Minutes of the Operating Engineers Advisory Council (OEAC) meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 9:30 a.m. on the 16th day of November 2017.


David Scriven, Acting President & CEO, Peter Wong, Vice President Operations, Mike Adams, Director, BPV and OEAC, Steve Robinson, Manager, Communications, Denis Caza, Public Safety Risk Analyst, Humphrey Kisembe, Policy Advisor, Stakeholder Relations, Consuelo Esquivel, Council Coordinator.


Regrets: Kevin Hillman, TransCanada.

1. Constitution of Meeting

R. Philip, Chair, called the meeting to order at 9:30. He welcomed Council members and introduced new member, Randy Purves. He welcomed guest, Bruce Clarke, OE Inspector. It was agreed to invite inspectors to the OEAC on a rotational basis.

As part of the safety moment, S. Robinson previewed The Silent Killer Campaign Summary. TSSA conducted an extensive safety awareness campaign on the dangers of Carbon Monoxide that included a public awareness message presented in the form of a movie trailer that was shown in theatres. There was tremendous response to all forms of the safety promotion both in print and social media.

S. Robinson informed Council about a new safety awareness using a "model" home that highlights Carbon Monoxide dangers and how they should be managed. It will make the rounds of cottage shows and home industry exhibits throughout Toronto.

Council asked to be provided links to The Silent Killer and its campaign summary.

Action: C. Esquivel to provide links to The Silent Killer and campaign summary.

(The links were sent to Council members subsequently.)

2. Approval of agenda

Council members approved the November 16, 2017 agenda, as presented.

3. Approval of the Minutes of April 13, 2017

R. Brady noted that item 4 should mention the approval of awards by the Consumers Advisory Council towards scholarship funds in the Safety Education Fund.
With this minor change, Council members approved the minutes of the April 13, 2017 meeting as presented, as being a true and accurate record of the meeting.

**Action:** C. Esquivel to amend item 4 as noted above.

(The minutes were amended following the meeting today and posted on the website and Advisory Council portal.)

4. Review Action Items

There were no pending action items.

5. Council Chair’s Report

R. Philip referred to his report, which was shared with Council beforehand. It was treated as read. He said that there was much progress with the regulatory review. He asked Humphrey Kisembe to update Council in the latter part of today’s agenda.

6. TSSA President & CEO’s Report

As part of the advanced materials for this meeting, members received the President and CEO’s report regarding TSSA’s key activities over the last quarter, which was treated as read. The recruitment of TSSA’s president is well underway with an expectation that the Board of Directors will have a decision before the end of 2017.

He referenced an upcoming fee review for USA and BPV as a result of regulatory reviews in those sectors, noting that the last fee review at TSSA took place in FY 2013.


D. Caza elaborated on his slide presentation, that was distributed in advance. Council inquired about the nature of near-misses and the need to better define them. TSSA is receptive to capturing near misses in the future. This would aid in assessing risk in this sector.

With the 20/20 project, TSSA plans to streamline processes.

M. Adams reminded Council of a recent successful enforcement action in which, following an investigation by TSSA, the Ontario Court of Justice convicted a Trenton power plant operator for performing work without a valid certificate, contrary to the Operating Engineers Regulation. TSSA now posts a list of certified operating engineers on the website.

8. Ministry of Government and Consumer Services’ Update

E. Morales provided a summary update on MGCS’s report which was treated as read. With the adoption of the new internal trade agreement, the Canadian Free Trade Agreement (CFTA), all ministries are required to minimize barriers to trade. Recently passed was legislation to offset administrative costs for small businesses.

He briefed Council on the results of the regulatory review of Boilers and Pressure Vessels, Upholstered and Stuffed Articles, and Operating Engineers regulations. The BPV regulation is with cabinet for approval while the USA regulation is currently undergoing drafting. As for the Operating Engineers regulation, broader public consultation on the Expert Panel Findings and Recommendations Report closed on September 26, 2017. MGCS will be seeking cabinet approval to
begin regulation drafting as a next step. A number of Council members were involved in the roundtable review of the regulation that resulted in the findings and recommendations report in the summer of 2017. The tentative in-force date for the amended regulation is on January 1, 2019.

D. Scriven said that the National Public Safety Advisory Committee (NPSAC) held a meeting in Montreal recently. They had discussed standards development and the free trade agreement, with a view to supporting a proactive approach to compliance with the CFTA.

He said that members had agreed to adopt the ACI (Association of Chief Inspectors) recommendations for a standardized plant rating system in principle, with a number of qualifiers. NPSAC members appreciate the need for a harmonized approach to developing standards that meet the expectations of regulators throughout Canada. They committed to a harmonized industry approach, with a justification for deviations where necessary. He assured Council of NPSAC’s interest to continue facilitating the conversation.


- M. Adams spoke to his presentation, which was shared with Council in advance of the meeting. He explained in detail the 25 recommendations from the Operating Engineers Expert Panel Report. It was presented at the 3rd Annual OE Inspector’s Round Table on November 7, 2017. The biggest challenge is to present the regulation in layman’s terms. When asked about inclusion of a Code Adoption Document (CAD) in the regulation, M. Adams said that TSSA will confer with MGCS.

- H. Kisembe updated Council on the progress made for Path 1 and Path 2 risk-based regulatory framework. A methodology for Path 1 risk-based (category requirements) has already been proposed and shared with the Advisory Group. We received very good feedback which is currently being incorporated in the Path 1 risk-based framework.

The Advisory Group oversees the work of the Task Group set up to develop methodology for Paths 1 and 2. There will be another advisory group meeting to provide an update and seek feedback on the Path 2 site-specific regulatory requirements.

H. Kisembe extended his appreciation for the work done by the industry representatives on the task group.

10. The Future of Power Engineering

R. Klopf updated Council as follows:

- The IPE Ed Forum allowed industry and stakeholders to network. The next forum will be on October 24-26, 2018.
- The IPE facilitates the meeting of colleges twice a year. Colleges share their course programs to promote indigenous communities and the female gender. The next meeting is in May 2018 at Conestoga College.
- We are still reaching out to more unions in order to understand the barriers to bargaining unit language that affect in-plant training.
- The IPE has connected with the Canadian Boiler Society to foster better working relations.
- We are working with TSSA on confidential non-compliance issues.
- Following the fatal ammonia leak in British Columbia, the Ontario IPE established a working group to develop curriculum for small refrigeration and ice rink operators.
11. Priority Issue – Emerging Trends and Technology

D. Scriven opened the table for discussion, referring to the spreadsheet of Operating Engineers priorities and emerging trends. This was disseminated to Council as advance reading.

- The work of the Risk Reduction Group continues.
- Compliance, how to record qualifying experience, TSSA’s advocacy (promoting workplace planning), safety awareness and active compliance remain priority issues.
- Increasing dialogue and technology are considered emerging trends.
- Incident reporting to be added to the list.
- Other trends: retrofitting, skills development, recruitment methods.

12. Questions and other business

- Labour Mobility

M. Adams gave a brief background. Ontario has adopted the standardized SOPEEC exam certification to facilitate labour mobility. All other Canadian jurisdictions have adopted SOPEEC except Quebec. In May 2016 Ontario ceased issuing provincial certificates and now only issues the standardized SOPEEC certificates. Some provinces have more lenient certification requirements and do not require exams for provincial certificates. In the case of Saskatchewan, the government has recognized certificates from the United States. This has an impact on Ontario’s safety since individuals with certificates issued without an exam are applying for certification in Ontario through the labour mobility route.

There was a lengthy discussion about labour mobility resulting in Council’s request for the issue to be discussed at NPSAC. Both TSSA and MGCS are NPSAC members.

**Action:** D. Scriven to suggest the subject of labour mobility in a future NPSAC meeting.

- Advisory Council Succession Planning

R. Philip recognized that some Council members who have retired from their employ may wish to remain on Council. He encouraged their continued participation and asked that they inform Corporate Secretariat of their plans. At the same time, if there are vacancies, Council may let others know. The positions will be posted on the website.

13. Adjournment

Council adjourned at 2:40 pm. Members met in-camera without TSSA staff and guests.