



**Labour and
Workforce Development**

Consultation Paper

Proposed amendments to the
Fuel Safety Regulations
under the *Fire Safety Act*

to create new
Fuel Safety Regulations
under the *Technical Safety Act*

November 2008

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I Introduction

Background

Industry sectors have told us that there is need to address existing technical safety legislation in light of advanced technology, and modern standards and industrial practices. It became clear to the Department that in order to sustain and improve the Province's level of technical safety, while at the same time responding to innovation and modernization, changes had to be made. The Department responded to industry's concerns by committing to a comprehensive review of technical safety legislation in Nova Scotia.

The focus of the review is on a modernized framework and how it may be streamlined to reflect technological change, improve consistency, and meet the needs of a changing economy now and in the future, while ensuring that minimum regulated safety standards are achieved. The intention is to develop a flexible, risk-managed, and results-based legislative framework, which provides for clear responsibilities and accountability.

The Minister's stakeholder Advisory Group on Technical Safety made 19 recommendations to the Minister for a modernized technical safety framework. In particular, the Advisory Group recommended that the following Acts be consolidated into one Act for technical safety: *Amusement Devices Safety Act*; *Crane Operators and Power Engineers Act*; *Electrical Installation and Inspection Act*; *Elevators and Lifts Act*; *Steam Boiler and Pressure Vessel Act*. The creation of the new Act would initially consolidate the *Steam Boiler and Pressure Vessel Act* and the *Crane Operators and Power Engineers Act*: and complement -- but not replace -- the other above-named Acts until future phases of the review. As well, the Advisory Group recommended that the consolidated Act become the enabling legislation for the *Fuel Safety Regulations* (which are currently under the *Fire Safety Act*). The fuel safety discipline, being technical in nature, has a more appropriate fit under the new Act.

The new *Technical Safety Act* was passed during the Spring 2008 session of the House of Assembly and will receive proclamation (take effect) once new regulations for steam boilers and pressure equipment, crane operators, power engineers, and fuel safety, as well as regulations for general matters, fees, and standards, are made under the new Act. This is scheduled to take place in early 2009.

The Technical Safety Review Project is part of the Better Regulation, and Competitiveness and Compliance Initiatives: programs to improve regulatory systems and achieve better compliance. Meaningful consultation with stakeholders will take place throughout the entire regulatory review process. Most of the changes to the regulations are to align with the new Act.

Current Situation

The *Fuel Safety Regulations* were created pursuant to the *Fire Safety Act*. However, it was recommended by the Minister's Advisory Group on Technical Safety that the fuel safety discipline, being technical in nature, has a more appropriate fit under the new *Technical Safety Act*. As a result of the introduction of the new Act, a re-write of the current *Fuel Safety Regulations* is required to complement the pending repeal of provisions in the *Fire Safety Act* related to fuel safety; and the creation of regulations is required under the new Act. The proposed new *Fuel Safety Regulations* largely reflects what is currently practiced by industry, and encouraged by the inspectorate, in the field. Under the new *Technical Safety Act*, the inspectors will have the power and authority to enforce these practices.

The proposed changes to the current regulations that will be reflected in the new *Fuel Safety Regulations* are summarized in Part III of this paper. Draft regulations are provided in Part IV. Part III discusses the significant proposed changes to the new regulations. Some highlights include:

- The introduction of a new class of gas business license authorizing the holder to affix single-signature Green tags on installations requiring registration
- The introduction of a self-monitored inspection system
- The introduction of licensing of oil burner technicians
- The expansion of the gas registration system
- The removal of appeal and examination board provisions - to be replaced by scheme set out in new Act.

These changes and others are described in more detail in the following pages. The proposed changes provide more flexibility without compromising safety, and help increase business competitiveness.

The Department is aiming to implement the new *Fuel Safety Regulations* by early 2009.

II Submissions

The purpose of this consultation paper is to invite you to comment on the proposed changes to the current regulations, as outlined in Part III and detailed in Part IV. Your response is valuable to us. Please provide your feedback **in writing** to the Department of Labour and Workforce Development by **4:30 p.m. on December 4, 2008**.

When providing your feedback on a proposed change to the regulations as listed in Part III, please quote the item number and the title of the item. For example, if providing feedback on the new class of gas business license, please quote "1. New License". When providing feedback on a specific provision of the draft regulations in Part IV, please quote the section number. For example, if providing feedback on the draft definition of "gas operator" quote "2(t)".

Please forward your submission by mail, fax, or e-mail:

Mail / Hand-delivery: Fuel Safety Regulations
c/o Lia Thibault
Department of Labour and Workforce Development
5151 Terminal Road, 5th Floor
P.O. Box 697
Halifax, Nova Scotia B3J 2T8

Fax: (902) 424-0575

E-mail: lwdpolicy@gov.ns.ca (please include the title of the regulations in the subject line of your e-mail)

Any questions you may have in relation to the proposed changes may be directed to:

Dale Stewart
Chief Fuel Inspector
Public Safety Division
Department of Labour and Workforce Development
5151 Terminal Road
P.O. Box 697
Halifax, NS B3J 2T8

Phone: (902) 424-8072
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III Proposed Amendments to the Regulations

The proposed changes to the *Fuel Safety Regulations*, to create new regulations under the *Technical Safety Act*, aim to achieve the following:

- reflect what is actually practiced in industry
- formalize practices for enforcement
- adopt the latest versions of standards or codes used in the industry
- amend / add definition to achieve greater clarity on the intent of the regulations
- increase flexibility, by reducing or removing unnecessary requirements, or creating alternatives.

The proposed changes to the regulations are described in more detail below:

1. New License / Single-Signature Green Tags / Self-monitored Inspections

a. *New License and Green Tags*

The regulations will provide greater flexibility by introducing a new class of gas business license called “Class 2A Contractor”. This new license will allow the license holder to do everything a holder of a Class 2 Contractor license can do, plus affix single-signature Green tags on installations requiring registration. The verification signature of another Gas Technician is not needed under this new class of license. This new process allows for increased efficiency in operations, without compromising safety.

b. *Self-monitored Inspections*

A person applying for Class 2A Contractor license must also submit the details of a business installation inspection program to be considered for approval by the Chief Inspector. This program will allow for a self-monitored inspection system where the installation of a Green tag, and inspection, will be conducted by the license holder. The inspection will be subject to an audit by the Department. This new process allows for more efficiency in operations, without compromising safety.

Note, however, that the Chief Inspector may suspend a Class 2A Contractor license if a Fuel Safety Inspector finds that the license holder on two inspections within a 6 month period violated the Act, regulations, standards, license, permit, registration, or an order. The suspension may be lifted by the Chief Inspector at their discretion. However, the Chief Inspector may issue a Class 2 Contractor license to replace a suspended Class 2A Contractor license.

2. Licensing

The Department is developing a new process to replace the current renewal of the Certificate of Qualification (CQ) for the Oil Burner Installer and Maintenance Mechanic trade with a **license** for an Oil Burner Technician. The effect is that the CQ remains valid

for life (just like a high school or college diploma, or university degree). However, in order to work in the Province and obtain permits, the CQ holder will be required to have a license. There will be no changes to the qualifications needed for obtaining a CQ.

A consultation on this new process was held over the Summer with mostly positive feedback.

3. Expansion of Gas Registration System

Currently, a gas business license holder may register installations with a total input load of 250,000 BTU/h or less. For installations above the 250 000 BTU/h limit, the license holder must apply for a permit.

Under the proposed new regulations, a gas business license holder may file with Service Nova Scotia and Municipal Relations to **register** an installation or any alteration of an installation, if it has a total input load up to **400 000** BTU/h.

The expanded scope of installations captures more jobs that can go through the registration system as opposed to the permit system. This is a reduction in administrative burden that will provide more flexibility without compromising safety, and help increase business competitiveness.

4. Other Changes

a. Codes and standards will be adopted by a separate regulations.

The adoption of codes and standards will appear as a separate regulation and will be made mandatory through Ministerial Regulations. In other words, under the new *Technical Safety Act*, the Minister has the power to make regulations by adopting codes and standards.

b. Appeal process replaced

The *Technical Safety Act* establishes a new and efficient appeal process. A review by the Administrator may be requested, or an appeal may be made to the Appeal Board. The Act names the Utility and Review Board (UARB) as the Appeal Board. However, if it is later decided that a body other than the UARB should have the authority to hear appeals under the new Act, regulations may be made to create a new Appeal Board.

c. Examination Board to continue

Provisions creating and governing the Examination Board have been replaced by the creation of a Technical Safety Advisory Board under the new Act. The Advisory Board has the power to create sub-committees for the purposes of providing advice on specific technical matters. As such the Examination Board will continue as a sub-committee of the new Advisory Board.

d. *Fees*

Fees imposed will appear as a separate regulation. There will be no changes to fees until a full evaluation is conducted at a later date.

Part IV - Draft Fuel Safety Regulations

Part IV is contains draft regulations for your review. The draft regulations are for discussion purposes only, and do not represent the final policy direction of the Department.

To provide feedback to the Department on the proposed changes to the *Fuel Safety Regulations*, please see **Part II – Submissions**, on page 5.

Thank you for taking the time to provide us with your feedback.

The following version of the Fuel Safety Regulations is unofficial. It has been prepared for discussion purposes only, and is subject to change.

(Draft) Fuel Safety Regulations

Short title

1 These regulations may be cited as the *Fuel Safety Regulations*.

Definitions and interpretations

2 In these regulations,

- (a) "Act" means the *Technical Safety Act*;
- (b) "appliance" means a device in which gas or oil is used to provide service to the user of the device;
- (c) "apprentice" means an apprentice registered pursuant to the *Apprenticeship and Trades Qualifications Act* and enrolled in a program under that Act to qualify for a certificate of qualification to qualify to perform the regulated work of a Gas Fitter or an Oil Burner Installer and Maintenance Mechanic;
- (d) "Business Installation Inspection Program" means an inspection program for gas installations by a gas business license holder

and approved by the FS Chief Inspector;

- (e) "BTU/h" means British thermal units per hour;
- (f) "certified" means an appliance, container, supply tank or equipment which has received certification as contemplated by Section 25 of the Act and shown by the certification mark issued by the recognized certification organization and displayed on the appliance, container, supply tank or equipment or an appliance, container, supply tank or equipment which has a field certification under subsection 10(3).
- (g) "container" means either a cylinder or a tank used for propane or natural gas storage or supply;
- (h) "direct supervision" means in relation to a trainee, that the licensed individual who is supervising the trainee is physically at the property, has control over the trainee's activities, instructs and directs the trainee and is in direct communication with the trainee whenever they are performing the duties of a license holder;
- (i) "dispensing unit" means a propane container-filling facility utilizing storage tanks with an aggregate capacity of 5000 USWG or less, and includes the facility commonly known to the propane industry as a service station;
- (j) "equipment" for the purpose of this regulation means the accessories necessary to provide gas or oil for an appliance and to process the gas or oil for use in an appliance, and includes any item that contains or processes the gas or oil to make it suitable or available for use in an appliance;
- (k) "equipment failure" means any unplanned interruption or variance from the specifications for the equipment such that the equipment is no longer available for use or the equipment requires repair or replacement;
- (l) "FS Advisory Subcommittee" means the Fuel Safety Advisory Subcommittee as established in the *Technical Safety General Regulations*;
- (m) "FS Certificate of Competency" means a certificate of competency granted by the FS Chief Inspector to an individual in recognition of the individual's qualifications to perform the type of regulated work covered under the class of FS Certificate of

Competency and as recognized by these regulations;

- (n) "FS Chief Inspector" means an individual appointed as the Fuel Safety Chief Inspector for the purposes these regulations and is a chief inspector for the purposes of the Act;
- (o) "FS Fee" means the fee for a Fuel Safety Section service provided by the Province as set by the Minister under the *Technical Safety Fees Regulations*;
- (p) "FS Inspector" means an individual appointed as a fuel safety inspector for the purposes of these regulations, includes the FS Chief Inspector and is an inspector for the purposes of the Act;
- (q) "FS Standard" means a standard for fuel safety adopted in the Province by the Minister under the *Technical Safety Standards Regulations*;
- (r) "gas" means gas as defined in the FS Standards and for the purposes of this regulation, includes digester gas and landfill gas;
- (s) "gas business license" means a license granted by the FS Chief Inspector to authorize the license holder to engage in the regulated work covered in the class of license issued and specified in the terms and conditions of the license;
- (t) "gas operator" means an individual who holds a class of gas operator license to authorize the individual to engage in the regulated work covered in the license;
- (u) "gas operator license" means a license granted by the FS Chief Inspector to an individual to authorize the individual to perform the type of regulated work covered in the class of license issued and specified in the terms and conditions of the license;
- (v) "gas permit" means a permit granted by the FS Chief Inspector to authorize the gas permit holder to use the regulated product covered in the permit issued and as specified in the terms and conditions of the permit;
- (w) "gas registration" means a registration filed and confirmed by a FS Inspector as required to use the regulated product covered in the registration and as specified in the terms and conditions of the registration;

- (x) "gas technician" means an individual who holds a class of gas technician license and as applicable the liquid propane endorsement to authorize the individual to engage in the regulated work covered in the class of license and as applicable the liquid propane endorsement;
- (y) "gas technician license" means a license and as applicable the liquid propane endorsement granted by the FS Chief Inspector to an individual to authorize the individual to perform the type of regulated work covered in the class of the license and as applicable the liquid propane endorsement and specified in the terms and conditions of the license;
- (z) "Gas Technician I" means an individual who holds a gas technician license (Class I);
- (aa) "Gas Technician II" means an individual who holds a gas technician license (ClassII) ;
- (ab) "Gas Technician III" means an individual who holds a gas technician license (ClassIII);
- (ac) "liquid propane endorsement" means an authorization granted by the FS Chief Inspector in conjunction with a Gas Technician License (Class I) or (Class II) to authorize the individual to perform the regulated work with liquid propane;
- (ad) "oil" means a hydrocarbon fuel oil as defined in the FS Standards;
- (ae) "oil burner technician" means an individual who holds a oil burner technician license to authorize the individual to perform the regulated work covered in the license;
- (af) "oil burner technician license" means a license granted by the FS Chief Inspector to an individual to authorize the individual to perform the type of regulation work covered in the license and specified in the terms and conditions of the license;
- (ag) "piping system" means an arrangement of regulators, piping or tubing, valves and any other items required by the FS Standards to transfer gas or oil from the supply to the end-use appliance or equipment;
- (ah) "propane" means any material that is composed predominantly of

propane, propylene, normal butane, isobutane or butylene hydrocarbons or any mixture of those hydrocarbons;

- (ai) "propane plant" for the purpose of this regulation includes a place where propane is stored in large containers and from which smaller containers and delivery vehicles are filled for distribution to dealers and consumers;
- (aj) "sell" includes offer for sale, lease, rent, display and advertise;
- (ak) "supervision" means supervision by an individual who is able to be immediately contacted by the individual requiring supervision;
- (al) "trainee" means an individual in a training program and actively pursuing a FS Certificate of Competency or a certificate of qualification to perform the regulated work, and includes an apprentice;
- (am) "USWG" means U.S. water gallons.

Application of regulations

- 3** (1) An appliance, container, dispensing unit, equipment or piping system for gas, or a propane plant, propane storage facility, propane distribution facility, natural gas vehicle refueling facility or natural gas cylinder filling station is included in the definition of regulated product for the purposes of the Act and these regulations.
- (2) An appliance, supply tank, equipment or piping system for oil is included in the definition of regulated product for the purposes of the Act and these regulations.
- (3) Work as or duties of a gas technician or gas operator, or operating a gas business are prescribed as activities included in the definition of regulated work for the purposes of the Act and these regulations.
- (4) Work as or duties of an oil burner technician are prescribed as activities included in the definition of regulated work for the purposes of the Act and these regulations.
- (5) Notwithstanding subsections (1) to (4), the following are exempt from the scope of these regulations
- (a) a gas delivery system, as defined in the *Gas Distribution Act*, that is constructed or operated under a franchise issued under that Act;

- (b) a pipeline, as defined in the *Pipeline Act*;
- (c) a gas plant facility, as defined in the *Gas Plant Facility Regulations*;
- (d) marine or pipeline terminals;
- (e) petroleum refineries;
- (f) gas being used as a feedstock in chemical plants;
- (g) the storage and handling of liquified natural gas or underground reservoirs for natural gas.

REGULATED PRODUCTS (GAS)

Gas Permits and Gas Registration

No gas installation or alteration without gas permit or gas registration

- 4** No person is permitted to begin a gas installation or alteration referred to in subsection 5(1) or subsection 7(1) without a gas permit or gas registration as required for that gas installation or alteration.

Requirement for gas permit

- 5 (1)** Except as provided for in Section 7, no person is permitted without first obtaining the required gas permit to install or alter any of the following:
- (a) a propane storage container or gas piping system that supplies gas to an end-use appliance or equipment or an account take over;
 - (b) storage or transfer equipment in a propane plant or dispensing unit;
 - (c) gas processing or gas utilizing equipment at a digester gas or landfill gas facility;
 - (d) a propane cylinder storage location other than an exchange cylinder location for cylinders of 9 kg (20 pounds) or less;
 - (e) a natural gas vehicle refueling station;

- (f) any gas appliance or equipment that has field certification under subsection 10(3);
 - (g) foundation and supports for a vertical propane tank or for a horizontal tank with a capacity of greater than 2000 USWG.
- (2) A gas business license holder may apply to the FS Chief Inspector for a gas permit required in subsection (1) and include in the application all of the following:
- (a) completed application form;
 - (b) the applicant's gas business license number;
 - (c) details on the gas installation or alteration;
 - (d) except as provided in subsection (3), plans and specifications in a form acceptable to the FS Chief Inspector;
 - (e) payment of applicable FS Fees.
- (3) Plans and specifications referred to in clause (2)(d) are not required to accompany an application for a gas permit for gas installation or to alter a gas installation that has a total load of 3 million BTU/h or less, and that uses only certified gas appliances and equipments.
- (4) An applicant for a gas permit is solely responsible for paying all costs incurred by the Department for engineering, consulting or other services during the process of gas permit approval, if the applicant has given prior approval for the provision of these services.
- (5) If an appliance or system is disconnected from the gas supply for a period exceeding 7 days, the reconnecting of this appliance or system is a new installation.

Issue, terms and conditions of gas permit

- 6 (1) If the FS Chief Inspector approves an application made under Section 5, including any plans and specifications required under clause 5(2)(d), the FS Chief Inspector may grant that a gas permit be issued to the applicant.
- (2) A gas permit must be in a form specified by the FS Chief Inspector and may contain any terms and conditions that the FS Chief Inspector considers necessary.

- (3) A gas permit is valid until the expiry date provided upon the permit unless suspended or revoked earlier by the FS Chief Inspector.
- (4) A gas permit is not transferable and may only be used by the authorized gas permit holder.
- (5) If a gas permit is about to expire or has expired a holder of a gas business license may reapply under Section 5

Gas Registration in place of a gas permit

- 7 (1) Instead of applying for a gas permit under Section 5, a gas business license holder may file with Service Nova Scotia and Municipal Relations to register an installation or an alteration of an installation, if:
- (a) it has a total input load of 400 000 BTU/h or less; and
 - (b) it is to include only certified gas appliances and equipment; or
 - (c) the installation is retail cylinder exchange cabinets for propane cylinders of 9 kg (20 pounds) or less propane capacity.
- (2) A filing to register permitted by subsection (1) must include all of the following
- (a) completed application form;
 - (b) the applicant's gas business license number;
 - (c) payment of applicable FS Fees.
- (3) No person is permitted to file to register an installation or alteration of an installation for which a gas permit is required.
- (4) If a gas appliance or system is taken over by another fuel supplier, or disconnected from its gas supply for a period exceeding 7 days, the reconnecting of this appliance or system is a new installation.

Confirmation, terms and conditions of gas registration

- 8 (1) If a FS Inspector accepts a gas business license holder's filing to register under Section 7 the gas registration is complete and a confirmation notice will be issued to the gas business license holder.
- (2) A gas registration may contain any terms and conditions that the FS Inspector considers necessary.

- (3) The terms and conditions of a gas registration must be included in the confirmation notice.
- (4) A gas registration is valid from the issuance of the confirmation notice until the expiry date on the confirmation notice unless suspended or revoked earlier by the FS Chief Inspector.
- (5) A gas registration is not transferable and may be used only by the authorized gas registration holder.
- (6) If a gas registration is about to expire or has expired a gas business license holder can re-file under Section 7.

Suspension, cancellation, refusal to renew or withholding gas permit or gas registration

- 9** Without limiting the general powers under the Act, the FS Chief Inspector may suspend, cancel or refuse to issue or renew any gas permit or gas registration if the gas business license holder is not in compliance with the terms and conditions of the gas permit or gas registration or an order issued in respect of a gas permit or gas registration.

Gas Appliances, Containers and Equipment

Certified gas appliance, container or equipment

- 10** (1) No person is permitted to sell, install, use, repair, service or maintain a gas appliance, container or equipment, unless it is a certified appliance, container or equipment.
- (2) Any gas appliance, container or equipment that does not bear a certification mark, such as a nameplate or label, indicating that it has certification by a recognized certification organization to a recognized standard is deemed not to be a certified appliance, container or equipment unless the contrary is proven.
- (3) A gas appliance, container or equipment for which there is no recognized standard if it conforms with the FS Standards or an equivalent and it has a certification by a recognized certification organization approved by the FS Chief Inspector is a gas appliance, container or equipment with field certification.
- (4) A field certification referred to in subsection (3) is valid only while the appliance, container or equipment remains on the site for which the field certification was given.

- (5) An appliance, a container or equipment for gas, is not or ceases to be certified if the appliance, container or equipment
- (i) is used for a purpose other than that for which it was certified
 - (ii) is altered by the addition of a device or attachment or is deteriorated to an extent that is likely to impair its safe operation or void its certified,
 - (iii) is likely to be impaired in its safe operation by the condition of the piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter, or
 - (iv) does not meet the requirements of these regulations.

Propane cylinder or pressure vessel requiring inspection and re-qualification

- 11 (1) No person is permitted to use, install or deliver gas to a propane cylinder, or a pressure vessel of 1000 USWG capacity or less for the storage, supply or distribution of propane, if the cylinder or pressure vessel is due for inspection and re-qualification.
- (2) A propane cylinder or pressure vessel referred to in subsection (1) must be inspected and re-qualified by an inspector who is certified for that purpose by Transport Canada before it may be used, or installed or have gas delivered to it.

Damaged propane container

- 12 (1) No person is permitted to use, install or deliver gas to a propane container that shows signs of corrosion, dents, bulges or other damage.
- (2) A propane container referred to in subsection (1) must be repaired and re-qualified in accordance with the requirements of the applicable FS Standard before it may be used or installed or have gas delivered to it.

Installation on roof

- 13 No person is permitted to permanently install a propane container on the roof of a building or structure or allow a propane container to remain permanently installed on the roof of a building or structure.

REGULATED WORK (GAS)

Requirement for Gas Business License

- 14** (1) No person is permitted to perform the regulated work authorized under a class of gas business license, including operating any of the following types of businesses unless that person holds a class of gas business license that authorizes the license holder to perform that regulated work;
- (a) propane storage or distribution;
 - (b) installing, repairing, servicing or maintaining gas appliances, containers, equipment or piping systems;
 - (c) operating a natural gas vehicle refueling or cylinder filling station
- (2) A person operating a gas business must produce their gas business license when requested by a FS Inspector.
- (3) If a person fails to produce a gas business license under subsection (2), the failure is *prima facie* evidence that the person is not a gas business license holder.

Classes of gas business licenses

15 The classes of gas business licenses are as follows:

- (a) Class 1 Gas Storage/Distribution, authorizing the license holder to operate any of the following:
 - (i) a propane plant,
 - (ii) a propane dispensing unit for the purpose of filling portable cash-and-carry-type cylinders and motive fuel or recreational vehicle containers permanently mounted on vehicles,
 - (iii) transporting of propane in bulk or cylinders;
 - (iv) a facility for propane storage only, for the purpose of sale or exchange, not including cylinders of 20 pounds propane capacity or less;
- (b) Class 2 Contractor, authorizing the license holder to do any of the following:
 - (i) transport propane in containers for the purposes of making installations,

- (ii) install gas appliances, equipment and piping systems,
 - (iii) repair, service and maintain gas appliances, containers, equipment and piping systems;
- (c) Class 2A Contractor, authorizing the license holder to do any of the following:
- (i) all of the activities listed in clause (b);
 - (ii) affix single-signature Green tags on installations complying with the requirements of subsection 7(1);
- (d) Class 3 Industrial, authorizing the license holder to do any of the following:
- (i) repair, service and maintain industrial gas-fired appliances and equipment on the premises of the license holder,
 - (ii) repair, service and maintain propane motive fuel systems on off-highway vehicles operated by the license holder,
 - (iii) operate a propane dispensing unit for the purpose of filling cylinders used only by the license holder;
- (e) Class 4 Natural Gas Dispensing Station, authorizing the license holder to operate as a business a natural gas vehicle refueling or natural gas cylinder filling station of any size.

Gas business license

16 (1) A person may apply to the FS Chief Inspector for the granting of a class of gas business license.

(2) An applicant in subsection (1) must include all of the following:

- (a) completed application form;
- (b) proof of the identity of applicant including name, mailing address and civic address of applicant if different from the mailing address;
- (c) if the applicant is a corporate body, the full corporate name, the registered agent, and a list of the officers of the corporation;

- (d) a list of the names and license numbers of gas operators or gas technicians employed by the applicant;
 - (e) proof of public liability insurance in the amount of \$2 000 000 or another amount the FS Chief Inspector considers appropriate;
 - (f) payment of applicable FS Fee.
- (3) A person applying for a gas business license (Class 2A Contractor) in addition to the requirements in subsection (2) must also submit the details of a business installation inspection program to be considered for approval by the FS Chief Inspector.
- (4) If a gas business license (Class 2A Contractor) is granted the license holder must follow the business installation inspection program as it was approved by the FS Chief Inspector.
- (5) The FS Chief Inspector may revoke a gas business license (Class 2A Contractor) where the license holder does not meet the requirements in subsection (4).
- (6) The FS Chief Inspector may suspend a gas business license (Class 2A Contractor) if within a 6 month period a FS Inspector finds that the license holder on 2 inspections violated the Act, regulations, FS Standards, a term or condition of a license, permit or registration, or an order.
- (7) The suspension of a gas business license (Class 2A Contractor) in subsection (6) continues unless or until the FS Chief Inspector decides to lift the suspension and notifies the gas business license holder.
- (8) The FS Chief Inspector may grant a person in subsection (6) a gas business license (Class 2 Contractor), subject to such additional terms and conditions as the FS Chief Inspector determines are appropriate, to replace a suspended gas business license (Class 2A Contractor)
- (9) A gas business license is valid until the expiry date provided upon the gas business license unless suspended or revoked earlier by the FS Chief Inspector.
- (10) If a gas business license has expired, in order to apply for reinstatement, a person may reapply under subsection (2) and as applicable (3).

Requirement to report a gas incident

- 17** If a gas explosion, leak, fire, accident or equipment failure or a propane-transporting vehicle incident occurs, the distributor, agent, installer or gas technician or gas operator license holder must report the incident to a FS Inspector by telephone, fax or e-mail within 24 hours of the incident occurring and if requested must provide the FS Chief Inspector with a written report.

Gas Technician Licenses

- 18** (1) Except as permitted under Section (19), a person is not permitted to perform the regulated work of a gas technician unless the person holds a class of gas technician license, and as applicable a liquid propane endorsement, that authorizes that type of regulated work.
- (2) A person performing the duties of a gas technician must produce their gas technician license and as applicable their liquid propane endorsement or their apprenticeship identification card when requested by a FS Inspector.
- (3) If a person fails to produce a gas technician license, liquid propane endorsement or apprenticeship identification card under subsection (2), the failure is *prima facie* evidence that the person is not a gas technician, liquid propane endorsement holder or apprentice.
- 19** (1) Subject to subsections (2) and (3) an individual is not required to hold the applicable class of gas technician license while performing regulated work provided that
- (a) the individual is a trainee and performs any regulated work or another act of a Gas Technician III listed in section 26 while under the direct supervision of a Gas Technician I or Gas Technician II;
- (b) the individual is a gas fitter apprentice under the *Apprenticeship and Trades Qualifications Act* and performs any regulated work or other act of a Gas Technician III listed in section 26 while under the direct supervision of a Gas Technician I or Gas Technician II, or
- (2) In order to be exempt in subsection (1) all of the following must be met
- (a) the trainee is under the direct supervision of a licensed individual at all times,

- (b) any regulated work performed by the trainee is within the scope of the class of gas technician license held by the supervising licensed individual,
 - (c) the trainee complies with all the other requirements of the Act and these regulations,
 - (d) a gas business license holder has submitted the training program for the trainee for approval by the FS Chief Inspector if the trainee is not an apprentice in the Nova Scotia Apprenticeship Program.
- (3) A trainee for a Gas Fitter III certification of qualification who is enrolled in a training institution or working in the trade during an approved work term may only perform the regulated work specified in subsection 26(3) for a maximum of 6 weeks and the trainee must have a temporary work permit as a gas fitter apprentice issued by the Nova Scotia Apprenticeship Program.

Application for gas technician license

20 (1) An individual may apply to the FS Chief Inspector for the granting of a specified class of gas technician license with or without a liquid propane endorsement.

- (2) An applicant in subsection (1) must include all of the following
- (a) complete application form;
 - (b) proof of the identify of the applicant;
 - (c) specify the class of gas technician license sought;
 - (d) evidence of holding the class of certificate of qualification for gas fitter under *Apprenticeship and Trades Qualification Act* or equivalent required for the class of gas technician license sought;
 - (e) information about the individual's training, experience and other qualifications;
 - (f) as applicable, specify that a liquid propane endorsement is sought and provide evidence of the practical experience or educational requirements;
 - (g) payment of any applicable FS Fees.

- (3) The FS Chief Inspector may issue a gas technician license in a class that does not exceed the level identified on the certificate of qualification or as warranted by a prior learning assessment.
 - (4) A gas technician license is valid until the expiry date provided upon the gas technician license unless suspended or revoked earlier by the FS Chief Inspector.
 - (5) Subject to subsection (6), if a gas technician license has expired, in order to apply for reinstatement, an individual may reapply under subsection (2).
 - (6) An individual who fails to renew a gas technician license and as applicable the liquid propane endorsement for 2 consecutive years may be required by the FS Chief Inspector to be reevaluated as approved by the FS Chief Inspector prior to be eligible to reapply under subsection (2).
- 21** (1) The classes of Gas Technician licenses are as follows:
- (a) Gas Technician (Class I);
 - (b) Gas Technician (Class II);
 - (c) Gas Technician (Class III).
- (2) A liquid propane endorsement is available to a qualified Gas Technician (Class I) or (Class II) license holder.
- 22** (1) An applicant for a class of gas technician license must hold the following qualifications, as applicable:
- (a) for a Gas Technician license (Class I), a certificate of qualification as a Gas Fitter I under the *Apprenticeship and Trades Qualifications Act*;
 - (b) for a Gas Technician license (Class II), a certificate of qualification as a Gas Fitter II under the *Apprenticeship and Trades Qualifications Act*;
 - (c) for a Gas Technician license (Class III), a certificate of qualification as a Gas Fitter III under the *Apprenticeship and Trades Qualifications Act*;

- (2) Notwithstanding subsection (1) if an applicant has successfully completed a prior learning assessment the FS Chief Inspector may accept that as an equivalent to class of gas fitter certificate of qualification.

Liquid propane endorsement

- 23** (1) No person is permitted to perform regulated work with liquid propane unless the person has a liquid propane endorsement in addition to a Gas Technician License (Class I) or (Class II).
- (2) Subject to subsection (3), the FS Chief Inspector may issue a liquid propane endorsement to a Gas Technician License (Class I) or (Class II) upon receiving proof of completion of a course of liquid propane training approved by the FS Chief Inspector.
 - (3) The FS Chief Inspector will issue a liquid propane endorsement to a qualified applicant for a Gas Technician License (Class I) where the applicant holds a liquid propane endorsement as a Gas Technician II without requiring further evidence of training.

Regulated work authorized to be performed by a Gas Technician I

- 24** A Gas Technician I may, with respect to a gas appliance, perform the following regulated work:
- (a) install, change, inspect, test, activate, purge, service, repair or remove an appliance or any equipment essential to the operation of the appliance;
 - (b) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance downstream of a natural gas meter;
 - (c) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to a propane-fired appliance or propane system, including installation or removal of the propane supply container;
 - (d) install, inspect, service, remove, repair or replace any vent, vent connector, draft control device or other component in a gas-fired appliance venting system;
 - (e) disconnect and reconnect water piping as necessary to

exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician I must not alter, remove, repair or replace any cross-connection control devices, or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;

- (f) perform maintenance on, service or replace a mechanical or electrical component or equipment that is either part of an appliance or essential to the operation of the appliance;
- (g) install, service, remove or replace components and equipment forming part of the gas-side of a refrigerating or air conditioning unit, but a Gas Technician I must not perform any additional work beyond the gas-side of the appliance without a valid certificate of qualification in the refrigeration and air conditioning mechanic trade under the *Apprenticeship and Trades Qualifications Act*;
- (h) disconnect and reconnect electrical supply wiring to exchange, service or repair an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician I must not run wiring back to the panel or perform any additional electrical work related to the wiring of the appliance without a valid certificate of qualification in the construction electrician trade under the *Apprenticeship and Trades Qualifications Act*.

Regulated work authorized to be performed by a Gas Technician II

25 A Gas Technician II may, with respect to a gas appliance having an input of 400 000 BTU/h or less, perform the following regulated work:

- (a) install, change, activate, purge, service, repair or remove an appliance or any equipment essential to the operation of the appliance;
- (b) install, inspect, test, activate, purge, service, repair, perform maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance downstream of a natural gas meter, but only if the size of the piping or tubing is not greater than 61 mm (2 NPS);
- (c) install, inspect, test, activate, purge, service, repair, perform

maintenance on or remove any piping or tubing, or component in a piping or tubing system, to an appliance of a propane system, but only if the size of the piping or tubing is not greater 61 mm (2 NPS);

- (d) install, inspect, service, remove, repair or replace any vent, vent connector, draft control device or other component in a gas-fired appliance venting system;
- (e) disconnect and reconnect water piping as necessary to exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician II must not alter, remove, repair or replace any cross-connection control devices or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;
- (f) perform maintenance on, service or replace a mechanical or electrical component or equipment that is either part of an appliance or essential to the operation of the appliance;
- (g) install, service, remove or replace components and accessories forming part of the gas-side of a refrigerating or air conditioning unit, but a Gas Technician II must not perform any additional work beyond the gas-side of the appliance without a valid certificate of qualification in the refrigeration and air conditioning mechanic trade under the *Apprenticeship and Trades Qualifications Act*;
- (h) disconnect and reconnect electrical supply wiring to exchange, service or repair an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician II must not run wiring back to the panel or perform any additional electrical work related to the wiring of the appliance without a valid certificate of qualification in the construction electrical trade under the *Apprenticeship and Trades Qualifications Act*.

Regulated work authorized to be performed by a Gas Technician III

- 26 (1)** A Gas Technician III may, with respect to a gas appliance having an input of 400 000 BTU/h or less, and under the supervision of a Gas Technician II or Gas Technician I, perform the following regulated

work:

- (a) install, test, reactivate or remove any piping or tubing, or a component in a piping or tubing system, to an appliance downstream of the natural gas meter or propane vapour service valve, up to the appliance isolation valve, but only if the size of the piping or tubing is not greater than 61 mm (2 NPS);
 - (b) reactivate a previously installed or previously converted appliance;
 - (c) disconnect and reconnect water piping as necessary to exchange, service or install an appliance and carry out the replacement necessary to complete the reconnection of controls and components forming part of the appliance, but a Gas Technician III must not alter, remove, repair or replace any cross-connection control devices or perform any additional plumbing work without a valid certificate of qualification in the plumber trade under the *Apprenticeship and Trades Qualifications Act*;
 - (d) clean or lubricate an appliance;
 - (e) clean, remove or replace a vent connector, venting or a draft control device;
 - (f) exchange an existing propane supply container of a size up to and including 125USWG capacity.
- (2) A Gas Technician III must not perform the initial activation of a new or newly converted gas appliance.
- (3) A Gas Technician III may, under the direct supervision of a Gas Technician I or a Gas Technician II, perform the following regulated work:
- (a) install, service, convert or activate a gas appliance having an input of 400 000 BTU/h or less;
 - (b) install new propane supply containers or exchange existing propane supply containers exceeding 125USWG capacity.

Application for Examination for FS Certificate of Competency

- 27 (1) An individual may apply to the FS Chief Inspector to qualify to write an

examination leading to the granting of a specified class of FS Certificate of Competency.

- (2) An applicant in subsection (1) must include all of the following
 - (a) complete application form;
 - (b) proof of the identity of the applicant;
 - (c) specify the class of FS Certificate of Competency sought;
 - (d) evidence of the training and practical experience requirements for the class of FS Certificate of Competency sought;
 - (e) payment of any applicable FS Fees.
- (3) For purposes of clause (2)(d) an applicant must provide verification of their practical experience from the gas operator who was responsible for their direct supervision.

Classes for FS Certificates of Competency

28 The classes for FS Certificates of Competency are as follows:

- (a) Class B,
- (b) Class C,
- (c) Class D,
- (d) Class E,
- (e) Class F,
- (f) Class G

Gas Operator Practical Experience

29 (1) A candidate for an examination leading to a class of FS Certificate of Competency must, in the opinion of the FS Chief Inspector, hold the following practical experience, as applicable:

- (a) for a FS Certificate of Competency (Class B), at least 30 working days of practical experience under the direct supervision of a Gas Operator License (Class B) holder assisting in the operation of a bulk propane plant;
- (b) for a FS Certificate of Competency (Class D), at least 30 working days of practical experience on a propane tank truck under the direct supervision of a gas operator license (Class D) holder;

- (c) for a FS Certificate of Competency (Class E), at least 30 working days of practical experience on propane cargo liners under the direct supervision of a gas operator license (Class E) holder and must hold a Nova Scotia Drivers License (Class 1).
- (2) The practical experience requirements of clauses (1)(b) and (c) must be fulfilled during the 12 months immediately before the date of application for the examination leading to a class of FS Certificate of Competency.

Training

30 A candidate for an examination leading to a class of FS Certificate of Competency must have evidence of completion of an applicable training course approved by the FS Chief Inspector.

Examination Process

- 31** (1) A candidate for a class of FS Certificate of Competency must be examined by one of the following:
- (a) the FS Chief Inspector;
 - (b) a person or accredited body acceptable to the FS Chief Inspector.
- (2) The passing grade for every examination shall be 75%.
- (3) Except as provided in subsection (3), an individual who fails an examination may, 60 days after the date of their examination, apply in writing to the FS Chief Inspector for a re-examination.
- (4) An applicant for an examination must pay the applicable FS Fee.
- (5) A person who fails an examination 3 consecutive times cannot retake the exam for at least 6 months from the date they last took the last exam.

FS Certificate of competency

- 32** (1) The FS Chief Inspector may grant a class of FS Certificate of Competency to an individual who meets the requirements for that class of FS Certificate of Competency and has successfully passed the qualifying examination.
- (2) In addition to the general powers in the Act, if the FS Chief Inspector is satisfied that a FS Certificate of Competency has been granted on the

basis of incorrect or false information, the FS Chief Inspector may revoke or cancel the FS Certificate of Competency.

Gas Operator License

No performing regulated work without gas operator license

- 33 (1)** Except as permitted under subsections (2) and (3), no person is permitted to perform regulated work of a gas operator, including all of the following, without holding a class of gas operator license that authorizes them to perform that regulated work:
- (a) repairing, servicing or maintaining a gas appliance, container or piping system in-house in an industrial setting;
 - (b) repairing, servicing or maintaining a propane appliance, container or piping system in a recreational vehicle;
 - (c) transporting propane in portable containers for distribution purposes;
 - (d) operating a tank truck or cargo liner transporting propane;
 - (e) operating a propane plant;
 - (f) operating a propane dispensing unit;
 - (g) installing or servicing a propane or natural gas motive fuel system in an off-highway vehicle;
 - (h) installing a gas piping system.
- (2)** A gas technician, or a registered apprentice under the direct supervision of a gas technician, is permitted to perform regulated work referred to in clauses (1)(a), (b), (c) or (h) without holding a class of gas operator license that authorizes them to perform the regulated work.
- (3)** An individual is not required to hold a gas operator license if all of the following apply to the individual:
- (a) the individual is a trainee;
 - (b) the individual is under the direct supervision of a gas operator license in the applicable class at all times;

- (c) the individual is performing regulated work referred to clauses (1) (c), (d) or (e).
 - (d) any regulated work performed by the individual is within the scope of the class of gas operator license held by the supervising licensed individual;
 - (e) the individual complies with all the other requirements of the Act and these regulations;
 - (f) a gas business license holder has submitted a training program for the individual for approval by the FS Chief Inspector if the trainee is not an apprentice in the Nova Scotia Apprenticeship Program;
 - (g) the examination and training requirements for a class of FS Certificate of Competency or gas operator license and payment of the applicable FS Fees apply to a trainee.
- (4) A person performing the duties of a gas operator must produce a gas operator license when requested by a FS Inspector.
- (5) If a person fails to produce a gas operator license under subsection (4), the failure is *prima facie* evidence that the person is not a gas operator license holder.

Classes of gas operator licenses

34 The classes of gas operator licenses are as follows:

- (a) Class B, which authorizes the license holder to operate a bulk propane plant;
- (b) Class C, which authorizes the license holder to transport propane in portable containers;
- (c) Class D, which authorizes the license holder to operate a tank truck transporting propane;
- (d) Class E, which authorizes the license holder to operate a cargo liner transporting propane;
- (e) Class F, which authorizes the license holder to operate a propane dispensing unit;

- (f) Class G, which authorizes the license holder to install, repair, service or maintain a gas appliance, container or piping system as designated on the gas operator license, as follows:
 - (i) G-1 - restricted to the installation, repair, service and maintenance of propane systems for recreational vehicles and mobile homes,
 - (ii) G-2 - restricted to the installation, repair, service and maintenance of propane-fired construction heaters and portable cylinders, excluding supply tanks and building piping,
 - (iii) G-3 - restricted to the repair, service and maintenance of propane-fired domestic barbeque grills,
 - (iv) G-4 - restricted to the repair, service and maintenance of industrial in-house gas-fired appliances and equipment at the location designated on the certificate, and not including installation or any change to the installed system,
 - (v) G-5 - restricted to the repair, service and maintenance of systems in which liquid propane is used as a motive fuel to power off-highway vehicles, and including conversion of the systems,
 - (vi) G-6 - restricted to the repair, service and maintenance of systems in which natural gas is used as a motive fuel to power off-highway vehicles, and including conversion of the systems,
 - (vii) G-7 - restricted to the installation of gas piping systems of any size from the outlet of the meter or second stage regulator to the last shut-off valve.

35 (1) An individual may apply to the FS Chief Inspector for the granting of a gas operator license.

(2) An applicant in subsection (1) must include all of the following

- (a) completed application form;
- (b) proof of the identity of the applicant;
- (c) specify the class of gas operator license;

- (d) evidence of holding the class of FS Certificate of Competency required for the class of gas operator license sought;
 - (e) payment of any applicable FS Fees.
- (3) A gas operator license is valid until the expiry date provided upon the gas operator license unless suspended or revoked earlier by the FS Chief Inspector.
- (4) Subject to subsection (5) if a gas operator license has expired, in order to apply for reinstatement an individual may reapply under subsection (2).
- (5) An individual who fails to renew a gas operator license for 4 consecutive years, in order to apply for reinstatement, the individual, in addition to the requirements in subsection (2), may also be required by the FS Chief Inspector to be evaluated as approved by the FS Chief Inspector.

Gas Tag Systems

No supply or connection to gas installation without appropriate tag

- 36 (1) No gas supplier is permitted to supply or connect gas to a gas installation until they verify that the installation has a completed Green Tag and that it complies with these regulations and the applicable FS Standards.
- (2) This Section does not remove or diminish any of the responsibilities of the person responsible for affixing a green tag to a gas installation under Section 37.

Green tag system

- 37 (1) After a gas appliance, container or piping system is installed and before it is charged with gas, the Gas Technician I, Gas Technician II or Gas Operator License (Class G) holder responsible for the regulated work completed must immediately complete and post an installation tag at the interior entry point of the gas piping system into a building or, if outdoors, at or near the meter or second stage regulator.
- (2) An installation tag must be green in colour and must include all of the following information:
- (a) the civic address of the premises where the gas appliance, container or piping system is situated;

- (b) the number of the gas permit issued or gas registration number for the installation;
 - (c) the total system BTU/h load of the gas appliance, container or piping system;
 - (d) a statement that the installation complies with the FS Standards and these regulations;
 - (e) the date the work was completed;
 - (f) the signature of the person responsible for the work completed and
 - (i) if the person is a Gas Operator License (Class G) holder, their gas operator license number and class of gas operator license held, or
 - (ii) if the person is a Gas Technician I or Gas Technician II, their gas technician license number and class of gas technician license held;
 - (g) the gas technician license number, class of gas technician license held and signature of the Gas Technician I or Gas Technician II who performed the verification required by Section 36 before supplying fuel to the installation
 - (h) the contractor's name and gas business license number.
- (3) A gas technician who performs a verification and signs an installation tag under clause (2)(g) must not be the same person as the gas technician who signed the installation tag under clause (2)(f) unless the installation is under Section 7(1) and the installing company holds a Gas Business License (Class 2A Contractor).
- (4) The Gas Technician I, Gas Technician II or Gas Operator License (Class G) holder responsible for the work completed must send a copy of the installation tag to the gas supplier no later than 7 days after the date the work is completed.

Yellow tag system

- 38 (1)** A Gas Technician I, Gas Technician II, Gas Operator License (Class G) holder, gas supplier or a FS Inspector must affix a yellow tag to any gas appliance, container or piping system that person reasonably

believes is a potential hazard to life or safety.

- (2)** A yellow tag must include all of the following information:
 - (a) the civic address of the premises where the gas appliance, container or piping system is situated;
 - (b) the number of the gas permit issued or gas registration number for the gas appliance, container or piping system, if any;
 - (c) a statement of the problem or hazard identified;
 - (d) the date the tag was affixed;
 - (e) the signature of the person who affixed the tag and
 - (i) if the individual is a Gas Operator License (Class G) holder, their gas operator license number and class of license held,
 - (ii) if the individual is a Gas Technician I or Gas Technician II, their gas technician license number and class of gas technician license held; or
 - (iii) if the person is a FS inspector or gas supplier, their name;
 - (f) the tag's expiry date, determined in accordance with subsection (5).
- (3)** A person who affixes a yellow tag to a gas appliance, container or piping system must not shut off the gas fuel source.
- (4)** A person who affixes a yellow tag to a gas appliance, container or piping system must immediately notify a FS inspector by phone, fax or e-mail and forward a copy of the tag to each of the FS Inspector and the gas supplier for the gas appliance, container or piping system.
- (5)** A yellow tag expires 30 days after the date on which it was affixed.
- (6)** A repair that is required to correct a problem or hazard indicated on a yellow tag must be completed on or before the tag's expiry date.
- (7)** If the problem or hazard identified on a yellow tag is not corrected by the tag's expiry date, the gas supplier for the gas appliance, container or piping system must affix a red tag to the gas appliance, container or

piping system and subsections 39(3) and (4) apply with all necessary changes.

Red tag system

- 39 (1)** A Gas Technician I, Gas Technician II, Gas Operator License (Class G) holder or a FS Inspector must affix a red tag to any gas appliance, container or piping system if
- (a) it has been removed from service;
 - (b) it has an expired yellow tag; or
 - (c) that person considers it to be
 - (i) in an unacceptable condition,
 - (ii) unsafe, or
 - (iii) an imminent hazard to life or property.
- (2)** Clauses 38(2)(a) to (e), respecting information required to be included on a yellow tag, apply with all necessary changes to a red tag.
- (3)** A person who affixes a red tag to a gas appliance, container or piping system must shut off the gas fuel source.
- (4)** A person who affixes a red tag to a gas appliance, container or piping system must immediately notify an inspector by phone, fax or e-mail and forward a copy of the tag to each of the FS Chief Inspector and the gas supplier for the gas appliance, container or piping system.

No supplying gas if red tag affixed

- 40** No person is permitted to knowingly supply gas to a gas appliance, container or piping system to which a red tag is affixed unless the person is a Gas Technician I, Gas Technician II or Gas Operator License (Class G) holder who is responsible for making the gas appliance, container or piping system comply with these regulations and the applicable FS Standards.

No using if red tag affixed

- 41** No person is permitted to use a gas appliance, container or piping system to which a red tag is affixed.

Removing red or yellow tag

- 42 (1)** A red tag or yellow tag that is affixed to a gas appliance, container or

piping system must not be removed except by a FS inspector, Gas Technician I, Gas Technician II or Gas Operator License (Class G) holder who must first verify that the problem or hazard indicated on the tag is corrected.

- (2) When a red tag or yellow tag is removed, the Gas Technician I, Gas Technician II or Gas Operator License (Class G) holder responsible for the work completed must endorse their name, their gas technician license or gas operator license number, as applicable, and the removal date and time upon the tag and forward a copy of the tag to the FS Chief Inspector.

REGULATED PRODUCTS (OIL)

Certified oil appliance, supply tank or equipment

- 43** (1) No person is permitted to sell, install, use, repair, service or maintain an oil appliance, supply tank or equipment, unless it is a certified appliance, supply tank or equipment;
- (2) Any oil appliance, supply tank or equipment that does not bear a certification mark, such as a nameplate or label, indicating that it has certification by a recognized certification organization is deemed to be not to be a certified appliance, supply tank or equipment unless the contrary is proven.
 - (3) An oil appliance, supply tank or equipment is not or ceases to be certified if the appliance, supply tank or equipment
 - (i) is used for a purpose other than that for which it was certified,
 - (ii) is altered by the addition of a device or attachment or is deteriorated to an extent that is likely to impair its safe operation or void its certification,
 - (iii) is likely to be impaired in its safe operation by the condition of the piping, tubing or hoses, the venting of products of combustion, the supply of air for combustion or the clearance from adjacent combustible matter, or
 - (iv) does not meet the requirements of these regulations.

REGULATED WORK (OIL)

Oil burner technician license

- 44** (1) Except as permitted under subsection (3), a person is not permitted to perform the regulated work of an oil burner technician unless the person holds an oil burner technician license.
- (2) An oil burner technician may perform the following regulated work:
- (a) install, repair or maintain any oil burner that utilizes up to and including grade No. 2 oil, waste oil or bio-fuels for heat production in residential, commercial or industrial applications;
 - (b) the venting of exhaust gases to a chimney or flue together with draft regulators and controls;
 - (c) the wiring of control components and the connection of power from a power supply installed within 2 meters of the oil burner that is fed from the furnace emergency shut off switch.
- (3) An individual is not required to hold an oil burner technician license if all the following apply to the individual:
- (a) the individual is an apprentice in the oil burner installer and maintenance mechanic program;
 - (b) the individual is under the direct supervision of an oil burner technician at all time;
 - (c) the regulated work performed by the individual is within the scope of the oil burner technician license held by the supervising licensed individual;
 - (d) the individual complies with all the other requirements of the Act and these regulations.
- (4) A person performing the duties of an oil burner technician must produce their oil burner technician license or their apprenticeship identification card when requested by a FS Inspector.
- (5) If a person fails to produce an oil burner technician license or an apprenticeship identification card under subsection (4), the failure is *prima facie* evidence that the person is not an oil burner mechanic license holder or apprentice.
- 45** (1) An individual may apply to the FS Chief Inspector for the granting of an

oil burner technician license.

- (2) An applicant in subsection (1) must include all of the following
 - (a) complete application form;
 - (b) proof of identity of the applicant;
 - (c) evidence of holding a certificate of qualification as an oil burner installer and maintenance mechanic granted under the *Apprenticeship and Trades Qualifications Act*, or have successfully completed a prior learning assessment acceptable to the FS Chief Inspector;
 - (d) payment of the applicable FS Fee.
- (3) An oil burner technician license is valid until the expiry date provided upon the oil burner technician license unless suspended or revoked earlier by the FS Chief Inspector.
- (4) Subject to subsection (5) if an oil burner technician license has expired, in order to apply for reinstatement, an individual may reapply under subsection (2).
- (5) If an oil burner technician license expired more than 4 years ago, in order to apply for reinstatement, an individual, in addition to the requirements in subsection (2), may also be required by the FS Chief Inspector to be evaluated as approved by the FS Chief Inspector.

Oil installation or alteration must comply to FS Standard

- 46** No person is permitted to install or alter an oil appliance, supply tank or equipment contrary to the applicable FS Standard.

Requirement to report oil incident

- 47** If an incident involving an oil equipment failure occurs, the distributor, agent, installer or oil burner technician must report it to a FS Inspector by telephone, fax or e-mail within 24 hours of the incident and if requested must provide the FS Chief Inspector with a written report.

General

Auditing requirements

- 48** Without limiting the general compliance audit powers of the FS Inspector under the Act, a person must provide or make available for the conduction of a compliance audit as requested by a FS Inspector

- (a) any information that pertains to the use of a regulated product,
- (b) evidence or records of an approved Installation and Inspection Program or any other information that pertains to the implementation or operation of a Business Installation Inspection Program, or
- (c) evidence or records pertaining to FS Certificate of Competency, gas technician license or endorsement, gas operator license, gas business license, gas permit, gas registration or oil burner technician license.

Special inspection

- 49** (1) A FS inspector may conduct a special inspection upon request or if monitoring or auditing by the FS Inspector indicates that a special inspection is warranted.
- (2) A FS inspector may charge the applicable FS Fees for a special inspection conducted under subsection(1).

Conversion to an alternate form of fuel

- 50** (1) No person is permitted to convert a new appliance, which has no certified conversion kit, from one type of fuel to another.
- (2) A conversion of an existing appliance contrary to subsection (3) voids the certification of that appliance and the sale or use of that appliance is prohibited.
- (3) A certified commercial appliance, bearing a complete and legible rating plate, may be converted to use an alternate gas by one of the methods approved by the FS Chief Inspector.
- (4) A conversion of an existing in-service boiler contrary to subsection (5) voids the certification of that boiler and the sale or use of that boiler is prohibited.
- (5) Existing, certified in-service boilers for which the manufacturer does not make a certified gas conversion burner, one for which the manufacturer is no longer in business, or one into which the installer will install a burner not tested and certified for use in the particular boiler, must follow the procedures approved by the FS Chief Inspector.

FS Advisory Subcommittee

- 51 (1)** The FS Advisory Subcommittee may make recommendations on
- (a) questions or examinations for a class of FS Certificate of Competency;
 - (b) criteria for a training program for a class of FS Certificate of Competency;
 - (c) qualifications for a class of FS Certificate of Competency;
- (2)** The FS Advisory Subcommittee may make recommendations on equivalences.

Transition Provisions

Recognition of other Jurisdictions and Organizations

- 52 (1)** Subject to subsection (2), an application from an individual who holds a license, certificate of qualification or certificate of competency from another jurisdiction or organization, the FS Chief Inspector may grant an equivalent gas technician license and as applicable a liquid propane endorsement, gas operator or oil burner technician license to an individual who
- (a) provides evidence of a holding a qualification that is sufficiently equivalent to the requirements for the FS Certificate of Competency and as applicable the liquid propane endorsement set out in these regulations;
 - (b) provides evidence that their experience and qualifications are sufficiently equivalent to the requirements for the gas technician license and as applicable the liquid propane endorsement, gas operator or oil burner technician license for which they are applying;
 - (c) provides evidence as to their identity; and
 - (d) pays the applicable FS Fees.
- (2)** If the applicant is from a jurisdiction where gas technicians, gas operators or oil burner technicians are not grant a certificate of qualification, certificate of competency, license or endorsements, the FS Chief Inspector may require a prior learning assessment to establish that the applicant's experience and qualifications are sufficiently equivalent to the requirements for the gas technician

license and as applicable liquid propane endorsement, gas operator or oil burner technician license for which they are applying.

- (3) An applicant in subsection (2) may also be eligible for the associated class of FS Certificate of Competency where a prior learning assessment establishes the applicant's experience and qualifications are sufficiently equivalent.
- (4) An individual who is recognized as a certified oil burner mechanic under the *Fuel Safety Regulations* which qualified the holder to perform regulated work at the date when these regulations came into effect is deemed to hold a equivalent oil burner technician license to authorize the same regulated work until the expiry date on the previously issued certificate of qualification.
- (5) An individual in subsection (4) prior to the expiry of the certificate of qualification as an oil burner installer and maintenance mechanic must apply for an oil burner technician license under Section 45 in order to continue to be authorized to perform that regulated work after the expiry date on the certificate of qualification.