ALTERNATE RULES
FOR ONTARIO REGULATION 219/01 (OPERATING ENGINEERS)

Approved [date] by order of the Minister of Government and Consumer Services pursuant to section 36.1(3) of the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16

Definitions and Interpretation

1. In these alternate rules,
   a. Any term defined by O. Reg. 219/01 (Operating Engineers) carries this same meaning herein.
   b. "**Act**" means the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, as amended.
   c. "the **corporation**" means the Technical Standards and Safety Authority (TSSA).
   d. "**path 1**" means a risk-based regulatory pathway in which the chief officer sets a registered plant's attendance requirement based on the plant's inherent safety risk which replaces the attendance requirement set out in the regulation.
   e. "**path 2**" means a risk-based regulatory pathway in which a registered plant operates in accordance with a site-specific risk and safety management plan ("**RSMP**") that has been accepted by the chief officer.
   f. the "**regulation**" means O. Reg. 219/01 (Operating Engineers), as amended, including by Director's Order dated February 3, 2003.
2. The corporation may publish forms, policies, guidelines or other documents to guide in the interpretation and implementation of these alternate rules.

PART 1:

Alternate Rules for Path 1 & Path 2

General

1. A user of a plant registered under subsection 4(1) of the regulation may apply to the chief officer for the plant to be governed by path 1 or path 2.
2. A path 1 or path 2 application shall be in the form established by the corporation, include all required supporting information and documents, and must include all required fees.
3. If an applicant has satisfied the requirements for the plant to be governed by path 1 or path 2, as the case may be, the chief officer shall issue an acceptance letter, which, pursuant to subsection 6(6) of the Act, may include restrictions, limitations and conditions.
4. Upon receipt of an acceptance letter from the chief officer, the applicant shall confirm to the Chief officer, in the manner and timeframe set out in the acceptance letter, whether it agrees to be governed by path 1 or path 2, failing which the plant shall remain subject to the regulation in its entirety.
5. Once an applicant confirms it agrees to be governed by path 1 or path 2, the user of the subject plant shall thereafter comply with the applicable alternative rules and any restrictions, limitations or conditions contained in the acceptance letter.
6. A plant governed by path 1 or path 2 shall be exempt from compliance with those provisions of the regulation specified in the acceptance letter and from any other requirements of the regulation that conflict with the requirements of the acceptance letter.
7. The chief officer may suspend or revoke a plant's acceptance to be governed by path 1 or path 2 in accordance with subsection 6(7) of the Act or if any of the restrictions, limitations and conditions of the acceptance letter are not met.
8. A plant user authorized to be governed by path 1 or path 2 may elect to no longer be governed by path 1 or path 2 and instead be governed by the regulation upon giving 30 days notice to chief officer.

Path 1 Rules

9. A path 1 application must include technical details regarding the plant and any other information required by the chief officer to determine the plant's safety risk.
10. The chief officer shall not grant acceptance for a plant to be governed by path 1 unless he or she has sufficient information to determine an appropriate staffing level for the plant.
11. A path 1 acceptance letter shall set out requirements related to plant staffing that shall supersede the plant staffing requirements set out in the regulation.
12. If any of information included in a path 1 application changes or is no longer accurate, the plant user shall notify the chief officer 15 days prior to the change, or as soon as practicable after an unplanned change.
13. The chief officer may revise a path 1 plant staffing requirement if the chief officer is of the opinion that the plant's safety risk has materially changed, based on any information available to the chief officer. The chief officer shall provide notice that is reasonable in the circumstances of any such change in the plant's staffing requirement, considering the magnitude of the change, the impact on the plant and the interests of public safety.

Path 2 Rules

14. At minimum, a path 2 application shall include the following:
    a. submission of an RSMP that
        i. is prepared in accordance with CSA standard Z767-17 (Process Safety Management) or a successor standard specified by the chief officer;
        ii. is in the form established by the corporation and in accordance with any applicable guidance materials;
        iii. describes the safety hazards associated with the plant
        iv. sets out the plant user's plan for managing those safety hazards;
        v. describes the qualifications of operating engineers, operators and other plant personnel proposed to staff the plant; and
        vi. shall be prepared and approved by a professional engineer lawfully entitled to practice in Ontario and shall bear the signature and seal, or the electronic equivalent, of the professional engineer.
15. A path 2 acceptance letter shall require the applicant to comply with the plant's RSMP, subject to any restrictions, limitations and conditions contained in the acceptance letter, which supersede the requirements of the RSMP.
16. Subject to the preceding rule, a path 2 acceptance letter shall permit the plant to be staffed in accordance with the RSMP for the plant, which shall supersede the plant staffing requirements set out in the regulation.
17. The chief officer may establish what changes to a path 2 plant or to factors that may affect its RSMP require the plant user to notify the chief officer of the changes and/or submit a revised RSMP. The chief officer may require a path 2 plant user to affirm on a periodic basis that its RSMP remains accurate, reliable and appropriate for the plant.
18. A path 2 plant user shall provide any records or documents produced as a result of the audit process associated with the RSMP to the chief officer upon request.

PART 2:

Alternate Rules for Certification Requirements

1. Persons referred to in the following provisions of the regulation may elect to instead comply with the requirements set out in Alternate Table 8:
   a. the clause 26(1)(a) requirement for the chief officer to issue a certificate of qualification to a person who provides proof satisfactory to the chief officer of having the experience required in Table 8;
   b. the section 29 requirement for the chief officer to issue an equivalent certificate of qualification to an applicant from another province or territory of Canada that is of a class that authorizes the holder to perform the work and duties, on the basis of the requirements in Table 8, that the holder is qualified to perform in Ontario;
   c. the subsection 31(3) requirement that an application for a certificate of qualification meet the applicable requirements set out in Table 8;
   d. the power under section 32 for the chief officer to include a portion of the time spent by an applicant for a certificate of qualification in completing an approved course of training as qualifying experience under Table 8.
2. Alternate Table 8 referred to in section 1 is as follows:

ALTERNATE TABLE 8

OPERATING ENGINEERS AND OPERATORS PRACTICAL OPERATING EXPERIENCE AND SERVICE TIME REQUIREMENTS FOR CERTIFICATION

Definitions applicable to Alternate Table 8

1. In this table:
   a. “First class plant” means a plant which requires a first class operating engineer to be employed as a chief operating engineer;
   b. “Second class plant” means a plant which requires a second class operating engineer to be employed as a chief operating engineer;
   c. “Third class plant” means a plant which requires a third class operating engineer to be employed as a chief operating engineer;
   d. “Fourth class plant” means a plant which requires a fourth class operating engineer to be employed as a chief operating engineer;
   e. “Class A refrigeration plant” means a plant which requires a Class A refrigeration operator to be employed as a chief operator;
   f. “Class B refrigeration plant” means a plant which requires a Class B refrigeration operator to be employed as a chief operator;

Certificate	Qualifying Practical Experience Time Required for Certification
1st Class Operating Engineer	1. The practical experience required to become a first class operating engineer is as follows: a. 4,800 hours as a chief operating engineer in a second class plant; or b. 4,800 hours as a second class operating engineer in a first class plant

2nd Class Operating Engineer	2. The practical experience required to become a second class operating engineer is as follows: a. 2,880 hours as a chief operating engineer in a third class plant; or b. 2,880 hours as a third class operating engineer in a second or first class plant
3rd Class Operating Engineer	3. The practical experience required to become a third-class operating engineer is as follows: a. 1,920 hours as a chief operating engineer in a fourth class plant b. 1,920 hours as a fourth class operating engineer in a third class, second class or first class plant
4th Class Operating Engineer	4. The practical experience required to become a fourth-class operating engineer is as follows: a. 1,920 hours as a trainee in a fourth class, third class, second class or first class plant
Refrigeration A Operator	5. The practical experience required to become a Class A refrigeration operator is as follows: a. 1,920 hours as a refrigeration Class B operator in a class A refrigeration plant or a class B refrigeration plant
Refrigeration B Operator	6. The practical experience required to become a Class B refrigeration operator is as follows: a. 1,440 hours as a trainee in a class A refrigeration plant or a class B refrigeration plant
Compressor Operator	7. The practical experience required to become a compressor operator is as follows: a. 1,440 hours as a trainee in a compressor plant
Steam Traction Operator	8. The practical experience required to become a steam traction operator is as follows: a. 160 hours as a trainee in a steam powered traction plant
Steam Turbine Operator	9. The practical experience required to become a steam turbine operator is as follows: a. 160 hours as a trainee in a plant with a steam turbine.

NOTES TO ALTERNATE TABLE 8

Requirements relating to the Testimonial of Qualifying Experience

1. The person signing a Testimonial of Qualifying Experience on behalf of an applicant for a certificate of qualification (the “applicant’s supervisor”) must be able to attest that the applicant has acquired the necessary experience as set out herein and in accordance with any applicable policy or guidelines.
2. The applicant’s supervisor signing off on Testimonial of Qualifying Experience must hold a certificate that is equal to or higher than the certificate that the applicant is applying for.
3. In the case where the applicant’s supervisor does not hold a certificate of qualification under the regulation (e.g. the applicant is a plant chief), the applicant’s supervisor is to sign the Testimonial of Qualifying Experience attesting that the applicant has gained the required qualifying experience time.

Type of qualifying experience

4. The chief officer may establish the proportion of experience that must be obtained by an applicant on particular regulated technologies.

Equivalency and qualifying time reductions

5. An individual who holds a marine engineer certificate of competency may be issued an equivalent operating engineer's certificate of qualification if the individual:
    a. presents an equivalent level of marine engineer certificate of competency;
    b. passes an exam required by the chief officer; and
    c. submits a completed Testimonial of Qualifying Experience by the applicant's supervisor demonstrating the quality of their experience as satisfactory to the chief officer.
6. The chief officer may, in accordance with established policies and requirements, recognize (a) qualifying experience acquired from plants outside of Ontario; and (b) qualifying experience gained at unattended plants.
7. The chief officer may grant credit towards the required qualifying experience time if the applicant completes training courses approved by the chief officer.

Minimum age

8. Candidates for 4th Class Operating Engineer, Compressor Operator and Refrigeration Class B Operator examination must be at least 18 years of age.

Exam pass validity period

9. A passing grade on an examination that is a prerequisite for a certificate of qualification shall be valid for a period of five years or such other period as determined by the chief officer.

PART 3:

Alternate Rules for Logbooks

1. As an alternative to the requirements of subsection 37(3) of the regulation regarding electronic logs, a plant user may instead follow procedures established by the chief officer to ensure the authenticity, integrity and reliability of electronic log entries.
2. As an alternative to the requirements of subsection 37(6) of the regulation, the person responsible for the operation of the unattended plant may also make entries in its logbook, in which case the person shall enter their name and sample signature on the logbook's signature page.