



# Technical Standards and Safety Authority

Minutes of the Fuels Plenary Advisory Council

Meeting on March 27<sup>th</sup>, 2024

## **Minutes of the Fuels Advisory Council Plenary Meeting of the Technical Standards and Safety Authority (TSSA) held virtually at 9 a.m. on the 27<sup>th</sup> day of March, 2024.**

**Present:** James Callow, Rae Dulmage, Theresa Espejo, Brent Francis, Dave Karn, Dereck Northcotte, Steve Kuzmanovic, Robert Loenhardt, Martin Luymes, Brian McBain, Sunaina Menezes, Jeremy Mitchell, Neil Waugh, Jim Wood, Tracey Teed Martin, Greg St. Louis

TSSA: D. Brazier; Alexandra Campbell; Lisa Hall; Gary Highfield; Kristian Kennedy; Priya Ferris; Anil Lal; Bonnie Rose; Phil Simeon; Olga Sousa-Dias

Guests: Diana Bosnjak, Allison Nicholls, Miranda Reid

Regrets: David Hammand, Terry Ablett, Kevin Johnson, Kelly Hart

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

Martin Luymes called the meeting to order at 9:07 a.m.

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

For the safety moment, council members were informed about safety tips for the upcoming solar eclipse.

### **2. Adoption of the March 27, 2024 Agenda**

The agenda was adopted as presented.

### **3. Approval of the October 11, 2024 Minutes**

The minutes were adopted as presented.

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

B. Rose treated the presentation as read and highlighted the importance of council prioritization of issues. TSSA has a Strategic Plan and needs to prioritize additional issues accordingly. At plenary sessions council members have visibility on priorities. On slide 8, she detailed Year 1 initiatives of the Strategic Plan, including lapsed authorizations, Phase 1 of data digitization, a new customer



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service team working on a plan for improved customer service, cyber-attack compliance and internal data available for TSSA authorizations. She and A. Campbell detailed the client portal, particularly transactions covered by the portal. A. Campbell touched on customer sign-up requirements and showed a screenshot of the portal landing page. The new website was launched since the last plenary meetings in November, 2023.

B. Rose noted in her presentation that certifications and examinations are backlogged and TSSA has an improvement plan to address root causes, including short-term information technology fixes. Long-term, TSSA has to review how it processes certifications and examinations. G. Highland added that the G3 examination is now online to help speed up that examination process. B. Rose added that most backlogged applications should be only 30 days old. If that is not the case, she advised that customers inform TSSA.

## Questions and Comments

M. Luymes asked about certification challenges, noting he recently learned of the backlog. The issue that was brought to his attention was customer service behaviour. He asked how TSSA intends to communicate with its customers that solutions are being implemented. B. Rose indicated that TSSA is cautious about communicating with customers because TSSA is not confident current fixes will be permanent. Once TSSA addresses the issue systematically next fiscal year there will be more communication.

M. Rae gave positive feedback in terms of the process for training providers. She asked if training providers will be involved in solutions. B. Rose indicated that customer journey mapping will form a key part of the lean exercise.

## **5. Fee Update**

P. Ferris provided an update. D. Brazier was unable to attend. She noted a 5% fee increase across all three programs will be implemented this spring. She provided detail to demonstrate TSSA increases are below inflation and that TSSA is working to recover costs and run the business.

For late and cancellation fees, P. Ferris spoke to the costs incurred by TSSA in attempting to collect payments that are late. As an organization, TSSA has not had late fees. It will assist with cost recovery and the maintenance of a current authorization install base.



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P. Ferris spoke to the proposals for cancellation fees. She provided background on the rationale for the fee and proposed fee amounts.

P. Ferris added that an online survey will be circulated for public comment, ideally next week for a 30-day period.

### Questions and Comments

There were no comments on the inflationary increase.

For late payment fees, G. St. Louis asked how TSSA intends to keep up to date multiple TSSA invoices, often with incorrect contact information. P. Ferris replied that the online portal will enable the customer to more effectively view their data, their contact information, and empower the customer to change this information themselves.

B. Francis made comments regarding the TSSA database, insisting that TSSA should do some internal work to better organize its database before introducing these late payment fees. He has concerns that the late payment fee amount is disproportionate to the amount of payment for the service of renewing certificates and business authorizations. He urges TSSA to ensure all customer information is up to date before introducing this measure.

M. Luymes asked who adjudicates disputes. He agrees in principle with late fees. P. Ferris will take it back.

G. St. Louis asked about the sliding scale for fees. P. Ferris noted there is a range in order to get feedback on the amount. M. Luymes stated the amount should not be the cost of doing business. G. St. Louis added that it should not be arbitrary. P. Ferris noted the motivation is to incentivize early payment. G. St. Louis noted that many of his have been late due to invoices going to the wrong people, even front-line staff. B. Rose and A. Campbell detailed the ways in which the portal will facilitate ease of review of TSSA authorizations.

B. Francis asked if reminders are set up in the TSSA OASIS system in order to ensure inspections are available. He asked if the reverse will be true: If a customer has contractors on-site and TSSA is late. P. Ferris replied that TSSA has a formal process in place for TSSA to reschedule or find a replacement inspector. There are rare instances in which TSSA cannot fulfill its appointment obligations. B. Rose added that TSSA's workforce planning system allows TSSA to optimize inspector resources. It is unusual for TSSA to miss an appointment. He stressed



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that inspector cancellations can have costs in the thousands of dollars. B. Rose stated the challenge is significant in elevating devices. M. Luymes has heard anecdotally of BPV inspectors not showing up from TSSA, however there were not any comments from members at the meeting about anecdotal experiences with TSSA cancellations.

R. Loenhardt raised the adjudication process. There needs to be a process for adjudication for there are reasonable checks so costly fees are not imposed.

### 6. Safety & Compliance Report

V. Dessanti walked through the Safety & Compliance Report. She noted an unusually high number of fatalities. Two of three appear to be intentional acts, possibly suicides.

#### Questions and Comments

For high-risk issues, B. Francis said are low-hanging fruit TSSA can deal with quickly. R. Loenhardt remarked that CPA sends out safety information so it is useful to have information from TSSA on details of cause specifics so his sector can put added focus on it. He added that while tragic, suicide statistics are not helpful as an individual is self-harming and happens to be using their product in that process. V. Dessanti indicated that it gets complicated when the issue of self-harm is not clear cut. So to avoid inadvertently withholding that information, TSSA reports it transparently. She noted that it does not reflect on the safety performance of a sector.

M. Rae echoed B. Francis' comments on communications to service stations. She advised a few years ago that TSSA do safety videos and OPCA is keen to collaborate. She will follow-up with K. Kennedy at TSSA.

D. Karn noted that for periodic inspections the challenge is that the form is left with the gas station attendant. Is the issue that the inspection was not done or that the inspection report was simply not provided. V. Dessanti did not have details on the findings. She noted TSSA will over the next few months be reviewing standard orders. She cannot comment on the specifics of the cases involving periodic inspections.

### 7. Licence Modernization Initiative



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P. Simeon, G. Highfield, A. Lal and K. Kennedy provided an overview of the Licensing Modernization Initiative. P. Simeon gave background on the project. G. Highfield spoke to some of the details around proposals. He noted the distributor model for fuel oil is being followed for propane and liquid fuels. A. Lal touched on the tank threshold on tank volumes for PFOs. He detailed the digester, landfill and biogas and highlighted the absence of oversight without a license.

P. Simeon noted that compressed gas authorization is added to the LMI.

### Questions and Concerns

D. Karn had question about PFO threshold. Still up for discussion. It is not the appropriate level. Has TSSA engaged OFA. Below license threshold level. He commented that there is a lot of small sites. D. Karn informed TSSA that even the smallest customer he has is over the regulatory threshold TSSA has set. TSSA needs to outreach with Private Fuel Outlets (PFOs) like Ontario Federation of Agriculture (OFA) and the Christian Farmers of Ontario. The threshold needs to be examined.

The CEMA board, J. Stewart explained, indicated that her board does not support this regulatory change. This is a significant issue. There is not a single president of a fuel company that supports this change. She does not feel her feedback has been factored in adequately. J. Stewart commented that her board does not support this proposal. On April 8 there is a meeting because this is deemed a significant issue. There is no support and significant concerns, as stated in their submission. The opportunity to consult with the board is appreciated.

R. Loenhardt appreciated the outreach, but slide deck did not mention the number of permitting processes, but it did mention concerns around regulatory burden. Trucking permits are one area where regulatory changes can be made to avoid duplication. R. Loenhardt from CPA commented that what was not mentioned from propane's perspective is the number of permits and processes already in place for propane, like RSMPs, inspections, truck permitting, etc. The slide deck suggests there will be more authorizations required. TSSA needs to reduce the burden as part of the LMI.

L. Marcil has had a lot of feedback from her members. There are a lot of small PFOs that don't understand that this applies to them. There are 1300 businesses that provide fuel to watercraft and the vast majority are PFOs. She does not



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believe many NOTO members participated in the TSSA survey. She will facilitate a webinar for TSSA. B. Francis echoes the above statements. TSSA should consider how much it is taking on. Industry is struggling with resources, TSSA will struggle with resources. TSSA has to seriously consider the safety rationale for this undertaking. L. Marcil indicated there there is a lot of members who are not aware, 1300, the vast majority of which are PFOs. These stakeholders probably have not provided feedback so a webinar is warranted.

B. Francis echoed the above sentiments and advised TSSA does not realize the resource and industry implications for licensing and inspections. TSSA might be biting off more than it can chew. He wondered whether there is a compelling safety rationale.

### 8. Ministry of Public and Business Service Delivery Report

D. Bosnjak treated the majority of the report as read. She drew the plenary session's attention to the Red Seal initiative. She explained that the Government of Ontario is closing out the Red Seal initiative. TSSA will continue to be the regulator of the three fuels certificates.

#### Questions and Comments

M. Luymes asked what the rationale was for the change. She stated that the Government of Ontario is committed to the skilled trades but spoke to the free trade agreement, which will ease labour mobility. He noted this will be a major disappointment and a good explanation will be needed. He understands a further explanation may not be able to be provided at this time.

R. Dulmage stated there is a need to address shortages of skilled trades. M. Luymes echoed R. Dulmage's view that the labour shortage is a problem in the future.

R. Loenhardt also echoed the sentiment. The CPA board spoke to the technician shortage and his disappointment. He asked if this is Ontario-specific or country-wide. M. Luymes clarified that it is only Ontario-specific. D. Bosnjak clarified the Reconciliation Agreement is still proceeding. The Red Seal initiative is Ontario-specific.

### 9. Hydrogen and Biofuels Update



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P.Simeon presented the item as a part of the TSSA's strategic plan for future growth in this industry, noting that this industry is slow-growth and represent small sectors. As governments are investing in Hydrogen and Biofuels aggressively, TSSA is preparing to view how this industry fits within its existing regulations. TSSA has a hydrogen certification regime in place already in place and exploring the development of this in the future. What approaches can TSSA take to ensure we have a safety framework in place for this sector?

G.Highfield spoke on the issue of Licensing Gaps and Year 2 for Hydrogen and Biofuels. There is a current gap in the licensing for Compressed Natural Gas with regards to periodic inspections, design review and registration, and tanker truck licensing. TSSA is looking to roll this out through Code Adoption Documents (CADs) expected for publication between Summer 2024 and Winter 2025.

There were no questions or comments from participants.

### 10. Code Adoption Documents (CAD) Update

P.Simeon provided an overview of pending CAD amendments. He presented timelines for engagement with stakeholders as well as expected publication dates for various CAD amendments. G.Highfield presented national code publication dates sometime in 2025.

There were no questions or comments from participants.

### 11. Industry Prioritization Update

G. Highfield indicated that the purging issue is in process. He touched on the ten-year propane installation inspection noting that the ten-year propane installation requirement is required and would be part of the license being proposed.

R. Loenhardt commented on the contractor audit. He clarified that it was never suggested it was the contractor audit. The contractor auditing system in place is for regulated entities to do due diligence. It may not be every ten years, but in fact is conducted more often. The intent was for industry, which looks at these sites frequently, noting that the ten-year inspection is overly burdensome and not required. G. Highfield said TSSA would take the issue back.

For bulk truck permitting, it is important for TSSA to review equipment in the province. The federal government transportation of dangerous goods looks at





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separate issues. R. Loenhardt provided an update on development of the curriculum and TSSA will move forward on it with MPBSD discussions. On biofuel, UL will transfer to a Canadian version by 2024. It was deemed premature to adopt the American standard when a Canadian one was months away. He advised a deeper discussion at the Liquid Fuels advisory council.

On invoice information, A. Campbell said the issue is on hold pending the portal launch. The hope is the portal will address the issues associated with it. For website information on local branch information, we don't have such information currently but TSSA will keep the issue on hold in the meantime. G. St. Louis asked if it was circulated in advance. It was clarified that it was walked in. He also asked about whether there are changes to the ten-year inspection change. J. Callow commented that he does not understand why there is not a level playing field vis-à-vis natural gas and ten-year inspection requirements.

### Questions and Comments

There were no questions or comments from participants.

### **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.