



TSSA – OER Alternative Rules- What Could It Mean to Ice Sheet Owners and Operators?

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ONTARIO RECREATION FACILITIES ASSOCIATION INC.

1 Concorde Gate, Suite 102, Toronto, Ontario M3C 3N6, Canada

Tel: 416-426-7062 Fax: 416.426.7385

info@orfa.com www.orfa.com

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Introduction

The reference to “ice sheet owners and operators” in the title of this guide was intentional and not designed to cause confusion to ORFA members. The ORFA is simply adopting the Technical Standards and Safety Authority (TSSA) terminology to describe our industry as we create different ice surfaces to provide a variety of recreational experiences. This is the first example in the current evolution of TSSA that our industry has been focused on for potential change in the way the Operating Engineers Regulation is enforced.



This guide will review the information shared by TSSA which should not be confused with an interpretation for any operation. This responsibility rests with the plant owner and with any required clarification being directed to TSSA staff.

Note: It is also important to note that until officially adopted all information should be considered DRAFT and for discussion purposes only.

Changes to the Current OER

At first read, there does not appear to be any planned changes to the existing Operating Engineers Regulation (OER) that would directly impact our industry in the new “Alternative Rules” being proposed by TSSA. OER 219/01, the “Regulation” has governed all registered refrigeration plants in Ontario, and that includes Public Service plants, of which ice sheets is included. The OER is and remains a strict obligation that requires interpretation by the plant owner or certified operator to ensure compliance to the specific equipment, configuration and design of the on-site plant room. Additional consideration toward applying the CSA B-52 Mechanical Refrigeration Code must also form part of the operational and maintenance plans for the plant.



Definitions of owners and operator roles and responsibilities are not expected to change. ORFA has monitored the challenges of some members to meet minimum compliance levels in both “attended guard plants” and “unattended guarded plants”. Most recently, replacing the required B-Class Refrigeration Operator in our industry was becoming more of a challenge, as older staff retired and younger practitioners struggled with the testing component of certification. Or it was determined the responsibility and accountability attached to certification did not balance with the increased compensation being offered. If adopted, the proposed “Alternative Rules” being circulated for review by TSSA seems to address this issue by allowing TSSA’s Chief Officer, upon request by the plant owner, to review their operations and approve an “alternative path” of operational compliance.

Owners may feel some sense of relief in this shift in direction. However, it is important to note that any change away from requiring TSSA recognized certified staff does not equate to a reduction in plant operator competency to safely operate and maintain a registered refrigeration plant.

On the “Path” of Alternative Rules

The “Alternative Rules” option allows registered attended refrigeration plant owners to remain on their current course of operations. There is no required action; plant owners would continue to function with a Chief and certified support staff.

Registered guarded refrigeration plant owners who may be finding it difficult to attract and retain certified staff will now have the option to contact TSSA’s Chief Officer to discuss options based on the risks attached to the specific plant. TSSA would work directly with the plant owner to design a course of action that would satisfy the Chief Officer in respect to competency and capability of operational staff. It

will also assess the tools and programs that are in place to help ensure that the plant and related support infrastructure will remain safe and serviceable.

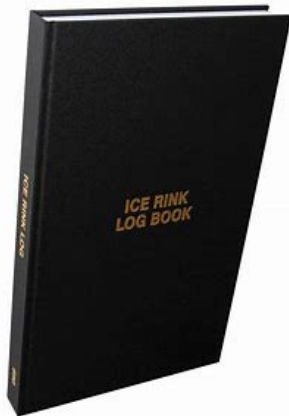


The “Alternative Rules” options has two (2) paths. Path 1 focuses on the qualifications and competency of the persons who are in care and control of the plant and related systems.

“Path 1” means a risk-based regulatory pathway in which the chief officer sets a registered plant’s attendance requirement based on the plant’s inherent safety risk which replaces the attendance requirement set out in the Regulation.

Path 2 focuses on (but is not limited to) the tools such as the plant’s operation and maintenance manuals, emergency and life cycle plans of the plant and related systems. Each plant would have a custom path designed to ensure the needs of the plant are being met.

“Path 2” means a risk-based regulatory pathway in which a registered plant operates in accordance with a site-specific risk and safety management plan (“RSMP”) that has been accepted by the Chief Officer.



Alternate Rules for Logbooks

The proposed changes further address improved technology in regards to record keeping. As an alternative to the requirements of subsection 37(3) of the Regulation regarding electronic logs, a plant user may instead follow procedures established by the Chief Officer to ensure the authenticity, integrity and reliability of electronic log entries. As an alternative to the requirements of subsection 37(6) of the regulation, the person responsible for the operation of the unattended plant may also make entries in the plant logbook, in which case the person shall enter their name and sample signature on the logbook’s signature page.



ORFA’s Position

It is important to note that these changes are not ice sheet refrigeration plant specific. The changes are also directed at non ice related refrigeration plants. Currently, the ORFA has no objections to the proposed changes to the application of the OER being tabled by TSSA. We believe that this new flexibility will benefit ORFA members by allowing them to meet compliance expectations through a reasonable process. We also believe it will provide TSSA with flexibility on how to improve ice sheet registered refrigeration plant operation and maintenance by making updates or changes in real time.

The ORFA will however not be shifting away from our stated direction of the past 5-years.



Recommendations

The following are provided as guiding principles to support a plant owner and operator on their path to safe operations and compliance.

1. That all owners formally select a plant “responsible person” who is deemed “competent” as defined in the Occupational Health and Safety Act. The selected “responsible person” should have a working knowledge of the registered refrigeration plant and support mechanical services such as HVAC and dehumidification systems that they will be responsible for.
2. Once selected, the “responsible person” shall have the strict authority to communicate with all governing authorities on behalf of the owner on any manner without repercussion.
3. That the “responsible person” should also have a strong working knowledge of all regulations, codes and acts associated with the operation and maintenance of the plant.
4. That the “responsible person” annually develop a budget that reflects the safe operation and maintenance of the registered refrigeration plant.
5. That the “responsible person” design a maintenance plan in partnership with sub-contracted professionals to ensure that the plant is maintained to the manufacturer’s recommendations, legislative expectation and/or industry best practice.
6. That the “responsible person” confirm that all operators are properly trained before entering the registered refrigeration plant room or prior to conducting any work, maintenance or other task.
7. That the “responsible person” ensure that the plant room remains locked, safe and secure at all times.
8. That the “responsible person” work with all partners in plant safety and emergency response to develop policies and procedures that are regularly reviewed and practiced in anticipation of a plant failure.
9. That the “responsible person” submit a detailed report not less than annually or as required to the registered plant’s owner for review and confirmation of acceptance of

the report that shall be placed in the plant’s maintenance files.

10. That the “responsible person” make every effort to remain current and up-to-date on all aspects of plant safety and regulatory changes.

To assist members in these objectives the ORFA offers the [Certified Arena Refrigeration Plant Technician \(CARPT\) professional designation](#).

The ORFA continues to believe that having a CARPT certified person in care and control of a registered refrigeration plant is a diligent direction by every plant owner. These individuals will possess the necessary skills to assist the plant owner in being compliant through day-to-day operations, overseeing support staff training and development, while being able to work directly with all contractors who perform work on the equipment or in the plant room.

The ORFA further believes that the CARPT person should be supported by individuals that hold no less than the [ORFA Basic Arena Refrigeration course](#) for entry and work performed inside the refrigeration plant.

The ORFA will continue to work directly with TSSA to ensure that our industry moves in a forward direction for the safety of users in Ontario’s ice facilities.

Resources

- TSSA Draft Alternative Rules
- [Operating Engineers Regulation \(O. Reg. 219/01\), under the Technical Standards and Safety Act, 2002 \(the Act\)](#).