

Joint CCBFC/PTCBS Task-Group on
Implementation of a New Code Development System

Report of the Third Meeting
19, 20 August 1999
Edmonton Alberta.

Members present

Chair: Bruce Clemmensen
Ann Borooah
Jeannot Fecteau
Chris Fillingham
Tom Makey
Rick McCullough
Dick Miller
Krystyna Paterson
Ross Rettie
Bob Thompson
Chris Tye
Yaman Uzumeri

Members Absent

Ted Ross
Chuck Sanderson

IRC Staff:

Bob Bowen
Richard Desserud
Luc Saint Martin

Visitors:

Dave Monsen- Alberta Association of
Architects
Larry Benowski – City of Edmonton
Kevin Griffiths, City of Calgary
Ray Cox- Alberta Municipal Affairs
John Sanders- Alberta Safety Codes
Council
Paul Mousseau- Alberta Municipal Affairs
Nadine Harder- Alberta Construction
Association
Denis St. Onge- the Building Technical
Council, Safety Codes Council
Ray Chopiuk- Association of Professional
Engineers, Geologists and Geophysicists of
Alberta
Alf Durnie- Canadian Advisory Council on
Plumbing

Review of the Report of the 2nd Meeting.

The report of the 2nd meeting was approved with minor modifications to clarify that the consideration of new items for core codes would only occur on a limited basis for the 2000 documents.

Coordination with Production of the 2003 codes

A Table showing roles in the preparation of Objective-Based Codes - 1999 to 2003 was discussed. Suggested revisions included:

- clarifying the role of the CCC in managing the coordinated public review of objectives
- changing “approval” to “decision” in the CCBFC roles.
- clarifying the differences between formal and informal stakeholder comment
- adding “post-consultation advice” to P/T roles.

There are also additional activities at the provincial/territorial level (including bottom-up analysis of P/T requirements, consideration of legislative changes, stakeholder consultation and briefing P/T decision makers and communication activities), and it is necessary to make sure there are being addressed.

A revised table is attached as Appendix A.

A revised work plan for production of the 2003 codes was also discussed. The Task Group questioned the ability to meet timelines regarding the agreement on the model structure. This concern will be referred to the Task Group on Implementation of Objective-Based Codes.

Core Building, Fire And Plumbing Codes

A revised version of the committee paper incorporating discussions at the second meeting was presented. Several suggestions for improvement were offered.

The main concern was that the paper gave the impression that consideration of additional subjects presently in P/T codes for inclusion in core codes, would occur prior to publishing of the 2003 documents. It is clear that time and resource limitations will result in very few of such items would be considered. The paper should make this clear.

A revised paper incorporating these discussions is attached as Appendix B.

Single Coordinated Public Review

The Task Group discussed a draft public consultation document on code objectives. This document would form the basis for a coordinated public consultation planned for mid 2000.

The work plan shows the following steps in the procedure

1. discussion by the Task Group on objective based codes (September 20, 21, 1999)
2. discussion by this Task Group (October 18, 19, 1999)
3. discussion by PTCBS (October 20, 21, 1999)
4. Consideration by CCBFC Executive Committee (November 16, 1999)
5. Consideration by CCBFC (December 12, 13, 1999)
6. Pre-circulation to P/T (December to Feb 2000)
7. Discussion by DM's (February 17, 1999)

8. Release of consultation document by CCBFC and P/T (May 15±, 2000)
9. Coordinated Public Review (3rd Quarter 2000)
10. CCBFC Decision (mid December 2000)

In discussing the document, the Task Group offered the following comments:

- the paper is too academic with too much text in its present form to act as an effective consultation document
- there is a need to be clear on what the public is expected to comment on. Specific questions could help. The Ontario “Back to Basics” consultation might give guidance.
- there is a need to decide on the form of consultation. Active or passive? Focus groups, workshops, seminars? Facilitators?
- it will be important to engage the general public, not just the initiated.
- the ‘context’ paper will be critical to ensure comment reflects how codes interact with the total system of building delivery. A draft description of this paper is attached as Appendix C. NRC will be contracting out the writing of the paper in time for the CCBFC meeting in December. The draft as submitted focuses a bit too much on codes and should put greater emphasize on the total system.
- There may be a need for some focussed consultation with key stakeholders prior to the Deputies’ meeting. Individual P/T will be expected to decide if such consultation is necessary, and to carry it out.
- it was cautioned out that some P/T may not be in a position to participate in a coordinated review on some of the codes during this round.

These comments will be forwarded to the Task Group on implementation of Objective-based Codes, who will be drafting the final document for consideration by the CCBFC and the P/T.

A revised document will be available at the next meeting of this Task Group.

Provincial And Territorial Participation

It was reported that Tim Macaulay of Saskatchewan has agreed to represent Canadian plumbing regulatory authorities on this Task Group.

Yaman Uzumeri has also joined the Task Group as a representative of municipal building officials.

Decision-Making Body

The matrix and membership of the CCBFC has been distributed to the PTCBS requesting candidates be identified. This information will also be sent to the Council of Canadian Fire Marshals and Fire Commissioners/FC and the CRCP.

Provincial/Territorial Advisory Committee(s).

The recommendation on this subject resulted from a need for CCBFC to receive advice in a formal way on the position of provincial and territorial governments on matters that are

considered to have considerable economic or policy implications. There is also a need for information on the acceptability of proposals on an individual provincial/territorial basis. The CCBFC makes final decisions on the core codes, taking such information into account.

There was some uncertainty as to whether such advice should come from one or more committees that met on regular basis or whether some issues would be handled on ad hoc or as needed basis. Major policy issues arise infrequently, so a standing high level committee may not be practical.

On the other hand, there also a need for a forum for provinces and territories to discuss and advise on less significant policy issues as well as operational and enforcement concerns that arise on a on-going basis.

There was agreement that it is probably premature at this stage in the process to recommend a final arrangement that will be used after publishing of the 2003 documents. As an interim solution, P/T Deputies will be directly engaged as elements of the new system are developed. As part of this engagement, they should be asked how to ensure the system receives the position and ensures the participation of P/T governments (not just individuals) on policy, technical and operational issues covering all three codes.

PTCBS, the Council of Canadian Fire Marshals and Fire Commissioners, and the Canadian Regulatory Committee on Plumbing will act as the source of such advice until the DM's work out the final details.

It is acknowledged that participation of individual P/T's will vary because of the differing organization and infrastructure for code development.

The Task Group considered a draft agenda for the next Deputy Ministers meeting (see Appendix D). Since it is hoped that DM's attending will represent all three codes, it will be necessary to identify the names of who to invite. PTCBS will be asked to identify DM's responsible for the Building Code. The Council of Canadian Fire Marshals and Fire Commissioners and the Canadian Regulatory Committee on Plumbing will be asked to provide names for the Fire and Plumbing Codes. Invitation letters need to be sent out in the very near future.

Resolve Present Technical Differences.

A revised Draft Working Group Terms of Reference was discussed. It was noted that if that a province or territory that had enacted a change, it had done so because it considered it necessary. Such a requirement was already in effect in that jurisdiction and as such, it shouldn't be looked upon as a normal request for code change. It was agreed that the originating P/T should be part of the consideration on that item and that the Working Group should prepare procedures to ensure the opportunity for involvement by P/T as it was being considered by a standing committee.

It was emphasized that the process should encourage an "open-minded" approach and discourage attempts to defend past actions.

It was suggested that Fred Nicholson be approached to Chair this working group.

Multiple Points Of Entry.

A revised Draft Guidelines & Submission Form and Operating procedures were discussed. Minor improvements were suggested. (See Appendix F). Suggestions from Ontario on procedures for dealing with non-core code submissions were added. These will be revised to match the style of the core code procedures and will be revisited.

Technical Review

The matrix Terms of Reference and membership of the CCBFC standing committees has been distributed to the PTCBS requesting candidates be identified. This information will also be sent to the Council of Canadian Fire Marshals and Fire Commissioners/FC and the CRCP.

It was recommended that representative of the PTCBS, the CCFM/FC and the CRCP be part of the nominating process in the future.

NRC Role

It was suggested that there could be an expanded role for the Canadian codes Centre to play in ensuring uniform interpretation of code requirements. Opinions and interpretations on code provisions is best generated where they are created. Although the authority to make rulings and legal interpretations remains with the provinces and territories, it was agreed that IRC should consider setting up a system to disseminate opinions given by the CCC. As well some way to facilitate distribution of P/T rulings among other jurisdictions would be of value.

It was suggested that there be an investigation as to how other countries such as Australia and New Zealand, handle this issue.

It was agreed that this should be an ongoing agenda item.

Urgent Issues and Standards Updating.

A Straw Flow Chart was presented showing how a fast track process could work. The main feature is early warning to the provinces and territories that a fast track approach is being considered for a proposed change, and opportunity is given to object.

It appears the major impediment to such a process is at the political level. By agreeing that a proposal is an urgent issue, a P/T may be giving a tacit commitment that it will adopt the change when issued.

It was agreed that this should be an agenda item for the Deputies meeting and a draft agenda paper on the subject be prepared for the next meeting.

A revised Straw model is attached as Appendix G.

Equitable Cost Sharing

A draft Discussion paper on “Fair and Equitable” Core Code Development Funding was discussed (Appendix H)

There was discussion that the paper did not fully reflect all contributions to the system and it was suggested that a 5th option be added, namely:

“#5 Some other arrangement to equitably contribute to the code development system”

A major worry is the dependency on document sales to generate funding in face of dropping sales, as well as new publishing techniques including the internet and electronic distribution. The system needs a stable funding mechanism. The successful experience of building permit levies in Alberta was noted.

It was suggested that the discussion paper be expanded to cover funding options other than code sales. This would be a major agenda item at the Deputies meeting.

A similar issue exists with funding of Standards, but it was agreed to de-couple this matter from funding for code development for the time being. This could be an agenda item for future DM meetings.

Communications.

Attention was drawn to draft articles for Construction Innovation and a distribution list for communication pieces. Any comments should be directed to the codes centre.

Next Meetings

The next meetings are scheduled for:

October 18 and 19 in St John's NF (in conjunction with PTCBS)

January 24 & 25, 2000 in Toronto

APPENDIX A

Roles In The Development Of Objective-Based Codes 1999-2003

As work on the bottom-up analysis comes to completion, standing committees have asked staff for clarification of their role between now and publication of the next edition of the national codes. Activities during this period can be itemized as follows:

1. Completion and publication of the intent statements.
2. Agreement on the objectives of the model codes.
3. Completion and approval of the prototype code structure.
4. Completion of Division A including wording/definitions of objectives and functional requirements.
5. Creation of Division B by re organizing and rewording the 1995 codes as appropriate.
6. Technical updating of Division B including preparation of intent statements of new or revised technical requirements.

The attached draft table spells out the roles of staff, the Objective-based Codes Implementation Task Group, standing committees, stakeholders, the provinces and territories and the CCBFC in completion of this project.

Roles in the preparation of Objective-Based Codes 1999 to 2003

| Outcome | Role of CCC | Role of Objective-based Codes Implementation Task Group | Role of Standing Committees | Role of Stakeholders & the Public | Role of P/T | Role of CCBFC |
|--|--|--|---|--|---|--|
| Completion and publication of the intent statements of 1995 codes | <p>Rewrite intent statements under direction of standing committees</p> <p>Oversee work of contractor</p> <p>Advise S/C on resolution of technical issues raised by contractor</p> <p>Manage consultation activities</p> <p>Translation and publishing</p> | <p>Advice to CCBFC over publishing options</p> | <p>Opportunity to comment as intent statements are issued by contractor</p> <p>Resolution of technical issues raised by contractor</p> <p>Review of any stakeholder comment</p> <p>Recommendation to CCBFC to approve complete package once completed by contractor. (ballot or at meeting)</p> | <p>Opportunity to comment informally</p> | <p>Opportunity to comment</p> <p>Bottom-up analysis of P/T specific requirements</p> | <p>Decision following formal letter ballot.</p> |
| Determination of the objectives of the national code documents | <p>Draft public consultation documents</p> <p>Manage Public Review process for CCBFC</p> | <p>Preparation of public consultation package</p> <p>Review of public comment</p> <p>Recommendation to CCBFC</p> | <p>Opportunity to comment on overall approach as individuals or as a committee.</p> | <p>Opportunity to comment as part of a formal public consultation exercise</p> | <p>Provide pre-and post-consultation policy advice</p> <p>Bottom-up analysis of P/T specific requirements</p> <p>Jointly manage Coordinated Public Review</p> | <p>Approval of format and content of public consultation package</p> <p>Consideration of P/T policy advice</p> <p>Decision following formal letter ballot.</p> |
| Approval of the prototype code structure | <p>Preparation of "straw" prototypes for Task Group</p> <p>Prepare options on how quantitative performance criteria will be specified.</p> <p>Circulation of prototypes to S/C, P/T and other stakeholders for comment</p> | <p>Review comments from P/T, S/C and other stakeholders</p> <p>Recommendation to CCBFC on 2003 code format</p> | <p>Opportunity to comment on overall approach as individuals or as a committee.</p> | <p>Opportunity to comment during focussed stakeholder consultation.</p> | <p>Provide policy advice on format</p> | <p>Consideration of P/T policy advice</p> <p>Approval.</p> |
| | | | | | | |

Roles in the preparation of Objective-Based Codes 1999 to 2003

| Outcome | Role of CCC | Role of Objective-based Codes Implementation Task Group | Role of Standing Committees | Role of Stakeholders & the Public | Role of P/T | Role of CCBFC |
|--|--|--|---|--|--|---|
| <p>Creation of Division A including wording/definitions of objectives and functional requirements</p> | <p>Draft contents of Division A review</p> <p>Circulate contents to T/G, S/C, P/T and stakeholders on continuous basis</p> <p>Draft stakeholder consultation document Analyze public comments</p> <p>Translation and publishing</p> | <p>Agree on policy/organizational content of Division A for public review</p> <p>Consideration of comments on policy/organizational content</p> <p>Recommend “total” Division A to CCBFC</p> | <p>Agree on technical content of Division A under S/C jurisdiction</p> <p>Consideration of comments on technical content</p> <p>Opportunity to comment on policy/organizational content of Division A as individuals or as a committee.</p> | <p>Opportunity to comment as part of a formal public consultation exercise</p> | <p>Provide pre-consultation policy advice on format and content</p> <p>Preparation of P/T specific requirements</p> <p>Jointly manage Coordinated Public Review</p> | <p>Consideration of P/T policy advice</p> <p>Decision following formal letter ballot.</p> |
| <p>Creation of Division B by re organizing and rewording the 1995 codes as appropriate</p> | <p>Draft contents of Division B for review</p> <p>Circulate contents to T/G, S/C, P/T and stakeholders on continuous basis</p> <p>Draft stakeholder consultation document</p> <p>Analyze public comments</p> <p>Translation and publishing</p> | <p>Agree on policy/organizational content of Division B for public review</p> <p>Consideration of comments on policy/organizational content</p> <p>Recommend “total” Division B to CCBFC</p> | <p>Make sure reorganization and re-wording of Division B does not change the codes technically.</p> <p>Details on how alternates to quantitative performance criteria will be accounted for in Division B</p> <p>Consideration of public comments on technical content</p> <p>Opportunity to comment on policy/organizational content of Division B as individuals or as a committee.</p> | <p>Opportunity to comment as part of a formal public consultation exercise</p> | <p>Provide pre- on post consultation policy advice on format and content</p> <p>Preparation of P/T specific requirements</p> <p>Jointly manage Coordinated Public Review</p> | <p>Consideration of P/T policy advice</p> <p>Decision following formal letter ballot.</p> |

Roles in the preparation of Objective-Based Codes 1999 to 2003

| Outcome | Role of CCC | Role of Objective-based Codes Implementation Task Group | Role of Standing Committees | Role of Stakeholders & the Public | Role of P/T | Role of CCBFC |
|---|---|---|---|---|--|--|
| Technical updating of Division B | Traditional role in technical updating process Incorporation of technical changes into objective-based documents | Coordination with objective-based code project | Traditional role in technical updating process Preparation of intent statements of new or revised technical requirements | Traditional role in technical updating process Opportunity to comment as part of a formal public consultation exercise | Provide pre- and post-consultation policy advice Participate in Coordinated Public Review Attempt to resolve technical differences among codes | Consideration of P/T policy advice Decision following formal letter ballot. |
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Canadian Commission on Building and Fire Codes
Provincial/Territorial Committee on Building Standards
National Research Council of Canada

COMMITTEE PAPER ON

Core National Codes

prepared for the

Joint CCBFC/PTCBS Task-Group on Implementation of a New Code Development System

Richard Desserud

This document is a working paper prepared for consideration by committees dealing with the National Codes of Canada. The views expressed in this paper are those of the author and do not represent those of the Canadian Commission on Building and Fire Codes or of the Institute for Research in Construction or the Provincial/Territorial Committee on Building Standards. This paper is not a formal publication of the National Research Council of Canada.

Purpose of Paper

The purpose of this paper is to discuss the differences in the subject areas addressed by the national and provincial/territorial codes with the view of arriving at consensus as to the subject areas of a core codes and the possible use of progeny documents where a full consensus does not exist. (see Appendix A)

Background

The Joint CCBFC/PTCBS Task Group on the Code Review and Development Process recommended that the CCBFC, NRC and the provinces and territories endorse the concept of “core building, fire and plumbing codes” which would contain all necessary requirements for widely agreed-upon issues and which the provinces and territories ideally should not have to amend..

Subject areas considered appropriate for a national approach but which are outside the scope of the core codes, could be published in separate stand-alone (progeny) documents, such as the model national energy codes.

Issues in subject areas outside the core codes, and not considered appropriate as CCBFC-produced documents, would remain the responsibility of the individual provinces and territories.

Naturally, adopting authorities always have the right to make changes and additions, however, it is hoped that, because of greater involvement of these authorities throughout the process, the need for change would be minimized.

This exercise will not attempt to resolve differences in technical requirements in subject areas. That will be the objective of a separate activity. Similarly the discussion on the scope of the codes will be part of the objective-based codes project.

This paper will be expanded to include fire and plumbing codes.

Examples of current NBC contents that are likely candidates for core building code contents

- Health and safety requirements for building occupants for construction of new “typical” buildings in the following areas:
 - Fire Safety
 - Safety in Use
 - Health
 - Structural design
 - Environmental Separation/Building envelope
 - HVAC
- Technical aspects of Barrier-Free Design
- Technical construction requirements for housing

Examples of current NBC contents that are questionable candidates for core building code contents

- Extent of application of Barrier-Free Design (portions of Part 3.8)
- Safety on construction sites (Part 8)

Examples of current CCBFC progeny documents

- National Farm Building Code
- Model National Energy Code for Buildings
- Model National Energy Code for Houses
- National Housing Code and Illustrated Guide
- Administrative Requirements

Examples of administrative type contents that are candidates for future core building code contents or progeny documents

- Administrative requirements for plumbing systems (Part 7)
- Universally accepted administrative requirements (e.g. certification of safety equipment)
- Administrative requirements (Part 2)
- Administrative requirements (Part 4)
- Roles and responsibilities

Examples of current P/T contents that are candidates for future core building code contents or progeny documents

- Barrier-free design requirements
 - parking stalls
 - sleeping units
 - Tactile signage
- Energy conservation
 - houses
 - other buildings
- Include technical requirements for plumbing systems in the body of the building code
- Septic systems
- Portable classrooms
- Self service storage
- Rapid transit stations

- Signs
- Standards for mobile/factory built homes (different standard of construction/safety from site-built houses)
- Change of use
- Stadium seat theatres
- Application to existing buildings/renovation projects
- Water conservation
- Secondary suites
- Relocatable buildings
- Special requirements for heritage buildings
- Detailed requirements for Log construction
- Park model trailers
- Swimming pools
 - public
 - private
- Water Theme Parks
- Dairy Manufacturing Plants
- Coin operated dry cleaning establishments
- Abattoirs & meat processing plants
- Laboratories using biological agents
- Cemetery buildings
- Airport noise insulation

Responsibilities

Decisions on the contents and coverage of the core codes will be the responsibility of the Canadian Commission on Building and Fire Codes with advice from the provinces and territories. Since such decisions are policy related and depend on the degree of acceptance from P/T adopting authorities, the P/T Policy Advisory Committee will play a major role in this decision-making process.

A possible sequence of events for consideration of adding new subject areas to the present core codes are as follows:

1. Initiation

- One or more individual provinces could propose the addition of a subject area, perhaps one of those presently included in provincial codes.
- Industry or special interest groups could propose additions directly to the CCBFC.

- The CCBFC through discussion or the initiative of an individual member, could identify possible issues.
- The P/T Policy Advisory Committee could collectively recommend increases in scope to the CCBFC.

2. Pre Consultation

- Except for submissions from the P/T Policy Advisory Committee, the proposal would be circulated to all the provinces and territories.
- Since such proposals would increase the scope of the core codes, the CCBFC needs to gauge the degree of acceptance among the adopting authorities and therefore a response from each P/T or the P/T Policy Advisory Committee would be requested.

3. P/T Policy Advisory Committee

- P/T Policy Advisory Committee would be a good forum to discuss the proposal, although it may not be possible to reach consensus.
- Results of the discussions, even if only a compendium of individual P/T views, would greatly assist the CCBFC in making its decision.
- If this Committee could reach consensus on whether the matter should be dealt with in the core codes, the CCBFC probable action would be clear.

4. Options for the CCBFC

- If there is near unanimous support from the P/T's, the CCBFC would submit the proposal to the due process of committee review and public consultation.
- If there is considerable support for the concept, but some P/T's have concerns, the CCBFC could decide to address the matter through a progeny document. Such documents follow essentially the same process as the core codes.
- Where there is little support, the matter would remain in the purview of the P/T in question and not be addressed by the CCBFC process.

What Comes Next?

This paper will be converted by the Task Group into a set of recommendations to the CCBFC.

The process outlined above could be recommended for inclusion in the CCBFC policies and procedures.

The recommendations could identify priority or urgent issues (or where a high degree of consensus already exists) for consideration to begin (e.g. existing buildings, secondary suites, energy conservation, swimming pools, etc).

It is realistic to predict that few, if any, issues will be resolved in time for the 2003 codes.

(Appendix A)
Explanation of Terms

Model Codes

Model Codes are documents prepared and maintained by the Canadian Commission on Building and Fire Codes (CCBFC) and published by the National Research Council (NRC). They are recommended model codes which may be adopted by an appropriate authority. Provinces and territories provide advice on scope, content, format and process, and may participate individually in the development process. The normal procedure has been for each jurisdiction to conduct a separate review process subsequent to the model codes being published, followed by adoption, usually with modifications and/or additions.

Core Codes

Core Codes are similar to model codes except that provinces and territories participate collectively throughout the review and development process. Provinces and Territories, and CCBFC would agree in advance on scope and content. The “core codes” would contain common requirements for widely agreed-upon issues (e.g. health, safety) and which the provinces and territories ideally should not have to amend.

Provincial/Territorial Changes to the Core Code

Adopting authorities always have the right to make changes and additions, however, it is hoped that, because of greater involvement of these authorities throughout the process, the need for change would be minimized.

Provincial/Territorial Non-Core Code Issues

Many provinces and territories have added subject areas beyond those in the national model codes to their building and fire regulations. Examples include septic systems and existing buildings in Ontario; relocatable industrial buildings in Alberta; combining the building and plumbing codes in some provinces; and special foundation requirements for soil conditions in Manitoba. Such items would only be added to the core codes with the consensus of all provinces and territories.

Separate Stand- Alone (Progeny) Documents

Issues considered appropriate for a national document but that are outside the agreed-upon scope of the core codes, would be published in separate stand-alone (progeny) documents, such as the model national energy codes. The circumstances where this is appropriate are where a number of provinces and territories are interested in adopting regulations in the subject area

Request for Proposal

The Canadian Building “System” – The Role of Construction Codes

Background

The first model building code in Canada was initiated in the 1930’s when the industry, professional associations as well as provincial and federal governments of the day, requested NRC to develop such a code for use by regulatory authorities across the country. In later years the fire code and plumbing code were added to the family of model construction codes.

Today is a very different environment from 60 years ago and our expectations for the overall system that results in quality buildings and facilities has also changed. We have a complex public policy environment, which is faced with issues around health, the environment, consumer protection, less government intervention to name just a few. Stakeholders must now live with the globalization of industries, harmonization of standards and changing technology. The system must be flexible to account for ageing building stock, greater mix of use and more complex technical solutions to respond to today’s expectations. All this while producing consistent and predictable results for all involved.

This is not an easy task. With the many parts to the system it is important to understand how they are used and interconnected to deliver quality construction today and the trends for their use in the future. Recent events, such as the problems with leaky condominiums in BC and pine shakes in Alberta, have clearly shown that different expectations exist among groups and individuals in governments, media, general public and even those directly involved in the system. These events may also be evidence that the system has evolved from what we thought it was into a more complex and integrated system.

In 1995 The Canadian Commission on Building and Fire Codes (CCBFC) released its strategic Plan “Building the Future”. This plan called for the development of Objective-Based Codes, an approach which makes it much clearer and explicit why requirements are in the codes and what they are intended to achieve.

The development of objective-based codes has been the most fundamental look at the purpose and role of construction codes since the 1930s. Not surprisingly, it has identified many questions about the role of codes and what are appropriate objectives for codes in today’s environment. The CCBFC must come to a consensus on these issues and present them for public debate in 2000. To enable effective discussion and understanding of options, a background or context paper is required for use by the CCBFC and the stakeholders.

Project description

Prepare drafts and final copies of a paper that sets out the context in which construction codes fit in today’s regulatory environment and building system. Codes to be included in the context are building codes, fire codes, plumbing codes and energy codes.

The paper will draw the linkage between the codes and the delivery of safe and effective homes, buildings and facilities in a rapidly changing world. It will identify the other elements/players of the system, including codes, standards, regulations, warranties, guarantees, market forces, liabilities, professional ethics, labour force, good practice and various conformity assurance instruments. It will discuss the historical role each played in

determining the extent to which buildings, homes and facilities met the expectations of the owners/occupants and how that role has or is changing today.

A steering committee of approximately 7 people will be set up for the project. It will review documents and be available to the consultant at specific points in the project to offer advice and guidance. The development of the paper will require review and input from key stakeholders such that, when completed, there is general agreement on the description of the system and the role of codes in it.

Deadlines

The paper must be complete by **December 1, 1999** to enable it to be discussed at a provincial/territorial Deputy Ministers meeting in February 2000 and to be available for the discussion on the Codes objectives by the Canadian Commission on Building and Fire Codes.

APPENDIX D

National Research Council of Canada
Provincial/Territorial Committee on Building Standards
Canadian Commission on Building and Fire Codes
Canadian Council of Fire Marshals and Fire Commissioners
Canadian Regulatory Committee on Plumbing

SECOND MEETING OF PROVINCIAL/TERRITORIAL DEPUTY MINISTERS

February 17, 2000, 9:00h Ottawa

DRAFT Agenda

1. ***Welcome and Introductory Remarks***

 - Chair Dr. Arthur Carty,
President NRC
2. ***Background***

 - Review of 1st DM meeting To be determined
 - Context paper
3. ***New Code Development System Update***

 - P/T policy advice To be determined
 Combined building, fire and plumbing committee
 - Resolution of technical differences
 - Principle of cost sharing
 - Co-ordinated public review
 - Core Codes?
 - P/T participation at all stages?
 - Urgent Issues
4. **Code Development and Review**

 - Next Steps To be determined
 - Discussion
5. ***LUNCH***

Objective-Based Codes Update

 - Review of objectives To be determined
 - Code format
 - Stakeholder consultation
 - Communications
 - Education and training steering committee
6. ***Objective-Based Codes***

 - Next Steps To be determined
 - Discussion
7. **Where to From Here?** To be determined

 - New Agreement/MOU
 - Future Meetings
8. ***Adjournment***

Appendix E

Draft Terms of Reference Working Group to Resolve Technical Differences of the Joint CCBFC/PTCBS

Task Group on Implementation of a New Code Development System

Background

The Joint CCBFC/PTCBS Task Group on the Code Review and Development Process recommended that a joint effort be initiated among code users to examine, and attempt to resolve, the present technical differences among the national and provincial/territorial codes. Some examples of technical differences are attached as Appendix A.

At the meeting for P/T Deputy Ministers responsible for the building codes, it was agreed in principle to work towards resolving differences among codes.

At its first meeting, the Joint CCBFC/PTCBS Task Group on Implementation of a New Code Development System decided that this topic would be appropriate for a small working group consisting of members from provinces with the most differences or those likely to initiate new ones.

At the PTCBS meeting on May 17 & 18, 1999, it was suggested that in addition to attempting to resolve technical differences among the national and provincial/territorial codes, that administrative differences be looked at.

Tasks

The Working-Group will recommend to the Task Group procedures and/or actions intended to resolve technical and administrative differences among provincial/territorial codes and the national codes. It is acknowledged that resource limitations and differences in approach will likely make it impossible to completely achieve this goal in time for the next codes.

In enacting these recommendations, the Working Group will involve stakeholders, CCBFC technical committees together with technical staff from the provinces and territories and IRC.

Additional provincial/territorial provisions not included in the national codes will be addressed in separate discussions on the contents of the core codes.

Timetable and Method of Operation

- The Working Group will target to complete its work in time for the last coordinated public consultation on technical changes to the core codes (timing uncertain but possibly in the 2nd quarter of 2002).
- It is expected that the working group will mostly operate by correspondence and conference call.
- It is anticipated that industry, and other national organizations, would see the value of this goal and may contribute towards its achievement.
- Differences among codes will need to be identified including the rationale. For example, PTCBS members will be asked to assist in identifying differences in building codes.
- It will be necessary to define which changes are truly technical in nature and which are scope/policy issues, and to set priorities. It is anticipated that “gray” areas will be encountered.

- Differences will be categorized by the Task Group to determine those that:
 1. are in critical need for resolution
 2. are considered essential by the P/T in question
 3. are too pervasive, complicated or controversial to resolve in the short term
 4. have a high potential for resolution
 5. could be considered for deletion
- Differences that will be recommended for inclusion / deletion to, core codes will be subject to the normal CCBFC change process and referred to Standing Committees, including economic implications. Standing committees will be asked to give such proposals some priority in the name of harmonization.
- Approaches to develop proposals for consultation by the Standing Committees will need to be created. This will usually involve expertise from the provinces, CCC and the SC.
- The timeline will probably be different for the 3 codes and work will proceed independently.

Members

Ontario Ministry of Municipal Affairs and Housing

Office of the Fire Marshal, Ontario

Ministry of Municipal Affairs, British Columbia

Alberta Municipal Affairs

Canadian Codes Centre staff as needed and appropriate.

Régie du bâtiment du Québec

Manitoba Labour

Appendix .

Sample Existing Technical Differences- B. C.

Convalescent, Children's Custodial and Residential Care Homes-3.1.2.5. (9.10.2.2.)

Ceilings over storage garages- 3.1.4.7

Combustible Insulation on ceilings of storage garages – 3.1.5.11.(7)

Heat detectors in Group C unsprinklered spaces, where fire alarms are required – 3.2.4.11 (2)

Technical specifications for visual alarm systems – 3.2.4.20.(3) to (10)

Resistance to Forced Entry in Part 3 Buildings – 3.3.4.8.

Demarcation of leading edges of exit stairs visible from both directions – 3.4.6.1.(1)(b)

Miscellaneous barrier free design requirements – 3.8

Reference to CSA S428, Guidelines for Durability in Buildings – 5.1.4.2.(2)

Winders on stairs need not converge to a point - 9.8.5.3.

Face orientation of treads doesn't apply to plywood – 9.8.9.4.(2)

Floor numbering maximum rise above the surface – (9.9.10.9.(1)(b)

Protection of storage garages re combustible insulation – (9.10.12.6.)

Granular material under slabs – 9.16.2.1.(1)

Certification of Cedar Shingles and Shakes – 9.26.2.1.(2)

Mechanical Ventilation for houses - 9.32

Guidelines for Proposing Changes to the Building, Fire and Plumbing Codes

Suggestions for changes to the building, fire and plumbing codes are welcome from anyone at any time; the codes must change to keep up-to-date. Anyone who is thinking of submitting a change proposal should bear the following points in mind:

To Whom Do I Submit a Proposal?

Proposals for change to the building, fire and plumbing codes may be submitted to one of the provincial and territorial agencies listed at the end of this brochure, or directly to the Canadian Commission on Building and Fire Codes at NRC. Regardless of where the submission is made, it is given the same priority and is treated in the same manner.

In some cases a requirement is unique to a particular province or territory. Proposals to change these provisions should be sent to the province or territory in question. Where such proposals are sent to NRC, they will be redirected to the appropriate jurisdiction.

What Happens to My Submission?

If the proposal is to change one of the national codes, it is then sent to NRC 's Canadian Codes Centre (CCC) where it receives an initial evaluation. All submissions are circulated by the CCC to the responsible governments agencies of all the provinces and territories so that everyone is aware of what is happening and is given an opportunity to comment. Normally, the proposals are then sent on to a technical standing committee for review.

Proposals that would change the scope of the codes and those considered to have significant cost implications, as well as those over which provinces and territories have raised a concern, will be further considered the CCBFC. The Commission will decide on whether these proposals will proceed through the normal technical review process in consultation with provincial/territorial advisory committees.

Who Must Be Convinced?

Proposed changes are reviewed technically by one of the supporting committees of the CCBFC, called standing committees. These standing committees are made up of volunteers from all regions of Canada and all facets of the construction industry.

To bring about a change in one of the national code documents, you must convince the appropriate standing committee that a change is needed in the subject code and that the change you propose is technically correct.

Even if a standing committee agrees with the proposal, all technical changes to the codes must be circulated for public review and comment. Reaction from code users may cause the standing committee to reconsider the proposed change or to drop it.

Supporting Documentation

Proposals to change one of the Code Documents should be accompanied by enough documentation to make a convincing technical case that a change is needed, and that the proposed change is the right one. This documentation can include research and testing results, statistics, case studies and so forth.

Cost Implications

One important aspect of documentation supporting a proposed change to a code is information on the costs of implementing it and the likely benefits to be achieved. This is not to suggest that every code change proposal must be accompanied by a detailed cost/benefit analysis; however, the standing committees are expected to give due consideration to these questions and reasonably expect proponents of changes to contribute information that will assist them in this task. Where the proposed change has major cost implications, a detailed cost/benefit analysis may be necessary.

Enforceability

Proponents of changes to the codes should also bear in mind that there is little use in introducing requirements for which there are no practical means of enforcement. Therefore, a proposal for a change to a code should include information on enforcement implications.

Clarity

Proposals should identify the shortcomings of the existing requirements and new wording should be suggested to address these shortcomings. Codes Centre staff will be able to suggest improvements in proposed wording, if necessary. Proposals for changes that are not clear run the risk of being returned to the proponents for clarification, prolonging the time required for the standing committees to deal with the proposals.

Stick to Technical Issues

With a few exceptions, the national codes are strictly technical in nature and do not deal with administrative issues, such as what professional qualifications are required to perform certain functions, or the need for inspections or permits. The provincial and territorial agencies which adopt the National Code Documents have instructed the Canadian Commission on Building and Fire Codes (CCBFC) to avoid addressing these issues in the Codes because to do so would create potential conflicts with related provincial/territorial legislation and regulations. Therefore, proposals to change the Codes to address these issues will be directed to the appropriate province or territory, unless there is some doubt that they are strictly administrative in nature.

Stick to Generic/Widespread Issues

It is impractical for the codes to deal with specific products or with situations that arise only rarely. Proposals for change should therefore be limited to generic or widespread issues. Innovative products not yet covered by standards are not necessarily excluded from use by not being mentioned in the codes; they can be accepted by local authorities based on the equivalence provisions in the codes. Services, such as NRC's Canadian Construction Materials Centre, are available to assist authorities in evaluating such equivalence. Similarly, unique situations are best dealt with by local authorities rather than swelling the codes with requirements that are seldom used.

Decisions

In all cases, the CCBFC decides on what goes in the national codes, and individual provinces and territories have the final say on what is adopted into law.

Summary

Proposals to change one of the codes should be framed in such a manner as to convince a committee of volunteer experts that there is a problem with certain existing requirements of the Code or an omission in those requirements. The proposals should also be accompanied by documentation to support the case being made, including information on the likely costs of implementing the proposed change.

Each proposal should answer the following questions:

- _ What is the problem?
- _ What is the proposed solution and how does it address the problem?
- _ What are the cost implications?
- _ What are the enforcement implications?

Proposals should be as clear as possible. They should address only generic or widespread technical issues and avoid administrative issues.

Proposed Change Form

The attached form can be used for submission of proposed changes, although its use is not mandatory provided these guidelines are satisfied. Where the form does not provide sufficient space for the information you wish to include, please attach additional sheets as necessary.

Send form to: **(provisional list. P/T's can opt out of acting as a point of entry)**

- Secretary, Canadian Commission on Building and Fire Codes, National Research Council of Canada (Building, Fire and Plumbing Code)
- B. C. Ministry of Municipal Affairs (Building, Fire and Plumbing Code)
- Technical & Safety Services Division, Alberta Municipal Affairs (Building, Fire and Plumbing Code)
- Alberta Safety Codes Council
- Saskatchewan Municipal Affairs, Culture and Housing (Building and Fire Code)
- Saskatchewan Health (Plumbing Code)
- Office of the Fire Commissioner, Manitoba Labour (Building, Fire and Plumbing Code)
- Housing Development and Buildings Branch, Ontario Ministry of Municipal Affairs and Housing. (Building and Plumbing Code)
- Office of the Fire Marshal (Ontario) (Fire Code)
- Régie du bâtiment du Québec (Building and Plumbing code)
- Department of Municipalities, Culture and Housing (N.B.) (Building and Fire Code)
- Department of Labour (N.B.) (Plumbing Code)
- Municipal Services Division, Department of Housing and Municipal Affairs (N.S.) (Building and Plumbing Code)
- Office of the Fire Marshal, Nova Scotia Department of Labour (Fire Code)
- Community Services and Attorney General (PEI) (Building, Fire and Plumbing Code)
- Government Services Branch, Department of Government Services and Lands (Nfld.)
- Office of the Fire Commissioner, Dept of Municipal and Provincial Affairs (Nfld.) (Fire Code)
- Public Safety Branch, Yukon Community and Transportation Services. (Building, Fire and Plumbing Code)
- Office of the Fire Marshal, Government of the Northwest Territories (Building, Fire and Plumbing Code)
- Office of the Fire Marshal, Nunavut Government (Building, Fire and Plumbing Code)

Proposed Change to a National or Provincial/Territorial Code Document

(only one proposed change on any one submission - duplicate as necessary - print single sided)

(Attach additional pages as necessary or use any other format as long as all the information indicated below is included.)

Mail to:

See list on attached guidelines

Name _____ Phone # (____) _____
Fax # _____
Address _____ e-mail _____

Document Building Code Fire Code Edition _____
 Plumbing Code Farm Building Code
 Energy Code for Buildings Energy Code for Houses
Code National B.C. Alberta Saskatchewan Manitoba
 Ontario Quebec New Brunswick Nova Scotia PEI
 Newfoundland NWT Yukon Nunavut

Code Reference of Proposed Change _____

(Section, Article, Sentence, etc.)

Problem - Why should the existing provision be changed or, if proposing an addition to the Code, what is missing?:

Proposed Change/Addition - What wording for the change/addition do you think should be used in the Code?:

_____ complete next page as well

Justification/Explanation - How does proposed change/addition address the problem?:

Cost Implications - Will the change/addition entail any added costs or realize savings? What benefits will be provided?:

Enforcement Implications - Will the proposed change/addition present enforcement difficulties?:

Appendix G

Possible revisions to Section 8 of the CCBFC Policies and Procedures

PROCEDURES FOR THE PRODUCTION AND REVISION OF CODE DOCUMENTS

8.1 Comments on and proposals for change of the Codes, their Users' Guides and progeny documents are always welcome and should be communicated in writing to the Canadian Codes Centre (CCC) or one of the participating provinces and territories (See attached Guidelines in Appendix XX for list of agencies and addresses):

8.2 Proposals for change should be submitted on the prescribed form and include information on:

- the problem with the existing code or document
- the proposed solution and how it addresses the problem
- cost implications
- enforcement implications.

(the proposed change form and guidelines for completion are shown in Appendix XX)

Proposals may be submitted using other formats as long as all the information indicated above is included.

8.3 All proposals for change to the core codes and progeny documents received by provinces and territories will be forwarded to the Canadian Codes Centre (CCC) at the Institute for Research in Construction, NRC. Provincial/territorial governments may add comments if so desired.

8.4. Proposals submitted directly to the Canadian Codes Centre regarding changes to requirements exclusive to an individual province or territory, or on administrative requirements under the purview of the adopting authority, will be forwarded to the appropriate P/T or municipality.

8.5 Proposals submitted to a province or territory regarding changes to requirements exclusive to an individual province or territory, or on administrative requirements under the purview of the adopting authority, will be handled by the P/T in question. Where the P/T believes the matter should be considered by the national process, the proposal will be submitted to the CCC with a request that it be considered to be a proposal to change the core codes.

8.6 Except as provided in 8.7, all proposals will be circulated by the CCC to all provincial/territorial agencies responsible for the particular document the proposed change addresses, giving the opportunity to comment. (Time limit?)

8.7 Proposals will be analyzed by the CCC and directed to the CCBFC for direction where the proposal:

- is deemed to fall outside the agreed objectives and subject matter of the core code
- is deemed to change the scope of the code by extending the application of a requirement
- is deemed to impose a significant cost increment (criteria?)
- has received significant objection from a province or territory (see 8.6)
- is judged likely to received substantial adverse reaction from industry, the regulatory community or the public.

8.8 In considering proposals described in 8.7, The CCBFC will seek, and take into account, the advice of the appropriate Provincial/Territorial Advisory Committee. The CCBFC may take one of the following actions in dealing with such proposals.

- reject the proposal
- return the proposal to the proponent with the request for amendment or more information together with the reasons for the request
- forward the proposal to the relevant standing committee, including any comment from a province or territory.
- create additional processes appropriate to the issue raised.

The proponent and the provinces and territories will be informed of the decision.

Potential Non-Core Code Process

Stage 1 - Point of Entry

1. P/T or NRC are points of entry. When submitted at NRC, proposals are circulated to P/T.
2. P/T assess proposed changes to determine whether they are core or non-core code. Until the core code is more clearly defined, classification is a matter of judgement.
3. *P/T Board* can determine that non-core code proposal should be considered as a change to the core code.
4. Non-core proposals potentially suitable for a progeny code (e.g. Energy Codes in Ontario) will be considered at *P/T Board*.
5. P/T identify technical differences between existing codes and core code, and determine whether technical differences should be considered as core code changes. Depending upon outcomes, P/T may choose to maintain technical differences in non-core code.

Stage 2 - Technical Review

6. P/T obtain Ministerial/Cabinet direction on proposed changes where necessary.
7. Prepare non-core code changes as package to be circulated at same time as consultation on core code.
8. P/T have option of including changes in open tracking system or setting up parallel system.
9. P/T may establish their own Technical Committee(s) for non-core code proposals.

Stage 3 - Public/Stakeholder Consultation

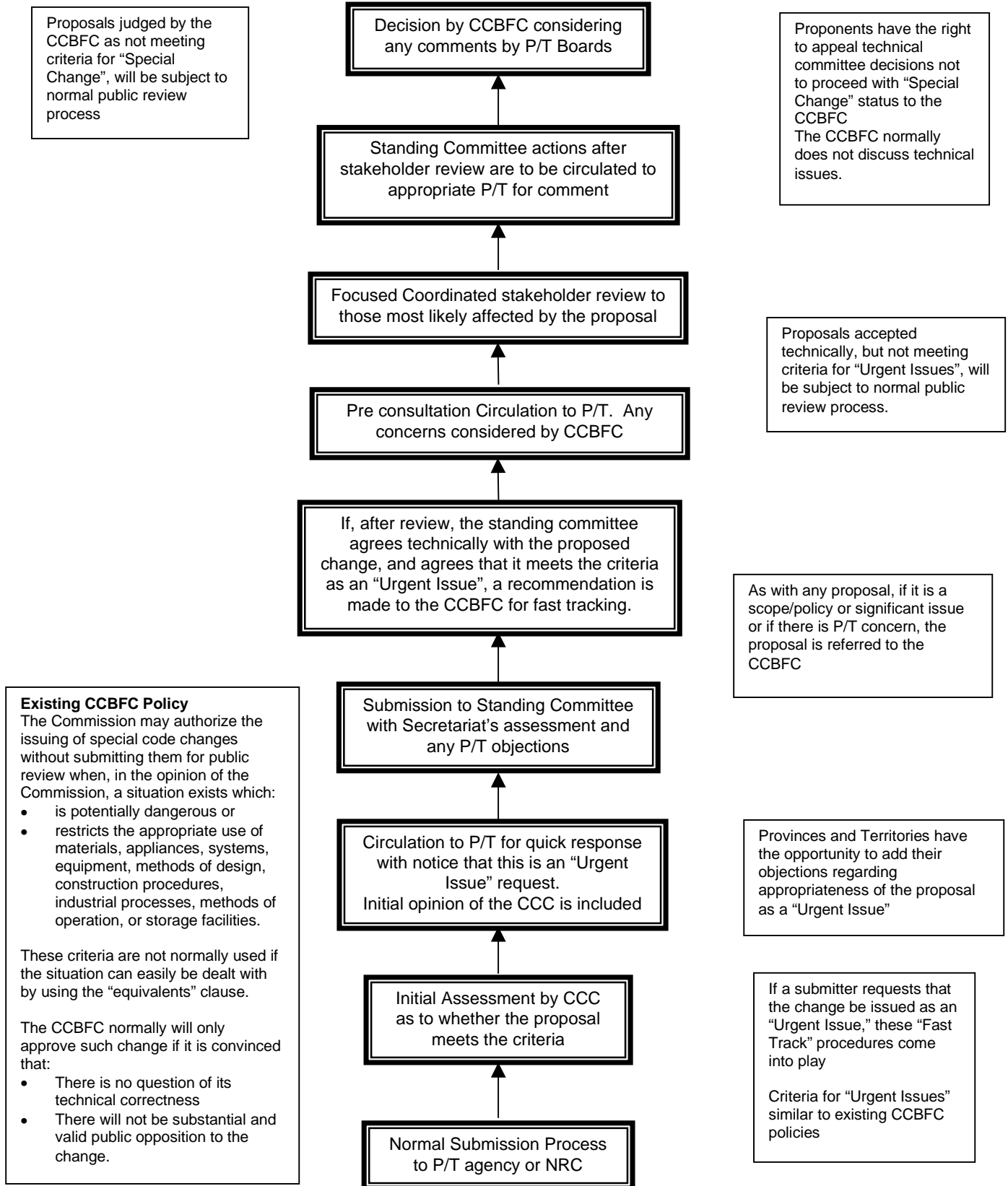
10. P/T have option of coordinating consultation on non-code package as part of core code consultation
11. P/T establish process for reviewing results of consultation on non-core code proposals, including option of review by P/T Technical Committee(s).

Stage 4 - Decision and Adoption

12. P/T obtain Ministerial/Cabinet direction on recommended non-core code changes where necessary in coordination with direction on core code

Appendix G Joint CCBFC/PTCBS Task-Group on Implementation of a New Code Development System

Straw Fast Track Process



Appendix H

DRAFT

"Fair and Equitable" Core Code Development Funding

Background

In the late eighties, faced with demands for increased services while under tight budgetary times, NRC implemented a user-pay approach to the funding of national codes development and production after consulting with its provincial and territorial stakeholders. The price for each NBC sold was gradually increased from \$19 (1985) to \$57 (1990) and finally to \$99 (1995), to better correspond to market pricing. Prices of other national code documents were increased proportionately. Revenues from the sale and licensing of code documents helped NRC stabilize the overall program funding at a fairly constant level. However, new resource demands created by a properly coordinated code development process, including core code development, code change tracking mechanism, and increased administrative support, training and communication, are now expected to create a \$1 Million shortfall.

At the November 1998 Deputy Minister's meeting, an agreement in principle was reached that each province and territory relying on the core codes for its regulations would make a "fair and equitable" contribution to the core codes development process. NRC was then asked to clarify what this might mean in terms of code funding.

Origin of the terms "fair and equitable"

Since 1990, the NRC has been setting a royalty or contribution fee that it considers "fair and equitable" in licensing the use and reproduction of code extracts. By these terms, NRC has meant that it should not matter how, or through which document, users access code information: if they access essentially the same piece of code information through different commercial documents, they should all be making the same financial contribution to the ongoing development of the codes. Thus, the licensing fee that has been set on reproductions of the complete National Building Code 1995 is \$65, the same contribution amount built into the purchase price of the NBC. This fee is normally prorated to the number of pages of code information that is reproduced. The licensing fee for extracting solely NBC Part 9 requirements, as an example, is \$30.

Extending the concept of "fair and equitable" to code funding

In its work leading to the development of the CCBFC's Strategic Plan, a Commission Task Group conducted an opinion survey of major stakeholders and published its results in a 1994 Reference Working Document. The document listed the perceived strengths, weaknesses, opportunities and major threats to Canada's code development system. The first threat listed reads as follows:

"If all provinces are not seen to be contributing in a fair and equitable way to the national code development process, the concept of a uniform code may be lost. "

The first implementation measures identified for Goal 6 of the Strategic Plan (to become substantially self-funded) reiterated the need for "a mechanism by which all partners are seen to be paying their fair share to be negotiated".

If the concept of "fair and equitable" contributions was applied consistently, all provinces and territories that use the core model codes as a basis of their regulations would financially contribute to the ongoing development and maintenance of the "core" national codes through one of four mechanisms:

1: Province or territory adopts by reference, with or without amendments, the national codes published by the National Research Council. Under this mechanism, each NRC sale of the national codes yields a net amount that is allocated to the updating and further development of

the national codes. Hence, the funding indirectly contributed by each province or territory is proportional to the number of code users in that jurisdiction.

- # 2: Province or territory contracts with NRC to publish the provincial or territorial code based on the core model. The NRC publishes and sells the code in bulk to a provincial distributor and at a price that includes a component equal to the amount contributed by each purchaser of the equivalent national code.
- # 3: Province or territory publishes a code that is an amended version of core model, and remits to NRC contribution fees on provincial or territorial code sales revenue that correspond, on a per unit basis, to the same amounts contributed by other provinces and territories under mechanisms #1 or #2.
- # 4: Province or territory publishes a code based on the core model and makes a lump sum annual payment to NRC to fund the core codes development, based on some estimate of total number of users in that jurisdiction.

Current funding situation

In the past, provinces and territories have directly or indirectly “funded” the core codes development as follows (#s refer to mechanisms listed above):

- # 1: Manitoba, PEI, Quebec, Saskatchewan, New Brunswick, Nova Scotia, Newfoundland, NorthWest Territories, Nunavut, and Yukon.
- # 2: Alberta
- # 3: British Columbia. However, the fees are currently set, on a per unit basis, at approximately 40% of the amounts contributed by other provinces and territories participating under mechanisms #1 and #2.
- # 4: This mechanism is not currently used.

These mechanisms have yielded revenues averaging \$1.8 Million annually to NRC.

The province of Ontario publishes and sells codes that are substantially based on the national models but has not substantially participated in core code funding. Similarly to a few other provinces, however, it has taken the leadership in funding the development of non-core code requirements and extensive training material.

Proposed future funding situation

Total NRC resource requirements associated with the new, coordinated core code development process are estimated at \$5.5 Million. This includes labour and overhead, as well as out-of-pocket expenses associated with administrative support, committee support, publications, distribution and related contracts.

If all provinces and territories were to participate equitably through one or another of the funding mechanisms described above, an estimated total revenue in the neighbourhood of \$2.7 Million could be raised annually for core code development purposes, or approximately \$1 Million than at present. For its part, the NRC would continue to fund the core codes development at a level of \$2.8 Million yearly.