

## Regulatory Proposal for Stakeholder Consultation

### Training Requirements for Retail Assembly of Portable Outdoor Fuel-Burning Appliances

#### **Proposal**

The Ministry of Government and Consumer Services (MGCS) and the Technical Standards and Safety Authority (TSSA) are proposing to establish an exemption for retailers, the employees of retailers and the employees of a retailer's agent who perform assembly work on certain portable outdoor fuel-burning appliances for customers from the requirement to hold a certificate under the Fuel Industry Certificates Regulation (O. Reg. 215/01) of the *Technical Standards and Safety Act, 2000*. Examples of these fuel burning appliances include portable outdoor natural gas and propane barbecues, smokers, heaters and similar consumer products. MGCS and TSSA are also proposing to exempt retailers and their agents from the requirement to register as a contractor under the Gaseous Fuels and Propane Storage and Handling Regulations (O. Reg. 212/01 and 211/01).

#### **Rationale**

Currently, businesses involved in the non-factory assembly of portable outdoor fuel-burning appliances must ensure that fuel-burning appliance assemblers possess the appropriate certificate required by the Fuel Industry Certificates regulation. This imposes a significant regulatory requirement relative to the safety risk associated with this activity.

As an alternative to the certification requirement, TSSA has considered variance requests from businesses that can provide proof that employees have completed formal training to a curriculum acceptable to the director responsible for the regulation. This process has maintained safety, but businesses must request variances on a per-site basis and TSSA must approve the curriculum and process the variance requests accordingly. In addition, TSSA has required that retailers and their agents, who provide assembly services, be registered as contractors under Gaseous Fuels and Propane Storage and Handling regulations. This approach has imposed costs and administrative burden on businesses.

In order to better balance public safety risks and the administrative burden for businesses engaged in this activity, MGCS and TSSA propose to establish an exemption to the certificate requirement and introduce a training requirement for retailers, the employees of a retailer, or of its agent, who assemble portable outdoor fuel-burning appliances for customers. Where a retailer or its agent is operating under this exemption it would also be exempt from the requirement to be registered as a contractor. This approach would streamline and reduce the cost of safety administration and compliance while ensuring public safety.

#### **Proposal Details**

The proposed change would exempt an individual from having to possess a fuels certificate if the individual is assembling a portable outdoor fuel-burning appliance for consumer use, provided that:

- the person performing the assembly is an employee of the retailer who has sold the appliance to the customer, or is an employee of the retailer's agent;

- the appliance is approved for sale and use under Ontario law and is for outdoor use only;
- the retailer is entitled to sell the appliance by its manufacturer;
- the retailer offers to assemble it at the time of sale for the customer;
- the appliance is not intended to be used to serve the public;
- the person performing the assembly has completed the training on the assembly of the appliance provided by the retailer or its agent; and,
- the appliance is assembled in accordance with the manufacturer's assembly instructions.

The proposal would exempt retailers and their agents from having to register as contractors where individuals performing the assembly work have met the above conditions.

### **Business Compliance Actions**

If a retailer offers assembly of these appliances to customers, the retailer or the retailer's agent must ensure that any person who assembles the appliances is trained according to the above requirements. Such persons must complete a training program offered and deemed appropriate by the employer. The employer must document the training undertaken. Proof of training must be made available to TSSA inspectors when requested, and can be in the form of any documentation that confirms that training was provided, such as:

- a sign-off sheet confirming attendance in a training program by the employee;
- a printed confirmation of training completion with the name of the retailer, the employee of the retailer, or the retailer's agent;
- a formal letter from the employer naming the employee and confirming training or any other similar supporting documentation.

Businesses that assemble portable outdoor fuel-burning appliances that are not performing the assembly as the retailer of the appliance or as the retailer's agent are still required to register as contractors. In addition, any person carrying out the work for a registered contractor must continue to hold the appropriate certificate for that purpose.

### **Next Steps**

Please provide your comments on this proposal to Nathan Fahey at [nathan.fahey@ontario.ca](mailto:nathan.fahey@ontario.ca). Comments should be received no later than **April 8, 2015**.

All comments will be reviewed by the government in advance of the development of new regulations. If the proposal is approved, MGCS and TSSA will communicate to stakeholders via email and through the TSSA's website.

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**Privacy Statement** Please note that unless requested and agreed otherwise by the Ministry of Government and Consumer Services, all materials or comments received from organizations in response to this consultation will be considered public information and may be used and disclosed by the ministry to assist the ministry in evaluating and revising the proposed

regulatory amendments. This may involve disclosing materials or comments, or summaries of them, to other interested parties during and after the request for public comment process.

An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified. Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by the individual. However, materials or comments by individuals may be used and disclosed by the ministry to assist in evaluating and revising the proposed regulatory amendments.

Personal information of those who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the ministry without the individual's consent unless required by law. If you have any questions about the collection of this information, please contact Nathan Fahey at [nathan.fahey@ontario.ca](mailto:nathan.fahey@ontario.ca).