



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council

Meeting on November 12th, 2020

Minutes of the Amusement Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 9:00 a.m. on the 12th day of November 2020.

Present: Vince Brenan, Ontario Association of Agriculture Society; Keith Brown, BOPS Inc.; Chris Clarke, Mobile Operators; Andrew Gidaro, A to Z Fun Rentals; Janice Jeffreys, A. E. Jeffreys Insurance Brokerage House Inc; Michelle Playfair, Bingemans Inc; Peter Switzer, Canada's Wonderland; Cindy Sypher (Chair), Sypher & Associates Field Engineering Ltd; Andreas Tanzer, Proslide Technology Inc; Kathryn Woodcock, TSSA's Consumer Advisory Council; Bill Carter, Jim Kong Amusements Inc; Mike Cruz, Canadian National Exhibition; Peter Gismondi, Superior Events; Darryl Hore, Caliber Engineering Corporation; Rick McMullen, 401 Mini-Indy Limited; Brendan Turner, Camp Quality Canada; Jay Millar, Main Events Fun & Games.

Angelina Brew, Advisory Council Coordinator; Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (item 10); Dan Brazier, Chief Financial Officer (item 10); Alexandra Campbell, VP, Communication & Stakeholder Relations; Andrew Chin, Finance Specialist, Special Projects (item 10); Viola Dessanti, Director, Strategic Analytics (item 12); Joelle Javier, Engineer, Elevating and Amusement Devices Safety Program ; Kristian Kennedy, Manager, Government Relations; Rob Kremer, Engineering Manager, Elevating and Amusement Devices Safety Program; Dean McLellan, (Interim) Director, Elevating and Amusement Devices Safety Program; Bonnie Rose, President & CEO; Phil Simeon, Director, Regulatory Policy (item 07); Sonny Silva; Inspection Supervisor; Elevating and Amusement Devices Safety Program; Robert Wiersma, Manager, Public Safety Risk Management (item 12).

Guests: Diane Allen, Senior Policy Advisor, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Mitch Thibault, Policy Advisor, Technical Safety Unit, MGCS (Items 1-14),

Regrets: None

1. Constitution of Meeting

The Chair called the meeting to order at 9:00 a.m. and welcomed newest member, J. Millar.

a. Safety Moment

For the safety moment, A. Campbell provided an update on TSSA's carbon monoxide poisoning awareness.

Action: A. Brew to circulate the video by email to Council and to append the link to the minutes.

2. Approval of the November 12, 2020 agenda

Council approved the agenda of November 12, 2020 as presented.

3. Approval of March 31st, 2020 minutes

Council approved the minutes of March 31, 2020 as presented.



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4. Review of Action items from last meeting

D. McLellan and S. Silva noted three action items from the last meeting. Regarding the video, that was completed after the last meeting and reflected in the minutes.

The membership matrix was addressed. For posting of mechanics on the website, that will come up in agenda item #16. There were no questions or comments.

5. Chair's Update

C. Sypher treated her report as read.

There were no questions or comments from Council.

6. TSSA President & CEO's Report

B. Rose spoke to this item and treated the report circulated to Council prior to the meeting as read. She opened the floor to questions and comments.

A. Gidaro noted a new midway group has been established and has taken up lobbying to the provincial government, specifically MGCS, given catastrophic loss of business during the pandemic, asking for assistance. Because TSSA is a delegated authority they have asked to broker a meeting with ESA and the government to discuss what TSSA can do to help the industry.

B. Rose said TSSA is aware and will flag that any operator who did not operate, or did not pay fees this year. TSSA has taken their requests into account and is happy to continue to have a discussion. TSSA is waiting for direction from the Minister's Office.

A Gidaro added that since insurance companies are not going to give fee relief, industry stakeholders have to look elsewhere.

There were no other questions or comments from Council.

7. Outcome-Based Regulator

P. Simeon spoke to this item and introduced the principles behind an outcome-based regulatory model. Both he and C. Lehner spoke in detail to enhanced authorizations, compliance standards and inspection reports. He noted that there will be three compliance programs launched in January, but Amusement Devices is going to be rolled out at a later date.

The Chair asked how TSSA intends for compliance standards to work when there are so many types of amusement devices. D. McLellan commented that TSSA has been talking about that very issue. TSSA will have to break them down and focus on gradually incorporating devices from the simple, like inflatables and waterslides, to the more complicated which will lead to a general standard being developed.

P. Simeon noted a theme in other council meetings, P. Switzer spoke to the complexities in amusement devices. They have an annual maintenance program and checklists that are already in effect S. Silva said compliance standards are different from annual prescribed tests. Compliance standards are high risk order-focused. P. Switzer asked about timeframes. P. Simeon said TSSA is prioritizing certain programs.



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P. Switzer asked if there will be industry engagement beyond the councils. Where there is less data available to TSSA as compliance standards are developed, P. Simeon said, TSSA is engaging industry beyond councils.

K. Woodcock noted that there are different rides and devices and that there is already the preinspection checklist with specifics. A short infographic or five-item list may superficially seem convenient, but it runs the risk of suggesting that this is all that needs to be done – everyone knows there is more that meets the eye on a device. As a communication mechanism, it works, but from the human factors perspective function should come before form, instead of the other way around as seems to be the case in the presentation. We should look at what information people need and when they need it. She had a student look at inspection checklists from a human factors perspective and they can be challenging if you did not know already what to do with the device.

P. Simeon commented that there is tension between the proliferation of regulatory requirements and the need to prioritize resources on high-risk issues.

K. Woodcock said it is not important to consumers that there are only five issues that matter. There are several, but even a paint chip, seemingly minor, can create not only a laceration but skin-eating bacteria. Seemingly small non-compliances can have major impacts.

C. Clarke asked about why licences and not permits were noted. He also asked if TSSA could present this to the mobile sector. P. Simeon said he would appreciate opportunities to communicate further with the sector. S. Silva noted that licences are not different from permits.

P. Switzer asked for feedback on which example is preferred. Is TSSA looking for consistency or can they be device-specific. P. Simeon said he will await feedback on that. P. Switzer commented that text-based formatting is better since inspectors than picture-based.

The Chair asked where incident reporting will fit into this approach. D. McLellan replied that for escalator compliance standard, TSSA ensures that all the high-risk incidents are reported and not regular maintenance.

On inspection reports, P. Switzer commented on the dynamic risk score and suggested that an OBR model with fees and inspection risk schedules linked to the score.. Is the dynamic risk score still being developed and is there stakeholder involvement in that process? Dynamic risk score V. Dessanti said, is under development. She thinks external input is helpful and something TSSA can consider. TSSA wants to be able to collect data more effectively but use it more intelligently to make decisions. P. Switzer asked when will this project be finalized V. Dessanti responded at least this fiscal year. And TSSA is looking to align implementation with the phases of OBR.

B. Rose noted the current model and direction is peer-reviewed. The current risk score is an average of last three inspections. She does not think industry would be surprised; there will be lots of triggers, if an operator's risk goes up.

C. Clarke said ESA has a risk-based assessment program and the mobile division has been informed about it. Did TSSA engage ESA rather than reinvent the wheel? V. Dessanti added that ESA was part of the peer review panel.

There were no further questions or comments from Council.



8. Stakeholder Engagement

A. Campbell spoke to the variety of reasons for the review of the council terms of reference and the desired outcomes for the review and she walked through the key findings of the review. She noted that TSSA will be posting the old and new terms of reference for council member comment.

The Chair asked if some of the agenda items under items #16-17 are good for a risk reduction groups. A Campbell said TSSA can consider that. We need to be clear going forward on what we can engage on and not.

There were no questions or comments from Council.

9. Ombudsman's Annual Report

S. Cooke treated this agenda item as read.

There were no questions or comments from Council.

10. Business Model Update

D. Brazier treated the presentation as read. He discussed three modified categories (complex, medium and simple) based on the complexity of the mechanical devices. He also spoke to changes to permits, following up on ongoing concerns with stakeholders, as well as next steps in the implementation of the new business model early next year.

There were no questions or comments from Council.

11. CAD Strategy Update

P. Simeon treated this as read. He noted that stakeholders wanted a standardized code adoption approach across which minimizes Ontario-only changes, which will make it easier to implement.

TSSA has publicly posted propane and pipeline and BPV CAD amendments for online consultation for 30 days. Gaseous Fuels and Fuel oil will be posted next. The CAD consultation process take approximately 3-4 months from processing to adoption.

P. Switzer asked if an alert can be posted. P. Simeon said TSSA notifies council and stakeholders of its posting. A Campbell says we sent it to councils and to e-subscribers. Chair asked if it will feature rolling adoption. S. Silva said it will be.

There were no questions or comments from Council.

12. Safety and Compliance Report***

a) Data on Near Misses

P. Switzer asked if further detail could be provided separating out air, zipline, go-cart, waterslide, fixed rides, etc. V. Dessanti responded that a lot of that information is in our annual state of safety report to that effect.



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K. Woodcock said the industry used to get the results before the public report. The presentation is not helpful in providing guidance to help TSSA bring the numbers down. V. Dessanti said most councils did see it before the AGM, but perhaps not this council due to timing. V. Dessanti said often councils request less information than more, so she is glad to hear a council is looking for more. She agreed the point about getting granular with data is important. A Campbell commented for council that we changed the report somewhat.

Action: A. Brew to circulate the link of the annual state of safety report to the council.

13. Emerging Trends

a) Incidents since the last ADAC meeting

D. McLellan skipped ahead to this issue due to scheduling. He commented that lightning strikes are reportable incidents for devices. So are high winds that can hit ziplines. Though devices are not being used, there was a fatality of a person who harnessed himself to a zipline after hours. Other than that, it has been a quiet year.

There were no questions or comments from Council.

14. Ministry of Government and Consumer Services Update

D. Allen from the ministry had to leave for an emergency meeting. The item was treated a read.

15. ASTM update

S. Silva commented that the regulator meeting was well attended by eleven different countries. The effects of COVID and impacts on inspections were discussed. A survey was circulated to representatives throughout North America for all regulators so they can list devices they regulate to see the differences, which will help with harmonization. There was a new staking ballot for inflatables, on FR rating for inflatables and major modification and lifecycle standards and standard for training entities. Also, there was a discussion on the new risk assessment standard.

The Chair spoke to code developments and group meetings with other provinces.

There were no questions or comments from Council.

16. Topics Raised by Council:

a) Accreditation of AD Mechanics

P. Switzer raised the issue of the shortage of mechanics with prior experience. D. McLellan is working with J. Sorman on recognizing hours from previous AD mechanics experience. S. Silva noted that the industry recognizes accreditation from overseas countries. Also, Ontario specific regulations have to be addressed with the AD mechanics' technical aspects when the industry welcomes technicians from other jurisdictions. P. Switzer stated that the industry allows AD mechanics with experience with the same technical equipment. S. Silva suggested J. Sorman be invited to the next meeting.

Action: J. Sorman to discuss accreditation in the next ADAC meeting.



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b) Incident Reporting:

D. McLellan noted that incident reporting was covered in item 12 by V. Dessanti and himself.

There were no questions or comments from Council.

b) Unregulated Amusement

The chair noted that climbing walls, trampoline parks and water inflatables should be regulated. K. Woodcock agreed and added that regulations should follow new technology.

Devices Discussions:

- **Trampoline Parks and Climbing Walls:**

The chair noted that trampoline parks and climbing walls are not regulated and have a difficult time obtaining trampoline liability insurance.

- **Water Inflatables**

It was explained that for customers that have a mixture of inflatables and mechanical rides, the operator can request to change the renewal dates from March 30st to May 31st. This is determined upon request from the operator and is assessed and approved by TSSA on a case-by-case basis.

1. Inflatables - May 30th
2. Mechanical rides - March 31st; and
3. A mixture of mechanical rides and inflatable - March 31st

There were no questions or comments from Council.

Minor & Major Alteration

J. Javier spoke to this item and provided an overview of the alteration process, and the categorization of alteration into three groups, namely, major alterations, minor alterations, and revisions. She explained that for amusement devices the majority fall under the category of major and major alterations. She explained that TSSA has begun work on the classification of alterations for amusement devices and would send this out for comment once complete.

There were no questions or comments from Council.

17. Question & Other Business:

The Chair raised TSSA's response to COVID-19 and asked D. McLellan and S. Silva to speak to some initiatives underway. D. McLellan confirmed that TSSA is currently working on communications that would be distributed to industry stakeholders in the coming days that addresses measures that are being taken during the pandemic. He explained that TSSA is determined to work with operators to assist them. He added that this includes consideration of permit extensions and providing payment options. He advised that all requests will be dealt with on a case-by-case basis with updates being provided in the coming days.

There was some discussion on this issue with several Council members noting cash flow issues and the seasonal nature of the industry. Other members commented that due to the pandemic the current operating season may be in jeopardy for some owners/operators. In response to a question from Council regarding how those who have paid for permits this season but may not get to operate will be dealt with, D. McLellan advised that TSSA will deal with these on a case-by-case basis, adding that TSSA wants to



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work with industry as much as possible. He explained that a lot can change in the coming days and that the document is an attempt to deal with the situation as it is known. He added that as things change, TSSA will reassess and adjust accordingly. He explained that currently, TSSA is unable to unilaterally impose any “pandemic-related” request given the dynamic and fast-changing nature of the pandemic. He added that these must be reviewed and analyzed on a case-by-case basis.

Additionally, a Council member raised the definition for lifeguards, S. Silva advised that this was also raised at the International Association of Amusement Parks and Attractions meeting, noting that TSSA currently follows the definition issued by the Ministry of Health. He explained that TSSA needs to see if there is an opportunity to review this definition and explained that this is on the table for further review and analysis. He advised that in the interim, TSSA will continue to follow the guidelines set by the Ministry of Health.

- **b) Review the Best Practices for the Amusement Ride Industry document.**

The chair commented that the best practices document for the Amusement Ride Industry was out of date.

S. Silva noted that when the document was developed in 2010, stakeholders played a vital role in developing the best practices document. He advised that stakeholders should be consulted again for their recommendations of changes or omissions to the document.

S. Silva commented that CAAO can do the legwork for proposed changes to the best practice document. A. Campbell said she is hesitant to say it goes ahead because she is unaware of the scope of the work.

P. Switzer suggested splitting it out into mobile versus fixed parks. S. Silva said mobile and fixed are worth considering, but that is an ask for industry out of what they want to see out of the document. He indicated that he will participate in that review.

18. Council Administration

a) Membership Matrix Affirmed

Motion to affirm membership matrix was approved.

Action: A. Brew to record that the matrix has been reaffirmed.

b) Membership renewals: Keith, Brown, Peter Gismondi, Rick McMullen, Michelle Playfair

Membership renewals: K. Brown and M. Playfair will renew for an additional three years. P. Gismondi and R. McMullen were both not present at the meeting and the chair will follow-up with them.

Action: A. Brew to update the membership list with new term expiry dates for K. Brown and M. Playfair.

Action: Chair to reach out to P. Gismondi and R. McMullen about their membership renewal.

c) Advisory Council Portal***

K. Kennedy treated it as read and provided the council with the reason TSSA no longer offers the Advisory Council portal. He asked council for feedback on the current use of emails for distributing council meeting information packages. The chair noted that things are working well with email as a form of communication and for distributing council material and information.



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19. Adjournment

The meeting adjourned at approximately 1:00 p.m. Council held an in-camera session with B. Rose, preceded by a council only in-camera session without TSSA staff or guests.

Appendix

The Safety Moment on TSSA's Carbon Monoxide campaign can be found [here](#)

Annual Safety Report can be found [here](#)