



# **Technical Standards and Safety Authority**

## Minutes of the Fuels Advisory Council Plenary Meeting

Meeting on October 11<sup>th</sup>, 2023

### **Minutes of the Fuels Advisory Council Plenary Meeting of the Technical Standards and Safety Authority (TSSA) held virtually at 9 a.m. on the 11<sup>th</sup> day of October 2023.**

**Present:** Terry Ablett, James Callow, Rae Dulmage, Theresa Espejo, Brent Francis, Dave Karn, Anil Lal, Dereck Northcotte, Gary Highfield, Kelly Hart, Jay Jackson, Kevin Johnson, Steve Kuzmanovic, Robert Loenhardt, Martin Luymes, Brian McBain, Sunaina Menezes, Jeremy Mitchell, Miranda Reid, Neil Waugh, Jim Wood

D. Brazier, CFO, Alexandra Campbell, VP Communications and Stakeholder Relations, Lisa Hall, Director, Communications, Gary Highfield, Engineering Manager, Ammara Khan, Manager, Stakeholder Relations, Priya Ferris, Director of Finance, Roger Neate, Director of Customer Service, Allison Nicholls, Policy Advisor, Bonnie Rose, President & CEO Phil Simeon, Policy Director, Olga Sousa-Dias and Kathy Pearsall, TSSA Advisory Council Support

Diana Bosnjak, Technical Safety Unit, MPBSD, Tracey Teed Martin, Director, Engineering Services, Enbridge

#### **1. Welcome and Constitution of Meeting**

D. Karn called the meeting to order at 9:00 a.m.

##### **a) Safety moment**

For the safety moment, council members received tips on managing stress and anxiety in the workplace.

#### **2. Adoption of the October 11, 2023 Agenda**

The agenda was adopted as presented.

#### **3. Approval of the March 8, 2023 Minutes**

The minutes were adopted as written.

#### **4. TSSA President and CEO's Report**

B. Rose began by introducing staff changes at the TSSA. Ajay Raval is Vice President, Operations. Roger Neate is Director, Customer Service. Kim Semper is



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Director, BPV and OE. Kelly Hart is Director, Fuels. AJ Kadingamar is Director, EDADSKI. Lisa Dymond is Vice President, People and Culture.

The TSSA's five-year Strategic Plan is to deliver consistent responses across all sectors. The plan has four key themes:

1. Rewarding Purpose-Driven Work. B. Rose noted that people are feeling burned out in the post-Covid era. There is a need to engage employees and to re-employ people, and TSSA is a great place to spend one's career.
2. Outcome-Based Regulator. The goal is to finish what has been started. There is a significant shift under way to become data driven. The shift will lead to improved safety outcomes, risk-informed inspections, better decision making, and more educated and informed customers.
3. Ease of Doing Business. The TSSA is seen as being difficult to work with and it is prioritizing actions to make things easier.
4. Future Ready. Fifteen new technologies need to be regulated and a growing disparity between old and new equipment needs to be managed. Employees need training. TSSA will develop a new policy and technical frameworks for emerging regulatory areas, including hydrogen, biofuels, CNG, LNG, and refrigeration.

The Strategic Plan will be deemed a success when customers and employees see the TSSA as a unified organization operating with efficiency and consistency. TSSA will collaborate across the enterprise using reliable data to make decisions and support one another into the future.

#### Questions and Comments

M. Luymes asked when is the fiscal year. B. Rose said the fiscal year ends April 30.

### **5. Ministry of Public and Business Service Delivery Report**

A. Nicholls said this item is being treated as read.

#### Questions and Comments

M. Luymes asked if the Red Seal Initiative would be impacted by the cabinet shuffle. A. Nicholls said no impacts are foreseen. D. Bosjnak said she is waiting to hear from the government on how to proceed with Red Seal.



## **6. Safety and Compliance Report**

V. Dessanti summarized the Public Safety Report for FY23. A full copy is on the website.

There has been an overall reduction in incidents and injuries in Ontario compared with a 10-year average. TSSA is cautiously optimistic that it could signify a positive trend, but it will take a year or two to find out.

In the fuels area, the most data come from propane sites, liquid fuel sites, and contractors. Incidents have decreased compared with the 10-year average. The majority are pipeline strikes that have no significant impact on overall harm.

TSSA conducted 2,310 contractor audits to educate and inform about new compliance standards. Based on those compliance standards full periodic audits were launched on September 1, 2023.

When businesses went back to normal after Covid, a decrease in incidents and injuries was seen, with 90% of periodic inspections finding no high-risk issues across the board.

TSSA is focused on prioritizing compliance with high-risk issues within each sector. Case studies were developed to highlight typical and unusual incidents.

Approximately one-third of periodic inspections in liquid and propane found high-risk issues.

### Questions and Comments

J. Jackson asked for definition of a periodic inspection. V. Dessanti said it is a regular inspection that is included in the annual license fee. One follow up is also included in the fee. The statistics represent periodic inspections only.

R. Loenhardt commented when the industry might work with TSSA to discern what is considered high and low risk. V. Dessanti said in the next workplan, TSSA will reassess risk of propane orders and launch compliance standards for propane and liquid fuels next year. R. Loenhardt asked if the plan would be done in concert with industry. V. Dessanti said it begins with data analysis. Engagement with industry will follow, likely next year.

M. Luymes asked for clarification of the acronym FEMP. V. Dessanti replied it stands for Fatality Equivalent per Million People.



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J. Callow asked if high-risk issues would be shared with the fuels advisory council for this year's findings. V. Dessanti said they would appear in the public safety report. A link will be shared. [ACTION]

#### **7. OBR Data Initiative**

V. Dessanti said data will help to prioritize risk and improve safety. Within the Strategic Plan there is a goal to increase available data to 40% of authorizations in FY24 and to 80% in FY25.

Data will also help to increase understanding of device profiles, equipment, and operators in order to develop initiatives and target support, education, and enforcement in the areas of highest need.

Fuels contractors and distributors need to understand their obligations and ensure their operations are safe. TSSA is inspecting to the compliance standard and tracking results with an aim to build a rate score over time. This will lead to risk-based periodic frequencies for contractors as well.

#### Questions and Comments

T. Ablett asked if there is an initiative to source liquid fuels contractor performance data from ongoing site inspections instead of infrequent audits which are less representative of the work that goes on. V. Dessanti said this is a good point. The more data, the better, and looking at the same issue from different angles is a good practice. T. Ablett said the number of people is less important than the number of jobs as a performance measure.

#### **8. OBR Education and Awareness**

P. Simeon said the focus is on authorizations (licences, registrations, certificates) as the entry way to the safety system. TSSA oversees more than 200,000 authorizations and efforts are being made to ensure all are valid.

TSSA has initiated the Lapsed Authorization Program targetting licenses that are not renewed on time. Multiple reminders are sent out and contact is then made to get them back into the system. Entertainment devices make up a big portion of this work.

P. Simeon compared a lapsed authorization to an expired driver's license. There are consequences for drivers who do not renew. The TSSA wants to increase awareness of this responsibility and make renewal easy.



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TSSA has also initiated a Historical Lapsed Authorization Program with the aim to reinstate authorizations that expired between 2016 and 2021.

Since 2019 approximately 160 owners, operators, and contractors have participated in the TSSA's Compliance Support Program.

Since June 2023 TSSA has offered a checklist highlighting when periodic inspections are scheduled and what to expect. There are opportunities to collect data and communicate with owners and operators throughout the life cycle of an authorization.

There were no questions.

## **9. Rule-Making Framework**

P. Simeon said the rule-making framework is about having a standardized, predictable, transparent approach to decisions. TSSA has heard from industry that it is not always clear when a code will be adopted or a requirement or amendment will change. The framework will impact compliance standards and Code Adoption Documents (CAD). TSSA is working on compressed gas CADs with the fuels team.

TSSA has established a list of trigger codes for each CAD. At the next round of advisory councils in 2024, TSSA will provide calendars for each sector.

Codes with the most influence will be identified. The goal is to reduce conflict internally and externally.

### Questions and Comments

R. Loenhardt asked about difference between a Director's Order and an Advisory Bulletin and the legal requirements for each. P. Simeon said CADs become law as they are adopted. Director's Orders and Inspection Orders require compliance. Advisory Bulletins provide clarity to support compliance.

R. Loenhardt asked if Advisories are TSSA's way of identifying a change in process but not in a requirement. P. Simeon replied that it is.

## **10. Fee Changes, Inspection Cancellation and Late Fee Payment Penalties**

P. Ferris said inflationary fee increases are coming, effective May 1, 2024. Increases have not kept up with rates of inflation in recent years. During the last



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three years the cumulative average of TSSA fee increases was 6.45% while CPI was 13.74%. The upcoming increases have not yet been calculated.

P. Simeon said with respect to late payment policy there is a focus on renewing licenses, certificates, and registrations on time. The advisory council is invited to provide input about recovering costs from late payments and cancellations from those who do not behave responsibly.

#### Questions and Comments

D. Karn asked if people let TSSA know when they close. B. Rose said some do and some do not.

M. Luymes asked if CPI is the best indicator of inflation. D. Brazier said the CPI is easiest to explain to people and TSSA treats it as a benchmark. Wages are the main drivers of cost.

### **11. Historic Lapsed Authorizations for Fuels Contractors**

K. Hart said historic lapsed authorizations go back five years prior to May 1, 2021. TSSA is focused on propane and liquid fuels. Fuels contractors were not included initially because they tend to be small operations without post office boxes and are hard to locate. TSSA has now isolated them and is following up to ensure they are registered.

In December 2023 or January 2024 a letter will be issued to contractors that lapsed in the five years prior to May 2021. A cease and desist order will be issued if the licenses are invalid. Prosecutions may follow.

#### Questions and Comments

B. Francis asked if the letters will be returnable. K. Hart said they will be delivered by registered mail so it will be known if they are undelivered.

J. Jackson asked about the volume of letters. K. Hart said approximately 3,000 letters will be mailed.

B. Francis suggested tracking lapses by linking the license holders with contractor licenses. K. Hart said TSSA can take a look at that.

R. Loenhardt asked if action would be taken against operators that are only a few months behind. K. Hart said no action would be taken. Most of the lapses



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relate to those who are no longer operating or have changed their business names.

J. Loenhardt asked how many contractors are currently in business. K. Hart estimated the number at 40,000.

T. Ablett said he received a letter warning that his license could be cancelled for not scheduling an audit. K. Hart said that letter is not the same as the letters targetting lapsed licenses.

D. Karn asked if recipients will be asked to reply to the letters. K. Hart said this could be included.

## **12. Red Seal Initiative**

P. Simeon said the Red Seal Initiative is being driven by TSSA, the Ministry of Labour, and Skilled Trades Ontario. TSSA is currently awaiting government direction on next steps.

### Questions and Comments

M. Luymes asked what direction TSSA is waiting for specifically, and from whom. P. Simeon said they are waiting for the Minister of Labour to say when the program will be launched.

## **13. Hydrogen and Biofuels**

P. Simeon said TSSA has an oversight framework for hydrogen and biofuels. The first engagement with industry had 80 participants. TSSA wants to ensure it has a plan with clear rules and guidance, a relevant licensing program, and H2 certification.

C. Thompson said TSSA is looking to ensure there are no gaps, particularly with respect to external and internal certification and training, and whether there are standards and regulations requiring amendments. Hydrogen is a common commodity. It is increasingly being used as a fuel which raises issues as it makes its way into contact with the public. TSSA is watching the technological evolution in the U.S. and in other provinces.

With respect to appliances, TSSA is looking for the development of standards and certification. Above 5% blending things become less clear.



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With respect to pipelines there are questions about percentage blending of hydrogen and natural gas.

With respect to codes and standards, TSSA will be evaluating compressed CAD and the 2022 version of BNQ 1784.

With respect to end uses, there is good control over fuels.

With respect to certification it will be interesting to see how the H2 Certificate is working in the field and where it may go in the future.

In terms of safety oversight, 13 applications are currently approved in six locations, mainly for warehouse lift trucks and the Enbridge pilot. The Ontario Technical University has done a lot of vehicle testing.

There are 14 applications currently under review, mostly for fuelling stations for warehousing.

More than 100 Ontarians hold H2 certificates.

The introductory stakeholder engagement was held yesterday. The implementation plan for hydrogen will be presented in 2024.

#### Questions and Comments

R. Loenhardt asked what triggered TSSA's movement toward developing a hydrogen strategy. He noted there is significant interest in propane blending. B. Rose said it came from the extensive outreach as part of the strategic planning process. People want to become certified as large filling stations and generating stations come online.

J. Jackson asked for clarification on residential appliances. C. Thompson said everything certified as a natural gas burning appliance is okay for blending with up to 5% hydrogen. Above that, the appliance will not fit the certification. Sending blended fuels through a pipeline may cause issues of pipeline integrity and safe operation of the appliance. J. Jackson asked if residents would know about the potential risk of the blends entering their homes. C. Thompson said they would not. T. Tee Martin said the Enbridge pilot currently has 3,500 residents enrolled and they are being compensated for the change in energy content. Hydrogen has one-third the energy content of methane. If it were to blend any higher percentage, Enbridge would have information sessions with residents who would be impacted. Enbridge is awaiting recommendations from the Ontario Electrification and Energy Transition Panel chaired by Mr. David Collie. B. Rose



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said TSSA has not engaged with the panel and asked if Enbridge would recommend the engagement. T. Tee Martin said she will get back to B. Rose about this. [ACTION]

B. McBain said fire services need to be engaged as a stakeholder. He said he did not know hydrogen produces carbon monoxide.

R. Loenhardt said much effort has been made to ensure that blends are considered a drop-in. It must be ensured that they are indeed drop-ins and not something that might cause problems, such as high levels of carbon monoxide.

D. Karn said new technologies must be kept to a high standard. Currently propane sites are the safest in Ontario.

#### **14. Licensing Modernization Initiative**

G. Highfield said TSSA is proposing annual licensing of specific entities, facilities, and activities enabling regular and predictable touchpoints to enhance public safety. These are proposed for operating engine plants, propane distributors, digester, landfill and biogas plants, liquid fuel distributors, and private fuel outlets.

TSSA has already engaged stakeholders and this will continue. With their feedback TSSA will submit a proposal to the Ontario government for consideration.

New licensing will give TSSA options for oversight. In 2018 the Auditor General recommended that licensed businesses be captured by the regulatory framework. She also recommended that renewal processes be reviewed to determine if any devices or sites need to meet specific conditions. Specifically around private fuel outlets (PFOs), it was recommended that a risk-based period inspection program be established with source water protection to identify the location of the PFOs.

Licensing gives TSSA options for oversight and ensure safety. It will also level the playing field and reduce the burden for license holders. The data collected will be used to assess safety and educate the industry where gaps exist.

Twenty-eight invitations were sent for stakeholder consultation as of September 18. Eighteen meetings were held or scheduled by October 10. There has been engagement with 23 stakeholder associations/organizations with an 82% meeting acceptance rate.



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Broad consultation is underway with targeted implementation of 2025.

#### Questions and Comments

R. Loenhardt noted that effort will be made to reduce inspections and burden on industry and that this is a great initiative.

#### **15. OASIS R4**

R. Neate said a new customer portal will be released in April 2024. Customers and organizations will create accounts and manage them online. The account dashboard will provide inspection reports and issued orders for download, high-risk orders that are outstanding. Payments and prepayments can be made through a secure Moneris environment. Exam requests can be submitted by location, and exam results obtained. The site will expand over time.

TSSA chose 10 applications that cover the most interactions, such as workforce planning, public information, training/certification/exam, customer management, program support/BPV, licensing and registration.

Customers will be supported with clear instructions, how-to videos, FAQs, and error alerts. Their feedback will be incorporated.

There were no questions.

#### **16. Website Update**

L. Hall said the website strategy and design was completed in FY23. The website will be launched on November 17.

The website will improve user experience while enabling access to core information required by TSSA audiences. It will provide more relevant and timely information to stakeholders. Extensive user input was integrated during its development.

Council was given a tour of the new website. From the landing page there are links to regulated industries, consumer safety, engagement and consultations, licensing and registration, training and professional certification, legislation and enforcement. There are links to latest updates and to top tasks. There are links to regulated industry dashboards by sector and each dashboard is linked to the TSSA portal. There is also a library document search feature.



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Feedback from the advisory council will be invited to walk through the site before launch for final feedback.

#### Questions and Comments

R. Dulmage asked about consumer accessibility to WCAG rules for those with disabilities. L. Hall said PDFs are being renamed to apply a consistent convention and to remediate them. Training is being sought for people to create PDFs in a way that meets disability standards.

B. Francis said as a propane distributor there are multiple accounts he delivers to and it would be helpful if these could be crosslinked on the website. R. Neate said he would get back to B. Francis about this. [ACTION] B. Francis added that it would be helpful to be able to see if third-party service stations and technicians are in compliance. R. Neate said this would not be possible in the initial release, but could be a future enhancement. L. Hall said she liked the idea and will take it back to the team.

B. Francis said some sites have “wish-for” buttons for users to identify things that are not on the website. L. Hall said it was an interesting suggestion.

R. Loehart asked if bulletins and advisories will continue to be sent to specific stakeholders. L. Hall said they will be provided through e-blasts.

D. Karn asked if a contractor who has not renewed his registration would be removed from the website. L. Hall said lapsed contractors would be removed. A. Campbell said fuels contractors will be updated every two weeks. Accredited training providers can be searched as well as certificate of authorization holders.

B. Rose said it is good to consider when a lapsed contractor should be removed from the website.

J. Jackson said the Ontario Builder Directory provides status of registrations. They note lapses but do not remove the vendors from the database. He recommends leaving them on the website, while showing they are lapsed. A. Campbell noted the suggestion for a future enhancement.

J. Wood suggested that a distributor could contact contractors directly to verify their certifications.



## **17. Customer Service**

As outlined by B. Rose, A. Campbell said the strategic plan is a five-year vision for customer service that began May 1, 2023 to improve interactions with customers and internally. TSSA's goal is to reduce burden and harmonize interactions with customers and to balance between service with oversight/enforcement.

Initiatives are as follows:

- Launch website in November 2023. Volunteers from council will be invited to do walk-throughs before the launch.
- Launch portal in April 2024 with a continued support model in place.
- Introduce customer journey mapping in 2025 to streamline and harmonize processes. Exams and engineering are under consideration as the first to processes to review.

## **18. Industry Prioritization Update**

Using menti.com, council members were asked to name their top three priorities for customer service improvements at TSSA. The following responses were received:

1. Invoicing and process
2. Replies to technical questions sent to TSSA
3. The website. Also, continuing improving fire service relationships (ie, our inspectors do work well together)
4. Display authorized technicians
5. Hydrogen blending
6. Invoice clarity
7. Easy permit or certification processes. Consumer safety information resources. Team approach to inspections and orders processing.
8. Accessing up-to-date information quickly and conveniently.
9. Easy access to ask technical questions

A. Campbell asked council members to bring agenda items forward to future meetings.

Current priorities include:

- On the propane side there is a request regarding who is allowed to do drainage. This requires a regulation change and work is underway.
- On the fuels side, biofuels and proximity to source water are priorities. These will be addressed at the advisory council meeting.
- On natural gas, the Red Seal Initiative will be updated.



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R. Loenhardt noted that the question of who will be allowed to do tank evacuations is under review. He said TSSA participation has been appreciated.

D. Karn said prioritizing is the right approach.

## **18. Adjournment**

The meeting was adjourned at 11:33 a.m. It was followed by an in-camera session for councils only and an in-camera session with the CEO.