



Technical Standards and Safety Authority

Minutes of the Boilers and Pressure Vessels Advisory Council Meeting on December 13, 2012

Minutes of the Boilers and Pressure Vessels Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in Boardrooms 1433 and 1434, 14th Floor, Centre Tower, 3300 Bloor Street West, Toronto, Ontario at 9:30 a.m. on the 13th day of December, 2012

Present: Peter Harschnitz (Chair), ArcelorMittal Dofasco Inc.; Joe Adams, Slegers Engineered Products Inc.; Yan Huang, Royal & Sun Alliance Insurance Company of Canada; Paul Sterescu, CB & MUA C/o B.I. & I.; Steve Lawrence, OPG Nuclear; Hillar Prits, CIMCO Refrigeration; Ron Vallier, OPIA c/o Imperial Oil, Nanticoke Refinery.

In attendance: Mike Adams, Director Boilers and Pressure Vessels/Operating Engineers (BPV/OE) (all except item 14), Michael Beard, Vice President of Operations (all except items 12 & 14), Judy Harrison, Project Coordinator, (item 6 only), Maram Khalif, Council Coordinator (all except item 14), Lency Mulamootil, Decision Analysis Advisor (item 11 only), Richard Smart, Chief Financial & Information Officer (item 5 only), Cathy Turylo, Manager, BPV Engineering (all except item 14), Melissa Zanetta, Advisor, Government Relations (all except items 11 to 14).

Regrets: Glen Crawford, OCI C/o Rolls Royce; Fal Desai, Cleaver-Brooks of Canada Limited, Debbie Kontos, Ministry of Consumer Services, Alan Little, Mechanical Contractors Association, Brian Taylor, CBS C/o Waterloo Manufacturing Company Limited, & Christine Wilson, Babcock & Wilcox Canada.

1. Constitution of Meeting

P. Harschnitz, Chair, welcomed council and called the meeting to order.

2. Approval of Agenda

Council approved the agenda of the December 13, 2012 meeting with minor changes under item 12.

3. Approval of the Minutes

Council approved the minutes of the May 1, 2012 Boilers and Pressure Vessels Advisory Council meeting as drafted, as being a true and correct record of that meeting.

4. TSSA President & CEO's Report

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

D. Scriven informed council his intent to provide stability and assist the organization during its transition.

He reported to council that BPV's structural issues have been discussed and the Board of Directors was made aware of this issue. Moving forward and in respect to the next fee review cycle, TSSA will collaborate with the industry to address this issue.

He also noted the status of backlogs on various programs at TSSA highlighting that the Operating Engineers, Propane and Elevating Devices Programs backlogs have been completed and are being maintained. Currently, TSSA was focusing on eliminating the Liquid Fuels Program backlog.



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A fatality which occurred in an elevator in Thunder Bay on October 5, 2012 was noted and it was reported that it is under investigation.

5. Fee Schedule and Communication Update

As part of the advanced material for this meeting, council received the fee bulletin, fee schedules and frequently asked questions for BPV, which were treated as read.

With the aid of a PowerPoint presentation, R. Smart presented the BPV fee scheduling and communication updates.

He provided background information around the BPV structural issues and reiterated that this issue will be addressed in 2013.

He also highlighted areas that were not affected by the fee review such as certificates and examinations.

Utilizing the Declaration of Compliance for non-compliance issues was encouraged since there are benefits associated with administrative safety issues and reducing costs.

R. Smart informed council that inspectors will be equipped with enough information regarding the fee changes; however, operators were encouraged to call the Finance Department if they needed any further clarifications. He also noted that billing changes documents have been posted on the TSSA website along with the fee schedules.

6. Input on Industry Trends Update

As part of the advanced material for this meeting, council received a briefing note highlighting next steps on input on industry trends, which was treated as read.

M. Beard introduced this item as part of engaging advisory council and noted that information collected will be used as future agenda items, when appropriate and may be used for preparing TSSA's strategic and business plans.

J. Harrison presented the status of all items collected at the last two meetings. Council acknowledged the benefits of having this item and monitoring trends and issues affecting the BPV industry.

There were no new trends at this meeting. The status of the items will be included in the next meeting's package.

7. Review Action Items from Last Meeting May 1, 2012

C. Turylo reviewed the action items from previous meetings with council, noting that most were completed as highlighted. There were three outstanding items which will be updated at the meeting.

M. Adams provided an update on action items regarding council's request to differentiate first inspection of a new site from first inspection of a new device (for the quarterly reports). He reported there were no correlations of the above inspections in the system as it was and there were no means to distinguish the two inspections. However, he noted any changes in technology and in this area will be shared with council.



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A brief discussion ensued around the action item regarding the travel fee rate as per Schedule "I" in MCS' Memorandum of Understanding. It was noted that this issue was clarified and confirmed with MCS that the travel fee is required to be consistent across the province, however, it was not specified what the travel fee consists of.

Item regarding stakeholder communication of code and sharing incident data will be presented at this meeting under item 9 on the agenda.

8. Priority Safety Issue: Frequency of Internal Inspection Risk Reduction Group (RRG) Final Recommendation

As part of the advanced material for this meeting, council received a briefing note highlighting recommendations from the RRG to council on frequency of internal inspection and supporting documents, which was treated as read.

With the aid of a PowerPoint presentation, C. Turylo presented the final recommendations on frequency of internal inspections from RRG to council and requested either acceptance of the recommendations or further directions.

She also acknowledged that these recommendations will be shared with Canadian Boiler & Machinery Underwriter's Association (CB & MUA) and Engineering Committee on December 18, 2012 and it was anticipated that no changes will be made.

C. Turylo provided background information of this RRG. She reported that RRG was mandated to explore the reintroduction of mandatory minimum boiler internal inspection frequency for periodic inspections on high and low pressure boilers.

The RRG recommended that TSSA publish a Safety Bulletin for the above mandate and if any further action is still required then an amendment be considered to the Director's Order, Section 4.0 of the BPV Code Adoption Document (CAD).

Discussion ensued around the validity and enforcement of safety bulletins. Though it was acknowledged this was a regular practice in this sector, the council discussed the legal authority for enforcement, particularly in the context of small businesses and challenges inherent to what may be viewed as voluntary inspection requirements.

The possibility of having a CAD amendment rather than a safety bulletin at this junction was further discussed and M. Adams noted that he will follow up on this suggestion from the council with T. Ayers and will share his findings with council at the next meeting.

All present council members agreed to implement the recommendations as presented today until further notice.

ACTION: M. Adams to follow up on the appropriateness of developing a CAD amendment for the frequency of internal inspections (instead of a safety bulletin) and MCS' input, if any, and will update council at the next meeting.

ACTION: The frequency of internal inspections presentation will be distributed along with the minutes to council.



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9. Priority Safety Issue: Stakeholder Communication of Code and Sharing Incident Data RRG Final Recommendation

As part of the advanced material for this meeting, council received a briefing note highlighting recommendations from the RRG to council on stakeholder communication of code and sharing incident data, which was treated as read.

With the aid of a PowerPoint presentation, C. Turylo presented final recommendations on stakeholder communication of code and sharing incident data from RRG to council and requested acceptance of the recommendations or providing further directions.

C. Turylo provided background information on this RRG. She reported to council that the RRG was mandated to address enhancing communication with stakeholders including sharing incident data information.

She presented to council RRG's recommendation as follows:

- TSSA to proceed with a communication plan/strategy for increasing awareness of skill/qualification limitations for skilled trades and the responsibilities of all parties with respect to the selection of appropriate skilled trades e.g. steam fitter versus plumber.

In regards to the incident data sharing portion of this RRG, C. Turylo reported to council that this area of the RRG's mandate was explored to its full extent and there were challenges in sharing incident reporting information outside of TSSA since some of the incidents may be under investigation at the time of sharing information. She also noted this was a challenge for many other regulators as well. She reported that lessons learned from incident reports were shared with council to the extent permitted including root cause, when known, and/or external influencing factors such as user behaviours, where appropriate actions can be taken.

M. Beard further informed council that high level incident information was shared with the public in TSSA's annual Safety Report available in September.

Council shared ways to provide this information without infringing any laws such as withholding certain identifications or providing similar information provided under the loss prevention program, where applicable.

Council accepted the recommendation in regards to stakeholder communication and requested to have more discussions on incident reporting.

ACTION: Sharing information on incident reporting will be tabled for member discussion at the next meeting.

ACTION: The stakeholder communication of code and sharing incident data presentation will be sent with the minutes to council.

10. Priority Safety Issue: BPV Data Initiative RRG (previously known as Insurance Data Initiative) Update

With the aid of a PowerPoint presentation, M. Adams presented the BPV data initiative progress update and the next steps.

M. Adams provided an update on the background on the BPV Data Initiative RRG's mandate. He noted that currently TSSA was implementing a two-pronged approach: verification of TSSA BPV data & review of the insurers' quality assurance (QA) programs for BPV periodic inspections.



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A status report of the QA Program Review initiative was presented which highlighted that 11 of 12 reviews are complete, with one more scheduled for January 13, 2013. A report will then be generated and offered at the next CB&MUA meeting in March. That report and any changes if necessary will be presented at the next Advisory Council meeting in May 2013. One of the findings identified, inconsistent qualifications of BPV inspectors, along with a solution which was endorsed by the CB&MUA will be presented to the council for implementation in January 2013.

An update was then provided on scoping activities with MCS. The BPV program's 2012 Work Plan was presented, consisting of 4 elements: "Fix the Foundation", "QA programs", "Get the Word Out" and "Fill in the Gaps". Highlights included updating the BPV Code Adoption Document, progress on several communication initiatives, with the remainder focusing on a distillation of the BPV Regulation into its discrete components and requirements, which resulted in a simplified process flow chart identifying the current gaps in regulatory compliance and a second process flow chart identifying proposed corrective measures.

The Long Range Plan was then presented which scoped out the fundamental requirements, data sources, activities and the identification of criteria demonstrating the successful completion of this "Inspection Regime" solution. The plan also identified several issues that need to be addressed, including the investigation of a licensing regime option. Two key issues were identified; TSSA capacity to process the increase in certificates; and the development of the cost model.

A brief summary of a parallel TSSA-MCS Working Group to develop options to address the current regulatory non-compliance and to examine the scope of this initiative was presented. A scope report is being developed which will outline: Gaps in current practice, an issues scan, a jurisdictional scan, and a safety analysis. Council requested that TSSA-MCS Working Group and RRG to work closely and share information prior to the advisory council meetings.

The timeline for the completion of the Scope Report is February 2013, followed by a Ministerial briefing in summer 2013. This initiative aligns with TSSA's Strategic Plan, which has a scheduled completion date for April 2015, or sooner.

ACTION: The BPV data initiative presentation will be sent with the minutes to council.

ACTION: TSSA-MCS Working Group (for BPV) and BPV Data Initiative RRG will work closely together prior to the advisory council meeting.

11. Quarterly Safety Performance for Boilers and Pressure Vessels

With the aid of a PowerPoint presentation, L. Mulamootil reviewed the Third Quarter Public Safety Regulatory Performance Report for BPV.

He reviewed the status of number of periodic inspections (from 2004/2005 to 2011/2012 quarterly); highlighting that for BPV, there was a decrease of 2.5 inspections per quarter.

He also provided an update on periodic inspection outcomes passed on first visit; follow ups; and shutdowns. Comparative outcome information for North America in BPV was also shared, which showed that the TSSA high-compliance rates were well within the norm for all of North America.

He also provided an update on periodic inspections (regarding orders per inspections); 2011/2012 compliance result for BPV; and compliance trends for 2004/2005 to 2011/2012 as noted above with a decrease of 2.5 inspections per quarter.



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He summarized BPV occurrences as follows: 8 completed occurrence inspections over the last 5 years and 6 reported occurrences in 2011/2012. He clarified that of the latter, 3 occurrence investigations were still in progress and 3 occurrences were outside of TSSA jurisdiction.

ACTION: The BPV Quarterly Safety Performance presentation will be sent with the minutes to council.

12. Discussion of Member Topics:

A Directory on TSSA Website for Technical Issues: J. Adams requested to have a list of TSSA technical staff on the website for enquires. It was noted that TSSA has a call centre which is capable of directing calls to the appropriate person and their phone number is on the website.

Code Adoption Document Update: With the aid of a PowerPoint presentation, C. Turylo presented and reviewed the upcoming changes to the CAD. She provided the background information around the creation of the CAD in 2001. Discussion ensued on the changes presented and ways to share any changes to CAD with council in the future. Council would like to be informed when there are any major changes to the CAD. It was confirmed that this current CAD amendment, as presented at this meeting, will completely replace the current version.

R. Vallier raised a question regarding ASME Section VIII-1 Appendix M exclusion since OPIA's members use this Appendix. C. Turylo agreed to contact R. Vallier to discuss further.

P. Sterescu stated concerns regarding the variance application form which requires approval from the insurer for the variance.

ACTION: The CAD presentation will be sent with the minutes to council.

ACTION: P. Sterescu and C. Turylo will discuss the concerns from the variance application form offline.

Incident Reporting Discussion: Y. Huang noted that there were ways to share incident reports without infringing any privacy laws such as reporting under the loss prevention program; however, due to time constraints, this item will be tabled for the next meeting.

13. Questions on Information Items and Other Business

Membership: there was no update under this item.

14. In Camera Discussion

Council members met in camera without management and guests.

15. Termination

The meeting was terminated at 3:03 p.m. The next meeting is scheduled for May 1, 2013.