



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

Minutes of the Consumers Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 10:00 a.m. on the 1st day of December 2020.

Present: G. Rae Dulmage (Chair); Ahmad Hussein, Jay Jackson, Ronald Morrison, Elizabeth Nielsen, Kathryn Woodcock.

Angelina Brew, Council Coordinator; Alexandra Campbell, Vice President, Communications and Stakeholder Relations; Viola Dessanti, Director, Strategic Analytics; Kristian Kennedy, Manager, Government Relations; Bonnie Rose, CEO; Phil Simeon, Director of Policy; Robert Wiersma, Manager, Public Safety Risk Management.

Guests: Melissa Cyr, ASL Interpreter; Richard Hustwick, Senior Policy Advisor, Ministry of Government and Consumer Services; Sheila Johnston, ASL Interpreter;

1. Constitution of Meeting

The Chair called the meeting to order at 10:00 a.m.

a) Safety Moment

For the safety moment, A. Campbell did a presentation on winter driving safety, noting the importance of winter tires, windshield washer fluid, survival kits, etc.

E. Nielson added a blanket and matches to light a candle to the list. R. Dulmage added that boot coverings are also helpful but considers the list comprehensive.

2. Approval of the December 1st, 2020 Agenda

Council approved the agenda of December 1, 2020 as presented. Item 14 has a slight error. Item 14c was removed from the agenda. E. Nielson confirmed with A. Brew that her paper was circulated before the meeting.

3. Approval of June 24th, 2020 minutes

Council approved the minutes of June 24th, 2020 as presented.

4. Review action items from last meeting

K. Kennedy spoke to the action items, noting that they were all accounted for on the agenda or minutes. He noted the one action item marked "To be determined" because of the longstanding view that boilers and pressure equipment does not impinge on consumers to the same extent. Council members contended that there are sufficient grounds for consumer representation on the council.

Action: TSSA to work with Council chair on making a rationale for BPVAC representation.

5. Chair's Update

There were no questions or comments on the chair's report.



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

6. TSSA President & CEO's quarterly report***

a) Strategic Priorities

B. Rose treated this item as read and opened it up for comments. E. Nielson commented that she understands strategic priorities but does not understand where consumers fit in because some issues that concern consumers that may not be on TSSA's strategic priorities. B. Rose noted that the Auditor-General value-for-money audit, the government's policy agenda, the coronavirus pandemic impact and dissatisfaction around incomplete initiatives has left very little time for other initiatives. Later there will be an opportunity to address other issues. E. Nielson asked what the purpose of the council would be if consumer issues are not factored in. She hopes there are opportunities to build in consumer concerns with the drafting of the next strategic plan. The Chair commented that the issues documents would be helpful to track issues on a rolling basis until that time that they can be addressed. B. Rose repeated that TSSA wants to get its transformation right and there is a consumer protection role in that. R. Morrison asked about the Compliance Support percentages. B. Rose said the key metric is the mitigation of high-risk. TSSA is seeing substantive improvement that TSSA can correlate to the Compliance Support Program. She added that TSSA is very proud of the program in terms of the noticeable improvement in compliance levels. E. Nielson asked about the low Fuels numbers. B. Rose explained that that program has fewer numbers due to resourcing challenges that have now been addressed.

7. Outcome-based Regulator – Update

P. Simeon acknowledged that council members had seen this presentation at its industry councils already. He noted that consumer feedback was valuable for the next steps on compliance standards and inspection reports with respect to the consumer perspective. He summarized the feedback received from councils, including suggestions on visual and user-friendly forms. K. Woodcock shared academic literature that was helpful and TSSA will be reviewing that. He added that TSSA is looking at enhanced authorizations and aligning it with the new business model.

R. Morrison had a question on the comic strip around the implications of licensed contractors and cylinder exchanges. On the latter, he noted that the list does not focus on the competence of the operator.

J. Jackson asked if inspections are predetermined or unannounced. Also, regulations are prescriptive, so it is difficult to be outcome-based if requirements are prescriptive. So, judging from SLAC questions, it is not clear to industry. P. Simeon agreed that TSSA needs to be clear about what the requirements are.

There was a discussion about announced versus unannounced inspections. K. Kennedy commented that there are occasions where TSSA has very little margin for manoeuvre in scheduling unexpected audits, such as a propane conversion centre that only does a handful of conversions a year. P. Simeon added that announced inspections are part of transparency as an outcome-based regulator so industry can achieve outcomes beforehand. J. Jackson advised TSSA would want to get a clear view of the marketplace. Real-time is preferable to preplanned. He does not buy the argument about preplanned inspections. On re-inspection, when a regulator goes back, of course one looks at high-risk, but it is best to do a complete re-inspection because there might be something else the site failed to do. E. Nielson philosophically agrees with outcome-based regulatory approaches; however, it is important to use discretion and common-sense with respect to retaining the element of surprise. R. Dulmage commented that the use of the word "should" could mean optional, even in a court of law.

B. Rose commented that SDOs add more and more content. There is a lot of "shalls" in codes and standards and it can be challenging for a regulator that has to enforce it all.



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

8. Stakeholder Engagement

A Campbell commented on making better use of everybody's time with more joint council meetings. Sometimes the discussion can benefit from a broader representation. Operating Engineers Advisory Council, for example, did not have a broad-based representation that was otherwise reflected in consultations. TSSA is contemplating joining the BPV and OE councils for the meeting in the winter or spring. We will be drafting the terms of reference to allow for nimbleness.

J. Jackson commented on BPVAC non-representation that there is pressure equipment in all sorts of facilities that consumers enter. E. Nielson also spoke to her experience in consumer involvement at Health Canada.

9. CAD Strategy – Update/ Summary from IACs

P. Simeon noted that five CADs have been posted for consultation to date. So far, the feedback has been limited but mostly positive. No feedback has suggested any material changes.

J. Jackson asked if an objective is to have no Ontario amendments. P. Simeon that TSSA is working with SDOs to minimize non-safety requirements and Ontario amendments. J. Jackson commented that CADs are very technical and do not identify how changes improve safety for the province in plain-language. E. Nielson added that there are cases like residential heaters that are not addressed through the CAD amendment process and relate to the Ontario Building Code. P. Simeon recommended E. Nielson speak to the government department responsible for the Building Code. R. Morrison commented that Tarion is under a major review and therefore not receptive at the moment. J. Jackson noted there is a new delegated authority hived off from Tarion that will have a regulatory presence with new regulations. That may be a forum for input from consumers.

10. ASPR Update

a) Current Key Issues highlighted by TSSA inspections

R. Wiersma touched on a few highlights, noting that the Annual State of Public Safety is now easier to read and follow. He recommended council download it. There was an increase on incidents and near-misses, but it has been flat for the past five years or so. He detailed the areas of high risk on the inverted pyramid in the report. The order has changed but the types of high risks have not. He noted that council asked about non-compliances inspectors are seeing. He said there are two ways of conveying that information: total number of non-compliances seen and the number by risk. The presentation showed both.

J. Jackson commented on the orders by risk, specifically matches, candles and flames used to check for propane leaks. R. Wiersma said he would have to take it back. R. Morrison asked what TSSA's goal is with respect to the high-risk inventory. R. Wiersma said TSSA wants a 50 per cent decrease in high-risk devices as a strategic goal. K. Woodcock indicated she does not understand the graphs and charts; they are hard to interpret. R. Wiersma commented that the pie chart reflects activity of the inspection in a given year. The bar, which could be represented as a pie chart, shows high-risk inventory over time. R. Morrison commented that residential dwellings should be on the inverted pyramid since the overall problem of carbon monoxide in homes looms so large in TSSA data.

B. Rose highlighted that the slide on the high risk inventory shows that TSSA spends too much time in low-risk devices and activities. 75% of our install base is non-compliant gave the OAGO impression most of our device base is high-risk, when it is not.



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

11. Ministry of Government and Consumer Services' (MGCS) Update

R. Hustwick focused his update on day-to-day activities since he was not directly involved on policy projects that are covered in the Government of Ontario update to councils. He spoke about his role in media monitoring, reviewing media clips to ensure a “no surprises” atmosphere for the Ministry and Minister. He then spoke about the CAD amendment process, noting that the new process is an improvement from the past. He then spoke to the corporate reporting process for TSSA and other delegated administrative authorities (DAAs) and appointments to DAAs. Due to a fire alarm, R. Hustwick cut his update short.

J. Jackson reiterated that there needs to be plain language statements on the CADs when they go out for internal and public consultation. For example, justification for variance from national code, impact on public safety, added costs, impact on internal trade, competition, environment, small business and other externalities.

12. Business Model – Update

D. Brazier provided an update, noting that fees will be flat going forward and bundled. He focused on how the new fee structure will benefit consumers, including support for outcomes-based regulation, revenue-neutrality, lower fees for simpler devices and no costs on individual certificate holders. He then focused on next steps, noting the new fee structure will be effective in early 2021. TSSA is still working with some industry groups to make sure they understand it. Fee implementation activities are ongoing this fall.

13. Customer Value Survey

A Campbell noted this item was from the spring 2020 meeting. That presentation was longer, but she did not feel it was warranted for this meeting. The purpose of the presentation is to raise the council's awareness. The contractor used the same methodology from year-to-year to allow for apples-to-apples comparisons. Lower numbers on providing value for fees is something TSSA is addressing through the new fee structure. There was a bit of slippage in the Perceived Value Index. Compliance, voicing disagreements and the website are three issues identified in the survey to increase the Perceived value Index. The website category is really a larger issue.

E. Nielson asked why the survey only asks feedback of regulated parties. What about consumers? A Campbell clarified that it was a survey of regulated businesses. She noted that TSSA uses regulated entities and customers interchangeably. Indirectly the consumer is impacted because of how industry is regulated, which is why TSSA is sharing the information on the survey. E. Nielson said she prefers if TSSA used “regulatee” over “customer.” B. Rose added that the term is in use to signal an intent towards regulated parties. K. Woodcock agrees with the differentiation between customers and regulatees but spoke of licensees. K. Kennedy clarified TSSA has some regulated parties that do not hold licenses.

R. Morrison suggests regulated partners.

14. Council Issues Sheets – Update

a) Issues template – update

J. Jackson introduced the concept behind the template. R. Dulmage suggested a tracking table. J. Jackson recommended speaking to K. Kennedy about it.

b) 1lb Propane Cylinders

J. Jackson commented that there was an advisory issued by TSSA that was distributed to camping sites, fire services and the public concerning consumer transfer of propane from 20lb cylinders to one pound vessels. There are lots of how-to manuals on-line about it. R. Dulmage said that TSSA has done what it can within its own remit, so this needs to be monitored for effectiveness of TSSA's advisory and possibly there is a need to look



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

beyond TSSA for traction. J. Jackson noted the producer is now responsible for disposal of one-pounders through waste recovery legislation, but that is just conjecture at this point.

c) Participation in RRGs

E. Nielson spoke to the issue, noting that there is a place for consumers on TSSA's risk reduction groups. It was noted that risk reduction groups are currently under review by TSSA and membership composition is one element of that review.

d) Maintenance of Fuel Burning appliances

E. Nielson spoke to the issue. It was raised at CAC several years ago. She also raised it at the Natural Gas Advisory Council. Consumers are unaware of the need for regular maintenance of home heating equipment. Costs are an issue. The CSA approach gained no traction. Recommends consumer-friendly plain-language information on furnace, water heater and boiler maintenance. K. Woodcock commented that insurance companies could be leveraged, like a home insurance representative on the council. A. Campbell commented that these are good tips and that the issue is difficult to address. TSSA has a three-year strategy around carbon monoxide and device maintenance. TSSA is doing research on what is effective in making people act differently. This is TSSA's biggest area of focus for public information. E. Nielson spoke specifically of the challenge with condos that change ownership, which does not require equipment maintenance.

e) Consumer presence in Strategic Plan

R. Dulmage spoke to the customer presence issue, namely the lack of understanding by many consumers of the important role TSSA plays in many aspects of their everyday lives and how little they utilize their TSSA compliance as a value add to their current and potential customers. TSSA has made attempts to address this matter but is still not consistently considering the end-user. E. Nielson recommended mentioning that the consumer should be mentioned in the Strategic Plan. R. Dulmage said contractors should be able to articulate what the value of TSSA is in relation to its business.

15. Verbal Reports from Fall 2020 Industry Council Meetings

K. Woodcock spoke about ADAC. Readjustment of the fee, code adoption and regulation of amusement equipment that is not covered in the regulation currently.

R. Morrison spoke about Operating Engineers. Alternate Rules is now in-force, but it is not without controversy. The implications of the agricultural exemption revocation will have impacts too. He deferred to B. Rose on a recent meeting with Canadian Manufacturers & Exporters. B. Rose commented that they are looking for a "lighter touch" from the regulator and a way to facilitate dispute resolution. She said 80 per cent of complaints are fees and billing related. So that is a focus right now. After that, we will consider a more robust complaints process. J. Jackson asked when the public will have an opportunity to provide input on outcome-based regulator. E. Nielson asked what role the consumer has had in the rollout of the OBR. B. Rose noted the councils were solicited, so too were stakeholders through government.

E. Nielson spoke to LFAC, noting that similar priorities of TSSA were presented. Subject-matter wise, pipelines, decarbonization and alternate fuels were discussed. She did raise the issue of furnaces, but the council did not have many solutions.

J. Jackson spoke to both PAC and SLAC. He focused on the patio heater matter and the updates on terms of reference, specifically the issue of defining confidentiality. Tanker truck inspections overlap between Transport Canada and TSSA doing similar oversight, but with more confidence in Transport Canada inspections because that is all transport Canada does. On SLAC, he noted there are new guidelines the industry has come up with around COVID-19. Incident reporting was discussed, particularly non-reporting of incidents. One insight to him was the punitive nature of the financial penalties.

December 1st, 2020

Page 5 of 8



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

A Hussein commented on EDAC, focusing his remarks on the challenge of social distancing and the impact on elevator fleets in high-rise buildings. J. Jackson asked if this issue is worth doing an issue sheet for.

A. Campbell noted that TSSA is being empowered to collect data and enforce monetary penalties. B. Rose suggested this is a timing issue because TSSA should look at an issue sheet after data is collected. K. Kennedy recommended that the CAC provide input on the consultation around outreach to property managers and the public about knowledge on contracts. R. Hustwick agreed to put CAC members in touch with MGCS colleagues working on the project.

R. Dulmage spoke to LFAC, noting that the chair raised abandoned gas stations and contaminated lands. It is very expensive to remediate these sites. It does not cost as much to remediate the land in the United States.

Action: A. Hussein will do an issue sheet on elevator availability.

16. Council Issues

a) COI Backlog

M. Williamson provided an update as of October 30, 2020: ROIs received; COIs issued. She then spoke to challenges in implementation, both for TSSA and insurers, such as multiple ROIs for a single device, incorrect data, TSSA-issued multiple UIDs for a single device and multiple accounts for the same customer. She shared that OASIS will resolve all these identified problems.

There were no questions from Council.

b) Recruitment

Christine Simpson. K. Kennedy spoke about it.

17. Questions and Other Business

BPVAC membership. R. Dulmage suggested working on a position paper for A Campbell and K. Kennedy.

Action: R. Morrison and R. Dulmage will work on the paper.

18. Council Administration

a) Membership Renewal – Ahmad

Hussein, Ronald Morrison, Elizabeth Nielsen & Kathryn Woodcock.

A Hussein, R. Morrison and K. Woodcock agreed to renew for an additional 3 years. E. Nielsen indicated she would prefer not to continue – she will continue for one year until a replacement is found.

c) Membership Matrix

E. Nielson vacancy means a new member recruitment is required. E. Nielson suggested a more diverse membership.

Action: E. Nielson recruitment.

b) Advisory Council Portal

K. Woodcock noted that Slack is a good format, has security features for companies and sites in your desktop at all times. It has individual workspaces. She has used it for text-chat meetings, planning – it is very versatile. Would require a paid subscription. R. Dulmage said he is concerned about ongoing issues and new members ability to get a grasp of it. The minutes at least are publicly available. K. Kennedy noted that minutes are available in the public domain and via email.



Technical Standards and Safety Authority

Minutes of the Consumers Advisory Council

Meeting on December 1st, 2020

19. Adjournment

The meeting adjourned at 1:00 p.m.



Technical Standards and Safety Authority
Minutes of the Consumers Advisory Council
Meeting on December 1st, 2020