for all sectors or if different sectors would have a different option based on the maturity of the risk data, D. Brazier



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explained that currently TSSA is planning on implementing the same option across all industry sectors. It was noted that in some sectors, option one or two may be seen as a step backward, particularly given that a lot of operators have spent a lot of money to ensure compliance. In response to a question regarding how TSSA will justify not proceeding with option three after the Industry has showed the strongest support for this option, A. Campbell noted that the comments show a more nuanced approach to the various options. She explained that though the numbers show strong support for option three, the comments indicate that industry wants to ensure that TSSA has the risk model right prior to implementation and that other suggestions provided under option three are being incorporated to the proposed model. D. Brazier added that option two would still have risk elements because riskier operators pay more though capping the number follow-up inspection under the flat fee model. A Committee member also cautioned that TSSA be ready to address how the options would accommodate for inspections mandated through regulation in the Boilers and Pressure Vessels sector, which are set by law. D. Brazier acknowledged the comment.

### 9. Roundtable Updates from Chairs

D. Karn spoke to the Committee regarding the upcoming Propane Advisory Council (PAC) meeting scheduled for February 25<sup>th</sup>, 2020. He advised that among other topics, the Council would be discussing mandatory training for certificate holders, original equipment manufacturer (OEM) labelling, as well as risk ranking and sensitive public institutions.

R. Dulmage advised the Committee that the next meeting of the Consumers Advisory Council (CAC) would be on March 19<sup>th</sup>, 2020. He advised that Bill 159 would be discussed among other topics. Additionally, he noted that he, as the Chair of the CAC, was invited to contribute feedback to the agricultural exemption consultation held by MGCS.

K. Nichol noted that the next meeting of the Ski Lift Advisory Council (SLAC) is scheduled for March 24<sup>th</sup>, 2020. He advised that the Council had some questions related to the business model and is awaiting feedback on the responses provided. He explained that among other issues, the SLAC would be discussing the availability of Ski Lift Mechanics in remote parts of the province at the upcoming meeting.

M. Luymes advised the Committee that the next meeting of the Natural Gas Advisory Council (NGAC) is on February 6<sup>th</sup>, 2020. He explained that the Council would be discussing, among other topics, interprovincial trade discussions about gas fitters, mandatory training and what this means for the industry, climate change and the impact of federal and provincial zero carbon policies. He explained in relation to the latter, that the discussion would center around preparing the industry for what the electrification of energy will mean for the sector.

J. Adams spoke to the Committee about the upcoming Boilers & Pressure Vessels Advisory Council on March 10<sup>th</sup>, 2020. He explained that the Council is disappointed with the perceived slow pace of resolution of issues before the Council. He explained that items keep being added to the agenda without proper resolution, as such they remain a topic for discussion at subsequent meetings. B. Rose explained that perhaps there needs to be a discussion about prioritization and timelines so that everyone is aware of the mandate of the Council at meetings.

K. Leitch advised that the next meeting of the Elevating Devices Advisory Council (EDAC) is on February 19<sup>th</sup>, 2020. He explained that the Council was generally supportive of option two as it relates to the business model with a future implementation of option three. Additionally, he noted that Council is curious about the reporting parameters for elevators that are out of operation, specifically as it relates to who will have the reporting responsibility. He explained that where this burden lies will have heavy repercussions for industry. He also explained that Council is enthusiastic about providing feedback on administrative monetary penalties.

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C. Sypher spoke to the Committee about the upcoming Amusement Devices Advisory Council (ADAC) on March 31<sup>st</sup>, 2020. She explained that the Council has active participation with many members providing input and feedback during meetings. She advised that as it relates to the business model, the Council was in general supportive of option 3, noting however that this may change once the fee pricing was released. She explained that, among other topics, Council would be discussing aging rides, adoption of the new code, service proven rides, as well as a new regulatory model for inflatables.

B. Francis spoke to the Committee about the upcoming Liquid Fuels Advisory Council (LFAC) meeting on March 5<sup>th</sup>, 2020. He explained that Council would be discussing the Fuel Oil Distributer Program along with mobile fueling as an area of concern.

R. Philip advised that the next Operating Engineers Advisory Council (OEAC) meeting is scheduled to be held on April 14<sup>th</sup>, 2020. He explained that Path 2 implementation will be an area of discussion at the upcoming meeting along with the COI. He noted that though progress has been made on the COI file, data accuracy remains an area of concern.

### 10. Questions and Other Business

There was no new business or questions raised by the Committee.

### 11. Council Administration

#### a. Council Ground Rules

A. Campbell spoke to this item referring to the presentation on the screen. She explained that it is best practice broadly beyond TSSA to remind members of appropriate conduct during meetings. To structure the discussion, she raised the following:

- i. How best to address this with Councils?
- ii. Should this be an item on every agenda?
- iii. What would help with Chairing meetings. She asked if Chair training was something of interest to the Committee members.

Some Committee members advised that it may be beneficial for the Chairs to inform guests about Council members who may be assertive at meetings, and it was noted that this would be facilitated by the timely distribution of agendas. Other Council members noted that this may not be the best way to address the issue, rather they urged that dealing with the responsible parties directly along with the Chair may be the best path forward. All Committee members agreed that this presentation, with slight modifications, should be shared at all council meetings. Additionally, some Committee members were supportive of Chair training for advisory councils.

A. Campbell also raised that there have been some comments about TSSA's involvement in meetings, specifically that there is a perception that there are too many TSSA staff at council meetings. She explained that at each council meeting TSSA is covering a wide variety of issues for which a different expertise may be required in order to deliver the message and/or respond to questions appropriately. Additionally, she noted that it is a benefit for others in the organization to hear directly from stakeholders. Some Committee members commented that they do not have a concern with too many TSSA staff at the meetings; they are more concerned with the lack of involvement from council members at times and noted it is important to hear from all members and not always the same people. It was suggested by a Committee member that TSSA along with the Chairs begin to review council attendance and should consider the number of missed meetings prior to membership renewal.



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### 12. Adjournment

The meeting was adjourned at approximately 12:30 p.m. The Committee held a Committee-only in-camera session with B. Rose without TSSA staff or guests.



# Technical Standards and Safety Authority

## Minutes of the Committee of Council Chairs

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#### Appendix

### CEO Report (January 2020 – June 2020) (Double click paper clip to open)



#### President and CEO's Report January 2020 – June 2020



#### President and CEO's Report (As of January 2, 2020)

This report provides updates on the status of the 2019/20 Business Plan priorities as well as other updates.

#### Engaged People and Effective Teams – Foundational Enabler

- Safety Risk Officer, Angela Byrne, selected by Board, endorsed by Minister and hired in October
- Director BPV/OE – We are currently recruiting. Roger Neate is acting director.
- Internal Auditor, Nadine Petsche is on board.
- A performance management system for employees has been developed and rolled out

#### Solid Operational Foundation - Foundational Enabler

##### OASIS (Operations Analytics Safety Innovation System)

The Re-Plan of OASIS (TSSA's Information and IT system project) has been completed and full board approval for the Re-plan was given in October. The project team is now executing a phased release plan and for Boilers and Pressure Vessels/Operating Engineers (BPV/OE) which includes a revamp of the BPV Certificate of Inspection (COI) portal.

Once live, OASIS will include:

- Intake, billing and customer service functions
- Procurement, invoicing and a new payment structure
- A new system for operations integrated with a new financial system
- A portal interface for customers that will include customer input to the design and testing
- A risk-based scheduling solution

##### BPV Certificate of Inspection (COI)

Steady progress continues to be made in converting Records of Inspection (ROIs) to Certificate of Inspection (COIs). The process continues to be monitored to ensure sustainability. Future work will be focused on process automation and quality, insurer feedback, and renewal of COI.

##### Risk Methodology Improvements

Opportunities to improve the risk model have been identified and a peer review of the risk score calculation will occur in the first part of this year. This will enable it to eventually have greater influence on the regulatory tools that TSSA's chooses to apply to reduce harm including greater prevalence of risk-based inspections in many programs.

##### Operating Engineers

Alternate rules to Ontario Regulation 219/01 (Operating Engineers) are on track for the changes to be implemented in July 2020. Alternate rules Guidelines for implementing Path 2 site specific risk and safety management plans have been sent to the OE Advisory Council and other interested parties for input.

##### Service Excellence

TSSA now offers paperless invoicing. To date, nearly 30 per cent of TSSA customers have opted for paperless invoicing. TSSA customers can visit [www.tssa.org/paperless/](http://www.tssa.org/paperless/) to complete a short form and enroll.

##### Status Reporting on Auditor General Recommendations

The Q2 (October 31) status update on the plan to address the Auditor General's recommendations was posted to the TSSA public website in December. This process will continue to repeat quarterly. Four of the 16 recommendations are fully implemented and all recommendations are underway. These recommendations continue

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Putting Public Safety First