

Technical Safety Act and Regulation Development

Construction Industry Briefing
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Labour and Advanced Education


NOVA SCOTIA

NS Labour and Advanced Education

- Regulate training for skilled occupations
- Ensure technical safety standards are met
- Establish a framework for public, employee and property safety
- Establish standards for continued learning
- Protect and balance the rights and interests of workers and employers
- Respond to provincial workforce requirements
- Contribute to National/International Initiatives



Rationale for Review

- update and consolidate legislation
- certain existing technical safety legislation has not kept up with changes in technology, industry, and the workforce
- streamline legislation to provide flexibility to respond to changes in technology and trades
- modernize and simplify the technical safety legislation framework
- improve consistency
- meet the needs of a changing economy

Technical Safety Review

- Review team
 - Steering Committee (internal)
 - Advisory Group (external)
- Discussion paper, including sample legislation for technical safety, released July 2007
- Comment period closed October 30, 2007
- Direct consultation with many key stakeholder groups during September and October, 2007
- Report and recommendation from the Advisory Group to Minister December 2007

Technical Safety Review Advisory Group

- Canadian Manufacturers and Exporters
- Construction Association of Nova Scotia
- Building Owners and Managers Association Nova Scotia
- Department of Transportation and Infrastructure Renewal
- Chair of the Nova Scotia Apprenticeship Board
- Power Engineers and Operators Board
- Public Works and Government Services Canada
- New Brunswick Public Safety
- Apprenticeship and Skills Development

Technical Safety Act when fully implemented will replace:

- Steam Boiler and Pressure Vessels Act
- Crane Operators and Power Engineers Act
- Fuel Safety Regulations (under Fire Safety Act)
- Elevators and Lifts Act
- Amusement Devices Safety Act
- Electrical Installation and Inspection Act

Technical Safety Act Framework

- uniform, consistent, and easier to understand
- includes over-arching principles (with detailed requirements in the regulations)
- empowers the technical safety system by establishing clear responsibilities and accountabilities, and treating everyone fairly and equally
- emphasizes that there are shared responsibilities and roles for all persons involved in particular activities, services, goods, or things which affect technical safety and which need controls to reduce risk

Technical Safety Act Framework

- provides a streamlined process for a single advisory structure (with the ability to convene sub-committees on special issues) to provide expert advice to the Minister
- accommodates inter-provincial trade and workforce mobility
- provides clear criteria for approval of deviations from the Act, regulations, or codes
- allows for flexible regulations that are adaptable to technical change and are responsive to stakeholder needs, without compromising safety

Technical Safety Act

- Technical Safety Act passed Spring 2008
- Initial phase for the implementation of the Technical Safety Act and associated regulations was proclaimed on April 1, 2011
- Subsequent implementation of the Technical Safety Act will be proclaimed in in 2 additional phases
- LAE is committed to on-going and meaningful consultation with stakeholders throughout the regulatory review process

Technical Safety Act provisions

- Definitions
- Act binds Crown
- Administrator Appointment
- Technical Safety Advisory Board
- Inspections
- Orders
- Permits for regulated work
- Licence to conduct regulated work

Technical Safety Act provisions

- Alternative compliance method
- Minor variation
- Directives
- Appeals
- Penalties
- Regulations by OIC
- Regulations by Minister
- Subsistence

Regulation Review Process

- Develop draft regulation in-house
- Validate with focus group
- Send to legal for initial drafting
- Send out for public consultation
- Reviewed by staff and focus group
- Back to legal for final review
- Send to Technical Safety Advisory Board for final endorsement

Technical Safety Act regulations

- Phase 1 of the regulations dealt with matters covering Boiler and Pressure Equipment, Fuel Safety, Crane Operators, Power Engineers, General Matters, Fees and Standards
- Phase 2 will deal with matters covering Elevators and Lifts and Amusement Devices
- Phase 3 will deal with matters covering Electrical Safety

Licencing & Certificates of Qualification

- Licencing will replace the renewal of Certificates of Qualification/Competency
- Certificates of Qualification/Competency will be issued once with no expiry date
- Renewable licence, based on qualifications, will be required to perform regulated work
- Renewal of a licence may include requirement for ongoing educational component

Boiler & Pressure Equipment Regulations

- brought in oil refinery and natural gas processing facilities
 - First owner/user program
 - Added ~ 490 previously un-registered devices
- Brought in lower pressure boilers in apartment buildings, schools & shopping malls will require registration and periodic inspections
 - ~137 previously un-registered devices added
 - ~25% of schools w/LP boilers inspected

Boiler & Pressure Equipment Regulations

- licensing manufacturers, contractors and fabricators will see administrative burden reduced once initially licenced and will enable maintenance work to be done without permit
 - ~160 potential contractors in NS
 - 23 contractors with registered quality programs have been licenced
 - 88 contractors working towards a contractor licence
 - ~387 permits issued to date

Power Engineers Regulations

- brings in new technology heating boilers that do not have storage capacity
 - 1 plant de-registered
- enables reduced supervision of indirect systems such as rinks that have had difficulty finding operators
 - 1 facility has been approved
- enables use of approved electronic log books which reduces administrative burden since paper logs will no longer be required
 - no new requests received

Fuel Safety Regulations

- reduces labour cost for Contractor 2A since will only need 1 gas fitter to complete an installation
- introduction of a self-monitored inspection system for Contractor 2A
 - 3 licenced 2A contractors
- licensing of oil burner technicians including installation compliance inspection by oil supplier seen to be leveling the playing field between oil and gas industries
 - Compliance inspection requirements delayed
 - Dual CoQ and licence system in place

Fuel Safety Regulations

- expanded registration system will reduce approval times for higher heating value appliance
 - 2010
 - 3473 registrations (66%); 1773 permits (34%)
 - 2011
 - 3703 registrations (82%); 791 permits (18%)

Crane Operators Regulations

- removes artificial classification of cranes in current regulations
- natural career progression path built into regulations for crane operator to achieve higher classification
 - Crane Operator 1 – 344
 - Crane Operator 2 – 141
 - Crane Operator 3 – 179
 - Crane Operator 4 – 34
 - In process – 264
 - Overhead – 563
 - Tower – 65
 - Trainees – 490

General Regulations

- defines composition of the Technical Safety Advisory Board
 - Inaugural meeting January 2012
- enables the Advisory Board to create sub-committees
- defines incident reporting requirements
- provides requirements for authorization, registration, licence and permit reinstatement
- defines required information for alternative compliance methods requests
- defines required information for minor variance requests

Standards Regulations

- defines all codes and standards that are applicable under the Act and regulations
- codes and standards are date specific
- new codes and standards will be added as new regulations under the TSA are approved
- adopted in whole or in part with modifications and additions as specified
- adopted as Ministerial Regulations
 - probable semi-annual adoption

Fees Regulations

- comprehensive list of all fees under the Act and regulations
- new fees will be added as new regulations under the TSA are approved
- comprehensive review of all fees under the Act and regulations will be conducted in accordance with government directive
 - fee review initiated
- current fee structure has been carried forward, as much as possible, pending the review
- adopted as Ministerial Regulations

Elevators and Lifts

- # hours for Class "C" Passenger Ropeway Mechanics may be changed
- An additional Class of Mechanic may be added for personnel/material hoist.
- Third party accreditation may be accepted
- Additional requirements may be required for major alterations to existing equipment

Amusement Devices

- Changes to certificates of competency: inflatable vs. mechanical rides
- Changes to the prescribed safety standards due to new technologies and harmonization process
- Definition changes and exclusions of some types of equipment

Electrical Safety

- An individual electrician or communications cabling specialist will be required to obtain a license in order to work and draw wiring permits.
- A voluntary contractor licence will be available to electrician and communications cabling companies that will allow permits to be obtained in the name of the company.
- An audit inspection (QA/QC) system will be required for all contractor licence holders.

Electrical Safety

- In order to advertise to do electrical or communications cabling work, you will be required to be licensed as an individual or a contractor.
- The authority of the Electrical Safety Chief Inspector and the inspection agencies will be clearly defined.
- The amount of electrical work that can be performed without a permit for electricians will be expanded and clarified.

Electrical Safety

- The ability to suspend or refuse to issue wiring permits will be implemented for those in non-compliance with the ES standards or regulations.
- The exemption for a license or a permit will be clarified for trades or occupations that may perform a limited amount of electrical work consistent with their trade or occupation.
- The exemption for a license and/or permit for general electrical maintenance work by non electricians, with the appropriate training, will be introduced.
- Emergency repair exemptions will be clearly defined.

Questions?