



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

Minutes of the Liquid Fuels Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held virtually at 9:30 a.m. on the 14th of October 2020.

Present: Brian McBain, Underwriters Laboratories of Canada Inc. (ULC); Terry Ablett, Ontario Petroleum Contractors Association (OPCA) & Wagg's Petroleum Equipment Ltd.; G. Rae Dulmage, TSSA's Consumers Advisory Council; Brent Francis, Francis Fuels Ltd.; Marc Gagnon, Canadian Fuels Association; John Lastoria, Canadian Tire Corporation (until item 9); Laurie Marcil, Nature & Outdoor Tourism in Ontario (NOTO); Marcel Pouliot, IQ Trucking; Jennifer Stewart, Canadian Independent Petroleum Marketers Association (CIPMA); Jim Wood, Ontario Petroleum Transporters and Technicians Association (OPTTA).

Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (item 17); Dan Brazier, Chief Financial Officer (item 17); Angelina Brew, Advisory Council Coordinator; Alexandra Campbell, VP, Communication & Stakeholder Relations; Andrew Chin, Finance Specialist, Special Projects (item 17); Sandra Cook, TSSA Ombudsman (items 10-13); Zenon Fraczkowski, Manager, Engineering, Fuels Safety Program; Kristian Kennedy, Manager, Government Relations; Chelsea Lehner, Policy Advisor (items 7-8); John Marshall, Director, Fuels Safety Program; Bonnie Rose, President & CEO; Phil Simeon, Director, Regulatory Policy (items 7-8).

Guests: Allison Nicholl, Policy Advisor, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Erick Morales, Senior Policy and Program Analyst, Technical Safety Unit, MGCS.

Regrets: Rick Hineman, Durham Fuels.

1. Constitution of Meeting

The Chair called the meeting to order at 9:32 a.m. He introduced B. McBain from Underwriter Laboratories of Canada (ULC). The chair did a roll call of participants.

a) Safety Moment

For the safety moment, Council was given a short presentation about carbon monoxide (CO) safety and TSSA's campaign to address CO poisoning in the province. A. Campbell noted that it is good to consider checking carbon monoxide detectors with daylight savings approaching. It is important to consider informing the elderly and young people of CO risks.

Action: A. Brew to circulate the safety video to Council by appending the link to the minutes.

2. Approval of the October 14th, 2020 Agenda

Council approved the agenda for October 14th, 2020 as amended.

3. Approval of March 5th, 2019 minutes

Council approved the minutes from March 5th, 2020 as presented.



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

4. Review of Action Items from Last Meeting

J. Marshall spoke to this item. A Campbell spoke to the completion of the action items related to floods and public safety. Discussion deferred to FY20 when communication materials will be available. The materials were circulated a few days before the meeting.

There were no questions or comments from Council.

5. Chair's Update

The Chair spoke to this item, noting that COVID-19 has exacerbated existing compliance challenges. The biggest problem is reluctance of owners to let inspectors and contractors into their homes and businesses. The shortage of technicians has been exacerbated by the closure of colleges. Supply chain shortages are an additional problem. COVID-19 isolation of staff is slowing industry down too. He looks forward to discussions about solutions to these issues.

There were no questions or comments from Council.

6. TSSA President & CEO's Report

A. Campbell noted the report is treated as read and spoke to this item in B. Rose's place and emphasized TSSA's strategic priorities. That focus will form the basis of a lot of the advice sought from councils at this meeting and future meetings.

M. Pouliot asked if pipelines fall under the purview of this Council. A Campbell indicated that it is more an issue for the Council responsible for natural gas, but noted that TSSA should clarify the distinction between liquid fuels and oil pipelines. K. Kennedy said that both oil and gas pipelines fall under a separate regulation, Ontario Regulation 210/01 (Oil and Gas Pipelines).

There were no other questions or comments from Council.

7. Outcome-Based Regulator – Update

P. Simeon spoke to this item and provided Council with an update on the progress being made on TSSA's transformation to becoming an outcome-based regulator and some context on the project. He noted that TSSA wants to reward good actors and penalize bad ones. C. Lehner detailed the scope of authorizations and the role of enhanced authorizations as a gateway to safety services under the outcome-based regulator approach. These authorizations help level the playing field so that TSSA can address non-compliant actors. Collecting data and building risk scores is also facilitated by enhanced authorizations.

P. Simeon spoke to compliance standards, noting that this council is familiar with the subject. He walked through the continuum of documents from regulations to compliance standards to inspector checklists and the inspection report. There is a connection between all these documents. C. Lehner presented the propane cylinder example of a compliance standard. For illustrative purposes, the example of escalators was shown to get feedback from the Council. She went through each of the examples, from text-based to more visual versions of the compliance standards.

J. Wood asked if pages for a compliance standard will be multiple pages or documents depending on sector and device. P. Simeon indicated that the standard will be program by program. There might be multiple standards per regulation. Right now, the focus is on three devices. He advised that TSSA is trying to understand when visuals are best and when to use text. J. Wood noted the pictorial versions can result in multiple pages. It depends on the example. M. Pouliot echoed J. Wood's comments. He agreed that if



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

one is a technical expert text is best, but to educate people within an organization, visual formats make more sense. He said a combination is therefore best. B. Francis agreed that the audience needs to be factored in. Adding visuals would help for some groups.

C. Lehner then spoke to inspection reports. She spoke to the differences between current and future state inspection reports. She gave examples of future-state formats, including a heat spectrum, a text box and a “fishbone” concept. M. Pouliot indicated that he has seen the latter formats in the United States. Once these concepts are challenged in a court of law, it can become difficult for regulators to differentiate between compliance requirements. P. Simeon noted that this is the first time the legal dimension has been raised. He said the legal implications are one dimension that will be looked into for further analysis. M. Pouliot added that these formats can get complicated very rapidly.

P. Simeon asked how the council felt about a scoring system influencing behaviour. R. Dulmage issued a caution: If done the wrong way, people can get upset. Too much negative detail could backfire. Keep the information simple, he advised. J. Wood supported that concept and added that contractors and transporters need to know their risk scores. J. Wood asked P. Simeon if stakeholders will be informed of the receipt of this information in advance. P. Simeon confirmed that TSSA will strive to ensure the regulated entity gets the message in a reasonable period. M. Pouliot added that this is especially helpful for commercial vehicles, where the province and the US Department of Transportation have scoring systems. Making this data public is really when regulators start to change behaviour. The Ontario Ministry of Transportation and some other jurisdictions have done the most on publishing risk scores to modify behavior. J. Wood added that for transporters if you could present to your insurer evidence of a running low-risk score that would certainly reduce insurance costs – that would be a financial reward. R. Dulmage wondered as the CAC chair if giving consumers rating of contractors will have an upside. P. Simeon commented that TSSA is not an online contractor rating system that can evolve into something like Homestars. TSSA's is a risk and safety rating by a regulatory agency.

8. CAD Strategy Update

P. Simeon noted that TSSA has heard and is acting on concerns about the Code Adoption Document (CAD) process. He provided an overview of the new CAD strategy's fundamental objective. The CAD future state will be an auto-adoption process. He showed the planned rollout of CADs, noting that Pipelines, Propane and BPV are the first to be adopted in November 2020. P. Simeon asked that stakeholders provide evidence that supports any changes they propose if such changes are specific to Ontario.

9. Stakeholder Engagement

A. Campbell spoke to the rationale for reviewing the advisory council terms of reference, particularly the limitations of the terms with respect to membership best practices and the review's desired outcomes. TSSA will be drafting changes and then posting them online for comment and review. In particular, she asked for feedback on reforming membership terms in light of striking a balance between relying on existing expertise and being inclusive by recruiting new members.

M. Gagnon asked about the Minister of Small Business and Red Tape Reduction, Prabmeet Sakaria, in reference to pressure vessels and boilers. He asked if it changes perspectives in relation to input from red tape and burden reduction officials. Does it change thinking of how councils are structured? A. Campbell noted that the announcement was mostly around the Operating Engineers (OE) regulation. She explained the idea behind Alternate Rules for OE. She said he raised a good point and noted that TSSA will be clear about how the outcome-based regulator approach and our business model changes are driven by maintaining safety and reducing regulatory burden.



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

10. Fuel Oil Distributor Program Update

S. Cooke indicated that the Auditor-General suggested TSSA have a plan for fuel oil distributors. The outcome-based regulatory model's overall features are a collaboration with regulated parties as safety partners: They are responsible for compliance, TSSA for oversight. TSSA reviewed the fuel oil distributor program and noted six primary compliance requirements. TSSA posted an advisory last November. TSSA was supposed to implement it in April 2020. It would have been burdensome due to COVID-19 so it will be delayed until November 2020. Training was done with inspectors. Within the next 12-16 months TSSA expects to go live with the program.

There were no questions or comments from Council.

11. Tanker Truck Compliance Update

S. Cooke explained that TSSA does initial and ad hoc inspections. Usually, TSSA does the inspections when the vehicles are at a bulk plant. The risk associated is low – usually risk is associated with operation of the fuel equipment, not the condition of the vehicle. With the data TSSA had at its disposal, a full-fledged periodic inspection program was not warranted. Instead, an industry working group was struck and an educational outreach initiative, presented at a working group meeting, was produced.

There were no questions or comments from Council.

12. Contractor Audit Program

S. Cooke noted this audit program is similar to the distributor program. There were issues with the administrative burden and an adversarial atmosphere when residential audits were done in the past. The compliance rate hovered around 50 per cent. TSSA's audit program was not having an impact on compliance. The Auditor-General played a role in this issue, asking TSSA to look at all technicians' work – which would mean over 70,000 audits. That would be burdensome to TSSA and costly to contractors. So TSSA's focus will be on reviewing the contractors' quality assurance program. The focus of the audit will be on seven core priorities.

B. Francis asked if this means TSSA will no longer be entering homes. S. Cooke said TSSA will expect a quality assurance verification program and will review that program. If a contractor wants TSSA to visit a residential site, TSSA will, but it would not be standard practice.

13. Ombudsman Annual Report

S. Cooke noted that there was an influx in calls from the amusement industry due to COVID-19. Otherwise, it was a quiet year from the perspective of the Ombudsman and whistleblower reporting. Most cases were in fuels due to the sheer size of the regulatory mandate over fuels at TSSA. She thanked council members for their involvement on fuel oil distributor and other liquid fuels outcome-based regulator programs.

There were no questions or comments from Council.

14. Safety and Compliance Report

V. Dessanti spoke to the overall safety and compliance update at TSSA. She then showed the sector-wide data for fuels, as well as incidents and near-misses that do not involve pipeline strikes. Injuries and near-misses have gone down. There were two CO related fatalities this year. She then went over the high-risk inventory. In Liquid Fuels, 39.6% of inspections in FY20 were fully compliant. She showed the areas of



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

high risk where TSSA finds elevated risks based on thresholds of acceptance. The presentation also featured top orders by risk.

The discussion questions were around lowering high-risk items and initiatives that have yielded positive outcomes in these areas. J. Wood asked about private fuel outlets (PFOs), noting that on the fuels side Ann-Marie Barker provided PFO brochures that were helpful in spreading the safety and compliance message at these sites. He suggested it could be distributed more widely.

15. Incidents and Issues Report

J. Marshall spoke to this item and advised on incident occurrences (a combination of both incidents and near-misses) and closed occurrences.

In addition,

- In FY20, there were 2,805 overall fuels occurrences (including pipeline strikes) with two fatalities
- In FY20, there were 129 liquid fuels occurrences with zero fatalities.

16. Ministry of Government and Consumer Services Update

E. Morales treated the item as read and spoke to the Operating Engineers Alternate Rules changes.

There were no questions or comments from the Council.

17. Business Model Update

D. Brazier provided a brief update on changes associated with the new business model. He then walked through next steps, noting the Minister's review is complete. After notifying councils TSSA will be reaching out to a broader audience and working through implementation.

B. Francis asked about companies with different licenses in different areas: Will they be double-counted on licensing fees, such as someone who holds a liquid fuels and petroleum contractor licenses? Are they double-counted? D. Brazier said he will look into it.

J. Wood asked what is meant by "certain" fuel distributors alluded to in the presentation. J. Marshall clarified that there is no licensing regime for certain distributors, as in propane. D. Brazier gave some background, noting that there are some areas without a licensing requirement. Because of how TSSA is changing, TSSA wants all relevant stakeholders to contribute to the safety system.

Action: D. Brazier to get back to council with details on double licenses.

18. RRG Update

B. Francis suggested using RRGs at the front-end of the code rather than the other way around. J. Wood added with the elimination of CAD amendments, it is important for industry to identify which amendments can be removed and how that will impact the industry. R. Dulmage commented that he does not understand why we need provincial deviations from national codes. He has concerns about provincial RRGs imposing carve-outs from the national code. Amendments should be put forward only nationally. If one does not get his or her way, let it go. The more harmonized we are, the more efficient we are as a country. As a consumer, he does not want multiple requirements from province to province. From a consumer's perspective, consumers tend to find out about provincial variations after the fact. J. Wood replied that provinces deal with energy differently and have differing provincial conditions, so he thinks



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

provincial differences matter. That is why he says industry and TSSA need to identify amendments in the RRG to see what can be harmonized, and what cannot. It may take several code cycles to do so, but it is the right thing to do.

19. CO Safety and Fuels Campaign – Update

A. Campbell spoke to the CO (carbon monoxide) campaign goals and community engagement design. A. Campbell advised that TSSA is looking to partner with other stakeholders to increase community efforts. Results-wise, the CO community campaigns achieved positive impacts on the awareness, knowledge and behaviour associated with carbon monoxide safety.

B. McBain asked about French-language materials. His township is 60 per cent French-speaking. There is not that much school-oriented material so fire services can circulate information like “Fun Facts,” and more bilingual material would be helpful for eastern and northern Ontario in this regard. A. Campbell said it is very much on TSSA’s plan to translate material, ideally anything aimed at the general public. She said he will see more of that. B. Francis said pictograms are helpful for non-English speakers, French or otherwise.

20. Associations’ Updates

J. Wood provided an update for the Ontario Petroleum Transporters & Technicians Association (OPTTA). He noted the pandemic impact and stated that his members are characterized as an essential service. The main casualty of the pandemic has been training. The elimination of in-person training has opened up time for the revision of the OPTTA professional drivers’ manual.

There was no update from the Ontario Trucking Association.

L. Marcil noted that Nature and Outdoor Tourism Ontario (NOTO) had to do much more with much less due to COVID-19. Newsletters still go out on a monthly basis. NOTO reaches out with newsletters and updates on funding programs and regulations. NOTO broadened that to businesses that are part of the resource-based tourism sector. The NOTO summit is becoming a virtual training week. They are helping businesses pivot to a different market. Remote areas and fly-in sites and semi-remote locations are seeing a significant decline in clientele base. If TSSA has anything to present, she is open to suggestions but recommends against any messaging on new compliance requirements.

M. Gagnon added that COVID-19 is affecting his industry too. Staff not involved in pure operations are reduced, which meant contractor access had to be reduced, which impacted compliance with government requirements. Governments have been open to adjusting reporting activities on account of the pandemic.

R. Dulmage spoke to the last meeting of the Consumers Advisory Council and noted that they came up with issues sheets for issues that they can raise forward to TSSA for that relate to different aspects of TSSA’s mandate as it impacts consumers.

B. McBain thanked the council for considering his membership.

21. Topics Raised by Council

a) ELLD Update

The Chair noted that TSSA issued a Director’s Order granting an extension for the implementation deadline of electronic line leak detection (ELLD).

There were no questions or comments from Council.



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council

Meeting on October 14th, 2020

22. Questions or Other Business

There were no question or other business raised by Council.

23. Council administration

a) Membership Renewal – Laurie Marcil

The Chair confirmed the renewal of L. Marcil's membership for another three-year term on Council. Moreover, the Chair confirmed the renewal of his term for an additional three years.

Action: A. Brew to update the membership list with new term expiry dates for of L. Marcil and B. Francis.

b) Membership Matrix (re-affirmation)

M. Pouliot commented that he retired from Tricom and is in discussions about representing the transporter association. K. Kennedy said he would follow up as association membership is always preferable on the matrix.

L. Marcel commented that NOTO is not on list. K. Kennedy clarified that it is on the matrix under the "Other" category.

J. Wood said the Council is well represented. Council agreed to reaffirm the membership matrix.

Action: A. Brew to update the membership matrix.

c) Advisory Council Portal

K. Kennedy noted that TSSA can no longer use the portal to coordinate council meetings. He advised that Council business continue to use email and Outlook meeting invitations in lieu of a portal.

The Chair commented that with email sometimes the spam filter blocks meeting materials. J. Wood supports the idea of a portal. CSA uses a portal and it works well; it keeps all documents stored in one spot. R. Dulmage said that a portal can serve as a repository for background material. K. Kennedy responded that as a repository of minutes, council minutes are on the TSSA website already. M. Pouliot said portals work well. His preference is email until TSSA can change website platforms.

24. Adjournment

The meeting adjourned at approximately 2:18 p.m. Council agreed not to hold a Council-only in-camera session and to go directly into the in-camera session with B. Rose.



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council
Meeting on October 14th, 2020

Appendix

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