

Proposal Number: 2018-OA-002

Rule: Section 2*

Description of Change: Replace “inspection department” with “Authority”

Proposed by: Electrical Safety Authority

Note: Additional changes in other Section 2 Rules are included in several other Ontario amendments’ proposals*

Background:

The Ministry of Government and Consumer Services (formally known as the Ministry of Consumer and Business Services) delegated the Electrical Safety Authority as an administrative authority. The Electrical Safety Authority is designated by the Safety and Consumer Statutes Administration Act, 1996 (SCSAA) as the responsible authority for purposes of section 113 of the Electricity Act, 1998 and regulations made thereunder.

The Electrical Safety Authority has administrative oversight of four regulations:

- Electrical Safety Code, Ontario Regulation 164/99 as amended by Ontario Regulation 10/02
- Electrical Distribution Safety Regulation, Ontario Regulation 22/04
- Contractor Licensing, Ontario Regulation 570/05
- Product Safety Regulation, Ontario Regulation 438/07

Rationale:

Ontario regulation 164/99 as amended from time to time, adopts by reference, the Canadian Electrical Code together with specific Ontario amendments and is referred to as the Ontario Electrical Safety Code (the OESC). This has been the rationale for the inspection department to be referenced as Electrical Safety Authority.

The SCSAA has designated ESA for the purposes on the Act.

Prior to ESA’s inception in 1998, inspection authorities used to be under an inspection department within Ontario Hydro. Since 1998 and as a successor company from Ontario Hydro, ESA’s mandate has expanded and evolved to include oversight of three other regulations besides the Ontario Electrical Safety Code. To align with current legislation it is necessary to replace “inspection department” with “Authority” in all applicable Ontario amendments.

Safety and Consumer Statutes Administration Act, 1996
**Loi de 1996 sur l'application de certaines lois traitant de securite et de services aux
consommateurs**

**ONTARIO REGULATION 187/09, in part
 PART I
 ADMINISTRATION OF VARIOUS ACTS**

DESIGNATED LEGISLATION

Designated legislation

1. The provisions that are specified in Column 2 of the following Table and that are provisions of the Act or regulations specified opposite in Column 1 are designated as designated legislation for the purposes of subsection 3 (1) of the Act:

Column 1	Column 2
<i>Electricity Act, 1998</i>	all provisions in Part VIII
the regulations made under Part VIII of the <i>Electricity Act, 1998</i>	all provisions
...	...

O. Reg. 187/09, ss. 1, 17 (1).

DESIGNATED ADMINISTRATIVE AUTHORITIES

Electricity Act, 1998

2. For the purposes of subsection 3 (2) of the Act, the Electrical Safety Authority, that is incorporated under the laws of the Province of Ontario by letters patent dated January 12, 1999 and with which the Minister of Consumer and Business Services entered into an administrative agreement dated March 11, 1999 for the purposes of section 4 of the Act, is designated as the sole administrative authority for the purposes of administering the provisions of the *Electricity Act, 1998* and the regulations made under that Act that are designated legislation under section 1. O. Reg. 187/09, s. 2.

Proposed Change:

Amend Ontario definition of “Inspection department”

Inspection department — ~~Electrical Safety Authority, as designated by regulation pursuant to the Electricity Act, 1998.~~ means Authority (see definition for Authority)

Add new definition for “Authority”

Authority – means the Electrical Safety Authority, as designated by regulation pursuant to the Electricity Act, 1998.

Amend the following Ontario amendments:

Applicable standards — standards of design, construction, testing, and marking, as adopted by the ~~inspection department Authority~~,
~~Authority~~,

- (a) that are applied to electrical equipment by certification organizations, field evaluation agencies, professional engineers, or other competent persons who inspect, test, and report upon electrical equipment; and
- (b) that are intended to prevent exposure of persons and property to undue hazards.

Certification organization — a “certification body” as defined in Ontario Regulation 438/07 and is a body accredited in accordance with the Standards Council of Canada Act (Canada) to evaluate electrical equipment and is recognized by the ~~inspection department Authority~~.

Connection authorization —

- (a) when concerning supply of electrical energy to an electrical installation from a supply authority, signifies written permission by the ~~inspection department Authority~~ to a supply authority, or any other person or corporation, to supply electric energy to a particular electrical installation; and
- (b) when concerning supply of electric energy from one part of an electrical installation to another, or from a source of electric energy other than that of a supply authority, signifies permission from the ~~inspection department Authority~~ to a contractor to connect a particular electrical installation or part thereof to a source of electric energy.

Field evaluation agency — as defined in Ontario Regulation 438/07, and is an inspection body accredited in accordance with the Standards Council of Canada Act (Canada) to evaluate electrical equipment and is recognized by the ~~inspection department Authority~~.

2-000 Scope (see Appendix B)

This Code does not apply to

- (a) electrical equipment and electrical installations used exclusively in the generation, transmission, or distribution of electrical power or energy intended for sale or distribution to the public as specified in Item (i), (ii), or (iii), except where the Ontario Energy Board require an authorization to connect from the ~~inspection department Authority~~ in accordance with Part V of the Ontario Energy Board Act, 1998:
(cont.)

2-003 Record of electrical installation work

The owner, owner’s agent, or operator shall maintain a record of all electrical installation acceptable to the ~~inspection department Authority~~ in any public building, commercial or industrial establishment, apartment house, or other building in which the public safety may be involved and shall produce this record to any inspector at any time and from time to time upon request, as specified by the ~~inspection department Authority~~.

2-004 Inspection

- (1) A contractor shall file with the ~~inspection department~~ Authority a completed application for inspection of any work on an electrical installation:
- (a) before or within 48 h after commencement
 - (b) shall pay the fees prescribed by the ~~inspection department~~ Authority; and
 - (c) be in compliance with Ontario Regulation 570/05 made under Part VIII of the Electricity Act, 1998.
- (3) Every contractor who undertakes an electrical installation is responsible for ensuring that the electrical installation complies with this Code and for procuring an authorization for connection from ~~the inspection department~~ Authority before the installation is used for any purpose.
- (4) The contractor shall give the ~~inspection department~~ Authority at least 48 h notice that the work on the electrical installation has been completed and that the installation is ready for a connection authorization, but where the work is being performed in a remote district or is not immediately accessible for any other reason, the notice shall be of such greater length as is necessary to accommodate the inspection schedule of the ~~inspection department~~ Authority.
- (5) Inspections as required by the ~~inspection department~~ Authority may be made at such time and in such manner as the ~~inspection department~~ Authority determines.
- (6) An electrical installation shall not be concealed or rendered inaccessible until it conforms to this Code and such concealment or rendering inaccessible has been authorized by an inspector.
- (7) An inspection may be deemed by the ~~inspection department~~ Authority to have been made for an electrical installation or a group of electrical installations and connection authorized even though all portions of any installation in the group and all installations in the group have not been inspected, provided that
- (a) a contractor files with the ~~inspection department~~ Authority a completed application for inspection of any work on an electrical installation or a group of electrical installations within the time specified by the ~~inspection department~~ Authority, whether or not electrical power or energy has been previously supplied to the land, building, or premises on which the work was performed;
 - (b) the contractor is qualified in accordance with Subrules (8) and (9);
 - (c) the contractor is in compliance with the process set out by the ~~inspection department~~ Authority;
 - (d) there is compliance with Subrules (1)(b), (2), (3), and (4);
 - (e) the contractor has provided assurance acceptable to the ~~inspection department~~ Authority that all portions of any installation or group of installations comply with this Code; and
 - (f) portions of the installations have been inspected by the ~~inspection department~~ Authority and all inspected portions conform to this Code.
- (8) A contractor may be eligible for the process in Subrule (7) where the application for inspection and for a connection authorization is made by
- (a) a contractor who
 - (...) (iii) has demonstrated knowledge of this Code, as it applies to the installations, that is satisfactory to the ~~inspection department~~ Authority;
 - (b) a contractor who
 - (...) (iii) has demonstrated knowledge of this Code, as it applies to the installations, that is satisfactory to the ~~inspection department~~ Authority.
 - (c) a contractor who
 - (...) (iii) has demonstrated knowledge of this Code, as it applies to the installations, that is satisfactory to the ~~inspection department~~ Authority.
- (9) Where an installation is such that an application for inspection covers work by more than one individual, the ~~inspection department~~ Authority may require some or all individuals performing work on an installation to satisfy Subrule (8) as a condition for following the process in Subrule (7).
- (10) Where Subrule (7) is followed, the particular installations in the group and the particular portions of the installations in a group inspected shall be determined by the ~~inspection department~~ Authority.
- (11) The ~~inspection department~~ Authority may refuse to follow the process in Subrule (7) where work by the contractor has been found to be contrary to the requirements of this Code.

2-006 Periodic inspection

- (1) An application for inspection may be made by the owner, owner's agent, or occupant of any manufacturing, mercantile, or other building where electrical installation work of a routine nature in connection with the maintenance or operation of the building or the plant therein is required to be performed at frequent intervals.
- (2) Acceptance of the application by the ~~inspection department~~ Authority shall authorize the commencement and execution of such work during the period for which the acceptance is issued, and Rule 2-004 shall not apply.
- (3) Upon request, an inspection shall be made at such time and in such manner as the ~~inspection department~~ Authority determines.

2-007 Reporting of serious electrical incidents

- (1) An owner, contractor, or operator of a facility shall report to the ~~inspection department~~ Authority any serious electrical incident of which it is aware within 48 h after the occurrence.
(....)

2-008 Right of refusal

- The ~~inspection department~~ Authority may refuse an application for inspection authorization to any person
- (a) who has failed to pay any fees or dues owing to the ~~inspection department~~ Authority for a period of more than thirty days;
 - (b) who has failed to remedy defects in any electrical work or in any installation after having been notified by the ~~inspection department~~ Authority that the defects exist; or
(.....)

2-010 Plans and specifications (see Appendix B)

- (1) Electrical work on any electrical installation shall not commence until plans have been submitted and examined by the ~~inspection department~~ Authority where the electrical installation involves
(....)
- (5) A copy of the examined plans shall be available on site and a copy of the ~~inspection department's~~ Authority's code compliance report shall be attached to the plans or the ~~inspection department's~~ Authority's report number shall be written on the plans.
- (6) The person responsible for the plan design shall file with the ~~inspection department~~ Authority complete wiring plans and specifications relating to the proposed work and shall pay the Plan Review fees as prescribed by the ~~inspection department~~ Authority.

2-012 Connection authorization

- (1) Where any electrical installation or part thereof to which electric power or energy has not previously been supplied is made in or upon any land, building, or premises, or subject to Subrule (2), where any electrical installation or part thereof has been disconnected or cut off from any service or other source of supply under this Code, no supply authority, contractor, or other person shall connect or re-connect the installation or part thereof to any service or other source of supply unless
 - (a) the installation and all related work have been inspected in accordance with the procedures in Rule 2-004 by an inspector; and
 - (b) a connection authorization has been issued by the ~~inspection department~~ Authority with respect to the installation.
(....)

2-014 Temporary connection authorization

- (1) Notwithstanding the provisions of Rule 2-012, the ~~inspection department~~ Authority may issue a connection authorization authorizing a supply authority, contractor, or other person to connect a source of electric energy for a stated length of time and under specific conditions to a temporary electrical installation or to a permanent but unfinished electrical installation and may renew the connection authorization from time to time.
- (2) Issuance of a connection authorization in accordance with Subrule (1) does not obligate the ~~inspection department~~ Authority to issue a permanent connection authorization for an installation that is not in compliance with this Code.

2-016 Reinspection

- The ~~inspection department~~ Authority may at any time reinspect any electrical installation notwithstanding any previous inspection and acceptance of the installation.

2-018 Defects

- (1) Every contractor who has performed work on an electrical installation and has been notified by the ~~inspection department~~ Authority that the installation does not conform to this Code shall remedy all defects in work and replace all electrical equipment that is not approved within such time and in such manner as the notice from the ~~inspection department~~ Authority directs.
- (2) Every person who has submitted an application for inspection of an installation or portion thereof that has not previously been authorized to receive power and who has been notified by the ~~inspection department~~ Authority that the installation does not conform to this Code shall remedy all defects in work and replace all electrical equipment that is not approved within such time and in such manner as the notice from the ~~inspection department~~ Authority directs.
- (3) The ~~inspection department~~ Authority may, by notice in writing, require any owner or occupant of land, buildings, or premises, upon or within which is found an electrical installation in which a condition dangerous to persons or property has developed, to make such changes in the electrical installation as are necessary to remedy the condition.
- (4) Upon receipt of the notice referred to in Subrule (3), the owner or occupant of the lands, buildings, or premises shall cause the installation to be changed in the manner and to the extent prescribed by the notice within the time limit.
- (5) Where a contractor or person refuses or neglects to comply with a notice given under Subrule (1) or (2), or the owner or occupant of lands, buildings, or premises refuses or neglects to comply with a notice given under Subrule (3), the ~~inspection department~~ Authority may disconnect the supply, or require the supply authority to disconnect the supply of electrical power or energy to the lands, buildings, or premises in which is contained the electrical installation that was the subject of the notice.
- (6) If the supply has been disconnected pursuant to Subrule (5), it shall not be reconnected until full compliance with the notice has been made.

2-022 Sale or use of electrical equipment (see Appendix B)

- (1) No person shall use, advertise, display, sell, offer for sale or for other disposal any electrical equipment unless it has been approved in accordance with Rule 2-024, except as specified in Subrule (2).
- (2) Electrical equipment does not require approval
 - (a) if permission is granted by the ~~inspection department~~ Authority to be displayed or activated for demonstration at a trade show;
- (...)

2-024 Approval of electrical equipment (see Appendix B)

- (...)
- (3) If electrical equipment that is used in or connected to an electrical installation is inspected in accordance with Rule 2-004 by the ~~inspection department~~ Authority, it shall be deemed to be approved if the installation and electrical equipment pass the inspection.

2-026 Cancellation of approval

- (1) The ~~inspection department~~ Authority may suspend, revoke, or reinstate the approval of electrical equipment according to the process set out in Subsection 6 of Ontario Regulation 438/07 and according to the rules developed by the ~~inspection department~~ Authority.
- (2) If an approval is suspended or revoked, the electrical equipment shall be deemed not to be approved.
- (3) The ~~inspection department~~ Authority may require that notice be given to the public or any person or class of persons by the persons identified in Section 9 of Ontario Regulation 438/07.

2-030 Deviation or postponement

A deviation from or postponement of the requirements of this Code is lawful in respect of an electrical installation where adequate proof that the deviation or postponement does not create an undue hazard to persons or property under the circumstances has been provided to the ~~inspection department~~ Authority.

2-032 Damage and interference

- (...)
- (3) No person shall remove any tag, seal, or warning applied to an electrical installation or applied to electrical equipment by the ~~inspection department~~ Authority from that electrical installation or electrical equipment without permission from the ~~inspection department~~ Authority.

2-106 Rebuilt equipment

(...)

(5) When installed electrical equipment is retrofitted with a retrofit kit and the installation conforms to the requirements of the ~~inspection department~~ Authority, the equipment is deemed to be approved.

75-100 Poles

All secondary line, primary line, and transformer poles shall be new, classified, and made of

- (a) wood;
- (b) steel;
- (c) concrete;
- (d) fibre-reinforced polymer; or
- (e) other acceptable material as authorized by the ~~inspection department~~ Authority.

75-120 Wood poles

(1) The pole “Species — Treatment” combinations listed in Table 102 are acceptable for new installations.

(2) Notwithstanding Rule 75-100, used poles shall be permitted to be installed provided that they

- (a) are classified;
 - (b) have no visible signs of damage;
 - (c) are listed in Table 102; and
 - (d) have been authorized by the ~~inspection department~~ Authority before the pole is set in the ground.
- (...)

75-140 Steel pole requirements

(...)

(4) Notwithstanding Rule 75-100, used poles shall be permitted to be installed provided that they

- (a) are classified;
 - (b) have no visible signs of damage; and
 - (c) have been authorized by the ~~inspection department~~ Authority before the poles are set in the ground.
- (5) The baseplate and top cap shall be installed.

75-162 Concrete pole selection (see Appendix B)

(1) Accepted pole classes shall be in accordance with the equivalencies in Table 101.

(2) Notwithstanding Rule 75-100, used poles shall be permitted to be installed provided that they

- (a) are classified;
- (b) have no visible signs of damage; and
- (c) have been authorized for use by the ~~inspection department~~ Authority before the poles are set in the ground.

Amend the following Appendix B Note:

Rule 2-010

The intent is to have the submitter file with the ~~inspection department~~ Authority complete wiring plans and specifications relating to the proposed work,

- (a) before any request for proposal or other document inviting tenders, bids, or quotations for work on the installation; or
- (b) within the time specified by the inspection department.

Proceeding with the job to the energization point without prior approval is done solely at the contractor’s risk. Essential information must be supplied as specified by the ~~inspection department~~ Authority.