



Technical Standards and Safety Authority

Minutes of the Boilers, Pressure Vessels, &
Operating Engineers Plenary Advisory Council
Meeting on September 19, 2022

Minutes of the Boilers, Pressure Vessels, & Operating Engineers Plenary Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 9:00 a.m. on the 19th day of September 2022.

Present: Ryan McLaughlin for Joe Adams, Slegers Engineered Products Inc; Greg Black, International Union of Operating Engineers (IUOE); Mario Gogic, Babcock & Wilcox Canada; Mohammed Farooqi, Imperial Oil; Frank Zhang for Yan Huang, Intact Insurance Specialty Solutions; Ryan Jones, The Sovereign General Insurance Co; Ralf Klopff, Institute of Power Engineers; Peter Michieli, Arlanxeo Canada Inc.; John Milton, Ontario Recreation Facilities Association; Ronald Morrison, TSSA's Consumers Advisory Council; Rod Philip (Chair), Stelco; Justin Awoyomi for Kavita Ramcharan, CBMUA & BI&I; Brian Taylor, CBS & Waterloo Manufacturing Co. Ltd.; Jamie Webb, MCA & Anderson Webb

Monifa Barnes, Supervisor, Customer Management; Alexandra Campbell, VP, Communication & Stakeholder Relations; Sandra Cooke, Manager, Compliance; Viola Dessanti, Director, Strategic Analytics; Caslav Dinic, Technical Supervisor, BPV Safety Program; Danielle Fernandes, Policy Advisor; Kristian Kennedy, Manager, Government Relations; Shaun Montano, Manager, Engineering, BPV Safety Program; Bonnie Rose, President & CEO

Guests: Erik Lockhart, Smith School of Business, Queen's University; Erick Morales, Senior Policy and Program Analyst, Technical Safety Unit, Ministry of Public and Business Service Delivery (MPBSD); Allison Nicholls, Senior Policy Advisor, Technical Safety Unit, MPBSD; Peter Richardson, Smith School of Business, Queen's University

Regrets: Justin Clappison, ArcelorMittal Dofasco; Jamie Dreveny, Ontario Power Generation; Randy Purves, Conestoga College

1. Constitution of Meeting

The Chair, R. Philip, called the meeting to order at 9:05 a.m.

a) Safety Moment

For the safety moment, the plenary was shown a short video with safety tips for driving in autumn.

2. Adoption of the September 19, 2022 Agenda

The agenda was adopted as presented.

3. Approval of February 17, 2022 BPV/OE Plenary Minutes

Council approved the minutes as presented.

4. TSSA President & CEO's Report

B. Rose spoke to this item. She detailed Fiscal Year 2022 milestones, described how these milestones align with advisory council members' concerns, enumerated Year 6 goals and provided an update on labour relations at TSSA. She noted that the TSSA inspector strike has entered its ninth week. She hopes an agreement can be reached soon. She detailed TSSA's contingency plan to meet public safety and business needs during the strike.



Technical Standards and Safety Authority

Minutes of the Boilers, Pressure Vessels, &
Operating Engineers Plenary Advisory Council
Meeting on September 19, 2022

There were several questions following B. Rose's presentation. In response to a question from a member about delays for boiler and pressure vessels inspections, B. Rose explained that in the case of incidents, investigators are carrying out investigations as normal and they are not unionized. Another member asked how to prevent TSSA data from sliding back into where the organization was previously. B. Rose replied that data quality will be better institutionalized. Other processes in place will catch errors in data input so that TSSA can make data fixes. A member asked about the engineering backlog, noting that it is now a four-month wait for reviews. S. Montano replied that the backlog has shrunk significantly and is cut in half. He advised that for business-critical reviews, contact him directly so he can escalate the files. He forecasts that the backlog will be eliminated by October. Another member asked about the Chief Officer opening, noting that finding a qualified First-Class Operating Engineer with plant experience is difficult. He would expect a five-year learning curve for someone without previous experience. B. Rose explained that there have been resumes submitted and TSSA is assessing the calibre of the candidates. A. Raval indicated the recruitment is being fast-tracked and several candidates have been interviewed. C. Dinic is acting in the position in the interim and he has qualified operating engineers working on his team. A member asked if boiler and pressure vessels' first inspections are happening as normal. A. Raval replied that first inspection backlogs are currently a priority.

5. Strategic Planning

B. Rose indicated that E. Lockhart and P. Richardson will provide a recap of consultations and present the proposed new strategic plan. P. Richardson underscored common themes that came through stakeholder consultations and the potential priorities related to those themes.

A member asked about the definition of "outcome-based regulator," describing it ambiguous as a term. B. Rose clarified that outcome-based regulation is not about self-regulation; it is about using the most effective resource to reducing harms depending on the circumstances. A member asked why operating engineers are not listed on the list of stakeholders who were consulted, and another added that the list of stakeholders on the presentation slide are all private sector enterprises. Another member shared these concerns. B. Rose pointed out that the Operating Engineers Advisory Council is in fact listed on the slide. Another member commented that not all private sector entities should be lumped into the category of putting profit above safety. B. Rose commented that consultation was extensive, based on what she heard from the consultants. P. Richardson added that some of the corporations interviewed have safety controls that are more advanced than what TSSA requires in the codes and regulations.

The meeting participants were asked to participate in an anonymous online survey.

6. Ministry of Public and Business Service Delivery Report

E. Morales spoke to the item. He noted the ministry name change to Minister of Public and Business Service Delivery in June. He also noted that there is a new minister and a new memorandum of understanding (MOU) with TSSA and the other Delegated Administrative Authorities. A member asked who is responsible in the MOU for championing regulation change, TSSA or the Ministry of Public and Business Service Delivery. E. Morales remarked that TSSA administers the regulations and that the regulations are the Ministry's prerogative to amend.

With respect to a question about the status of Office of the Auditor-General of Ontario recommendations, B. Rose remarked that some of the recommendations are dependent on Release 3 of OASIS. A. Campbell commented that 83 per cent will be completed by the end of the year, which exceeds the average implementation of Auditor-General recommendations. A member asked if the names of the certifications – Gas Fitter 1, 2 and 3 – will change with the transition to Skilled Trades Ontario and another if Ontario be looking to attract certificate-holders from other jurisdictions. E. Morales confirmed



Technical Standards and Safety Authority

Minutes of the Boilers, Pressure Vessels, &
Operating Engineers Plenary Advisory Council
Meeting on September 19, 2022

that labour mobility is a goal and that the names of the trades are not likely to change from gas fitter or gas technician.

7. Historic/Lapsed Authorizations Update

K. Hart spoke to this item. She provided an overview of the lapsed authorization program and detailed the historic lapsed authorization process, which goes back five years to tackle older lapsed registrants. She noted the lapsed authorization program has now been incorporated into Operations and is no longer in project mode. TSSA Customer Management Supervisor Monifa Barnes oversees that process now.

A member asked if information is being gathered as to why registrations are lapsing and if the information can it be used to better administer the regulations. K. Hart said that the reasons for lapsed authorizations vary from sector to sector. For BPV education is an issue that explains lapsed authorizations. A member asked about the certification of tradespersons. K. Hart replied that it is excluded from the current phase of the project. B. Rose added that in the future certificate-holders will have to be included in the lapsed authorization program. A member asked if sixty days is too long a notice period for tracking down lapsed authorizations. K. Hart replied that that is under discussion but clarified that during the sixty days TSSA is not passive and is actively working to change their status, including sending notification letters. Many BPV authorization-holders tend to renew on their own before the sixty-day limit.

8. Safety and Compliance Report

V. Dessanti provided a safety and compliance report for the BPV/OE program. She referenced data presented in the material shared with council in advance of the meeting and provided council with an overview of two case studies. B. Rose noted a typographical error with respect to the high-risk inventory on slide 9. V. Dessanti will look into the error and clarify.

Questions were deferred to the end of agenda item #9.

9. Revised Risk Score

V. Dessanti spoke to this issue. She noted that changes are being considered this year so that the risk score is more rigorous and data-driven for classification of devices and operators in terms of their low-, medium- and high-risk status. A revised risk score is critical to an outcome-based regulatory model. Updates will be provided as the project rolls out.

A member asked about the refrigerant incident in which the safety valve that was not replaced for five years. V. Dessanti clarified that the reference relates to a commonly found non-compliance, not a specific case. He also asked if the report can be narrowed down by plant type and how the plant is managed, i.e., is it through the regulation or via Alternate Rules, to know root causes. V. Dessanti commented that TSSA does not do that currently. Plants get one risk assessment regardless of plant type. She will take this idea back for consideration.

A member asked about the root cause of 2022 incidents: There is approximately 97% that do not have a root cause listed. V. Dessanti agreed but clarified that a root cause determination requires several questions about the incident to be answered before a root cause can be established. It is not always possible to do that.

A member asked about the case study in the report and if the equipment failure resulted from faulty material or whether it had reached its end-of-life. He commented that if the latter, the insurance industry would customarily speak to the owner of the device about equipment age and attrition. The insurance industry does a lot of lessons learned from these sorts of findings. V. Dessanti replied that TSSA also



Technical Standards and Safety Authority

Minutes of the Boilers, Pressure Vessels, &
Operating Engineers Plenary Advisory Council
Meeting on September 19, 2022

learns from its data-driven and risk-informed data collection. A member asked about end-of-life for high-pressure piping. A. Raval said he will follow up. A member commented that TSSA will struggle to move forward on its regulatory delivery while there are so many data unknowns. Another asked if the high-pressure steam incident case study is valuable to share broadly on the TSSA website. Operating pressure and depth of cover footage might be helpful. V. Dessanti commented that this incident is in the Public Safety Report and TSSA will try to highlight the example online. A member asked where BPV/OE incident reports originate and was informed by V. Dessanti that they come from the Spills Action Centre (SAC). There is also a mechanism to report directly to TSSA, but very few reports come through to TSSA directly. The member inquired if the site case study accurately reflects sector incident profiles since it is of an environmental nature. The Chair commented that SAC is likely not an adequate means to capture all the BPV/OE incidents in the province.

Action: A. Raval to follow-up on end-of-life for high-pressure piping.

10. Alternate Rules Update

A. Raval spoke this item. He advised that the review of Alternate Rules will be done on a twice-per-annum basis now in lieu of quarterly due to the low numbers of submissions.

11. Revocation of Agricultural Exemption – Update

A. Raval spoke this item. He noted TSSA is looking to leverage communications channels to increase the numbers of registrations.

A member asked if the revocation of the agricultural exemption has uncovered any safety trends. A. Raval noted there is little difference between agricultural data and general device data as far as devices are concerned. S. Montano added that missing relief valves and valves set too high are the usual compliance issues, because these sites are owned by operators who were not subject to the regulations previously and less familiar with requirements. Another member asked if any “soft” data is collected, not necessarily with the regulation or codes, such as any red flags when the objects transfer to insurers. Second, he asked where TSSA was in terms of the phase-in of a five-year plan to register all agricultural devices. A. Raval commented that once COVID delays and strike-related first inspections are dealt with, TSSA can pivot back to implementing the five-year plan. A member asked what insurers should do for periodic inspections at these sites. S. Montano suggested they deal with repairs and tell the device owner to go to the TSSA website and register. A member asked if labour relations issues continue may AIAs or insurers be engaged to address those labour challenges. A. Raval will take the question back for consideration.

Action: A. Raval to follow up with the council on the labour relations question about AIAs.

12. Fee-related Updates

D. Brazier commented that one year on the new business model is working successfully. He noted too that lapsed authorizations follow up resulted in extra revenue. He noted BPV and OE are still running at a deficit, as is Fuels. In recent months, TSSA undertook an analysis of the new business model. Any changes will be communicated to the advisory councils. An inflationary fee increase will be necessary as costs are increasing this and next year. The fee change would be effective for next May.

A member commented that there should be opportunities for cost reductions. The member added that fee increases are substantial and yet TSSA is not breaking even. D. Brazier said TSSA does look for efficiencies, but people costs comprise most of TSSA’s costs, which tend to go up each year and TSSA cannot reduce the number of staff significantly. A member asked about head office costs and if there are opportunities to reduce costs if staff are not returning to the office to work. D. Brazier explained that TSSA



Technical Standards and Safety Authority

Minutes of the Boilers, Pressure Vessels, &
Operating Engineers Plenary Advisory Council
Meeting on September 19, 2022

shifted to a hybrid work model and is on a lease until 2026 for the head office building so a decision will have to be made on the lease, but at a later date. D. Brazier added that TSSA is digging into all individual costs to see where it is not covering its costs. Another member expressed concerns about the financial impact of merging OE and BPV and increasing OE fees for BPV deficits. D. Brazier clarified that certificate-holders like operating engineers were not part of the BPV fee increase and increases.

13. Stakeholder Engagement a. Customer Value Survey

K. Kennedy provided an overview of the findings of the most recent customer value survey.

There were no questions or comments from the plenary.

14. Industry Prioritization Discussion

On the UID issue, A. Raval recommended moving the issue to the insurer working group now that it is complete in this forum.

On ice-sheet matters, TSSA has reviewed a draft advisory. Before its issuance, inspectors will have to be trained on any requirements set out in the advisory. After the strike it will take six to eight weeks to complete this preparatory work.

Action: Move UID issue to TSSA insurer working group.

Adjournment

The meeting adjourned at approximately 2:00 p.m. after which council members held an in-camera session with B. Rose followed by an industry-only in-camera session.