



<b>Fuels Safety</b>	Ref. No.: FS-263-23- R1
<b>ADVISORY</b> (Subject to Revision as Appropriate)	Date: July 14, 2023

**Subject:** Validation Programs associated with TSSA's Fuels Heating Contractor Audit Program, Advisory FS-248-20.

**Distribution:** Posted on TSSA Website and E-mailed to Heating Fuels Contractors

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## **Background:**

In 2020, TSSA implemented educational sessions associated with audit program for heating contractors. Within this program, there is a requirement for contractors to validate work performed by their employees and, if applicable, their sub-contractors. During the educational sessions, industry stakeholders asked TSSA to set out standards for the validation program to ensure the consistency of TSSA audits and industry validation programs. TSSA inspectors supported this ask. This advisory outlines the acceptable standards.

***For reference, item 4 of Advisory FS-248-20 for Heating Contractors stated that***

"Employees' Certification and Compliance

- There should be a validation program to check that employees' work is compliant
- Specifically demonstrate through records:
  - o Employees who provide fuels services hold the appropriate certification and that it is checked on an ongoing basis
  - o All certificate holders' work is checked for compliance with the adopted code
    - To assess how often and which work shall be checked for individual technicians, the contractor shall do an analysis which considers the technician's certificate qualifications, years of service, experience, training, history, etc.
    - It is an expectation that, within the first year of the introduction of the revised contractor audit program, each technician within a contractor's employment will be evaluated and their fuels work in the field will be checked for compliance
- Contractors that contract out this service should be able to demonstrate that their sub-contractor is registered and the sub-contractor's employees doing the fuels work hold the appropriate certification. This should be checked annually, as registrations renew annually. TSSA will also expect some process to check sub-contractors' is acceptable. For example, sub-contractors need to have a validation program to check their employees' work, as outlined above, which is reviewed annually.
- If there is no process to verify the technicians' work, TSSA will perform a field verification."

**If TSSA does field verifications and non-compliances are found, orders will be issued to address the non-compliances as well the following order(s) as applicable:**

**"As a person who employs a person to carry out activities referred to in section 5(1) of Ontario Regulation 211/01, you are hereby ordered to develop a program whereby you can demonstrate that you have taken every precaution that is reasonable to ensure your employees comply with the regulation and the associated code adoption document as required by section 5(2) of Ontario Regulation 211/01"**

**And/or**

**“As a person who employs a person to carry out activities referred to in section 5(2) of Ontario Regulation 213/01, you are hereby ordered to develop a program whereby you can demonstrate that you have taken every precaution that is reasonable to ensure your employees comply with the regulation and the associated code adoption document as required by 5(2) of Ontario Regulation 213/01”**

**And/or**

**“As a person who employs a person to carry out activities referred to in section 11(1) of Ontario Regulation 212/01 (Gaseous Fuels), you are hereby ordered to develop a program whereby you can demonstrate that you have taken every precaution that is reasonable to ensure your employees comply with the regulation and the associated code adoption document as required by section 11(2) of Ontario Regulation 212/01”**

**Example of Standards for Validation Programs:**

TSSA expects heating contractors to use checks, see example below, when performing field verification of their employees' work. When sub-contractors are employed by contractors to perform services, the main contractor shall have a process to ensure that their sub-contractor work is compliant and meets the standards set out in this advisory.

Regarding relying on TSSA's audit of a contractor to be sufficient to satisfy validation of sub-contractors' work, TSSA's audit is based on a snapshot in time. The onus is on the main contractor to ensure that the sub-contractor's on-going work is compliant.

***Employer Field Verification:***

The person conducting the field verification for the employer shall hold a certificate appropriate for the installation being checked and, if employed by the contractor, shall be designated to perform this role. At a minimum, each technician's work shall be verified at one site installation annually and if found deficient, corrective action shall be taken until satisfactory results are achieved. If multiple technicians normally work as crews, the number of installations verified should equal the number of technicians in the crew. A separate installation for each crew member shall be reviewed. If the contractor does not have the capacity to do the verifications, they can elect to use a third party, provided the third party holds the appropriate certificate to do the field verifications.

Field verification should include as an example:

- Date of field verification
- Site address
- Name, title, certificate type, certificate # of the person doing the field verification
- Name, title, certificate type, certificate # of the technician's work being evaluated
- Description of work
- Date when work was completed
- Fuel type
- Type/manufacturer/model#/serial# of the equipment that was serviced/installed as applicable
- Equipment was installed and tested to code and manufacturer's instructions as applicable
  - All test results were documented
- Equipment was approved for its intended use

- For installations
  - Appliance manual left on site
  - Instructed users on safe operation
- Requirement to tag equipment upon installation completion – for fuel oil in compliance with O. Reg. 213/01 (Fuel Oil) s. 18 and for natural gas and propane in compliance s 1.25 of the Gaseous Fuels Code Adoption Document Amendment (FS-225-21).
- Venting is compliant with code and manufacturer's instructions
- Electrical is compliant within the TSSA's certificate scope
- Service and access clearance are compliant with code
- Combustion air is sufficient
- Clearance to combustibles is compliant with code and manufacturer's instructions
- Any non-compliances discovered were actioned as appropriate as outlined in the regulations regarding unacceptable condition – immediate hazard or no immediate hazard
- Any incidents as defined in TSSA's guidelines were reported
- If the premises was supplied fuel for the first time, user was instructed not to use equipment until the fuel distributor has completed their initial inspection

Field verification information is required to be documented for each technician and available for TSSA's audit.

Note: Some contractor's may need to alter these minimum standards to suit their particular circumstance provided their process is reasonable and persons are competent.

***Employer Training Responsibility:***

The employer has the responsibility to ensure that their technicians are trained in performing work in a compliant manner. This training shall be documented.

***TSSA Audit Fees:***

Contractor Annual Registration fee includes the periodic inspection and first follow-up inspection regardless of the time spent.

***If there are concerns regarding a certificate holder's work, additional verification should be completed.***