
Nova Scotia Department of Environment &
Climate Change: Petroleum Storage Tank
Installer Certification

Fair Registration Practices Act (FRPA)
Review Report
May 2021

Province of Nova Scotia



EXECUTIVE SUMMARY

Under section 16 of the Fair Registration Practices Act (FRPA), all regulating bodies in Nova Scotia are required to review their registration practices and file a report on the results of the review with the Review Officer. The Review Officer works collaboratively with regulators to gather information in an established report format, to ensure that information on current registration practices is accurately represented, and to identify gaps in registration practices which would result in a regulator action plan to rectify any issues that may have been identified with compliance.

The Nova Scotia Department of Environment & Climate Change are responsible for the registration practices associated with the certification of Petroleum Storage Tank Installers. The Review Officer worked with the Regulator over a period of six months to complete this review. Questions to probe the status of registration practices were posed, the regulator engaged in a process of self-examination and provided written responses to the questions (see Analysis of Registration Practices). Responses were examined by the Review Officer and measured against the standard set forth in the FRPA to identify any gaps in registration practices. Based on this process, the Review Officer has determined that not all registration practices are compliant with the FRPA at this time. As a result, this report includes both an overview of the current registration practices for Petroleum Storage Tank Installers and an action plan to address some high priority gaps moving forward.

This is an initial review of the registration practices for Petroleum Storage Tank Installers. At the beginning of the review there was a lack of awareness regarding requirements of the FRPA, but the Regulator worked with the Review Officer to increase their understanding and participate in the review process. Overall, requirements for registration for applicants in the Nova Scotia stream are procedurally fair. Findings show gaps in procedural fairness for those in the domestic and international streams. There is also a need to document criteria used for assessment and to develop and enhance other registration practices to demonstrate an objective and impartial approach to certification. Full transparency would be achieved by providing information on registration practices for all streams of applications (Nova Scotia, Domestic, International) in a publicly accessible manner.

The Nova Scotia Department of Environment & Climate Change used this review process as an opportunity for self-audit and to identify areas for improvement. The regulator has acknowledged the findings and has taken the first step to address areas of non-compliance by developing an Action Plan (see Appendix A). Eight plans for action are identified to address practices that are currently not compliant with the FRPA. They are summed up as follows:

- Provide information in a clear and understandable form to individuals, including individuals qualified in another jurisdiction in Canada, as well as those who received their qualifications outside of Canada. This will include clear instructions on what documentation must accompany applications,
- Develop guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control,
- Develop a process for how to work with applicants who may require accommodations during the registration process,
- Document all criteria that are used to assess whether requirements for certification have been met,
- Enhance the process for internal review of the registration decision to ensure it is fully compliant with the FRPA, include timeframes and the provision to provide written decisions with reasons.

These actions are accompanied by a commitment to increase transparency by ensuring that registration practices are in plain language, fully accessible and available in the public domain. Timelines in the Action Plan are impacted by anticipated revisions to the Nova Scotia Standards for Construction & Installation for Petroleum Storage Tank Systems, as well as delays associated with website updates. According to the current plan some actions may not be complete until March 2023. In the interim applicants can be directed to use the contact information on the website to obtain any missing details.

The Nova Scotia Department of Environment & Climate Change has demonstrated engagement in the FRPA review process and has given every indication that planned actions to rectify areas of non-compliance will be addressed. The FRPA Review Office will look for an update on the Action Plan in June 2022.

Sincerely,



Patricia Mertins

Review Officer, Fair Registration Practices Act (FRPA)

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I: INTRODUCTION

1.1. THE FAIR REGISTRATION PRACTICES ACT

[The Fair Registration Practices Act](#) (FRPA; the Act) applies to 47 [regulatory bodies](#) in Nova Scotia, covering over 59 occupations and 21 designated trades. A regulatory body (regulatory authority or regulator) sets the standards and regulates how people practice as members of an occupation. Everyone who practices within a regulated occupation must register with the regulatory body.

The FRPA mandates that regulating bodies carry out registration practices that are transparent, objective, impartial and procedurally fair. Section 16(2) of the FRPA states: “Every regulating body shall review its registration practices in accordance with this Section and shall file a report on the results of the review with the Review Officer for the reporting period.” This review process is to occur as per the Act and if items are deemed to be noncompliant with the FRPA, an Action Plan is required to be completed by the Regulatory Body. The intent of the Action Plan is to identify how the items of noncompliance are progressing to ensure compliance, fairness, and transparency, as required by the Act.

1.2. OVERVIEW OF THE REGULATING BODY

Improper storage of petroleum products can lead to significant risks to human health and safety and to our environment. Petroleum products are by far the most common contaminant at impacted properties, being found at over 95% of sites that require cleanup. NSE has taken steps to reduce these impacts by passing regulatory controls requiring tank owners and operators to meet stringent standards, employ qualified individuals to implement these requirements (PST Installers) and maintain regular maintenance and monitoring.

NSE is the regulating body for petroleum storage tank (PST) installers and removers, both types referred to in our regulations and policies as PST Installers. The enabling legislation is the Environment Act (Act) (<https://nslegislature.ca/sites/default/files/legc/statutes/environment.pdf>) and the Petroleum Management Regulations (<https://novascotia.ca/just/regulations/regs/envpetma.htm>) issued under this Act. In the Department’s “Policy for the Certification of Petroleum Storage Tank Installers”, details are provided on the three classes of installers and the requirements for obtaining and maintaining this certificate of qualification. Information relating to the three certification classes can be found at: <https://novascotia.ca/sns/paal/nse/paal176.asp>

The department is currently reviewing the Nova Scotia Standards for Construction and Installation for Petroleum Storage Tank Systems. The Standard forms the technical basis for work performed by certified petroleum installers in our province. It is currently being revised to better align with design and construction requirements in other Canadian jurisdictions.

II: ANALYSIS OF REGISTRATION PRACTICES

As per Section 16 of the Act, the registration practices of a regulating body must be reviewed, and a public report produced. The FRPA Office works with regulatory bodies to assess the registration practices against the compliance criteria and develop an Action Plan to help each organization comply with the Act and improve registration practices, if applicable. The Department of Environment & Climate Change responses to the FRPA Review Survey are detailed below, along with the Review Findings determined by the Review Officer in accordance with the Act.

SECTION I: INFORMATION AND REGISTRATION PROCEDURES

This section asks questions about all practices and policies your organization may use to provide information to the applicant during the registration process. The registration process includes the actions required to be taken by individual applicants, and any documentation required to be submitted which will be used to assess the applicant's request for registration. Documentation examples could include transcripts, certificates, job descriptions, articles, letters of support, and evaluations. All communication to and from the applicant should be clear and understandable to all individuals, including those who may have received their qualifications outside of Canada.

QUESTION 1

Explain/describe, in detail, your registration/application requirements. Please include an overview of the process and a list of all documents (Examples: transcripts, certificates, job descriptions, articles, letters of support, and evaluations) that applicants are required to submit during the registration/application process. If your registration/application process is different for each license type, list the process for each license type in the chart included.

Alignment with FRPA: *Section 7(a), Section 9(a), 16(3)(a) and 16(3)(b)*

**RESPONDENT
ANSWER**

Explain the process of how the requirements for registration/application are to be met by an applicant (if different by licence/certification type, include an outline by each type).

There are three levels of certifications which reflect the relative complexity of each type of expertise required. There are no specific eligibility criteria to take the course and some attendees such as equipment manufacturers, inspectors and engineers may take the course to get a fuller appreciation for how to install and remove these systems in the field. Those who intend to work in this field are required to have a good understanding of written and verbal English or French since

all technical codes and instruction are only available in the two official languages (and many American standards referenced are only available in English). Since some strength and manual dexterity is required to physically relocate and connect equipment, the course gives participants knowledge in-what challenges they may face if performing these tasks on a regular basis.

A person who wishes to receive a certificate of qualification as a petroleum installer must attend and pass the petroleum installer course and associated examination (with a mark of at least 75%) delivered by the Nova Scotia Community Colleges (NSCC). The Nova Scotia Community College (NSCC) offers both a 4-day course (for Class III, removal only) and a 10-day course (for Class I and Class II, for tank system installation and removal) at one of their campuses and based on demand.

Note: At the present time, the NSCC course is the only PST installer training course that is recognized by Nova Scotia Environment. An installer course had been offered in the past by New Brunswick Community College but has been discontinued in order to have common Maritime training.

Class I – Can install and remove all tank sizes. Must provide reference from a currently certified Class I Installer stating that:

- the applicant has worked with the certified installer on PST installations for at least one year
- has demonstrated a good knowledge of the PST Regulations, the Nova Scotia Construction, Installation and Operation Standards for Petroleum Storage Tank Systems (the “Standards”) and accepted construction industry practice
- has demonstrated competence in pipe fitting
- has good mechanical skills
- is competent to do the work

Class II - Can install tanks up to a certain size and remove all tank sizes. Must provide references from a currently certified Class I or Class II Installer stating that:

- the applicant has demonstrated competence in pipe fitting
- has good mechanical skills
- is competent to do the work

Class III – Can remove all tank sizes. No reference required.

After the course has concluded, NSCC provides a list of persons passing the PST course components (install/remove) to NSE. NSE then sends a letter outlining reference requirements to all successful attendees and an application to those now qualified to apply for a PST Installer certificate. After passing the course, the applicant will then apply to NSE by submitting an application with required references based on the classification (Class I, II, or III) being sought.

NSE requires out-of-province and out-of-country certified installers to pass the Nova Scotia technical challenge exam administered by NSCC (with a minimum mark of 75%) and complete the NSE application process. The exception is PEI and NB (these provinces require completion of the same NSCC course)

however, installers are still required to complete NSE application process.

RESPONDENT ANSWER

Please provide the additional information in the grid below (if you have a published document, or even an associated policy, please provide the link to that published document/policy). Documents need to be provided for each license/certification type, if applicable.

OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)	LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
• Petroleum installer	•	• https://novascotia.ca/sns/paal/nse/paal176.asp
• Petroleum installer	•	• https://novascotia.ca/nse/petroleum-regulated/oil-tank-installers.asp
• Class I installer	• Completed application form, transcript from NSCC indicating passing 10- day course with a final mark of 75% or more), logbook with 1 year or more experience working on installing petroleum storage tanks and signed by a certified Class I installer as well as assigned reference letter	•
• Class II installer	• Completed application form, transcript from NSCC indicating passing 10-day course with a final mark of 75% or more, written reference letter from a Class I or II installer noting that the applicant is competent to perform the work and has good mechanical and pipefitting skills.	•
• Class III installer	• Completed application form, transcript from NSCC indicating passage of 4-day course with a final mark of 75% or more	•
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	<ul style="list-style-type: none">
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants with information about their registration practices, including the registration process and documents that applicants are required to submit during the process; and the respondent's answer describes the registration requirements and the process for meeting them. <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does <i>not</i> provide applicants with information about their registration practices, specifically, the registration process and documents that applicants are required to submit during the process; or the respondent's answer does <i>not</i> describe the registration process and the process for meeting them.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 2

How is the registration/application process communicated to the applicant?

Alignment with FRPA: *Sections 7(c), 9(a) and 16(3)(g)*

RESPONDENT ANSWER	<p>Select all that apply:</p> <p><input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</p> <p><input checked="" type="checkbox"/> Email</p> <p><input checked="" type="checkbox"/> Website</p> <p><input checked="" type="checkbox"/> Other: explain your communication process if not listed above NSE receives a letter from NSCC listing all persons who have passed any recent course with a pass mark of 75% or higher and whether they took the 4-day or 10-day course. NSE then sends a letter outlining reference requirements to all successful attendees and an application to those now qualified to apply for a PST Installer certificate. Applicants would be directed from the NSE – Certified Petroleum Storage Tank Installers webpage (Certified Petroleum Storage Tank Installers Petroleum Storage Nova Scotia Environment) to the Service Nova Scotia webpage (Nova Scotia Permits Directory-Nova Scotia Environment-Petroleum Storage Tank Installer Certificate) where the classifications and process are described, along with contact information for NSE and NSCC. There is no specified time limit for when an attendee must apply.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body makes requirements for registration available to applicants (they select at least 1 response option); and • the respondent’s answer describes how the requirements for registration are made available to applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> make requirements for registration available to applicants (they do not select any response options); or • the respondent’s answer does <i>not</i> describe how the requirements for registration are made available to applicants.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Link from the NSE webpage to the SNS-IS webpage is broken. Application form is not accessible online. Information regarding documentation that must accompany an application is not publicly available. To be compliant with the FRPA regulating bodies must provide information to applicants in a clear and understandable form, including information on what documentation of qualifications must accompany an application.</p>

QUESTION 3

Is the registration/application process different for applicants who have received their qualifications (Example: education, experience, etc.) outside of Canada? If so, is the different registration/application process documented? Provide a link to the published document, if applicable. (Example: online)

Alignment with FRPA: *Sections 3, 6, 7(a through f) and 16(3)(a)*

RESPONDENT ANSWER

Please provide information in the chart below, with a separate answer per licence/certification type:

LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE	PROCESS DOCUMENTED YES/NO	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
• [petroleum installer	• Yes	• Process recognizes training from jurisdictions with similar training requirements. Applicants would have to submit an official transcript from a similar course in their country of training indicating their final mark and logbooks or letters of reference appropriate to the level of installer that they are applying for in NS. These individuals would still have to write a challenge exam in Nova Scotia administered by NSCC and obtain a mark of 75% or higher to ensure that they have a competent knowledge of NS regulations and standards.	• Yes	• https://novascotia.ca/sns/paal/nse/paal176.asp
•	•	•	•	•
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COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The respondent’s answer indicates whether a registration/application process is different (response = “yes” or “no”). • If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = “yes”), the respondent describes those differences. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent’s answer does <i>not</i> indicate whether a registration/application process is different (no response, either “yes” or “no”). • If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = “yes”), the respondent’s answer does <i>not</i> describe the differences. 				
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>				
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>There is no information on the SNS-IS website for applicants who have obtained their qualifications outside Canada. Who determines that the courses are sufficiently ‘similar’? How do internationally qualified applicants apply for this assessment? The process and documentation required to accompany an application are not publicly available. Are documents required to be translated? Can the application process be started outside Canada? To be compliant with the FRPA regulating bodies are required to provide information in a clear and understandable form to individuals who received their qualifications outside of Canada.</p>				

QUESTION 4

Is the registration/application process different for individuals who are registered in another Canadian province/territory?

Alignment with FRPA: *Sections 3, 6, 7(a through f) and 16(a)*

	<ul style="list-style-type: none"> • • • • 	<ul style="list-style-type: none"> • • • • 	<ul style="list-style-type: none"> • • • •
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The respondent’s answer describes a registration/application process, that is aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent’s answer describes a registration/application process, that is <i>not</i> aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia. 		
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>		
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Though technical requirements vary between jurisdictions, labour mobility laws are consistent and require that a process be available to recognize applicants who have been certified to do the same job in another jurisdiction. The example provided shows that Ontario has done due diligence to determine where there is a match or gap. Applicants from jurisdictions that have equivalent or higher standards than NS should be recognized without additional substantive requirements beyond validated certification in another jurisdiction (can still require a jurisprudence exam). Information for labour mobility applicants must be publicly available and there should be a labour mobility application process in place, such as the process in Ontario referred to in the response. To be complaint with the FRPA regulating bodies must provide information in a clear and understandable form to individuals who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction (CFTA transfers).</p>		

QUESTION 5

Are there fees attached to the registration/application process? If so, how is this information communicated to the applicant? (Example: information available on website, paper form, email)

Alignment with FRPA: *Sections 7(f) and 16(3)(d)*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain the process of how this information is communicated. There is no fee for the application for certificate of qualification for NSE. NSCC does charge fees for training courses or for challenge exams associated with developing or demonstrating qualifications for this certification. Information on these fees can be found at the weblink noted below or through contacting NSCC. The cost of the training varies each time (depends on where the course is offered – adjusted geographically depending on the location (sites available to conduct the practical and what the cost the Site Professional requires when hired by NSCC to deliver the training.) Insert a website link of where this information is communicated, if applicable. Nova Scotia Permits Directory-Nova Scotia Environment-Petroleum Storage Tank Installer Certificate The sub-link to the same information is here: https://novascotia.ca/sns/paal/nse/paal176.asp See the Additional Information section relating to the fee for the NSCC exam. The application process is explained to the successful applicants. All required information for a complete application is provided. See What are the steps to become certified? The absence of a NSE fee is clear. Provide the fee for the registration/application process (linked to your piece of the registration/application process only), as of the date this review is completed. See above.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none"> • The regulating body provides applicants with information on any fees for registration; and • the respondent’s answer states any fees charged for registration, even if the fees are not applicable or \$0. Not compliant: <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide applicants with information on any fees for registration; or • if fees are charged for registration, even if the fees are not applicable or \$0, the respondent’s answer does <i>not</i> state the fees.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office:

QUESTION 6

Do you have a process to accept alternative information when the required documents cannot be obtained by the applicant, for reasons beyond their control (Example: a sworn statement in lieu of full documentation)?

Alignment with FRPA: *Sections 7(f), 9(b) and 16(3)(d)*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain the process: NSE will advise applicants on alternative information when certain documents cannot be obtained, subject to the provisions set in regulation – see s.16(1) here; https://novascotia.ca/just/regulations/regs/envpetma.htm Aside from the regulation, there are no prescribed processes, such as the example provided above, an alternative that could conflict with s.16(1)(a). The process is to assess a request for alternative documentation on a case-by-case basis. There is no specific process in a written procedure except for the regulation, however, s.16(1)(c) is opportunity for an applicant to demonstrate their expertise in a manner and at a level of proficiency satisfactory to the Administrator. Missing records relating to work experience could be reconstructed from the applicant’s former employer or clients. As always, the primary responsibility is to comply with the Act and regulation.
COMPLIANCE CRITERIA	Compliant: The regulating body advises applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; and <ul style="list-style-type: none"> • the respondent’s answer describes any such alternative information. Not compliant: <ul style="list-style-type: none"> • The regulating body does <i>not</i> advise applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; or • the respondent’s answer does <i>not</i> describe the alternative information.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: According to previous responses, transcripts are required documentation. Are official transcripts always required, or are there circumstances under which alternatives are acceptable? Section 16(1)(c) implies alternatives in relation to proven work experience can be considered. There is no description of acceptable alternative information to ensure that every application is managed in an impartial way. Alternative documentation is not intended to bypass requirements for certification, but to facilitate the registration process for qualified applicants who are unable to obtain documentation for reasons beyond their control. A documented process provides reasonable guidelines for how to request consideration of alternative information and describes acceptable

	alternatives. To be compliant with the FRPA regulating bodies have guidelines that describe expectations regarding documentation and alternatives that would be acceptable when documentation cannot be obtained.
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QUESTION 7

Do you provide any support to applicants during the registration/application process (Examples: coaching, referrals, explanation of registration requirements)?

Alignment with FRPA: *Sections 7(e) and 16(3)(k)*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> When required <p>If yes or when required, what types of support are provided to applicants during the registration/application process? There are staff program contacts listed for both NSCC and NSE on the SNS website. Verbal or written instructions are provided by administrative staff to applicants. NSE administrative staff may refer applicant to NSE program lead for unusual technical questions such as equivalency of training. This program complies with the NS French Language Services Regulations. French translation services are available through Acadian Affairs as well as other services that can be accessed through the Public Service Commission, Communications Nova Scotia, and Health Canada. NSE maintains a list of staff fluent in both official languages and are utilized internally to assist with any language accommodations needed</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent’s answer includes information about any support they provide to applicants during the registration process. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent’s answer does <i>not</i> describe any support they provide to applicants during the registration process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 8

Do you have a policy and/or process on how to work with an applicant during the registration/application process that may have a physical or mental disability and requires an accommodation when registering/applying? If applicable, please provide a link to your policy and/or process. This is for the registration/application process only and not a workplace accommodation.

Alignment with FRPA: *Section 16(3)(h)*

Note: A physical or mental disability includes any persons with a disability (consisting of a physical, cognitive, or mental impairment), that presents a persistent barrier to securing and/or retaining work.

For more information visit the following links to the applicable Government of Nova Scotia legislation:

https://nslegislature.ca/legc/bills/62nd_3rd/3rd_read/b059.htm

<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

Examples of accommodations for this purpose can include, but is not limited to:

- Assistance in completing application forms
- Provision of additional time provided to complete exams
- Provision of an application in braille
- Provision of audio-visual equipment
- In person meetings/interviews/hearings
- Other accommodations such as paper color, larger font, etc.

RESPONDENT ANSWER

- Yes
 No
 N/A

If yes, provide a description of the policy/process? (if you have a link to a published policy/process, please include in your response)

Province of Nova Scotia has an Accessibility Act (NSAA) and an implementation plan <https://novascotia.ca/accessibility/>. Nova Scotia Department of Environment offices are currently accessible as required under this plan. Accessibility following this plan is for any person accessing the office for any purpose including applicants applying to NSE. For PST certifications, the exam site is administered by NSCC and that organization is, also required to follow the NSAA. NSE and NSCC complies with all provincial accessibility and mental health legislation for the purpose of completing the application requirements for this program. If an applicant raises accommodation requirements during the application process, the department will be open to discuss the applicant's concerns and will make every modification depending on the nature of the request.

	<p>If no, what would the process be if an accommodation were to be required?</p> <p>If N/A, please explain why this is not applicable to your registration/application process / practices?</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The respondent's answer includes a description of any existing accommodation policies for applicants with a physical or mental disability. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent's answer does <i>not</i> describe any existing accommodation policies/processes for applicants with a physical disability or mental disability.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The response refers to the provincial Accessibility Act, but no policy specific to the PST Installer Certification process. Since NSCC administer the training and exams associated with the certification process they, as a third party would be responsible for accommodations associated with that part of the process. NSE administers the application portion of the process so guidelines would be associated with the application steps in the process. A documented guideline would be for 'qualified' applicants who may need some accommodation through the application part of the process (E.g. methods of communication that differ from the regular process, etc.). The guideline could reference the provincial Accessibility Act and any other guidelines specific to the PST Installer certification process. The guideline is not intended to be a means for applicants to bypass skills required to perform the job. To be complaint with the FRPA regulating bodies must have a description of existing accommodation practices for applicants with a physical or mental disability.</p>

QUESTION 9

Is your accommodation policy and/or process adaptable if a new situation arises? (Example: translation was not covered in the policy, but a request for an alternate language was requested)

Alignment with FRPA: *This is to provide additional information and identify if there are areas that the FRPA Review Officer may be able to assist, if applicable*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain how and what steps would be taken to adapt this policy. If no, what would occur with that applicant if the policy/process could not be adapted?
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none"> • NA Not compliant: <ul style="list-style-type: none"> • NA
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> NA <input type="checkbox"/> NA
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: When developed, ensure that the policy is adaptable to other situations.

SECTION II: ASSESSMENT CRITERIA AND COMMUNICATION OF DECISION PROCESSES

This section will explore assessment practices and how these practices are communicated to an applicant. An assessment measures an applicant’s skills, knowledge, qualifications, and credentials against the standard that must be met by your regulating body to be granted a licence/certification. Information on the criteria (Examples: exam material, competency information, work experience, requirements, etc.) used for assessment, how that information is communicated to the applicant, and how final registration/application decisions are provided will be requested in this section.

QUESTION 10

Are the criteria for meeting the requirements of registration/application documented? (Examples: exam marks, work experience requirements). If a third-party assessor is used for assessment, please describe their role in the space provided.

Alignment with FRPA: *Sections 16(3)(b) and 16 (3)(i)*

RESPONDENT ANSWER

- Yes
 No

If yes, how/where is this documented (Example: in an internal policy)?

There is an internal policy, the “Policy for the Certification of Petroleum Storage Tank System Installers”.

If there is a third-party assessor utilized in the process, briefly describe the role of that assessor:

NSCC develops and delivers the knowledge training courses appropriate for the types of certification issued and also the exams and challenge exams to show that participants have a comprehensive knowledge of the subject. They require anyone who plans to apply for certification to pass these exams with a mark of 75% or greater and can arrange for subsequent exams if the person does not attain that mark in their initial or subsequent efforts.

COMPLIANCE CRITERIA**Compliant:**

- The respondent’s answer describes how/where the criteria for meeting the requirements of registration/application are documented; and
- the respondent’s answer describes the role of any third-party assessors.

Not compliant:

- The respondent’s answer *does not* describe how/where the criteria for meeting the requirements of registration/application are documented; or
- if a third party is used for assessment, the respondent’s answer does *not* describe the role of the third-party assessors.

REVIEW FINDINGS**To be completed by the FRPA Review Office:**

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS**Comments, to be completed by the FRPA Review Office:**

Some of the criteria used to determine if a person has met requirements for certification are described in the internal policy, such as the criteria established to validate work experience and reference. The internal policy references the NS Installer School course but does not describe the standards/content for these courses. Although NSCC is the approved training provider and course developer, NSE is responsible for the certification

standard, as per the regulations. What are the criteria used to determine if an applicant from another jurisdiction has met requirements when they have completed a program other than the NS Installer School course? To be compliant with the FRPA regulating bodies must have in place transparent and objective assessment criteria to determine eligibility for registration including benchmarks for all requirements of registration.

QUESTION 11

How are the criteria that you use to assess the requirements for registration/application made available to applicants?

Alignment with FRPA: *Section 7(a) and (d)*

<p>RESPONDENT ANSWER</p>	<p>Select all that apply</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook <input checked="" type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format) <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Website <input checked="" type="checkbox"/> Other, explain your communication process if not listed above: All information is on the application letter and form sent out to all persons passing the NSCC course. In addition, the program information is available on the department’s website. The main page located here: https://novascotia.ca/nse/petroleum/ where certified installers are referenced. The process for becoming certified is noted at this link: https://novascotia.ca/sns/paal/nse/paal176.asp
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides applicants with a description of the criteria used to assess whether they meet the requirements for registration (they select at least 1 response option). <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide applicants with a description of the criteria used to assess whether they meet the requirements for registration (they do not select any response options).
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant

COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The standard against which the application will be assessed is not publicly available. Requirements for training, work experience and reference letter are noted, but there is no information on the criteria that are used to determine how the requirements for certification can be met until the applicant receives an application letter and form after successful completion of the course. If the applicant has qualified in another jurisdiction, there is no information. Information on training standards, approved course pass marks, details pertaining to work experience, etc. should be available to applicants in an accessible manner and at all times. To be transparent and compliant with the FRPA the regulating body must provide applicants with a description of the criteria that will be used to determine if they are eligible for registration.</p>
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QUESTION 12	
Do you have a process for providing the reason(s) why a registration/application is not approved?	
Alignment with FRPA: <i>Sections 8(c) and 10(3)</i>	
RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.):</p> <p>As the application is only sent to those persons passing the NSCC course (less than 20 persons a year), few do not provide the required information listed on the application. If an applicant selects a class (I, II, or III) they are not qualified for based on the course components they took and/or passed or did not submit the required references, they are called to explain and/or to see if the reference information was simply missing. This is sent in writing to those who request it or cannot be contacted by phone to explain. An internal checklist is used to show where the criteria is not met.</p> <p>If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.):</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide applicants who are not granted registration with a written decision that includes the reason(s) why.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p>

	<input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>It is not clear how qualified applicants who do not take the NSCC training would apply for certification or receive communication regarding their application. Even if information is communicated verbally, registration decisions must always be communicated in writing. This may result in a positive, negative, or decision to indicate that more information is required. To be compliant with the FRPA regulating bodies provide applicants who are not granted registration with a written decision that includes the reason(s) and inform the applicant of their right to appeal the registration decision.</p>

QUESTION 13	
<p>Do you provide supports/referrals/information to unsuccessful applicants after a decision has been communicated to the applicant? (Examples: referrals to education institutions to gain additional credentials, bridging programs, etc.)?</p> <p>Alignment with FRPA: <i>Sections 8(d) and 16(3)(k)</i></p>	
RESPONDENT ANSWER	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what types of supports/referrals/information do you provide to unsuccessful applicants after a decision has been communicated? When contacted administrative staff will explain why the applicant was not successful via verbal communication. Applicants may also be given instructions to clarify their application or gather additional references if applicable.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides, if applicable, information to unsuccessful applicants that may assist them in obtaining registration at a later date; and • the respondent’s answer describes any other supports/referrals/information provided to unsuccessful applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide, if applicable, information to unsuccessful applicants that may be assist them in obtaining registration at a later date; or • if the regulating body does provide any other supports/referrals/information to unsuccessful applicants (response = “yes”), the respondent’s does <i>not</i> describe this supports/referrals/information.
REVIEW FINDINGS	To be completed by the FRPA Review Office:

	<input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office:

SECTION III: INTERNAL REVIEW/APPEAL PROCESS

Section 10 of the Act states “Where a regulating body does not provide registration to an applicant, the regulating body shall provide an internal review process within a reasonable time and shall inform the applicant of the internal review process and of the procedures and time frames for the internal review.” This section focuses on the internal review/appeal process, including opportunities for an applicant to provide new information for a decision and details surrounding the decision-makers involved in the internal review/appeal process. Additionally, information on the training provided to individuals who make internal review/appeal decisions will be required.

QUESTION 14	
<p>Do you have a process for an applicant to request an internal review/appeal after a decision has been made on the registration/application? Include how this process is communicated to the applicant.</p> <p>Alignment with FRPA: <i>Sections 7(a), 10(1)(2)(4) and 16(3)(m)</i></p>	
RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If yes, explain the internal review/appeal process and how it is communicated.</p> <p>All communications with the applicant include contact information. An applicant would be communicated with throughout the process and allowed to provide supporting documentation where relevant. The applicant has opportunity to relate their concerns or grievance. In the event the follow-up enquiries are not resolved, the applicant is advised of an appeal process, if applicable. In the case of an appeal, the Policy Division, independent of the original decision maker, administers a formal assessment of the grounds by a trained and experienced Appeal Reviewer. As Set out in the Environment Act (s.137), the applicant has 30 days from the decision date to submit an appeal to the Minister. The Notice of Appeal Form with instructions can be found at:</p>

	<p>https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf There is a fee of \$108.95 required by regulation at: https://www.novascotia.ca/just/regulations/regs/envfees.htm</p> <p>The Notice of Appeal Form is processed following the appeal procedure.</p> <p>The applicant is instructed in the Notice of Appeal Form to make any submission in support of their grievance, including new information. Policy Division conducts a review of the Notice of Appeal Form. The application file, including all materials reviewed by the initial decision maker, as this material relates/pertains to the grounds of appeal, is assessed by a Reviewer. The assessment in an Appeal Review Report is provided to the Minister. The Minister as set out at s.137(4) of the Act can make one of three decisions – uphold the original decision makers decision by dismissing the appeal; put aside the original decision makers decision by allowing the appeal, or requiring the CoQ to be issued; and thirdly, make a decision the original decision maker could have made by requiring the application process to be undertaken again.</p> <p>According to s.137(3) of the Act, the Minister’s decision is to be communicated in writing within 60 days receipt of the Notice of Appeal Form to the applicant. The letter will detail the reasons for the decision. The Environment Act permits a further appeal to the Supreme Court of Nova Scotia within 30 days receipt of the Minister’s decision. This process is set out in the Statute located here: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p> <p>If no, what do you do if an internal review/appeal is requested?</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; and • the respondent’s answer includes a description of the internal review process, including how it is communicated to applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; or • the respondent’s answer does <i>not</i> include a description of the internal review process, including how it is communicated to applicants.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>

COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Since the applicant has only 30 days from the decision date to appeal, they should be informed of their right to appeal and the process at the time of decision, not only when a problem arises. The process described references but does not explain opportunities the applicant has to provide new information and make submissions with respect to their appeal. To be compliant with the FRPA regulating bodies must provide applicants who are not granted registration with information about the internal review process, including opportunities the applicant has to provide new information and to make submissions with respect to an internal review.</p>
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QUESTION 15	
<p>Do you have a timeframe for applicants to submit a request to initiate an internal review/appeal, after a decision has been issued?</p> <p>Alignment with FRPA: <i>Sections 7(a) and 10(1)</i></p>	
RESPONDENT ANSWER	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what is the timeframe that an applicant has, to initiate the internal review/ appeal process (in days)?</p> <p>In the event of an Environment Act appeal, the applicant has 30 days from the decision date to submit an appeal to the Minister. The Notice of Appeal Form with instructions can be found at: https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf .</p> <p>The applicant can appeal the Minister’s decision to the Supreme Court of Nova Scotia (SCNS), the applicant has 30 days from the Minister’s decision date to submit an application to the SCNS.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body has established a timeframe within which they must provide applicants with an internal review/appeal; and • the respondent’s answer includes a timeframe. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body has <i>not</i> established a timeframe within which they must provide applicants with an internal review/appeal; or • the respondent’s answer does <i>not</i> include a timeframe.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant</p>

	<input type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office:

QUESTION 16	
Do you have a process for which an applicant can request access to records from the registration/application?	
Alignment with FRPA: <i>Sections 12(4), 16(3)(j) and 16(3)(n)</i>	
RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If yes, please describe the process, and include the associated fees, for the individual to obtain the records from the applicant's file. (Examples: application forms, reference letters, transcripts, criminal background checks, certificates of professional conduct, proof of good standing in another jurisdiction, etc.)</p> <p>The department maintains a process for Information Access and Privacy. This process is located here: https://novascotia.ca/nse/dept/info.asp</p> <p>Requests for information are all subject to the Freedom of Information and Protection of Privacy Act (FOIPOP.) Some information, however, may be obtained through Routine Access. This policy is designed to provide persons with an opportunity to obtain certain categories of records without having to submit a formal FOIPOP application. While records disclosed through this policy are not considered to be actively in the public domain, they may be disclosed in full or with minimal severing of some information in keeping with the provisions of the FOIPOP Act. Information obtained under this process is free of charge. The link to the Routine Access Policy is here: https://novascotia.ca/nse/dept/routinedisclosure.asp This link has a sub-link to directly email a request for access to routine records or records the applicant may consider their own. There is also contact information if the applicant has questions or is unsure of how/what records are available by any of the information access processes noted here.</p>

	<p>Section 10 of Environment Act (Act) requires the establishment of an Environmental Registry where records are kept and made available to the public subject only to FOIPOP. The Environmental Registry process is here: https://www.novascotia.ca/nse/erms/</p> <p>The link to the Act is here: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body has a process under which requests for access to records are considered; and • the respondent's answer provides a description of the process. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> have a process under which requests for access to records are considered; or • the respondent's answer does <i>not</i> provide a description of the process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 17	
<p>Are the individuals who acted as decision-makers in respect to the initial registration decision different than the decision-makers in the internal review/appeal?</p> <p>Alignment with FRPA: Sections 10(5) and 16(3)(n)</p>	
RESPONDENT ANSWER	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent's answer states that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent's answer does <i>not</i> state that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 18

Explain the process that is used to ensure that the initial decision-maker for the registration/application of an applicant is different than the decision-maker in the internal review/appeal process.

Alignment with FRPA: *Sections 10(5) and 16(3)(n)*

RESPONDENT ANSWER	<p>Explain the process:</p> <p>The Minister is not the original or initial decision maker. The authority to issue a certificate of qualification has been delegated to other staff. The link to the Procedure for Ministerial Appointments is below. This Policy sets out the process for persons delegated/appointed under Legislation administered by NSE. This legislative framework applies to all certificates of qualification administered by the department.</p> <p>Section 64(1) is the issuing provision under the Environment Act for certificates of qualifications, and delegations and appointments are set out at section 17 and 21 of the Environment Act: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p>
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	<p>The Notice of Appeal Form instructs the applicant to mail or email the completed form directly to the Minister. Policy Division conducts a review of the Notice of Appeal Form. The application file, including all materials reviewed by the initial decision maker, as this material relates/pertains to the grounds of appeal, is assessed by a Reviewer. The assessment in an Appeal Review Report is provided to the Minister; the Minister can then allow, dismiss, or make a decision the administrator could have made when deciding on the appeal as set out at section 137 of the Environment Act.</p> <p>The Appeal Procedure ensures no one who acted as a decision-maker in respect of a registration decision acted as a decision-maker in an internal review. The Notice of Appeal Form and the Appeal Procedure Pursuant to s.137 of the Environment Act are here:</p> <p>https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent’s answer explains any process that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent’s answer does <i>not</i> explain the process (if they have one in place) that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 19
How are the results of an internal review/appeal decision communicated/provided to the applicant? (Examples: in writing, email, etc.) Are the reasons included in the results? Do you have a timeframe to provide an internal review/appeal decision, and is the timeframe written and communicated to the applicant?

Alignment with FRPA: *Section 10(3)*

RESPONDENT ANSWER	<p>Explain how the results are provided and if the results include reasons (also include how the timeframe is written and communicated to the applicant):</p> <p>In a formal appeal under the Environment Act (Act), according to s.137(3) of the Act, the Minister’s decision is to be communicated in writing to the applicant within 60 days receipt of the Notice of Appeal Form. The letter will detail the reasons for the decision. An example of a decision letter is found here: https://novascotia.ca/nse/issues/docs/Alton-Appeal-6.pdf</p> <p>The Minister as set out at s.137(4) of the Act can make one of three decisions – uphold the original decision makers decision by dismissing the appeal; put aside the original decision makers decision by allowing the appeal, or requiring the CoQ to be issued; and thirdly, make a decision the original decision maker could have made by requiring the application process to be undertaken again. The Environment Act permits a further appeal to the Supreme Court of Nova Scotia within 30 days receipt of the Minister’s decision. This process is set out in the Statute here: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p> <p>The process is further supported by The Appeal Procedure Pursuant to s.137 of the Environment Act</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none">• The internal review decision maker provides applicants with a written decision that includes reasons and a timeframe. <p>Not compliant:</p> <ul style="list-style-type: none">• The internal review decision maker does <i>not</i> provide applicants with a written decision that includes reasons and a timeframe.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 20

Have the decision-makers for the internal review/appeal process received training on how to conduct an internal review/appeal?

Alignment with FRPA: *Sections 11 and 16(3)(p)*

<p>RESPONDENT ANSWER</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain what training is required for the decision makers for internal reviews/appeal: In the case of an appeal, the Policy Division, independent of the original decision maker, administers a formal assessment of the grounds by a trained and experienced Appeal Reviewer. The Reviewer receives training on the Appeal Procedure Pursuant to s.137 of the Environment Act, the Environment Act and Regulations governing the administrator’s role in making decisions involving approvals and Certificates of Qualifications. Training/qualification includes the requirement for having 10 years experience administering administrative/quasi-criminal law enforcement and participating in an adjudicative process. The appeal review process relies on subject matter experts in Sustainability & Applied Science Division who are interviewed by the Reviewer on the process employed to administer Petroleum Storage Tank certifications. The Appeal Review Report, assessing the applicant’s complaint, is provided to the Environment Minister, appointed by the Lieutenant Governor, the final decision maker on an internal review. The Minister receives training relating to his/her responsibilities under the Act.</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides training to individuals who make internal review decisions; and • the respondent’s answer describes the training. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide training to individuals who make internal review decisions; or • the respondent’s answer does <i>not</i> describe the training.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office:</p>

III: OTHER NOTES

During the review process areas for improvement in registration practices may be noted that are outside what is required for compliance with the FRPA. Though not mandatory, these practices are noted in this section for consideration by the regulating body.

The following was noted during the review of registration practices for Petroleum Storage Tank Installers:

- If a good understanding of written and verbal English or French is a requirement, the language benchmark should be clear for applicants.
- If NSCC is sharing student information with NSE, ensure that student permission is in place.
- To be completely transparent with applicants, add information to the PST Installer certification webpage to clearly identify that there is no fee associated with the application portion of the certification process.

For support with this and other actions associated with the improvement of registration practices, the regulating body may contact the Review Officer for advice, provision of templates, information, research and/or best practice. The FRPA Office can assist with templates and example policies on items that are required for compliance under the Act. (example: Best Practices Checklist of Website Content). Sample policies and templates can be requested from the Review Officer at any time or by visiting the FRPA website: [Resources for Regulatory Bodies | FRPA \(novascotia.ca\)](#)

IV: ACKNOWLEDGEMENTS:

The Nova Scotia Department of Environment & Climate Change hereby declares that the information contained in this report is a true and accurate representation of current registration practices of the organization and agrees to take action to address items of non-compliance as per the following Action Plan.

DATE: June 18, 2021

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X 

Disclaimer: Any suggestion, comment or non-mandatory references to actions are recognized as being taken under advisement only for the purposes of this acknowledgment.

APPENDIX A: ACTION PLAN

Note: The intent of the Action Plan is to identify how the items of noncompliance are going to be corrected before the next review period to ensure compliance, fairness, and transparency, as required by the Act.

NAME OF REGULATING BODY: Nova Scotia Department of Environment & Climate Change – Petroleum Storage Tank Installers

INFORMATION ON REGISTRATION PRACTICES AS OF: 2020-12-15

ACTION PLAN TIMELINES:

TIMELINES FOR ACTION PLAN PROGRESS UPDATES

	Action Plan Deadline	Action Plan Progress Update 1	Action Plan Progress Update 2	Action Plan Progress Update 3	Action Plan Progress Update 4
Due Date	2021-03-31	2022-06-08	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-05-20	Click or tap to enter a date.			

ACTION PLAN:

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 6, 7(a), (c), 9(a), 16(3)(a), (b) and (g)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	2	Areas of non-compliance to be addressed in an action plan are as follows:	<ul style="list-style-type: none"> Update the application process to ensure instructions and all 	<ul style="list-style-type: none"> March 2022* 	It is a priority for applicants to be able to access the process and application form. As an interim measure these could be

		<ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications - ensure that information regarding registration requirements and how requirements are to be met is clear and easily accessible in the public domain through print and electronic media. 	<p>requirements including supporting documentation are clear.</p> <ul style="list-style-type: none"> • The website will be updated to communicate the corresponding requirements in a manner that is easily accessible. 	*CNS advised of delays for website changes due to Covid response.	developed as pdf documents and posted as a link from the Certified Petroleum Storage Tank Installers webpage: Certified Petroleum Storage Tank Installers Petroleum Storage Nova Scotia Environment This would not involve revamping an entire webpage. If website changes are expected to be delayed, refer applicants to the contact information for questions.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	3	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information regarding registration requirements and how requirements are to be met by applicants who received their qualifications outside of Canada is clear and easily accessible in the public domain 	<ul style="list-style-type: none"> • Update the application process to ensure instructions including accompanying documentation and all requirements for applicants outside of Canada are provided. • Update the website information with clear and readily accessible instructions and required documentation for applicants seeking reciprocity. 	<ul style="list-style-type: none"> • March 2023* <p>*CNS advised of delays for website changes due to Covid response.</p> <p>Completing and implementing the revised Standards will add to the</p>	<p>Information for applicants in the international stream should be accessible under a heading on the webpage or link to a pdf document. Process information should describe the whole process including the assessment of courses that are sufficiently similar. What documents would an applicant need to submit for this type of assessment to take place? Could the applicant begin the process outside Canada? If gaps are found or courses are not ‘similar’, what happens?</p>

		<p>through print and electronic media.</p> <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications 	<ul style="list-style-type: none"> • The Department has contacted the Labour Mobility Coordinator for assistance and advice. • Integral to this Action will be completing and implementing the revised Standards referred to in the Overview of the Regulating Body portion of this Report. • When the revised Standards are approved, we will inform all affected stakeholders as well as update our website 	time required to complete this Action.	While work on this Action is underway, a note could be added to the website referring applicants to the contact information should they have any questions.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	4	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants who received their qualification outside NS but within Canada is clear and easily accessible in the public 	<ul style="list-style-type: none"> • Update the application process to ensure instructions including accompanying documentation and all requirements for applicants in another Canadian jurisdiction are provided. • Update the website information with clear and readily accessible instructions and required 	<ul style="list-style-type: none"> • March 2023* <p>*CNS advised of delays for website changes due to Covid response. Completing and implementing the</p>	Information for applicants qualified in another jurisdiction should be accessible. A streamlined process must be offered to those with valid certification from another jurisdiction. Information should include the application process and documentation requirements Information on which jurisdictions are eligible for streamlined certification could be added. Good to consult with the Labour

		<p>domain through print and electronic media.</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants registered in another Canadian jurisdiction are based on certificate-to-certificate recognition and are clear and easily accessible on the public domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>documentation for applicants seeking reciprocity.</p> <ul style="list-style-type: none"> • The Department has contacted the Labour Mobility Coordinator for assistance and advice. • Integral to this Action will be completing and implementing the revised Standards referred to in the Overview of the Regulating Body portion of this Report. • This will involve a jurisdictional review to inform the final result as well as build in resiliency where possible to ensure that the revised Standards remain current with changes to industry-lead standards such as ULC and CSA. 	<p>revised Standards will add to the time required to complete this Action.</p>	<p>Mobility Coordinator (LMC) before finalizing the process. The LMC can obtain contact information for occupations in other jurisdictions and provide information on other CFTA requirements such as the requirement to inform other jurisdictions when there is a change in the occupational standard.</p> <p>While work on this Action is underway, a note could be added to the website referring applicants to the contact information should they have any questions.</p>
Update 1					
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 9(b), 16(3)(c)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	6	Areas of non-compliance to be addressed in an action plan are as follows:	<ul style="list-style-type: none"> • Update and document guidelines that describe acceptable alternatives for documentation to accompany an application that 	<ul style="list-style-type: none"> • March 2022 	When documentation requirements are clearly defined for all application streams (NS, Domestic, International), consideration can be given to alternatives

		- document guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control	cannot be obtained for reasons beyond the applicant's control.		that would be acceptable. Therefore, this action will follow actions 3 & 4, above. A template policy that can be used as a guideline to develop criteria around alternative documentation can be found on the Fair Registration Practices website: Fair Registration Practices - Resources for Regulatory Bodies novascotia.ca
Update 1					
Update 2					
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 16(3)(h)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	8 & 9	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a description of the accommodation practices for applicants which includes: <ul style="list-style-type: none"> - how to request an accommodation - guidelines regarding types of accommodations - ensure that practices are adaptable if a new situation arises 	<ul style="list-style-type: none"> • Develop and document a description for adaptive accommodation practices for applicants requesting physical or mental accommodations. • Information on accommodation practices will be clear and accessible on our website. 	<ul style="list-style-type: none"> • May 2022* <p>*CNS advised of delays for website changes due to Covid response.</p>	<p>A template policy that can be used as a guideline to develop a description of accommodation practices and advise applicants how to make such a request can be found on the Fair Registration Practices website: Fair Registration Practices - Resources for Regulatory Bodies novascotia.ca</p> <p>A description could be developed before May 2022. If website changes are expected to be delayed, refer applicants to the contact information for questions.</p>

Update 1						
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES				
Sections 7(a), (d), 16(3)(b) and (i)						
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments	
Action required	10 & 11	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document all criteria that are used to assess whether requirements for certification have been met - ensure that information is clear and easily accessible in the public domain through print and electronic media. 	<ul style="list-style-type: none"> • Develop and document all criteria to assess whether requirements have been met, including roles and steps by a third party. The process will be described in a clear, concise written document and will be easily accessible on our website. • Develop and document all criteria to assess whether requirements have been met and made available to applicants. The process will be clearly described and accessible on our website. 	<ul style="list-style-type: none"> • March 2022* <p>*CNS advised of delays for website changes due to Covid response.</p>	<p>Ensure that all criteria to obtain certification are described in detail and available to applicants, such as:</p> <ul style="list-style-type: none"> - knowledge & skills - work experience - reference letter - log book <p>Ensure that role of the third party is clearly explained on the website with links to their information.</p> <p>You may also wish to consider how revisions to the Standard could impact the criteria used to assess whether requirements for certification have been met.</p> <p>If website changes are expected to be delayed, refer applicants to the contact information for questions.</p>	
Update 1						
Update 2						
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES				
<i>Sections 8(c), 10(1)</i>						
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments	
Action required	12	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a process to ensure that applicants who are not granted registration are provided with a written decision that includes the reasons why registration has been denied - ensure that information about the internal review process is provided to applicants who have not been granted registration. 	<ul style="list-style-type: none"> • Develop and document a process for providing reasons why an application was not approved. This process will be made available to applicants through the website and alternative means where necessary. 	<ul style="list-style-type: none"> • March 2022* <p>*CNS advised of delays for website changes due to Covid response.</p>	<p>Applicants should be aware of how long it might take to make a decision regarding certification/issue a certificate, but the process does not need to be on the website. Applicants denied certification need to be informed in writing with reasons. It is important that there be a clear internal process to issue decisions related to certification, including reasons why certification may not be issued. CNS timelines will not affect this action. An internal process should be developed without delay.</p>	
Update 1						
Update 2						
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Update 4						

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES				
<i>Sections 7(a), 10(1)(2)(4) and 16(3)(m)</i>						
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments	
Action required	14	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p>	<ul style="list-style-type: none"> • Ensure the current appeal process with the procedure, timelines and 	<ul style="list-style-type: none"> • March 2022* 	<p>A reasonable plan to address the current gap in registration practices. Using the current process ensure that a plain</p>	

		<ul style="list-style-type: none"> - document a clearly defined process for an internal review of the registration decision which includes: <ul style="list-style-type: none"> - procedures - timeframes - opportunities the applicant has to provide new information and to make submissions in support of their position (e.g. documented evidence, hearing, etc.) - ensure that information on the internal review process is clear and easily accessible in the public domain through print and electronic media - document the timeline and process by which an applicant who has been denied registration is informed about the procedures and time frames for the internal review. 	<p>submission requirements is clearly defined, documented and accessible on our website.</p> <ul style="list-style-type: none"> • The reasons for denying certification will be provided in writing and will include the availability of a review/appeal and a description of the above process. Communication will include a link to the Notice of Appeal Form. 	<p>*CNS advised of delays for website changes due to Covid response.</p>	<p>language process is available for applicants in an accessible manner.</p> <p>A plain language process could be developed before March 2022 and appended to any applications that are denied. If website changes are expected to be delayed, provide a link to the Notice of Appeal form, and refer applicants to the contact information for questions.</p>
Update 1					
Update 2					
Update 3					
Update 4					