



Technical Standards and Safety Authority

Minutes of the Liquid Fuels Advisory Council Meeting on December 12, 2012

Minutes of the Liquid Fuels Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in Boardroom 1434, 14th Floor, Centre Tower, and 3300 Bloor Street West, Toronto, Ontario at 9:00 a.m. on the 12th day of December, 2012.

Present: Jim Wood, McKeown & Wood Ltd (Designated Chair), Trish Anderson, CIPMA, Eric Bristow, Canadian Fuels, Brent Francis, Francis Fuels Ltd., Al Kiers, Federated Insurance, & Matilda Presner, Consumers Advisory Council.

In attendance: Zenon Fraczkowski, Engineering Manager (items 5 to 14), Judy Harrison, Project Manager (Item #13 only), Wilson Lee, Director, Stakeholder Relations (item #7 only), Maram Khalif, Council Coordinator (all items except #15), Marek Kulik, Engineer, Fuels Safety Program (all items except #15), Srikanth Mangalam, Director and Chief Advisor, Public Safety Risk Management John Marshall, Director, Fuels Safety Program (all items except #15), David Scriven, Interim President and CEO (all items except 10, 11, 12 and 15), Richard Smart, Chief Financial and Information Officer (Item #7 only), Melissa Zanetta, Advisor, Government Relations (all except items 15).

Guests: Colleen Sonnenberg, Manager Technical Safety Unit, Ministry of Consumer Services (MCS).

Regrets: Terry Ablett, Wagg's Petroleum Equipment Ltd., Robert (Bob) Smith (Chair), Canadian Oil Heat Association, & Andrea Ongaro, Canadian Tire Corporation.

1. Constitution of Meeting

J. Wood, Designated Chair for the meeting on behalf of R. Smith, called the meeting to order.

2. Approval of Agenda

Council members approved the agenda of the December 12, 2012 meeting as presented.

At the request of a council member, it was agreed to add two items as follows: the role of advisory council versus the role of a member of Risk Reduction Group (RRG); and Environmental Protocol.

3. Approval of the Minutes

Council members approved the minutes of the June 20, 2012 Liquid Fuels Advisory Council meeting as drafted, as being a true and correct record of that meeting.

4. Review Action Items From Last Meeting

M. Kulik reviewed the outstanding action items from previous meetings with council members, noting that the items highlighted in grey were completed.

He also reported to council that the Training and Certification Advisory Board (TCAB) had not met in the past year since no issues had arisen to necessitate a meeting. A meeting is being planned for January 2013.



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J. Marshall reported to council that he has not received any information from T. Ablett on an incident that took place in the northern region which was not included in the incident reporting update at the last meeting; therefore, he will provide update at the next meeting.

5. Council Chair's Report

The Chair's annual report to the CEO was circulated at the meeting and was treated as read.

J. Marshall reported to council that the Chair, R. Smith, had previously requested that TSSA looks into promoting trades in the liquid fuels after completion of the gas technician apprenticeship. Due to the new formation of Ontario College of Trades, the apprenticeship programs were being re-evaluated and this recommendation will be put on hold until further update from the Ontario College of Trades is received.

The TCAB will be meeting in January to address the preceding issue and an update will be provided at the next meeting.

Council discussed issues arising from an in-camera session. Council noted that there were issues of inconsistency among inspectors. Council also noted that they would like to be aware of the top five issues in Liquid Fuels Program and discuss further.

Overall, council would like to share information rather than receiving it from TSSA at the meetings. They also would like to have information to take back to the industry to get feedback or distribute as information only.

Further discussion ensued around the role of advisory council versus the role of RRG member. It was clarified that advisory council was to advise the CEO on strategic planning related to safety where as RRG members were a technical group focused on developing a specific resolution to an issue.

Council requested to have RRG resolutions reported to advisory council prior to implementation. TSSA acknowledged this request.

6. TSSA 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.

D. Scriven, Interim President and CEO, provided an update around recent activities at TSSA. He noted there was a fatality in an elevator in Thunder Bay in October 2012.

He also provided a high level update around the liquid fuels backlog and noted that this was a top priority as part of TSSA's initiatives.

He further provided a brief update regarding the new formation of Ontario College of Trades (OCOT) and the impact this may have on skilled trades. He noted that OCOT may have to determine which trades will have compulsory status. This may have a cost implication for certification of certain skill trades in the liquid fuels.

The benefits of mandating certain skill trades were briefly discussed as well as the impact it may have on providing apprenticeship programs in the future.

D. Scriven, provided information regarding the fundamental differences in council members and RRG members as well as the purpose of RRG.



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He reiterated that the major differences between the two is that council will be dealing with topics around policies and strategic planning where as RRG is to focus mainly around incident and root cause analysis.

He further noted that there were two ways of establishing RRG. Some RRG were created by advisory council to address a specific technical issue and report progress update and make a recommendation to advisory council. RRG can also be established by the Statutory Director to find resolution on an issue before making a decision such as evidenced by a Director's Order. The latter type of RRG might be considered for urgent cases and providing a progress update to council may not always be feasible, considering that council meets twice a year.

Further discussion demonstrated there was a gap between policy discussions and execution of resolutions. Council was concerned that some of the issues being dealt within the RRGs could have implications for the industry therefore they would like to be informed. To address this, council recommended that the council or the Chair be informed about the establishment of an RRG by the Statutory Director.

D. Scriven emphasized the need for the Statutory Director to have full autonomy without restrictions to access or establish RRG.

ACTION: J. Marshall and Z. Fraczkowski will follow up on the process in place for establishing RRG and sharing information with the council.

7. Fee Review Framework & Process Update

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

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

He highlighted significant changes such as the increase of travel cost recovery to 0.75 hours from 0.50 hours. He also noted a minimum fee model for inspection and engineering activities. He encouraged the industry to take full advantage of the benefits of using the Declaration of Compliance for non-compliance safety issues and administrative issues.

Discussion ensued around methods used by TSSA to determine the change in the travel cost. TSSA has been tracking and monitoring the travel cost since 2009 with standardized data information. It was also noted that the travel fee was consistent in all fuels with exception of propane.

R. Smart further provided an update on the communication portion of the fee review and noted that reminders will be sent before the effective date of May 1, 2013.

8. Issues and Incident Report

J. Marshall presented an overview of three significant incidents since the last meeting. All of them involved spills. He noted one occurred at a bulk plant, another occurred at a gas station without an attendant, and the third incident occurred while refilling underground storage tanks at a gasoline station.

Discussion ensued around the total number of incidents received regardless of their significance. J. Marshall noted that if there was no investigation, they were not considered a significant incident.



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Council would like to be informed the total number of incidents including the significant incidents.

ACTION: J. Marshall will continue to highlight only significant incidents and will provide the total number of incidents investigated by and reported to TSSA.

9. Safety Compliance in Fuels

Safety Compliance: with the aid of a PowerPoint presentation, S. Mangalam provided an update on safety compliance results in periodic inspections and occurrence inspections of the last quarter as well as trend data analysis from 2004/2005 to 2011/2012.

He reported to council that bulk plants were most compliant with 60% of inspections passed on first visit. Overall, the program had 31.74% inspections passed on first visit. Marinas exhibited the lowest compliance at less than 15% passed.

Further discussion ensued around fuel oil and registering all tanks in Ontario as well as ways of improving the number of marina inspections passed on first visit. Council further discussed ways to resolve these issues by having industry assistance in providing more information during licensing and having distributors provide the exact number of tanks at a particular facility.

Distinguishing the severity of certain orders in the report was discussed. S. Mangalam informed council that TSSA would be implementing a new process which will substantially improve the quality of analyzing orders received.

Liquid Fuels Backlog: with the aid of a PowerPoint presentation, J. Marshall provided further details around safety compliance in fuels and high level information regarding the liquid fuels backlog in the Northern Region. In regards to fuels compliance, J. Marshall advised that:

- Only 35.2% of facilities passed first inspection ;
- 65.54% required follow ups ; and,
- 44% of inspected facilities were issued cease and desist orders

He highlighted that periodic inspections at fuel storage and dispensing locations have decreased the number of occurrences over the last four years. He reported that this was an indicator of the value of continuing inspections in this area.

In regards to the liquid fuels backlog, J. Marshall informed council there were approximately 1400 sites overdue in the backlog and the biggest challenge was the logistics of reaching each site especially in the northern and rural areas. He noted TSSA was diligently working on efficient ways to eliminate backlog and implementing measures to maintain it in the future. He also noted that all possible solutions were being considered including recruiting contractors.

J. Marshall informed council this issue was long term and was anticipated to be completed by end of 2014. He also noted that this initiative will be very comprehensive and will require technological changes at TSSA.

Further discussions ensued around ways to engage businesses in the inspection process by providing information in advance. Advantages and disadvantages of alerting when inspection was due were discussed. Council offered to assist in finding a solution to this issue where appropriate.

Clear Language for Comprehensive Inspection Requirements: J. Wood reported to council that industry needed clarifications regarding regulations around the fuel distributor's inspection. He noted that the law



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instructs a fuel distributor to inspect an appliance or work once every ten years and retain a report of that inspection until the next inspection. He noted that the regulator never clarified to what degree this inspection was conducted. He added that this was both for fuels and propane and there was some inconsistent messaging among contractors, technicians, distributors and inspectors. He also shared a handout of McKeowin and Wood Fuels' Propane Inspection Form to further highlight this point. He informed council that this issue was discussed in the Fuels RRG and was deemed a regulation issue.

Council discussed ways to address this issue and clarify the expectations. It was noted that there might be some discrepancies around distributors delegating their responsibilities which stipulated in the regulation not to be the case or external issues such as inconsistent financial obligations among contractors and distributors etc. J. Marshall and Z. Fraczkowski will discuss this issue and determine if RRG was needed.

ACTION: J. Marshall and Z. Fraczkowski will follow up on the messaging to distributors' inspections for fuels and will share their findings with council at the next meeting.

10. Priority Safety Issues: Engagement with Stakeholders

As part of the advanced materials for this meeting, members received a briefing note updating the outstanding fuels RRGs, which was treated as read.

Council discussed some of the key issues completed by the Liquid Fuels RRG such as a new environmental protocol effective December 1, 2012 as well as single wall tank variance.

In regards to the environmental protocol that was implemented and effective in December 2012, council was informed that members of the advisory council were part of the RRG and that RRG minutes were shared with council. It was also noted that any council member can join RRG.

A member mentioned a recent article in the Fuels Update regarding single wall fuel oil tanks and that the article did not distinguish whether this applied to fiberglass or metal tanks. For clarification purposes it was stated that the requirement for double bottom tanks or secondary containment is for metal tanks.

Information sharing methods were discussed and council was reminded to subscribe to TSSA website to receive updates on various issues. Ways to reach large segment of the sector i.e. wholesalers was discussed. Council recommended providing timelines for information to filter through such as giving 90-120 days notice, etc.

11. Priority Safety Issue: Consumer Information and Education on Fuels Safety

With the aid of a PowerPoint presentation, B. Celis provided an update on the key focus for fuels safety: Carbon Monoxide Exposure.

She also highlighted projects in progress and continuing partnerships with the Office of Ontario Fire Marshal and Liquid Control Board of Ontario.

Discussion ensued around ways to reach more targets and expand partnership such as engaging gas stations or schools. From a research point of view, B. Celis noted that direct mailings were found to be the most effective way to reach to home owners. Engaging the media by sending stories involving CO was also recommended.

It was also reported to council that CO occurrences were distributed evenly across the province; however, more occurrences in natural gas were found in rural area.



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12. Ministry of Consumer Services (MCS)

C. Sonnenberg informed council that the province was working with industry to explore minimum qualifications for home inspectors that would enhance consumer protection, improve consistency in home inspections, ensure minimum training and increase transparency in this profession. She noted this was at its early stages of consultation phase involving the Home Inspector Association, consumer organizations, Ontario Home Builders Association, real estate sector, Electric Safety Authority (ESA), and TSSA. Any further information in the development of this initiative will be shared with council when it becomes available.

13. Input on Industry Trends and Issues

As part of the advanced materials for this meeting, members received a briefing note requesting input regarding trends in the fuels industry, which was treated as read.

J. Harrison presented the background information of input on industry trends and issues item. Moving forward, she informed the council how the information received will be monitored and may be used in TSSA strategic plans. She also shared information received to date with council. Council recommended removing references to “electric car” trend at this time as this was not an emerging trend as was noted in previous meetings.

14. Questions on Information Items and Other Business

Membership: A. Ongaro will be contacted to confirm his interest in extending his term. Transporter nomination was still in progress. Council was encouraged to share this vacancy with their respective sectors.

Source Water Protection: M. Zanetta informed the council that this was ongoing consultation with Ministry of Environment and 19 source protection committees.

She provided a brief background on this issue. Nineteen committees have been mandated by the Ministry of the Environment to oversee the source water protection process and consult with respect to draft policies that indicated TSSA/MCS as part of the implementation process.

A brief discussion ensued around the fundamental challenge this approach presents and how the industry will have to engage with all the different municipalities involved.

The source water protection committees have submitted their final policies to the Ministry of Environment for approval and an update will be provided to the council when information becomes available.

ACTION: Contact A. Ongaro and enquire his interest in the advisory council.

15. In Camera

Council met without guests and management.

16. Termination



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The meeting was terminated at 12:30 p.m. **The next meeting is scheduled for May 15, 2013.**