



# Minutes

## PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, April 12, 2016

PEO Offices

### **Members:**

Jamie Catania, P. Eng.

Denis Dixon, P. Eng. [*via teleconference*]

Roger Jones, P. Eng.

Neil Kennedy, P. Eng.

Dale Kerr, P. Eng.

Colin Moore, P. Eng.

Nicholas Pfeiffer, P. Eng. (Chair)

Brian Ross, P. Eng.

### **Staff:**

Sherin Khalil, P. Eng.

José Vera, P. Eng.

### **Regrets:**

Heather Swan, P. Eng.

Fanny Wong, P. Eng. (Vice-Chair)

### **Guests:**

James Lowe, P. Eng.

Peter Rusch, P. Eng.

**1. OPENING OF MEETING**

The Chair called the meeting to order at 5:45 p.m., with 8 members of the Committee in attendance. Consequently, quorum was attained.

**1.1 Approval of Agenda**

A motion was made to approve the agenda as written.

**Moved by: B. Ross                      Seconded by: D. Dixon                      CARRIED**

**2. MINUTES OF PREVIOUS MEETING**

**2.1 Approval of Minutes of March 8, 2016 Meeting**

A motion was made to approve the Minutes of the March 8, 2016 meeting as written.

**Moved by: J. Catania                      Seconded by: C. Moore                      CARRIED**

**2.2 Action Items of March 8, 2016 Meeting**

Staff reported on the status of the Action Items.

Previously, there was a discussion regarding the Licensed Engineering Technologist and Limited Licence.

**Follow-Up:**                      Staff and the PSC Chair prepared a memo to Eugene Sokolov with regard to his request on developing a new guideline on the design of Nuclear Pressure Retained Structures.

**Follow-Up:**                      Staff obtained more information on the Limited Licence and Licensed Engineering Technologist.

**Action:**                              Staff to send to the PSC Chair the original request from the Registrar regarding the Dam Safety Review Guideline.

### 3. GUIDELINES

#### 3.1 Guideline for Preparing As-Built and Record Documents

**Follow-Up:** Staff proposed to the subcommittee that stakeholders may need to be invited as guests after the draft guideline is completed. The subcommittee prefers to wait till the public consultation.

**Follow-Up:** Staff invited P. Rusch and J. Lowe from the Preparing As-Built and Record Documents Subcommittee to attend the PSC meeting in April 2016.

Staff reported the following:

- The subcommittee members completed addressing all comments that were received by the PSC.
- In the view of the subcommittee, the draft guideline is ready for public consultation.
- P. Rusch and J. Lowe are attending this meeting to address any questions or concerns that the PSC members may have on the draft guideline.

There was a discussion regarding the readability and clarity of the draft guideline. Staff advised that final formatting of the draft guideline will be done prior to the public consultation.

P. Rusch and J. Lowe addressed some questions that were raised from the PSC members on the draft guideline.

A motion was made to approve sending the Preparing As-Built and Record Documents Guideline for the public consultation.

**Moved by: B. Ross                      Seconded by: R. Jones                      CARRIED**

**Action:** Staff to conduct a final review of the guideline prior to sending for public consultation.

#### 3.2 Guideline for Structural Engineering Design in Buildings

Staff advised that the subcommittee members completed addressing all of the public consultation comments.

Comments were received from the Ontario Association of Architects, the Ministry of Municipal Affairs and Housing, the Large Municipalities Chief Building Officials, and Consulting Engineers of Ontario.

In the view of the subcommittee, the draft guideline is ready for final approval.

A motion was made to approve the Structural Engineering Design in Buildings Guideline.

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

**Action:**                      Staff to prepare a Briefing Note and send the Structural Engineering Design in Buildings Guideline to the June 2016 Council meeting for final approval.

### **3.3      Condo Reserve Studies Guideline**

It was previously reported that D. Kerr reviewed the guideline and addressed all comments that were received.

**Follow-Up:**                      Staff made final edits on the draft guideline.

Staff reported that the Condo Reserve Studies Guideline is ready for public consultation.

There was a discussion regarding the proposed changes in the *Condominium Act, 1998, Ontario Regulation 48/01*.

D. Kerr reported that the draft guideline does not go much further than what is written in the *Condominium Act*.

It was suggested that the draft guideline could be sent to core stakeholders, such as law firms, to provide feedback on the guideline during the public consultation stage.

**Action:**                      Staff to follow up with the Ministry of Government and Consumer Services with regard to the proposed changes in the *Condominium Act, 1998, Ontario Regulation 48/01*.

A motion was made to approve sending the Condo Reserve Studies Guideline for public consultation.

**Moved by: J. Catania                      Seconded by: R. Jones                      CARRIED**

### **3.4 Solid Waste Management Guideline**

**Follow-Up:** Staff sent a reminder to the Ministry of the Environment and Climate Change and Solid Waste Association of North America to provide their feedback on the Solid Waste Management Guideline.

Staff reported that the public consultation ended on March 15, 2016.

The public consultation comments were received from:

- Ontario Chapter, Solid Waste Association of North America
- York Region
- Ontario Society of Professional Engineers
- Individual Engineers

The Ministry of the Environment and Climate Change contacted PEO requesting additional time to provide their feedback on the draft guideline. As soon as PEO receives the comments from the Ministry of the Environment and Climate Change, the subcommittee members will continue working on the draft guideline.

### **3.5 Guideline for Structural Condition Assessments**

It was previously reported that the draft guideline was approved by the PSC for public consultation via a doodle poll in late February 2016.

Currently, the guideline is under public consultation, from March 1, 2016 to April 29, 2016.

### **3.6 Data Matrix Bulletin**

**Follow-Up:** Staff to send the draft bulletin to other independent engineers for their feedback.

PEO staff had previously reported that the Draft data Matrix Bulletin has been sent to the subject matter experts for their comments and feedback. An expert suggested to share the draft bulletin with other independent engineers who would be able to provide feedback.

**Action:** Staff to send a reminder to the subject matter experts to provide their feedback on the Data Matrix Bulletin.

A final version of the bulletin will be sent to the PSC members for their comments and suggestions.

### **3.7 Guideline for Design Evaluation of Demountable Event Structures**

Staff previously reported that, at the November 2015 meeting, Council approved the development of a practice guideline for Design Evaluation of Demountable Event Structures.

It was previously agreed that the Review Network volunteers will be approved at a later PSC meeting.

Staff reported that the first meeting will be held on May 26, 2016.

Staff has prepared a welcome presentation to explain the following:

- The mandate of the Professional Standards Committee and the subcommittee;
- The purpose of practice guidelines;
- A Work Plan; and
- To provide the subcommittee with an in-depth understanding of the PSC processes and priorities.

### **3.8 Use of Seal Guideline**

**Follow-Up:** Staff prepared the Terms of Reference and sent it to the PSC members for the April 2016 meeting.

Staff provided a proposed Terms of Reference on the Use of Seal Guideline for comments and feedback.

**Question:** Would a Briefing Note be required for Council approval to update the existing Use of the Professional Engineer's Seal Guideline?

**Answer:** Yes, staff will prepare a Briefing Note as soon as the Terms of Reference are approved by the PSC members.

**Action:** Staff to send a reminder to the PSC members to provide their comments on the proposed Terms of Reference.

### 3.9 Professional Engineers Providing Reports on Mineral Properties Guideline

Staff previously contacted William E. Roscoe to verify if the guideline requires update.

It was previously reported that W. Roscoe advised that the existing guideline is worth updating, but it should place more reliance by reference to other documents such as NI 43-101 and CIM Definition Standards, which have both been updated approximately three times since 2002. It could still play a useful role in providing guidelines for economic studies such as, Preliminary Economic Analysis (a.k.a. scoping studies), Prefeasibility Studies, and Feasibility Studies. These studies are summarized in NI 43-101 reports, but could use some guidance for the more comprehensive PFS and FS level studies.

The PSC members advised that the process evaluation should be applied when determining if a new guideline should be developed, or if an existing guideline should be updated.

**Action:** Staff to obtain more information from W. Roscoe and verify if there is evidence of a problem in this area of practice.

**Action:** Staff to update the PSC members on next steps regarding this item.

### 3.10 Professional Engineering Practice Guideline

It was previously reported that staff reviewed the Professional Engineering Practice Guideline and recommended removing some information relating to temporary, limited and provisional licence holders, as this information is covered in other licensing guides (available on the PEO website).

The PSC members suggested removing the specific details on the temporary, limited and provisional licence holders and point out the general requirements.

**Action:** Staff to revise this section in the Professional Engineering Practice Guideline and make reference to the document that has all the details for the requirements on the temporary, limited and provisional licence holders.

Staff reported that the Communications Department and other internal departments are working on this item to verify what other sections in this guideline need update.

## 4. STANDARDS

### 4.1 MOECC - Performance Standard for the Environmental Site Dispersion Model (ESDM)

**Follow-Up:** Staff provided the evaluation process to determine if the performance standard and practice guideline on the ESDM are required or not based on the evaluation.

Previously, the PSC members had some comments regarding the Terms of Reference and had some questions regarding the Ministry of the Environment and Climate Change's request to develop this performance standard.

At March PSC meeting, L. MacCumber, P. Eng. from the Ministry of the Environment and Climate Change attended the meeting to address questions that the PSC members had.

Staff prepared a presentation on the evaluation as follows:

**First Test: Do the Emission Summary and Dispersion Modelling (ESDM) Report requirements fall within PEO's jurisdiction?**

Yes, since:

- Professional engineers preparing these reports can be disciplined by PEO;
- Use of Seal requirements apply to the ESDM reports;
- ESDM reports likely fall under the definition of the practice of professional engineering; and
- Professional requirements and ethical obligations under the *Professional Engineers Act* apply to the ESDM reports.

**Second Test: What number of members are affected by this area of practice?**

- Currently, the Ministry of the Environment and Climate Change does not collect specific data on how many engineers prepare ESDM reports.
- It is estimated that, currently, there are hundreds of engineers and other practitioners preparing ESDM reports.

**Third Test: What is the impact on the public by this area of practice?**

- The ESDM Report is used to predict potential concentrations of contaminants at the nearest point of impingement to a sensitive receptor to ensure that it is within the requirements of the Ministry of the Environment and Climate Change.

**Fourth Test: Are there any legal cases which point toward the need for clear benchmarks and best practices for engineers preparing ESDM reports?**

- Yes, three legal cases were provided at the presentation.

**Fifth Test: Evidence of a problem involving engineering practice?**

- The scope is not consistent for practitioners preparing ESDM reports. For example, some practitioners will complete a model, but not compile the results to ensure that the limits of the Ministry of the Environment and Climate Change are met.
- The quality of existing submitted reports is not consistent among practitioners and, since there is a regulatory review, the practitioners rely on the Ministry to inform them that the report does not meet the minimum requirements.

**Sixth Test: Number of inquiries made to PEO regarding practice?**

- Practice Advisory group did not receive any specific practice issues from engineers on the ESDM reports.
- Most likely, the practice issues tend to be about the Use of Seal and professional requirements for preparing any reports.

**Seventh Test: Are the ESDM Guideline and the performance standard required by creation or amendment of legislation?**

- Scope of a project is beyond the requirements in the Ministry of the Environment and Climate Change guidelines.
- Review of reports and quality assurance is also beyond the scope of Ministry of the Environment and Climate Change guidance.
- There is currently no requirement that an engineer must prepare an ESDM report or that any type of internal review/quality assurance steps should

occur before the reports are submitted to the Ministry of the Environment and Climate Change.

**Action:** Staff to prepare a memo to the Ministry of the Environment and Climate Change requesting more information.

The PSC members advised that the ESDM reports issues might be addressed by filing a complaint. Furthermore, the Professional Engineering Practice Guideline already covers the “Report Writing” issues.

#### **4.2 Supervising and Delegating Standard**

Staff previously advised that the Legislative Counsel indicated that the *Professional Engineers Act* does not provide PEO with authority to create regulations regarding many of the items in the standard, nor mention anything regarding supervision, except in the context of supervising the services provided by a Certificate of Authorization.

A member asked if the engineer who seals and signs the documents and drawings takes responsibility for the work. As per the Professional Engineering Practice Guideline:

“...not everyone performing work identified as the practice of professional engineering requires a licence, as the *Professional Engineers Act* includes the following exceptions to licensure: a person working under the supervision of a professional engineer taking responsibility for the work...”

Staff reported that the PSC may consider a practice guideline with the best practices for these situations in lieu of a performance standard for supervising and delegating.

#### **4.3 Projects without Permit**

**Follow-Up:** Staff provided the comments that were received from the public consultation on the Projects without Permit performance standard.

Staff previously provided a presentation describing the background, and outlined the following:

- Council Briefing Note for Professional Standard - General Review of Building Projects Proceeding Without Building or Demolition Permits - prepared for April 2011 Council meeting.

- Motion to approve this Performance Standard was defeated.
- Currently, the General Review Guideline covers a procedure for projects without a building permit, and it may be misconduct to review a site without permit.

Staff provided all public consultation comments that were received on the Performance Standard for the Projects without Permit. The total number of comments received were 14, and approximately 8 of them did not support the Performance Standard.

The PSC members suggested to postpone the decision to an upcoming meeting.

#### **4.4 Professional Design Coordination**

Staff provided a presentation on the history of Professional Design Coordination, and reported the following:

- A meeting was held on March 10, 2016 with OAA to discuss an agreed position on “Coordinating Professional”.
- OAA proposed creating a joint subcommittee with PEO to develop a practice guideline for “Coordinating Professional” and a performance standard, if and when the Ministry of Municipal Affairs and Housing updates the *Building Code Act* to mandate a “Coordinating Professional”.
- The Ministry of Municipal Affairs and Housing recently informed PEO staff that the *Building Code Act* will be amended to include requirements for Professional Design Coordination.

A motion was made to approve developing a practice guideline and performance standard on Professional Design Coordination.

**Moved by: J. Catania**

**Seconded by: B. Ross**

**CARRIED**

**Action:** Staff to write the Terms of Reference for a new subcommittee to develop a practice guideline and performance standard on Professional Design Coordination.

## 5. OTHER BUSINESS

### 5.1 Status of PSC Projects

**Action:** Staff to provide additional information on the proposed Guideline Interpreting PEA for Regulators.

**Action:** Staff to update the PSC projects to include the status of the Nuclear Pressure Retained Structures.

### 5.2 Elliot Lake Recommendations

There was nothing new to report.

**Action:** Staff to provide an update on all Elliot Lake Recommendations items.

### 5.3 Climate Change and Engineering

Staff previously reported that the National Guideline link is now available on the PEO website.

**Follow-Up:** PSC members revisited the Engineers Canada national guidelines to determine which guideline can be added to PEO website.

The PSC indicated that there is no other relevant national guideline that can be added to the PEO website.

This item can be removed from next PSC agenda.

### 5.4 Site Remediation

There was nothing new to report. Staff is still working on this item.

### 5.5 Council Update

The PSC Chair reported on his Council presentation.

### 5.6 Lessons Learned

Previously, the PSC members discussed the lessons learned from past projects. A member suggested that it is not necessary for the Subcommittee Chair to be a

PSC member, and that is more important for the Subcommittee Chair to be an expert.

A PSC member recommended having an introductory session prior to approving the subcommittee volunteers to determine who are ideal candidates.

**Action:** Staff to draft a document outlining the challenges from past projects for discussion at the next PSC meeting.

There was some brainstorming provided at the meeting for a more effective subcommittee:

- Interview subcommittee contributors;
- Training for Chairs;
- Educating contributors on the focus of professional obligations and not technical issues; and
- CSA hires someone to write a first draft.

#### **5.7 Service Awards**

A service award was provided to N. Kenndy for 10 years service with PEO as volunteer member to the Professional Standards Committee.

### **6. ADJOURNMENT AND NEXT MEETING**

The meeting adjourned at 8:00 p.m.

Below are the meeting dates for the 2016:

- May 10, 2016
- June 14, 2016
- September 13, 2016
- October 18, 2016
- November 8, 2016
- December 13, 2016