

Overview of TSSA's Action Plan to Address the Auditor General of Ontario's Recommendations ¹

Progress as of March 31, 2023

2. Review and update IT Systems and Operating License Review Process	Fully Implemented
<p>Recommendation</p> <p>To further reduce the potential risks to public safety, we recommend that TSSA:</p> <ul style="list-style-type: none">a. Review and update its information technology systems;b. Conduct a review of its renewal process for operating licenses in the regulated sectors to determine if any licensed devices and companies should be required to meet specific conditions before their operating licenses are renewed; and,c. Review all renewals of operating licenses to ensure that licenses of unsafe devices or companies or those that do not meet licensing conditions are not automatically renewed. <p>Steps Taken: TSSA's major IT infrastructure project has been fully implemented across the three program areas (as of Mar. 01/23); controls over data integrity and incident reporting have been implemented; Director of Strategic Analytics hired; processes have been enhanced to include conditions for license renewal, new compliance standards supplemented by inspection checklists have been implemented.</p>	
3. Safety Officer Responsibilities and Performance Management	Fully Implemented
<p>Recommendation</p> <p>To help its Chief Safety and Risk Officer (CSRO) review and report on the TSSA's public safety activities and performance more effectively, we recommend that the TSSA, together with the Ministry of Public and Business Service Delivery, more clearly and precisely define the Safety Officer's responsibilities and regularly evaluate the Safety Officer's performance against established performance criteria.</p> <p>Steps Taken: The updated Memorandum of Understanding reflects new expectations for the CSRO position which is supplemented by an updated job description and performance management framework.</p>	

¹ Recommendations 1 and 19 are fully implemented. They are not included here, as they are directed to the Ministry of Public and Business Service Delivery.

4. Effectiveness and Transparency of Public Reporting

In Progress

Recommendation

To help ensure the effectiveness and transparency of its operations, we recommend that, on a regular basis, the TSSA publicly report the following information, after reviewing it for completeness and accuracy:

- a. The number and type of inspections performed in each safety program area **Fully Implemented**
- b. The inspection and compliance rate in each safety program area, including the inspection compliance rate for each elevator maintenance company that operates in Ontario; **In Progress**
- c. The most common non-compliance issues identified in each safety program area; **Fully Implemented**
- d. Safety incidents reported by each safety program area; and **Fully Implemented**
- e. The number and result of re-inspections completed in each safety program area. **Fully Implemented**

Steps Taken: With the exception of b, TSSA has reflected the recommended disclosures in the annual Public Safety Report (effective 2019) and continues to enhance disclosures in the document to better meet transparency and relevance objectives. With regards to recommendation b, device compliance and safety data was reported instead of the recommended compliance rate for elevator maintenance contractors as that data was not considered reliable for immediate publishing.

Steps to be Taken: Identification of relevant contractor data and format to be considered; industry consultations and ensuring that the data planned for publication is accurate and fair.

Anticipated full implementation date: 04/2026

5. Inspection Standards and Consistency

Fully Implemented

Recommendation

To improve public safety by ensuring that TSSA's periodic inspections are conducted with greater thoroughness and consistency, we recommend that the TSSA:

- a. Implement checklists in all its safety programs where practical;
- b. Formalize its inspection standards, including those with respect to:
 - The type and amount of inspections that should be performed;
 - The number of samples that inspectors should select and inspect or test;
 - Inspection pass and fail criteria;
 - Minimum record keeping requirements; and
- c. Implement an inspector oversight process that includes an after-the-fact review and/or re-inspection of completed inspections

Steps Taken: Introduced compliance standards, inspection checklists and risk-based scheduling; formalized training program for new hires; documentation of work instructions and standard operating procedures in conjunction with the IT system implementation; and, implemented improved quality measures to enhance inspector consistency for all program areas.

6. Continuing Education for Licensed Mechanics and Technicians

Fully Implemented

Recommendation:

To reduce the risk to public safety and help ensure that licensed mechanics and technicians remain qualified, we recommend that the TSSA implement, where needed, a continuing education requirement as a condition of recertification.

Steps Taken: Implemented continuing education for ski lift mechanics (per Director's Order Ed-272-18 effective January 1, 2019). Also updated processes related to review continuing education requirements as new codes are rolled out; completed internal analysis to identify potential areas requiring immediate continuing education and undertook industry stakeholder consultations.

7. Review Fee Structure	Fully Implemented
<p>Recommendation: To ensure that fees charged reasonably reflect the cost of operating each specific safety program and that some safety programs are not being used to cover the costs of running other programs, we recommend that the TSSA conduct a review of its fee structure and publicly report the fee revenues collected from and costs of enforcement in each safety program area.</p> <p>Steps Taken: In 2019 TSSA completed a fee review and adjustments to the fee schedule were implemented to move away from cost cross-subsidization. Disclosure of fee revenues and costs of enforcement were first introduced in the 2019 Annual Report.</p>	
8. Risk-based inspection Program for Propane Sector	Fully Implemented
<p>Recommendation: To reduce the risk of potential incidents in the propane sector, we recommend that the TSSA adopt as soon as possible the Propane Expert Panel's recommendation for its risk-based inspection program and use all relevant information found in the Risk and Safety Management Plans to establish a risk score used to determine propane facility inspection selection methodology.</p> <p>Steps Taken:</p> <ol style="list-style-type: none"> Enhanced risk-based inspection process developed for implementation in fiscal 2020; presented enhanced process to TSSA's Propane Advisory Council; and developed database of information from RSMPs Issued communications to industry stakeholders regarding enhanced risk-based inspection process Completed gathering of outstanding details on propane facilities. 	
9. Evidence-based Decision Framework	Fully Implemented
<p>Recommendation: To help ensure that the TSSA's rationales for regulatory oversight are clearly based on evidence and its decisions balance public safety with the costs of regulatory compliance, we recommend that the TSSA establish a clear decision-making framework for when it is justifiable to:</p> <ul style="list-style-type: none"> Request the Ministry of Public and Business Service Delivery to license businesses operating in a specific sector Implement an ongoing risk-based periodic inspection program; Reduce the frequency of inspections or eliminate inspections; and Use other oversight methods, such as licensing conditions or voluntary registration. <p>Steps Taken: In April 2019, the TSSA Board approved a plan for TSSA to become an Outcome Based Regulator and has since developed processes for a new risk-based, decision-making framework for all program areas. Related actions include; hiring of a Director of Strategic Analytics and implementation of an updated, peer-reviewed risk model.</p>	
10. Fuel Oil Contamination	Fully Implemented
<p>Recommendation: To reduce the risk of fuel oil contamination from fuel oil tanks and hazardous carbon monoxide releases from fuel-burning equipment, we recommend that the TSSA as soon as possible:</p> <ol style="list-style-type: none"> Require fuel oil distributors to submit inspection report of oil tanks they service to the TSSA as part of their annual licensing conditions; and Together with the Ministry of Public and Business Service Delivery (Ministry), develop an action plan outlining the specific steps the Ministry and the TSSA plan to take with oil distributors and tank owners to improve the safety of oil tanks. <p>Steps Taken: Reiterated to fuel oil distributors their responsibilities under the Fuel Oil regulation and associated code adoption document and completed staged implementation of compliance standards. Developed an audit plan for fuel oil distributors which was implemented on November 1, 2020.</p>	

11. Private Fuel Storage Sites

In Progress

Recommendation:

To reduce the risk of contamination of source water, we recommend that the TSSA:

- a. Work together with pertinent implementing bodies for source water protection plans and the Ministry of Environment, Conservation and Parks on developing a plan to identify the location of private fuel storage sites that pose a significant threat to source water; and **In Progress**
- b. Where further action is needed, establish a risk- based periodic inspection program for private fuel storage sites that pose a significant threat to source water. **In Progress**

Steps Taken: Issued communications aimed at private fuel outlets and stakeholders.

Steps to be Taken:

- Continue communications and outreach to private fuel outlets, leveraging the Ministry of Environment, Conservation and Parks and source water protection authorities to support outreach.
- Finalize plan with Ministry of the Environment, Conservation and Parks (MECP) and Ministry of Public and Business Service Delivery (MPBSD) to identify appropriate private fuel outlets for outreach that pose threat to source water.
- In collaboration with MECP, Source Water Committees and MPBSD, develop a risk-based plan to undertake select inspections of PFOs that pose a threat to source water.

Anticipated full implementation date: 12/2023* (dependant on accessibility of location details, and consideration of options in collaboration with MECP and MPBSD)

12. Abandoned Fuel Sites

Will Not Be Fully Implemented

Recommendation:

To reduce the risk of contamination spreading on and beyond abandoned fuel sites, we recommend that the TSSA:

- a. Update its memorandum of understanding with the Ministry of the Environment, Conservation and Parks (MECP) and work together to develop and implement a centralized database inventory of all abandoned fuel sites and a risk prioritization model to identify high- risk sites – **Fully Implemented**
- b. Work together with the Ministry of Public and Business Service Delivery (MPBSD) and the MECP to develop a long-term funding strategy to remediate abandoned fuel sites – **Will Not Be Implemented**

Steps Taken: The Memorandum of Understanding (MOU) between TSSA and MECP was finalized; TSSA has undertaken initiatives within its mandate to share information about decommissioned and abandoned fuel sites and to follow-up on lapsed fuel site licenses. In addition, a standard operating procedure was implemented for ongoing identification of potentially abandoned sites. While TSSA continues to collaborate with the Ministry and MECP to identify high-risk abandoned fuel sites and take steps to mitigate risks, development of a funding strategy would involve many bodies (including ministries). How a former fuel site gets remediated is not overseen by any one body and funding site remediation is not an action that TSSA can take unilaterally. In summary, developing a long-term funding strategy to remediate abandoned fuel sites is beyond TSSA's structure and mandate, so it will not be implemented (by TSSA). Going forward, TSSA will continue to look for ways to strengthen fuel site compliance with decommissioning requirements.

13. Pipeline Safety

Fully Implemented

Recommendation:

To reduce the risk of pipeline safety incidents, we recommend that TSSA:

- a. Review its current oversight practice for pipeline operators against best practices from other jurisdictions; and
- b. Move towards a risk-based oversight approach based on each pipeline operator's specific safety risks

Steps Taken: TSSA has implemented an evidence-based safety model for pipeline audits using a risk-based approach and informed by best practices including Alberta, British Columbia and a number of jurisdictions in the U.S. The first audit under the new Oil and Gas Pipeline audit program was in June/21.

14. Fuel-Burning Installation and Maintenance	Fully Implemented
<p>Recommendation: To reduce the risks of carbon monoxide releases due to poor fuel-burning equipment installation and maintenance, we recommend that the TSSA:</p> <ol style="list-style-type: none"> As a part of its annual licensing conditions require fuel-burning installation and maintenance companies to submit to the TSSA a list of all employed technicians; Develop and implement a robust centralized information system that tracks the number of technicians working for each company and Select a number of technicians from each company for inspection, ensuring that over time all technicians are inspected. <p>Steps Taken: The new fuels contractor audit program includes a review of each company's records and documentation to validate compliance.</p>	
15. Compliance with Safety Laws for Elevating Devices	Fully Implemented
<p>Recommendation: To improve compliance with safety laws in the Elevating Devices sector, we recommend that the TSSA, together with the Ministry Public and Business Service Delivery (Ministry), develop an action plan outlining specific steps the Ministry and TSSA plan to take with elevator owners and maintenance companies to resolve current safety issues and bring the safety law compliance rate to an acceptable level.</p> <p>Steps Taken: * Support continues to be provided to the elevating device sector; TSSA worked with MPBSD to develop a joint plan to improve compliance in the industry, and TSSA has initiated a full spectrum Compliance Support program which focuses on high risk orders and includes education and outreach to improve industry compliance.</p>	
16. Safety of Amusement Park Rides	Fully Implemented
<p>Recommendation: To improve the safety of amusement park rides, we recommend that the TSSA:</p> <ol style="list-style-type: none"> Implement an oversight process to ensure that operating permits are issued only to rides that have been inspected and found to be safe after any safety issues are remedied; and Establish an inspection process to ensure that only rides with valid operating permits are in use. <p>Steps Taken: Initiated rotating audits of amusement park devices; launched operational audits throughout province to check operating permits, including random inspections; implemented policy for rides with high-risk orders to cease issuing operating permits until orders are resolved</p>	
17. Upholstered and Stuffed Articles Program	No Action Planned Due to Regulatory Change 01/07/19
<p>Recommendation: To significantly improve the effectiveness of its upholstered and stuffed products safety program, we recommend that TSSA:</p> <ol style="list-style-type: none"> Develop an action plan to improve this program so that its inspection and enforcement resources are used effectively and most efficiently to protect public safety; and Ensure that inspectors have the required training and equipment. <p>Note: Effective July 1, 2019, the Upholstered and Stuffed Articles regulation was revoked.</p>	

18. Inspection of Boilers and Pressure Vessels

Fully Implemented

Recommendation:

To start fulfilling its responsibilities under the *Technical Standards and Safety Act, 2000*, with regard to the safe operation of boilers and pressure vessels, we recommend that the TSSA:

- a. Establish inspection standards for boilers and pressure vessels and ensure that insurance companies are following these standards when conducting their inspections;
- b. Use the information collected from insurers to develop and implement a robust centralized system that tracks the number of boilers and pressure vessels that operate in Ontario, their location and their safety status; and
- c. Start collecting required information from insurance companies, review this information, and issue Certificates of Inspection for insured boilers and pressure vessels (BPV).

Steps Taken:

TSSA conducts BPV inspections in accordance with the National Board of Boiler and Pressure Vessel Inspectors and American Society of Mechanical Engineers (ASME) inspection standards; an insurer audit program was implemented to assess whether insurers conduct required inspections in accordance with National Board and ASME standards; TSSA actively collects device information and issues Certificates of Inspection for insured boilers and pressure vessels; a centralized system was implemented to track BPV devices and as part of the new IT system implementation, TSSA now collects Records of Inspection from Insurance companies.

* During Fiscal Year 2023 the Ministry of Government and Consumer Services (MGCS) was renamed Ministry of Public and Business Service Delivery (MPBSD). This document refers to the Ministry's new name.

Questions? Please contact us at media@tssa.org.