



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council Meeting on May 16, 2012

Minutes of the Elevating Devices Advisory Council (EDAC) meeting of the Technical Standards and Safety Authority (TSSA) held in Boardrooms 1433/34, 14th Floor, Centre Tower, 3300 Bloor Street West, Toronto, Ontario at 1:00 p.m. on the 16th day of May, 2012.

Present: Richard Kaczmarczyk (Chair), Otis Canada, Inc., Mohamed Awad, Policy Advisor, Technical Safety Unit, Ministry of Consumer Services, (MCS), Dave Balmer, Accessibility Equipment Manufacturers Association (all except item 17), Jeff Coles, Schindler Elevator Corporation (all except item 17), Patricia Jensen, Consumers, Ian Hambly, ACSI (for Cliff Ayling) (all items except item 17), Kelly Leitch, KONE Inc. (all items except item 17), Joe Kerr, ThyssenKrupp Elevator (Canada) Ltd. (all except item 17), Paul Melady, Berkley Property Management Inc. (all except item 17), Scott Miller, Skyline, & Rick Sokoloff, Quality Allied Elevator Inc.

In attendance: Tom Ayres, VP and General Council (item 6 only), Michael Beard, VP of Operations (all except 17), Roland Hadaller, Director, Elevating/Amusement Devices (all items except 17), Judy Harrison, Project Coordinator, (item 15 only), Maram Khalif, Council Coordinator (all items except 17), Rob Kremer, Manager, Engineering (item 8 only), Kathy Milsom, President and Chief Executive Officer (CEO) (all items except items 14-17), Richard Smart, Chief Financial & Information Officer (item 7 only), Joshua Sorman, Advisor, Training and Certification (item 14 only).

Regrets: Robert Last, Arcturus Realty Corporation.

1. Constitution of Meeting

R. Kaczmarczyk, Chair, welcomed council members and called the meeting to order. He introduced a new member from Schindler Elevator Corporation, Jeff Coles, joining the council. J. Coles is the President of Schindler and replaces J. Elias who retired in early 2012.

2. Approval of Agenda

Council approved the agenda of the meeting as presented.

3. Approval of the Minutes

Council members approved the minutes of the November 2, 2011 EDAC meeting as drafted, as being a true and correct record of that meeting.

4. Review Action Items from Last Meeting

R. Hadaller noted that all action items from previous meetings with council members were completed.

5. Council Chair's Report

R. Kaczmarczyk reported that he submitted the annual council Chair's report to the TSSA's CEO. He highlighted major achievements in the council Chair's report as follows:

- Recommendations on when an elevator will not be shutdown based on low risk non-compliance situations as presented by council and approved by TSSA.
- TSSA, after consultation with EDAC, issued an Owner's Communication released in June 2011.



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- Code Adoption Document 250/11 was released in November 2011 and new requirements that became effective May 1, 2012 were outlined.
- EDAC has been provided an opportunity to address the fee review framework and process.
- EDAC held additional meetings to address in-camera concerns that emerged from Council evaluation and engagement survey results.

The Chair also highlighted key opportunities such as encouraging TSSA to provide more frequent Owner's Communication bulletins in order to raise owner's awareness on new Director's Orders, compliance dates and mandatory safety upgrades. The Chair briefed council about the possibility of providing contractors' performance reports which are currently not available but would be beneficial to address specific contractor's performance for improving contractor's yearly performance on shutdowns.

The Chair also provided an update around the EDAC special meeting held on April 2, 2012. The minutes were part of the advanced materials for this meeting, which was treated as read.

The primary focus of April 2nd meeting was around the inspector consistency issue. A flow chart on how to deal with the consistency issues was provided to those attending that meeting. The council requested a copy of the flow chart. This issue was also presented at the Field Advisory Committee meeting held on April 12, 2012. Follow-up meetings focusing on Southern Ontario regions are recommended to be held in June 2012.

The Chair informed the council that the Committee of Council Chair met with Deputy Minister Gherson on April 27, 2012. Since the Chair was not at the meeting, P. Jensen, who attended the meeting as the Chair of the Consumer Advisory Council, highlighted the major discussion points. She informed council that the meeting focused on the upcoming MCS oversight fee increase and the Ministry's intention to move toward full cost recovery. The oversight fee increase will impact on all Delegated Administrative Authorities (DAAs). Total oversight fees will increase for all the DAAs over a three year period.

ACTION: A copy of the flow chart on how to deal with inspector consistency will be included with the minutes.

6. TSSA President and CEO's Report

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

K. Milsom provided an update on two successful prosecutions that were completed in 2011:

- Enbridge Gas Distribution & Precision Utility Ltd. which arose from a natural gas explosion on Bloor Street in 2003 and resulted in seven fatalities; and
- Fujitec Canada Inc. which arose from the 522 University Avenue elevator incident in 2006. The latter case is in the Court of Appeal process.

K. Milsom informed council that the backlog for elevator periodic inspections was eliminated ahead of schedule as of April 2012. She expressed appreciation to M. Beard, R. Hadaller and the ED team's efforts on this initiative.

Discussion ensued on how to maintain no backlog in the elevator periodic inspections. M. Beard highlighted that a new process was implemented, and new tools, such as Declaration of Compliance, were introduced. Additionally, more inspectors were hired, and this will aid in the continued elimination of the periodic inspection backlog in the future. In respect to council's concern on fee for service as a result of having the new inspectors in the field, it was reiterated that the new hires will be dealing with the increasing volume of new devices requiring inspections.



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Risk Based Scheduler 2 (RBS2): T. Ayres joined the meeting for this item. He informed council that RBS2 was a refined version of an already existing system within TSSA. The major difference was the focus on developing standardized order process and risk ranking capability which would also deal in part with the consistency issues brought up by EDAC in the past. He also informed council that RBS2's primary focus was taking risks inherent to designs into consideration.

Discussion ensued around inspectors' skills inventory at TSSA and how this may be impacted by RBS2 focus on newer elevators. It was noted that TSSA employs inspectors regionally and was moving towards including skill set as an input to scheduling future initial/periodic inspections.

Currently information is shared among inspectors, and at any point where an inspector faces a challenge or complex equipment he/she is not familiar with, he/she can access an expert on that particular design.

Further discussion followed around the data available to inspectors at the point of issuing an order or inspecting a device. Council recommended that TSSA look into developing the capability to provide historical data to inspectors on older devices which will allow an inspector to have full information before making a decision.

A high level discussion ensued around whether or not RBS2 would have the capacity to report on what the contractors' frequency of periodic inspections would be and if this feature could be added to the incentive and de-incentive program of TSSA fee structure.

7. Fee Review Framework and Process Update

With the aid of a PowerPoint presentation, R. Smart presented the EDAC fee proposal by providing an update on the fee review subcommittee and overview of the fee changes in 2009.

He presented the 2012 fee review proposal as follows:

- Inspection/Engineering base rate unchanged
- No increase to LRC fees
- Priority service multipliers remain
- Flat travel recovery fee changed from per visit to per inspection as only 64% of travel costs were being recovered
- 3x fees for non-compliant follow up inspections
- Simplified fee structure for inspections and engineering reviews

Council discussed the travel cost changes and noted some concerns with the impact this may have on urbanized areas such as Toronto and Ottawa. M. Beard informed council that TSSA is currently looking into a schedule optimizing tools to alleviate any concerns with undocumented inspectors' travel times.

A high level discussion ensued around fee changes in other TSSA programs in relation to the Elevating Devices Safety Program.

R. Smart concluded the fee review presentation with a reminder for the 2nd fee review subcommittee meeting scheduled for May 17, 2012.

D. Balmer informed council that he received an email from Ontario College of Trades in regards to upcoming changes to the certification amount and how this may impact on the fee changes.

ACTION: D. Balmer will forward the email he received from Ontario College of Trades to R. Hadaller to share with council. M. Awad will also follow up on the Ontario College of Trades' email and will share the MCS perspective on it with council at the next meeting.



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8. Director's Order and Bulletins Status

As part of the advanced materials for this meeting, members received a status list of Director's Orders and bulletins, which was treated as read.

R. Kremer reminded council that all the pending documents were sent to them to provide feedback and he was in the process of revising them. Inadvertently excluded from the advance materials was a status update on Directors Safety Order 253/12. Retroactive compliance requirements for interlocks on freight platform and material lifts will be effective May 2014.

Discussion ensued around the Director's Safety Order dealing with anti-creep/leveling requirement for B355 vertical platform lifts. Council noted this document has been under draft status for a long time and enquired what the underlying issues were. R. Kremer informed council that there were some challenges with conducting code editions research and currently there were some resource restraints. He further informed council that this document may require a Risk Reduction Group (RRG) to define requirements and compliance options. D. Balmer expressed interest in joining this RRG.

ACTION: R. Kremer will follow up on the possibility of establishing an RRG for the Director's Safety Order on anti-creep/leveling requirement for B355 vertical platform lifts with D. Balmer. Council members will be asked to provide names of people from their respective organizations they would like to participate on the RRG.

9. Elevating Devices Safety Compliance Update

With the aid of a PowerPoint presentation which forms part of the record of the meeting, R. Hadaller updated council on compliance results and occurrence results of the last quarter.

He reviewed the status of inspection outcomes, periodic inspections and ED occurrences. He highlighted the trends for the program on a quarterly basis from Q4, 2010 to Q3, 2011.

R. Hadaller further provided an update on fiscal year 2011/2012 Q3 health impacts. He also informed council that Declaration of Compliance was offered on 30% of periodic inspections and where it was offered, there was a 25% utilization by industry.

R. Hadaller further added that TSSA was looking into developing a contractor data report to show where each contractor ranks among peers with respect to compliance. He requested council to assist with what information to collect and display for reporting. Further discussion ensued on the logistics and privacy of developing this document. R. Hadaller informed council that there may be a scoring system to assist those with low rankings to find out where to improve. The data will be provided and each contractor can compare their specifics against industry averages. Council provided some feedback such as differentiating contractor's orders from owner's orders and indicating the age of devices. R. Hadaller indicated that inspectors will not be reviewing contracts between the owners and the contractors.

Moving forward, R. Hadaller highlighted the process as follows: to collect feedback from the council; develop the reporting requirements; and have the report ready for distribution in July 2012.

ACTION: Council members will provide feedback to R. Hadaller in regards to the data they would like in the contractor's performance report via email by June 15, 2012.



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10. Ministry Consumer Services update

M. Awad provided a brief update on MCS, mainly around the recent release of the Drummond report and its impact. He acknowledged the support his office was receiving from Stakeholder Relations department at TSSA. He also informed council that MCS representatives will be designated to each council in order to expand knowledge and understand the industry represented by council.

Discussion ensued around the exact amount for oversight fees for other DAAs relative to TSSA's size and revenue. M. Awad noted he will follow up on this and will share his findings at the next meeting.

ACTION: M. Awad will follow up on the oversight fees for other sectors within the DAAs and will share his findings with council at the next meeting.

11. Risk Reduction Groups Update:

Elevator uncontrolled movement up over speed task force & single and two speed elevators:

As part of the advanced materials for this meeting, members received draft minutes of this RRG from March 2, 2012, which was treated as read. It was determined that the risk of uncontrolled movement and up overspeed does not warrant retrofitting of emergency brakes on existing elevators. The risk of trips and falls due to leveling issues on older equipment with single and two speed controls does pose a higher risk and when combined with uncontrolled movement and up overspeed may justify upgrades to such elevators.

R. Hadaller provided an update on the anonymous web survey being circulated currently among mechanics. This survey was sent to all industry members with the direction to pass it along to their mechanics. TSSA's elevating inspectors were also instructed to distribute it to mechanics as well. Only two responses have been received to date.

Discussion ensued around the reasons behind the lack of responses and if there were structure or design issues with the survey form. Any feedback on the survey can be sent to R. Hadaller.

12. Field Advisory Committee (FAC) Update

I. Hambly on behalf of J. Egan provided an update on FAC's last meeting held on April 12, 2012 as follows:

- The meeting was well attended by representation that included consultants, Toronto Transit Commission (TTC), Canadian Elevator Contractors Association (CECA), independent Elevator Contractors Association (IECA), most major equipment manufacturers and TSSA.
- Resolution protocol for contested directives has been posted on the TSSA website.
- Inspection Consistency at TSSA (item #5 of the EDAC agenda) was updated at the FAC and was well received.
- Challenges with design submission requirements were discussed.
- In respect to closing contractor related directives and issuing Declaration of Compliance, FAC members requested to separate owner related directives from contractor related directives; however, the challenge with this request was TSSA relies on the contractor to help encourage the owner to complete their directives. Further update will be provided at the next FAC meeting.
- Update was provided on machine guarding guidelines and its challenges since some of the wording in the guideline is not supported by the Ministry of Labour as it relates to secondary guarding requirements.



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13. Ottawa Meeting – Inspector Consistency

As part of the advanced materials for this meeting, members received a briefing note highlighting the discussion points of the meeting held on April 11, 2012 in Ottawa, which was treated as read. This meeting was a follow up to the EDAC April 2, 2012 special meeting held in Toronto which focused on issues arising from the council evaluation and engagement survey re: inspection consistency.

The industry representatives recommended having similar meetings in western/southern part of the province to allow more feedback from contractors. TSSA recommended at the last FAC meeting, held on April 12, 2012, to have a follow up meeting in June 5th or 6th, 2012. The EDAC Chair will provide an update to council at the next meeting.

ACTION: R. Kaczmarczyk will provide an update from June 2012 meetings that will be focusing around inspection consistency to council at the next meeting.

14. Elevating Devices Training and Certification Advisory Board (ED-TCAB)

As part of the advanced materials for this meeting, members received ED-TCAB minutes from the November 23, 2011 meeting, which were treated as read.

J. Sorman provided a further update on the last TCAB meeting held on April 24, 2012.

He reported to council that the expanded scope curriculum for the EDM-E – VC was approved and implemented January 1, 2012. He also reported to council that the EDM-B curriculum document along with a limited scope pertaining to hydraulic construction hoists (BH) was approved and implemented May 1, 2012.

A subcommittee was convened on May 2, 2012 to discuss recommendations put forth for the EDM-F Passport document and a further update will be provided at the next TCAB meeting.

An update on year one of the 2011 Continuing Education cycle was provided. To date approximately 1500 ED mechanics have successfully renewed their certificates; approximately 300 have not complied with Director's Order 232/08 and are working with expired/ invalid certificates; and 63 certificates have been terminated for non-compliance. Council enquired if there was any way to verify if ED mechanic(s) have successfully renewed their certificate. J. Sorman noted organizations/employers may submit a list of their staff (including full name, and certificate number) to TSSA for verification against the Oracle database.

Further discussion ensued around continuing education for the 2013 curriculum utilizing Remote/Online Training in the 2013 cycle. Training providers wishing to offer this mode of training will be required to reapply for accreditation.

The participation of Ontario Colleges of Trades members at the TCAB meetings was also briefly discussed.

15. Input on Industry Trends and Issues

As part of the advanced materials for this meeting, council received a briefing note requesting the members to provide input on industry trends and issues, which were treated as read.



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With the aid of a PowerPoint presentation which forms part of the record of the meeting, J. Harrison presented to council the information collected at the last meeting and identified specific issues that need to be addressed and ways on how they may be addressed in the future.

Council provided feedback on new building technologies and the use of remote monitoring and how this may impact on elevator systems in the future.

Council was encouraged to send any feedback on trends or issues in the industry to M. Khalif.

16. Question on Information Items and Other Business

Council discussed the Owner's Communication document attached to the advanced materials for this meeting. R. Hadaller received feedback via email and will take those feedbacks into consideration when revising the document.

ACTION: R. Hadaller will send owner's communication document to owners and contractors in late June or early July 2012.

17. In Camera

Council members met in camera without management and guests.

The Chair recorded discussions of the following areas:

- Inspector consistency
- New inspectors
- Contractor data report

18. Termination

The meeting was terminated at 4:45 p.m. The next meeting is scheduled for **November 7, 2012 at 8:30 A.M.**