



## Inspectors open up Sunrise file

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AARON VINCENT ELKAIM/TORONTO STAR

A cleanup crew working for a private contractor comb the grass for evidence of asbestos at Ancaster Park, a couple of blocks east of Sunday's massive Murray Rd. propane explosion in Downsview, on Aug. 13, 2008.

### In a growing climate of reproach, group outlines its three years' scrutiny of propane blast site

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It's responsible for inspecting myriad things that touch our lives – from elevators and ski lifts to fuel storage, boilers in office buildings, amusement park rides and even the stuffing in pillows and teddy bears.

But it was a deadly propane explosion that thrust the Technical Standards and Safety Authority into the public spotlight.

Last night, the private, not-for-profit agency responded to the serious questioning of its effectiveness at protecting Ontarians by releasing first details on three years' worth of inspections at Sunrise Propane Industrial Gases – the plant that exploded in a spectacular fireball Sunday.

Sunrise was issued "cease and desist" orders in 2006 when technical violations were discovered – one for a hose hanging from a truck, another related to a tank-to-tank propane

transfer, the TSSA said.

"It's not the entire operation," TSSA spokesperson Dave Lisle said of the orders. "It's a particular aspect that's deemed not to be compliant or what we want them to be doing."

Lisle added that "it's not uncommon" for companies to be told to stop doing certain things in the course of their regular operations.

Danny Roth, hired by Sunrise to speak for the company this week, said any deficiencies cited by the TSSA were rectified.

"There was immediate compliance," he said. "The site was in compliance; otherwise it would have been shut down ..."

In the aftermath of the explosion at Wilson Ave. and Keele St., there has been widespread criticism of the TSSA's apparent lack of oversight of the site. Particularly scorned was the fact on-site inspections are required only every three years.

But the TSSA, which implements provincial law on the safe handling of propane, said the Sunrise site has been under much more frequent scrutiny than that.

Besides an inspection in 2005 before it opened, and one planned for this fall, two visits took place – in October 2006 and May 2007 – "to increase the level of vigilance." The news release said the agency had been "addressing the non-compliance through appropriate enforcement measures."

But the TSSA cautioned that "no one should speculate, based on the results of the previous inspections, as to what may or may not have caused the explosion."

It also released a list of filling-tank depots around Ontario yesterday. But the list appeared to be inaccurate when the *Star* made its own checks of six large facilities listed as licensed to store just under 19,000 litres of propane. One business didn't appear to exist at the listed location; a second was a petroleum storage facility that an employee said had no propane. A third was a townhouse development.

A TSSA spokesperson acknowledged last night the agency had not had enough time to verify the list and said it hoped to make an updated list available Friday.

Earlier yesterday, Small Business and Consumer Services Minister Harinder Takhar expressed concerns about the agency, saying he is eagerly awaiting the Ontario Fire Marshal's findings.

"If we find out we need to improve our systems in the TSSA, or we need to improve our relationship with the TSSA, or we need to improve the way TSSA works – if that is necessary for the safety of our residents ... it's our obligation to make sure that happens," he said.

Meanwhile, Takhar said he has asked the TSSA for recommendations on "what they can do right away in order to assure the residents that these facilities are safe." He has also asked for its schedule of inspections.

"Our government's obligation is to make sure Ontario residents are safe. So whatever it takes for us to do that, we're going to do that."

In the days since the explosion, there have been repeated calls – including from Mayor David Miller – to move large propane tank filling facilities at least 1.6 kilometres from homes, the yardstick used to set up the evacuation area following Sunday's blast.

But, with another half-dozen large tank-filling sites listed in Toronto – and 337 of various sizes

in the GTA, and 1,708 across Ontario – it's clear that protecting every neighbourhood would be next to impossible.

The Conservative government of Mike Harris created the TSSA in the mid-1990s, moving safety inspections and oversight in a host of areas from what was then known as the Ministry of Consumer and Commercial Relations to a non-governmental body.

"It's not part of the government, so all of the accountability structures that go with being that have disappeared," said Mark Winfield, a York University environmental studies professor and co-author of a 2000 report critical of the move.

Being able to operate "under the radar" means the organization is not subject to review by the auditor general, has final say on freedom of information requests about its operations and doesn't have to answer directly to politicians who make policy, he said.

"There's a vacuum in terms of where the buck really stops," Winfield said in an interview yesterday.

But more importantly, he said, it makes for a "cozy relationship" between the regulator and the industry, and poor practices such as more self-regulation and reporting, rather than on-site inspections.

Aside from reducing the prevalence of industry members on the TSSA's board of directors, Winfield said the Liberals have done little to change the way it operates.

Progressive Conservative Leader John Tory agreed there are accountability issues with self-regulating industries.

"If you said to a child, 'Look, we're going to let you inspect whether you've made your own bed in the morning and no parent's ever going to come and look whether you've made your bed or not' ... human nature being the way it is, people don't necessarily do what they're supposed to do," he said.

But Tory said the Liberals, who opposed the creation of the TSSA when Harris was premier, "have been negligent" since Sunday's blast in blaming the agency rather than themselves.

"The problem starts with the rules, not with the enforcers. We've got to review the rules and make sure those rules are tightened to take account of the realities of modern-day urban Ontario," he said.

New Democrat MPP Peter Kormos (Welland) said both the Tories and the Liberals "abdicated responsibility" by allowing important work like propane facility inspection to be run by the private sector.

"The huge and dramatic and very dangerous explosion demonstrates what a failure the Conservative-Liberal privatization agenda has been," Kormos said.

"The privatization of the regulation and inspection and policing simply doesn't work. People die and suffer as a result."

"The McGuinty Liberals were fiercely opposed to the Tory privatization and the creation of the TSSA," Kormos said. "They howled in protest ... when they were in opposition. It's time to restore it to a government body."

*With files from Brett Popplewell*