



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, April 9, 2019

PEO Offices

Members:

Fanny Wong, P. Eng. (Chair)

Neil Kennedy, P. Eng. (Vice-Chair)

Roger Jones, P. Eng.

Dale Kerr, P. Eng.

James Lowe, P. Eng. *[via teleconference]*

Brian Ross, P. Eng.

Council Liaison:

Lisa MacCumber, P. Eng.

Staff:

Sherin Khalil, P. Eng.

José Vera, P. Eng.

Regrets:

Jamie Catania, P. Eng.

Nicholas Pfeiffer, P. Eng.

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with six members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

The following additional item was added to the agenda:

- Item 4.3 - General Observer Policy

A motion was made to approve the agenda as modified.

Moved by: N. Kennedy Seconded by: R. Jones CARRIED

2. MINUTES OF PREVIOUS MEETING AND ISSUES ARISING FROM MEETING

2.1 Approval of Minutes of March 5, 2019 Meeting

A motion was made to approve the Minutes of the March 5, 2019 meeting as written.

Moved by: B. Ross Seconded by: L. MacCumber CARRIED

2.2 Action Items of March 5, 2019 Meeting

Staff reported on the status of the action items.

3. GUIDELINES

3.1 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee members met on March 27, 2019 to address the PSC's comments and agreed to schedule a longer meeting to complete addressing these comments.

3.2 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

The subcommittee members will meet on May 1, 2019 to continue working on the draft guideline.

3.3 Guideline for Design Evaluation of Demountable Event Structures

There was a previous discussion regarding manual intervention to mitigate environmental loads, such as storms on temporary event structures; for example, physical action or emergency procedure.

Staff contacted the Ministry of Labour and Ministry of Municipal Affairs to enquire if they allowed manual intervention to reduce environmental loads on a temporary event structure as one method of "accounting" for those loads according to Part 4 of the Ontario Building Code.

Staff provided the PSC members with the responses received from the Ministry of Labour and Ministry of Municipal Affairs.

The Ministry of Labour's position is that structures need to be designed for all loads, as indicated in the *Occupational Health and Safety Act*. Therefore, the Ministry of Labour's expectation is that the structure will have sufficient structural capacity to handle any loads without manual intervention. When a structure is being used, it falls under the Industrial Regulation (O. Reg. 851/90) which, while allowing equivalency, does not allow a procedure to replace a design requirement.

The Ministry of Municipal Affairs advised that they consulted on code change proposals related to structural loading for temporary event structures in 2016 (these proposals were included in a large package of code changes that were being proposed at that time for a new edition of the Ontario Building Code). The code change proposals were developed based on the recommendations of an expert panel on outdoor temporary stages that convened between 2013 and 2014. The panel recommended minimum structural criteria for design load calculations, i.e. wind load frequency, gust factor and building importance category. With respect to manual intervention, the code change proposals that were consulted on did not encourage nor preclude the practice. However, the proposals proposed that stages be designed to a performance level that meets the minimum criteria specified, and manual intervention could not be used as a basis to further reduce environmental loads.

There was a discussion regarding the Coroner's Inquest that is looking at making recommendations as a result of the death of Scott Johnson in the Radiohead stage collapse. These recommendations may impact several guidelines.

The subcommittee Chair reported that the main issue is whether or not engineers need to use manual intervention that requires physical action by someone onsite. ANSI and other jurisdictions allow the manual intervention.

The question arose of who is authorized to provide manual intervention. The response was anyone on site, i.e. stage manager or overall manager who looks at the operation manual that specifies what action should be taken under the circumstances.

The subcommittee is struggling with whether to state that the guideline complies with the *Occupational Health and Safety Act* or Ontario Building Code.

The subcommittee members will meet again for a further discussion on this matter.

A PSC member advised that there was a letter available on the PEO website regarding the Coroner's Inquest into the death of Scott Johnson.

Action: Staff to send a copy of the letter regarding the Coroner's Inquest into the death of Scott Johnson to the PSC members for their information.

3.4 Use of Seal Guideline

Staff provided the PSC members with a copy of the legal review of the proposed performance standard.

There was a question and concern regarding illegal use of the electronic seal. A PSC member advised of a scenario where a non-engineer copied an engineer's seal and used it in engineering drawings. The question arose whether the proposed standard addressed this type of illegal use of the seal, and it was stated that this was a criminal and civil offense.

The subcommittee Chair would like to defer approval of the proposed performance standard so that the subcommittee can provide sufficient feedback. In the meantime, the PSC members will review the proposed performance standard and provide their comments prior to the next PSC meeting in May 2019.

Action: PSC members to review and send their comments on the proposed performance standard by no later than May 14, 2019.

Action: Staff to send the proposed performance standard in Word format to the PSC members, as well as the subcommittee Chair's comments on the proposed performance standard.

There was a discussion regarding the requirements of creating an electronic version of the seal, and that it must be identical in size, shape and content. A PSC member commented that it may be difficult to ensure that the electronic seal would be the same size as the physical rubber stamp.

There was a discussion regarding the Notarius software, as Ontario is the only province that does not endorse any software.

3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects

The public consultation commenced on April 2, 2019 and closes on May 31, 2019. An e-blast was sent to all PEO members, and the subcommittee members will ask stakeholders to participate in the public consultation.

It was questioned whether the public consultation would be sent to the Ontario Securities Commission, and staff advised that the subcommittee has an observer from the Ontario Securities Commission who attends the subcommittee meetings.

3.6 Guideline for Preparing As-Built and Record Documents

Staff advised that the legal review of the draft guideline was received and sent to the subcommittee members for review.

Staff also advised that the lawyers are expecting a kick-off meeting with the subcommittee members to answer any questions or to clarify any points in the legal review.

Action: Staff to send another reminder to the subcommittee members to provide their comments on the legal review.

3.7 MECP - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)

The subcommittee met on March 26, 2019 and completed addressing most of the comments received from the Ministry of the Environment, Conservation and Parks.

A subcommittee member wrote a section on liability, which should be reviewed by the subcommittee members.

A request was received from a subcommittee member who attended a meeting with the Ministry of the Environment, Conservation and Parks, and requested that presenters from the Ministry attend a meeting, as guests, with the subcommittee members to ensure the guideline addresses all points that were presented by Ministry staff.

Another meeting of the subcommittee will be scheduled in the near future.

A PSC member reported that a consultant was fined for violation of the *Environmental Protection Act*. The charges related to submitting false information electronically to the Ministry's Environmental Activity and Sector Registry.

3.8 Coordinating Licensed Professional Joint Subcommittee

There was nothing new to report. The subcommittee Chair will review the existing draft guideline prior to sending it to the Review Network.

There was a discussion regarding the role of the Coordinating Licensed Professional, who should be part of the design team.

3.9 Guideline for Pre-Start Health and Safety Reviews

Staff provided the PSC members with a copy of the proposed Terms of Reference. The Terms of Reference were also sent to subject matter experts and the Ministry of Labour for feedback.

PSC approval of the Terms of Reference was not required at this meeting. Once staff receives feedback from the subject matter experts and the Ministry of Labour, staff will provide the final version of the Terms of Reference at the May 2019 PSC meeting for PSC approval.

The PSC members were asked to provide any comments they may have on the Terms of Reference, and a PSC member provided some comments that would be addressed in the Terms of Reference.

4. OTHER BUSINESS

4.1 Council Update on PSC Related Issues

There was nothing new to report.

4.2 PSC Membership

Staff provided copies of the resumes of Peter Rüsç and Donna Serrati to the PSC members.

There was a discussion regarding the gap in the mining engineering area, and it was suggested to consider the current members of the Mineral Projects subcommittee.

Action: Staff to contact Andy Lee, Chair of the ESA, Remediation and Management subcommittee, and Eugene Puritch, Chair of the Mineral Projects subcommittee, to verify if they are interested. If so, staff will obtain their resumes.

4.3 General Observer Policy

Staff reported that, in June 2019, the Advisory Committee on Volunteers will be looking at the issue of attendance protocol for Councillors who wish to attend Committee meetings as observers.

It was reported that Council agreed that Councillors could attend any committee meeting, with the exception of the Enforcement and Complaints Committees, as they are confidential.

In terms of expenses, the PSC should not cover the expenses of observers, unless an invitation was sent from the PSC Chair for Councillors to attend.

Staff will update the PSC as soon as they receive information from the Advisory Committee on Volunteers.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for May 14, 2019.

The meeting adjourned at 8:00 p.m.