



Technical Standards and Safety Authority

Minutes of the Amusement Devices Advisory Council Meeting on March 31st, 2020

Minutes of the Amusement Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 10:00 a.m. on the 31st day of March 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.

Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (item 12); Dan Brazier, Chief Financial Officer (item 12); Alexandra Campbell, VP, Communication & Stakeholder Relations; Andrew Chin, Finance Specialist, Special Projects (item 12); Viola Dessanti, Director, Strategic Analytics (item 9); Danielle Fernandes, Advisory Council Coordinator; 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 9).

Guests: Jacqueline Kiwanuka, Senior Policy Advisor, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Sarah Jeffrey-Hampton, Senior Policy & Program Analyst, Technical Safety Unit, MGCS.

Regrets: Bill Carter, Jim Kong Amusements Inc; Mike Cruz, Canadian National Exhibition; Peter Gismond, Superior Events; Darryl Hore, Caliber Engineering Corporation; Rick McMullen, 401 Mini-Indy Limited; Brendan Turner, Camp Quality Canada.

1. Constitution of Meeting

The Chair called the meeting to order at 10:00 a.m. K. Kennedy provide Council with some administrative guidelines for operating an efficient teleconference.

a. Safety Moment

For the safety moment, Council was shown a short video from the World Health Organization on the novel COVID-19 virus. The video included information on how the virus spreads as well as some precautionary steps that should be taken to avoid becoming ill or spreading the virus. There was an issue with the audio, D. Fernandes confirmed the link to the video would be appended to the minutes.

Action: D. Fernandes to circulate the video by email to Council and to append the link to the minutes.

b. Ground Rules

K. Kennedy spoke to this item. He explained that it is best practice to inform and remind members of appropriate conduct during meetings. Specifically, he noted the following ground rules for discussion purposes:



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1. Each attendee is an equal participant in all aspects of council deliberations and should have the opportunity to openly share their expertise and knowledge in order to enhance public safety.
2. Respect the various positions of your peers and each meeting attendee.
3. Be open to exploring differing perspectives in order to have informed interactions that enhance public safety.
4. Refrain from speaking over others or inside conversations.
5. Remain objective and leave respective competitive strategies and goals outside of council meetings and represent to the best of your ability your stakeholder group.
6. Respectful disagreement is okay; consider tone and approach when tabling concerns at councils.

He explained that TSSA is open to refining these guiding principles and invited Council members to send TSSA material used by other organizations' committees, etc. Additionally, he noted that this would be sent out as an information item prior to each meeting.

There were no questions or comments from Council.

2. Approval of the March 31st, 2020 agenda

Council approved the agenda of March 31st, 2020 as presented.

3. Approval of October 24th, 2019 minutes

Council approved the minutes of October 24th, 2019 as presented.

4. Review of Action items from last meeting

S. Silva spoke to the pending action items and confirmed that all action items would be addressed at today's meeting, are appended to the minutes, or are attached as information items.

5. Chair's Update

C. Sypher spoke to this item and advised that she along with A. Tanzer recently co-chaired the ASTM F2783 task group where seven ballots were put forth and all passed. She noted the future ballots were discussed and would be raised later in this agenda. Additionally, she explained that COVID-19 was discussed at the Canadian ASTM F2483 committee meeting. She explained that this meeting included nine regulators from different provinces, adding among other things, the consultation centered around provincial adoption of the code, service-proven rides, and older rides entering provinces for the first time. She thanked S. Silva and A. Tanzer for their work in facilitating the meeting.

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.

There were no questions or comments from Council.



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7. CAD Development Strategy

P. Simeon spoke to this item and provided an overview of the CAD amendment review process. He explained that there is currently 51 codes and standards as well as many directors' orders and advisories equating to over 10,000 different TSSA-enforced rules. He advised that feedback received from industry centers around the slow pace of adoption of nationally developed codes and standards, adding that harmonization and the need for consistency was also a paramount consideration for industry. He explained that four factors underpin the CAD strategy. First, the assessment of rules through a risk-based paradigm. Second, the prioritization of safety outcomes. Third, the reduction of burden on industry. And fourth, the consideration of industry input and engagement in the adoption of codes. He explained that TSSA is in the process of developing options to improve the code adoption process. He added that the prioritization of CADs is critical to shifting away from the current method, and explained that the prioritized CAD amendments are the BPV (CSA B51 Pressure Piping Code) and (CSA B52 Mechanical Refrigeration) and in Fuels the CSA Z662 Oil and gas pipeline code.

There were no questions or comments from Council. The Chair requested that Council review the presentation and provide P. Simeon with any feedback within two weeks from the date of the meeting.

8. Stakeholder engagement and Transparency

K. Kennedy spoke to this item. He explained that there are three main areas of transparency that relate to TSSA's work: corporate disclosures, safety information and data; and stakeholder engagement. He provided an overview of corporate disclosure documents and of safety information and data. Finally, he provided an overview transparency as it relates to stakeholder engagement. He explained that reviewing existing transparency policies at TSSA is a strategic initiative set out in TSSA's Business Plan for this fiscal year, adding that stakeholder engagement specifically, is a priority for TSSA. He advised that transparency in stakeholder engagement is important given the number of initiatives currently underway that impact the ways in which customers interact with TSSA. Additionally, he noted that the current mechanisms for engagement are often informal and limited to a select number of stakeholders. On the other hand, formal mechanisms, such as advisory councils and RRGs, may not be ideal for addressing all issues. He posed four questions to guide the discussion:

1. Do you believe stakeholders understand TSSA's engagement processes and how to get involved?
 - a. What are the gaps and opportunities for improvement?
2. What sort of consultative mechanisms would you like to see included?
3. Are the expectations of the TSSA's engagement clear and are they being met?
4. Are the right stakeholders involved at the right level and the right time?

He explained that in terms of next steps TSSA would be reviewing the Council Terms of Reference, developing stakeholder engagement principles and more clearly defined processes that determine audiences and outcomes. Councils would be provided updates at the fall council sessions.

A Council member commented that the amusement device sector has ample opportunity to provide input, year-round, explaining that it would be useful for TSSA to recognize this feedback in its decision-making. K. Kennedy advised that where there is the ability for national engagement TSSA would like to take this opportunity, however, many of the issues discussed at Council meetings and RRGs relate to corporate and operational policy, rather than issues addressed by standard development organizations. He added that if anyone has any comments after the meeting to reach out to either himself or D. Fernandes.

9. Safety and Compliance



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V. Dessanti spoke to this item referring to the presentation shared with Council prior to the meeting. In relation to the peer review process currently underway for the Risk Informed Decision Making (RIDM) model, V. Dessanti advised that TSSA is currently in the process of reviewing and enhancing its risk model in support of the transition to becoming an outcome-based regulator. She explained that some of the changes that are currently in progress include extending the input to the risk score beyond inspection orders and incidents, giving recent events a higher weight in the risk score calculation, and including population density in the calculations. She explained that the proposed changes will be presented to the peer review panel, which is comprised of members from other regulatory agencies as well as academics. She explained that all Council members are invited to participate in an information sharing session on the risk model enhancements on April 1st, 2020. She noted that updates would be provided, and members would have an opportunity to ask questions.

There were no questions or comments from Council.

Additionally, V. Dessanti presented the mid-year safety report, as per the presentation circulated to Council prior to the meeting. She explained that in the first two quarters of the fiscal year (FY) 2020, there were 279 reported occurrences, including 12 permanent injuries and no fatalities. She advised that only 5% of the orders issued comprised 80% of the total risk during the reporting period. Additionally, she noted that the compliance rate for amusement devices continues to decline, explaining that during this period there has been a 7% increase in the number of orders issued when compared to the same time last year.

D. McLellan advised that the program is currently working on inputting incident data, he explained that once the data is up to date it would be shared with Council. In response to a question from Council regarding the definition for "occurrences", R. Wiersma advised that "occurrences" are a catch all term used to describe both near-misses and incidents. Additionally, in response to a question as to whether these can be disaggregated by type, D. McLellan advised that this something that can be investigated once we have the full data set. S. Silva, responding to a question about whether the orders issued represent one particular type of order or are across the board, advised that most of the orders issued where related documentation and the new requirements related to inflatables, for example staking.

a. Action Items

V. Dessanti provided an update on two action items from the last ADAC meeting on October 24, 2019. First, V. Dessanti was to report back to Council if the inventory data changes depending on the number and type of device in a given year. And, second, she was to provide Council with a list of the 29 high-risk device types and how the "high-risk" classification is determined. As it relates to the first action item, V. Dessanti advised that the high-risk inventory metric represents all devices and entities with high-risk order issued against them at the time of a periodic inspection. She added that this does consider the total number of devices in a given year. As it relates the second action item, she advised that the list of 29 high-risk devices are appended to the presentation material. She explained that this is based on the risk score, and looks at the past three inspections, orders issued, and any incidents. She advised that higher risk devices get inspected more frequently.

There was some discussion on this topic. In response to a question, regarding whether the list of high-risk devices represents the model or is device specific, R. Wiersma advised that the list is installation (device) specific and is not representative of the model. He added that if the data showed issues with a specific model this would require additional analysis and review. A Council member noted that perhaps this may not be the best approach, given that identical copies of devices do exist. V. Dessanti acknowledged the comment and advised that this is something that we can investigate moving forward. In response to a question from the Chair regarding why there are comments related to inflatables in the appendix, but inflatables are not on the list, V. Dessanti explained that this is an example of all issued orders. She advised that one high-risk order does not mean the device is high-



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risk. In response to a question as to whether the term “type” refers to a specific device or a class of devices, R. Wiersma advised that the 29 devices are listed because of the condition and operational issues related to that specific device. He explained that TSSA currently does not identify models that are high-risk across the board, noting that currently there are not many devices of the same model. A Council member advised that if there is a design flaw hypothesis, looking at the models is essential and necessary, particularly given that many mobile rides are identical copies. V. Dessanti acknowledged the comment and advised that this is something that would be taken away for review and analysis. In response to a question regarding the actions taken when a device is determined to be high-risk, S. Silva advised that if a device is determined to be high-risk, the device is not issued a permit. He added that this is currently how TSSA deals with this scenario, noting that there is an audit process for high-risk devices and orders. D. McLellan added that in the future the issuance of a high-risk order may impact an inspection and risk cycle. In response to a question regarding what the perceived frequency would for amusement devices, D. McLellan advised that currently TSSA does not have this information, noting that this is something that TSSA is working on developing. V. Dessanti added that TSSA is currently reviewing the factors that should influence the risk score, noting that Council would be kept abreast of developments.

10. Emerging trends

S. Silva spoke to this item advising that TSSA is currently in the process of entering all incidents, noting that currently there is no noticeable trend. He advised that the data would be revisited once it was entered.

There were no questions or comments from Council.

a. Incidents since last ADAC meeting

D. McLellan spoke to this item and advised that Council would be provided an update once all incident data was entered and up to date.

There were no questions or comments from Council.

11. Ministry of Government & Consumer Services – Update

J. Kiwanuka spoke to this item, referring to the report circulated to the Council prior to the meeting. Among other topics, J. Kiwanuka provided an update on the Auditor-General’s value-for-money audit, the CRN reconciliation agreement, agricultural exemption consultation, as well as recent discussions about a gas fitters reconciliation agreement. She outlined a number of burden reduction initiatives that are underway. Additionally, she advised the Council, 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. She advised that the regulatory changes to the OE regulations are underway and will be implemented by July 2020.

In response to a question from the Chair regarding provincial harmonization as it relates to amusement devices, J. Kiwanuka advised that this is something that she will take back with her for review. The Chair commented that regulatory harmonization is something that would benefit the industry, adding that Ontario has a higher level of review and so using this as the standard would be a good thing for all jurisdictions. S. Jeffrey-Hampton acknowledged the comment and noted that harmonization is a key consideration for this administration, adding this would be brought back for consideration.

12. Business Model



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D. Brazier spoke to this item and provided Council with an overview of the presentation circulated prior to the meeting. He explained that 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 a business model survey was sent to each council to gather 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 a TSSA team is analyzing the findings and is concentrating its efforts on the comments appended to the questions. For example, he explained that those in support of option three understand and cautioned about the complexities of implementations. He advised that the proposed fee structure presented at the meeting was a hybrid option between option 2 and option 3 with the goal of moving closer to option 3 as the data firms up. He explained that while this hybrid option allows for a flat fee based on category, it only allows for a pre-defined number of follow-up inspections, adding that those in the industry that require more follow-ups will be required to pay for the additional charges. This in effect would result in higher-risk customers paying more as they will require more follow-up inspections. He explained that since risk models are not yet fully developed, moving to a solely risk-based model at this time would be problematic, adding that the cost differential in a risk-based model may not be enough to change behaviour. He presented Council with several industry-specific examples of fees as they would be structured under the proposed business model, which included:

1. New & Major Alteration Applications
2. Annual Permits
3. Other Engineering Services (i.e. revisions & safety assessments)
4. Other inspections (i.e. follow-up inspections)
5. Licensing (business license), Examinations, and Certification (no change)

He explained that that the business model changes are intended to be revenue neutral. He noted that the fee increase that came into effect in August 2019 was implemented to eliminate program cross-subsidization and to compensate for the loss of revenue from the elimination of the Upholstered and Stuffed Articles (USA) program. He explained that TSSA is in the process of creating the revised business model proposals for the various sectors it regulates, adding that once these have all been completed, a final review would be conducted to ensure the model is revenue neutral. Additionally, he explained that in cases where a flat fee was difficult to establish due to the wide range of time spent in a particular category, TSSA has established minimum fees. He advised that information is being compiled and provided to each council during the winter/spring sessions, adding that a business case would then be sent to MGCS in April 2020 with the new model scheduled for implementation in 2020/21. He posed several questions to guide the discussion. First, does the proposal adequately address the guiding principles? Second, what are the pros and cons for your businesses; the constituents you represent; the sector and the public? And lastly are there any major gaps or outliers that may not have been considered in this proposal?

There was some discussion on this topic. Responding to a question regarding what falls under "other inspections", S. Ariyaretnam explained that operational inspections are included in the annual permit fees. He added that the "other inspection" category includes unscheduled inspections, additional follow-up inspections, and Ad Hoc inspections, noting that these will be charged separately. There was some discussion among Council members as to whether this new business model has additional financial costs, the importance of transparency in the risk model, and whether the cost savings from streamlining the process is reflected in these figures. D. Brazier acknowledged the comments. In response to a question as



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whether the model considers risk as it relates to vulnerable populations, D. Brazier explained that for the amusement devices sector, it is not so much about the population but rather the complexity of the device that is considered. A. Campbell added that the way risk is built into this model is by charging for additional inspections, explaining that higher-risk entities, in theory, would be charged for more inspections. She added that the fees are largely based on the complexity of devices, meaning the time spent on the inspection. She explained that the pricing presented is not based on the risk scores of devices, but rather represents the average time spent conducting a regulatory activity. Additionally, she advised that while the impact will be different for different operators, the overall effect is intended to be revenue neutral. The Chair asked if complex inflatable parks have been considered. D. Brazier advised that at the moment the proposal reflects the cost per device, adding that this is something that will be taken back for review and analysis. S. Silva advised that in speaking with some owners/operators the feedback he has received relates to fees, noting that given the seasonal nature of this industry, cash flow must be a consideration. D. Brazier acknowledged the comment, noting that maybe TSSA can look into a different approach for those operators that have a seasonal business. There was a comment from a Council member that TSSA should impose a maximum time for engineering services, S. Ariyaretnam, advised that a cap will be implemented.

A decision was made by Council to forego lunch and to proceed with the rest of the meeting.

13. ASTM Update

S. Silva spoke to this item and advised that the last ASTM meeting was held in February. He explained that 7 ballot items were successfully completed, and all have been approved for the new revision to the Canadian harmonized standard. He added that the NAARSO conference was held in March in Niagara Falls, Ontario. He advised that 8 other provinces attended the Canadian harmonization meeting prior to NAARSO, and there was a lot of dialogue about what every province does in relation to the ASTM standards and changing regulations. He encouraged those who are interested in joining the committee to reach out to himself, the Chair, or A. Tanzer.

a. Service Proven Rides

S. Silva spoke to this item and advise that currently there are two challenges underpinning service proven rides. He explained that both relate to how TSSA should handle these types of rides: first, newly manufactured rides to an older design, and second, older rides entering the province for the first time. He added that the challenge is that the scope of the standard was intended for new devices, however we are now trying to apply the new code to old devices. He noted that TSSA is struggling on how to apply the code to older devices without some sort of code gap analysis. R. Kremer advised that the takeaway for TSSA is how to do a gap analysis for older rides, adding that we need to define minimum thresholds of safety for rides that fall into this category.

A Council member commented that it is important to work these definitions into the requirements to avoid confusion and delays for operators. S. Silva and R. Kremer acknowledged the comment and advised that the gap analysis is essential to understanding safety implications and developing a path forward.

14. Council Issues

a. Alternate Renewal

S. Silva spoke to this item referring to the presentation, he provided Council with an overview of current renewal dates. He explained that the current renewal dates are as follows:

1. Ziplines only - June 30th



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

He 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.

There were no questions or comments from Council.

b. 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 for amusement devices the majority fall under the category of major and minor 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.

15. 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 work with industry as much as possible. He explained that a lot can change in the coming days and that this 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.



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16. Council Administration

D. Fernandes confirmed that the proposed changes to the matrix were approved by B. Rose. The Chair raised whether Council would be open to increasing the number of representatives in the inflatable category. There was no disagreement from Council.

S. Silva commented that it would be beneficial if the inflatables sector had an industry advocacy association to raise issues at the Council, C. Clarke advised that an association was in the works but was put on hold due to the COVID-19 crisis. He advised that he would speak to the operators and see if they would like to continue the work to form an official association.

Recommendation: Increase the number of inflatable representatives from 1 representative to 1-2 representatives. This would thereby increase the owner category from 6-8 representatives to 6-9 representatives.

Action: D. Fernandes to propose these changes for approval by B. Rose.

J. Javier also raised that she has received a number of questions related to an inability to find qualified mechanics for amusement devices. A Council member suggested an opt-in feature that would allow TSSA to post this on the website. Another Council member advised that this ties in with discussions at the TCAB surrounding the recognition of prior experience which would make it easier for mechanics to obtain accreditation. D. McLellan advised that TSSA could take this back and see if a meeting could be set up for the TCAB to look at this issue. A. Campbell advised that she would take back the issue of posting on the website back for review.

Action: A. Campbell to report back on posting of mechanics on the website.

17. Adjournment

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



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Appendix

1. The link to the COVID-19 safety moment can be found [here](#).