



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council Meeting on May 17, 2017

Minutes of the Liquid Fuels Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario from 9:00 a.m. – 1:45 p.m. on May 17, 2017.

- Present:** Brent Francis, Chair (Francis Fuels Ltd.); Terry Ablett (Ontario Petroleum Contractors Association); Tricia Anderson (CIPMA); Eric Bristow (Canadian Fuels Association); John Lastoria (Canadian Tire Corporation); Laurie Marcil (Nature & Outdoor Tourism in Ontario); Marcel Pouliot (Trimac Transportation); Jim Wood (McKeown & Wood).
- Attendees:** Michael Beard, President and CEO (items 1-13); David Scriven, VP, Safety and Strategy and Corporate Secretary (items 1-17); John Marshall, Director of Fuels Safety (all items except item 20); Zenon Fraczkowski, Manager, Fuels Engineering (items 15-19); Robert Wiersma, Manager, Public Safety Risk Management (item 11); Ann-Marie Barker, Engineer Specialist (items 13-19); Mark Weston, Training and Certification Advisor (item 18); Kristian Kennedy, Policy Advisor (all items except item 20); Susy Ceolin, Communications Advisor (item 2); Consuelo Esquivel, Council Coordinator (all items except item 20)
- Guests:** Ministry of Government and Consumer Services (MGCS): Sarah Jeffrey-Hampton and Saba Zanib (all items except item 20),
- Regrets:** Rae Dulmage, Consumers Advisory Council; Derek Northcote, Heartland Farm Mutual; Peter Wong, VP Operations.

1. Constitution of Meeting

D. Scriven welcomed all to the meeting.

He reminded Council of Bob Smith's resignation as chairman at the last meeting in November 2016. Brent Francis had filled the chair's role in the interim and had expressed his interest to stay on a permanent basis. D. Scriven thanked B. Francis for his efforts.

In the interest of transparency, J. Marshall had canvassed Council if anyone was interested in the chairmanship. There was none.

D. Scriven formally asked Council if anyone at this present time had reconsidered the position. As there was no one interested, D. Scriven raised a motion to confirm Brent Francis as chair; J. Wood seconded the motion.

By a show of hands, Council members indicated their approval. The motion was carried. D. Scriven congratulated Brent Francis as the Chair of the Liquid Fuels Advisory Council.

2. TSSA Safety Moment

J. Marshall reminded Council of the safety measures while in the TSSA premises. He introduced S. Ceolin, Communications Advisor.



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S. Ceolin spoke about the safety video on Carbon Monoxide awareness, “The Silent Killer.” TSSA has carried out an extensive promotional campaign through all forms of media – mass print advertising in TTC subway stations, bus shelters, and GO trains, as well as videos in cinemas and social media. TSSA collaborated with the Fire Marshall and Kidde. The Silent Killer video was played.

J. Wood asked that Council be provided a link to the video.

Action: C. Esquivel to share the video link to members via email.

(The video link was subsequently sent to Council.)

3. Approval of Agenda

B. Francis asked members if they approved the meeting agenda, which was shared with members in advance.

T. Anderson suggested the topic of inspectors at fuel sites. It was decided to include this topic under agenda item 16.

4. Approval of the Minutes

Council members approved the minutes of the November 23, 2016 meeting as drafted, as being a true and correct record of the meeting. It was treated as read since the minutes were distributed to members beforehand.

5. Review Action Items from Last Meeting

S. Jeffrey-Hampton mentioned that “mobile fueling” will be discussed under agenda item 17.

D. Scriven said that the methodology for determining risk will be presented by R. Wiersma under agenda item 11.

J. Marshall reported that the remaining action items have been completed.

6. Council Chair’s Report

B. Francis indicated that the Council’s report to the President and CEO had already been submitted. He inquired as to when it would be shared with other parties.

M. Beard thanked B. Francis and Council for their report. He mentioned that the report will be presented to the Board through the Governance and Human Resources Committee.

7. TSSA President and CEO’s Report

M. Beard spoke to the item. The President and CEO’s Report was distributed in advance of the meeting and was treated as read. He asked if there were any questions. There was none.



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8. TSSA Strategic Plan

D. Scriven spoke to a presentation on TSSA's new Strategic Plan, which was shared with members in advance. He noted that the Plan starts on TSSA's 20th year of providing safety services in Ontario.

The Plan outlines a path forward for the organization that is evolutionary to its success to date. He noted that the Plan was developed through a broad consultative process with various stakeholders, including representatives of the Advisory Councils. The underlying objective of the plan is to strive to be a Modern Regulator, with attributes of being collaborative, informed, innovative, effective, and transparent. The ultimate goal is for TSSA to be a credible regulator, which includes taking enforcement action, when required.

Members complimented the Strategic Plan, noting that it reflected the interests of stakeholders and partners. They expressed support for the description of a Modern Regulator.

9. 10-Year Fuel Inspection Working Group Update

B. Francis spoke to the item. Distributors find it difficult to complete 10-year comprehensive inspections. He asked for TSSA's cooperation; for example, we need to understand the market, i.e. the number of appliances and their locations, and which of these are regularly maintained.

He explained that there is a significant difference between the number of license holders and active license holders. He has identified emerging trends, such as; changes in equipment; more complex installation and maintenance requirements; and the declining enrollment in quality training programs.

10. Issues and Incident Report

J. Marshall was pleased to report that there were no issues.

11. Liquid Fuels Safety Compliance

Robert Wiersma spoke to this item with a presentation. It was distributed to members in advance of the meeting.

This is a report on compliance and near misses for the past 10 years. He reported a decreasing trend of annual occurrences in fuel oil and liquid fuels. However, there is an increasing trend in gasoline occurrences.

R. Wiersma presented a second set of slides called "Risk Assessment Methods."

R. Wiersma provided an explanation on the Disability-Adjusted Life Years (DALYs) for 28 injury categories, a methodology used to estimate remaining life years following fatalities and injuries, and how risk scores are derived. Another member noted that the parameters contributing to the risk assessment for liquid fuels orders could vary significantly.

D. Scriven responded that TSSA utilizes risk-based guidelines. Council discussed the risk based approach as applied to liquid fuels. TSSA agreed to provide more information.



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Action: R. Wiersma to share details on liquid fuels fatalities from the past 10 years and their causes ahead of the next meeting.

Action: C. Esquivel to share the second set of presentation slides with Council. (The slides were emailed to Council members subsequently.)

12. **Priority Issue: Single Wall Fuel Oil Tank Analysis**

B. Francis spoke to the item. For all road fuels in Ontario, bio fuel at an average of 4% volume is now a requirement, as opposed to heating fuels which have no requirement (O. Reg. 97/14). This is a provincial average with fuel in some areas containing substantially higher bio levels. The possibility of the bio fuel entering the heating fuel stream is quite high. He noted that bio fuels react more aggressively than current ULSD fuels and have a shorter recommended storage life. The effects of bio fuel on steel tanks and gaskets should be closely monitored as its use in true conditions increases as time passes.

The Canadian General Standards Board (CGSB)'s Middle Distillates Committee is changing the lubricity component of fuel specifications. It is contemplating on a B20 bio fuel standard. The Committee has asked for input from TSSA and Council.

Action: B. Francis will report on further CGSB developments as they occur.

13. **Risk Reduction Group Update**

A.M. Barker spoke to the update from the Risk Reduction Group (RRG), which was shared with Council in advance of the meeting.

The Liquid Fuels Handling Code 2017 (LFHC) will come into effect on October 1, 2017. Both electronic and hard copies will be available for purchase in June from the Canadian Standards Association (CSA). The cost is \$135 per copy.

A member expressed concern about the lack of access to the Code due to proprietary information and cost. Of note is that a few of the Council members, being RRG members themselves, have received the Code free-of-charge. J. Marshall will provide copies of the LFHC 2017 to Council members.

Action: J. Marshall to provide copies of the 2017 Code for Liquid Fuels to members along with a high-level summary.

A.M. Barker reminded Council of the Fuel Oil Workshops in May and June. There are three locations for these workshops: Toronto, London, Ottawa. Details can be found on the TSSA website.

B. Francis suggested that *ad hoc* training programs would be helpful. For example, he asked about propane training for the Thunder Bay and Ottawa areas. J. Marshall concurred that it was a good idea for TSSA to conduct short training programs. He invited Council to indicate their training needs.

Any comments on mandatory training should be directed to Z. Fraczkowski .

Action: TSSA to arrange a training session for Francis Fuels.



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14. Mobile Fueling

K. Kennedy spoke to the presentation, which was shared with Council in advance of the meeting. It was presented to the RRG as well, which discussed the matter of risk mitigation.

The objective was to analyze emerging mobile fueling trends and TSSA's regulatory preparedness. K. Kennedy noted that TSSA is in an advantageous position compared to other jurisdictions since Ontario has a comprehensive liquid fuels handling code and a licensing regime in the liquid fuels regulation, unlike many jurisdictions that have been reviewed.

The Canadian Independent Petroleum Marketers Association (CIPMA) reiterated their demand for a level-playing field regarding on-demand fueling retailers. K. Kennedy offered to circulate the final report.

Action: K. Kennedy to send the report regarding on-demand fueling.

15. Code Adoption Document – Fuel Oil

Z. Fraczkowski spoke to this item. He signaled that the Fuels Safety program intends to put a greater onus on industry to support changes in national fuels safety codes that are adopted by TSSA. He noted that TSSA seeks to follow best practices in keeping Ontario-specific modifications to a minimum.

TSSA agreed with Council that its incident and compliance data should be used to support evidence based decision-making. D. Scriven noted that the National Public Safety Advisory Committee is working with the Standards Council of Canada and all Canadian accredited Standards Development Organizations to enhance the assessment and documentation of risk as part of the development of new and existing mandatory codes and standards

16. Associations' Updates

M. Pouillot, from Trimac Transportation foresees a future of less reliance on carbon-based fuels and more dependency on hydrogen. He indicated that he believes that this change will happen rapidly, and unfortunately, the regulatory field is not keeping pace with this emerging trend.

L. Marcil, on behalf of Nature & Outdoor Tourism in Ontario (NOTO), inquired whether there were any changes to the rules regarding filling 45-gallon drums as some of her members have indicated that distributors were no longer filling them. A. Barker confirmed that there have been no changes to the LFHC in this regard. L. Marcil will provide more specific details to TSSA so that we can identify the problem.

L. Marcil also asked whether TSSA staff are available to provide training to industry groups. Z. Fraczkowski confirmed that the Fuels Safety program provides training.

J. Wood, representing the Canadian Oil Heat Association (COHA), reported that the first stage of its Environment Canada-supported residential fuel tank study to educate homeowners about residential oil heat tanks has been completed. This undertaking was supported financially by TSSA. It supports the Ministry of the Environment and Climate Change



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(MOECC)'s source water commitments to help industry outreach with fuel tank owners about tank risks. The initiative will be put on hold while COHA undergoes internal restructuring. Stephen Koch, head of COHA-Ontario/National office, has moved on. S. Jeffrey-Hampton indicated that she would follow up with TSSA for more detail on incident reporting and any connection to the MOECC.

E. Bristow, on behalf of the Canadian Fuels Association, said that over the past number of years the ownership of retail fuel stations has continued to change. Similar to trends in the United States, some large refiners in Canada have sold their retail fuel stations. On the other hand, one retailer has been purchasing retail fuel stations and increasing their market presence. Primary distribution terminals continue to be owned and operated by the petroleum refiners.

T. Anderson, on behalf of CIPMA offered a suggestion regarding inspections. In order to avoid actionable items falling between the cracks, she suggested that inspectors communicate by e-mail simultaneously to both on-site personnel and corporate staff. This will also assist with monitoring progress and compliance.

T. Ablett, on behalf of the Ontario Petroleum Contractors Association, commented that there is no clarity in obligations under incident reporting.

Action: L. Marcil to email J. Marshall requesting a presentation/training session for her stakeholders.

Action: L. Marcil to provide more details about filling 45-gallon drums.

Action: T. Anderson to provide TSSA with the contact information of stakeholders and companies' on-site personnel and corporate staff.

17. Ministry of Government and Consumer Services' Update

S. Jeffrey-Hampton spoke to this item, which was treated as read as the material had been distributed to Council beforehand.

She reported that there has been progress in the regulatory renewal of the Upholstered and Stuffed Articles, Boilers and Pressure Vessels, and Operating Engineers regulations. In the second phase of the Regulatory Renewal Initiative, the evaluation of future initiatives will include an inventory of advisory council issues. MGCS hopes to receive a list of issues from advisory councils by the end of summer.

K. Kennedy added that this inventory will be collected from past Advisory Council and RRG minutes (2014 onwards). Any issues that this Advisory Council may have will be added to the inventory.

Action: Council members to communicate advisory council issues as noted above to B. Francis who will forward them to TSSA.

18. Contract Audit Process

M. Westen spoke to this item and made presentations to the Council. The materials were shared with Council in advance. In response to the request to improve the Contractor Audit Process, M. Westen reminded Council of the proposed Permit System introduced to the



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Advisory Councils in 2016 as the future state solution and reviewed the interim solution, the Contractor Audit Process Enhancement, which went into effect in May of 2017. The process enhancement included:

1. Proportional Auditing (based on the number of certificate holders employed by a contractor)
2. Regulatory Attestations (to replace the 'in-office' time spent by inspectors during audits)
3. An Audit Administrator role within TSSA (to assume the administrative components of contractor audits)

Risk based analysis of audit pass/fail may be included in the Audit process at a later date.

19. Questions on Information Items and Other Business

E. Bristow said that he plans on retiring before the Fall and will look into his replacement. J. Marshall wished him well and thanked him for his involvement with Council.

20. In-Camera

Council met *in-camera* without TSSA staff and guests.

21. Adjournment

The meeting adjourned at around 2:00 p.m. The next meeting of the Liquid Fuels Advisory Council is scheduled on November 22, 2017 from 9:00 a.m. to 1:00 p.m. at the TSSA office on Carlingview Drive.