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Joint CCBFC/PTCBS Task-Group on
Implementation of a New Code Development System
Report of the Fifth Meeting
24, 25, January, 2000
Toronto, Ontario

Members present

Chair: Bruce Clemmensen
Ann Borooah
Jeannot Fecteau
Chris Fillingham
Tom Makey
Tim Macaulay
Rick McCullough
Dick Miller
Krystyna Paterson
Ross Rettie
Ted Ross
Chuck Sanderson
Bob Thompson
Chris Tye

Members Absent
Yaman Uzumeri

IRC Staff:

Bob Bowen
Richard Desserud
John Archer

Visitors:

Michael Heitshu- Ministry of Municipal Affairs and
Housing –Ontario
Peter Love- Canadian Energy Efficiency Alliance
Lynn Balfour- OBOA
Percy Hornblow- AATO
Brian Kozman- Ministry of Municipal Affairs and
Housing –Ontario
Nancy Smith- Ont. Association of Architects
Kim Baily- Office of the Fire Marshall, Ontario
Allan Larden- Ont. Association of Architects
Lauri Sue Robertson- Handidactis Inc
David MacKinnon- CSCC
Judith Lytle- Ontario March of Dimes
Michelle Cronin- Ontario March of Dimes
Roy Chalk- Ontario Municipal Fire Prevention Officers
Association
Brain Maltby- Ontario Municipal Fire Prevention
Officers Association
Paul; Olah- Ont. Assoc. of Fire Chiefs
Scott Richardson- Markham Fire and Emergency
Services
Rod McPhee- CWC
Keith Wilson- Canadian Association of Man-Made
Vitreous Fibre Manufacturers
Guy Gosselin- IRC
Gary Chu- Canadian Plastics Industry Association
Susan Clarke- Office of the Fire Marshall, Ontario

Review of the Report of the 4th Meeting.

The report of the 4th meeting was approved.

Meeting of the Deputies

A Draft Agenda for next Deputy Ministers meeting was discussed and suggestions for improvement were made.

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Key dates should be part of the agenda so the deputies know what they will have to commit to. It is also important that clear recommendations be made on issues for which a formal agreement from the deputies is sought.

Regarding the participation of Charter cities (Vancouver and Montreal) in the new system, it was decided that it would not be appropriate to include this issue at the deputies meeting, but instead to invite the cities to future Task Group meetings to explore the issue.

Regarding the possibility of a new Memorandum of Understanding on the new system, it is believed that , while the matter needs to be kept on the table, such an agreement is about two DM meetings away.

(The final version of the agenda is attached as Appendix A).

Briefing documents are to be finalized by IRC and mailed to the deputies by the end of January.

Core Building, Fire And Plumbing Codes

A Draft Briefing Paper for the deputies on Core Codes was discussed. Considering the sensitivity of the issue of accessibility, it was cautioned that the briefing on this issue needed to be carefully worded to ensure that there is no misunderstanding that the subject was being diminished in stature, or that the requirements were being reduced.

A revised version incorporating the suggested improvements is attached as Appendix B.

Single Coordinated Public Review

A Draft Briefing Paper for the deputies on the coordinated consultation process for the codes was discussed.

It was recommended that instead of a public consultation on technical changes proposed for 2001 and one on the reformatted code planned for 2002, that these activities be concurrent.

It was also recommended we should take advantage of the consultation on objectives to also consult on the new code format, and that it occur in the fall of 2000.

A revised version of the briefing paper incorporating the suggested improvements is attached as Appendix C.

There was considerable discussion on how the deputies should be briefed on the CCBFC recommendation on the Code Objectives, particularly regarding the so-called “blue” objectives. These are the issues that the CCBFC proposes to flag as requiring further scrutiny during the next code cycle. It was suggested that the CCBFC is missing an opportunity to use this consultation exercise to determine whether sufficient information might come forth to permit the Commission to act prior to the next code edition. It would also make for a more meaningful consultation as opposed to merely reporting that more study is planned.

It was noted that much work remains to convert the material into an appropriate public consultation document.

A briefing paper for the deputies on public consultation objectives of the codes reflecting these discussions is attached as Appendix D.

Provincial And Territorial Participation

A summary of the responses received to date on the Questionnaire on P/T plans regarding the new process and objective-based codes was discussed. It was noted that many jurisdictions had still not replied and this will be followed up.

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Provincial/Territorial Advisory Committee(s).

A Draft Briefing Paper for the deputies on the P/T Policy Advice framework was discussed.

A revised version incorporating suggested improvements is attached as Appendix E.

Resolve Present Technical Differences.

A Draft Briefing Paper for the deputies on the proposed process to resolve present technical differences was discussed.

A revised version incorporating suggested improvements is attached as Appendix F.

NRC Role

It was agreed at a previous meeting last meeting that the role for the Canadian codes Centre in ensuring uniform interpretation of code requirements should be investigated.

It was suggested that there be an investigation as to how other countries such as Australia and New Zealand, handle this issue. The Task Group reviewed Guidelines used in Australia for the ABCB to deal with inquiries. It was agreed that these are a good starting point, but that detailed procedures would need to be developed.

Equitable Cost Sharing

A Draft Briefing Paper for the deputies on a codes funding framework was discussed.

A revised version incorporating suggested improvements is attached as Appendix G.

Urgent Issues and Standards Updating.

A Draft Briefing Paper for the deputies on Code Cycle and Interim Revisions was discussed.

A revised version incorporating suggested improvements is attached as Appendix H.

Next Meeting

The next meeting is scheduled for:

April 3 & 4 in Victoria

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Appendix A

Meeting of the Deputies

Second Meeting of Provincial/Territorial Deputy Ministers

February 17, 2000, 9:00 a.m.,
Canadian Room, Chateau Laurier Hotel
Ottawa

Agenda

1. **Welcome and Introductory Remarks** Dr. Arthur Carty
(09:00 – 09:10)
2. **Review of 1st Deputy Ministers' Meeting** Dr. Arthur Carty
(09:10 – 09:20)
3. **New Code Development System Update** Mr. Bruce Clemmensen
(09:20 – 10:00)

Health Break (10:00 – 10:15)

4. **Code Development and Review Discussion** Dr. Arthur Carty
(10:15 – 12:00)
 1. Core Codes
 2. Coordinated Public Review Process
 3. Provincial/Territorial Policy Advice and Participation
 4. Process for Resolving Technical Differences
 5. Principle of Cost Sharing
 6. Code Cycle and Interim Revisions

Lunch (12:00 – 13:00)

5. **Objective-Based Codes Update** Mr. Robert Bowen
(13:00 – 13:30)
6. **Objective-Based Codes Issues** Dr. Arthur Carty
(13:30 – 14:45)
 1. Canada's Construction System/Context for Model Codes
 2. Objectives of the Model Codes
 3. Format for Objective-Based Codes
 4. Stakeholder Consultation and Communication
 5. Education and Training Requirements

Health Break (14:45 – 15:00)

7. **Where to From Here?** Dr. Arthur Carty
(15:00 – 16:00)
 1. Next Steps – Work Plan and Schedule
 2. New Agreement/Memorandum of Understanding
 3. Other Issues
 4. Future Meetings
8. **Adjourn** (16:00)

Appendix B

Briefing Paper on “Core Codes”

Background

Core Codes

At the last meeting of provincial/territorial Deputy Ministers responsible for the building codes, the concept of “core building codes,” was accepted in principle. The “core codes” would contain common requirements for widely agreed-upon issues that the provinces and territories ideally should not have to amend. These provisions would be prepared and maintained by the Canadian Commission on Building and Fire Codes using the new coordinated system. Provinces and territories would participate collectively throughout the review and development process. All would agree in advance on scope and content. A separate activity is currently underway to resolve differences in technical requirements among the National and provincial/territorial codes in the core subject areas.

Provinces and Territories always have the right to make changes and additions to the core codes, 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, plumbing and fire regulations. Examples are shown in Appendix A. 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 by the CCBFC in separate stand-alone (progeny) documents, such as the model national energy codes, the National Farm Building Code and the National Housing Code and Illustrated Guide. The circumstance where this is appropriate is when a number of provinces and territories are interested in adopting regulations in the subject area.

Situation for the 2003 Core Codes

The Joint CCBFC/PTCBS Task-Group on Implementation of a New Code Development System has concluded that time and resource limitations will result in very few, if any, additional “non-core” subjects presently in provincial/territorial codes being considered for inclusion in 2003 core codes. For the time being the core codes will be essentially limited to the subjects covered in the 1995 NBC, NFC and NPC, which include:

- Health, safety and structural provisions for construction and operation of “typical” buildings and facilities.
- Barrier-Free Design

Core Code Issues

The Joint Task Group has identified three issues that it plans to address in time to be reflected in the 2003 codes.

1. Accessibility in the Building Codes

There has been discussion among the provinces and territories and the CCBFC that the core building code should concern itself only with the technical aspects of barrier-free design. Such items would include requirements relating to health and safety and the usability of facilities required to be barrier free.

Policy-related items such as the extent of barrier-free aspects, or which facilities must be barrier free are matters that are the purview of governments, and will not be matters dealt with by the CCBFC. In the name of national uniformity, it would be desirable, however, to establish a body that could work towards reaching national consensus on these provisions.

In the time before the publication of the 2003 code, efforts will be made to identify the “policy” items that will be a provincial/territorial (non-core) code item and decide whether a national approach to maintain these items is appropriate/possible and if so, how could this be done, (e.g. a progeny document). The CCBFC agreed recently that accessibility is one of the prime objectives of the NBC and not to remove or modify any of the existing public policy accessibility requirements in the NBC. These are changed by virtually all jurisdictions in any case.

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As well it will be necessary to confirm the items the CCBFC will continue to handle, including health and safety issues and the technical aspects of barrier-free design, and to identify provisions for which there is uncertainty as to whether the issue is policy or technical. In such cases, further (post 2003) analysis may be required.

2. Administration

The Model Codes have, as a matter of policy, avoided including administrative provisions, such as the need for inspection, permits and certification, on the grounds that these are matters under the jurisdiction of the provinces and territories and vary across the country. There are some limited administrative requirements in the codes, and the CCBFC has published a progeny document “Administrative Requirements for Use with the National Building Code.” However, this document has not been updated since 1985.

Most provinces and territories have prepared their own administrative framework for building, fire and plumbing regulations, although some rely on the model code provisions to some extent.

The Task Group is proposing to study whether administrative matters should continue to be a core code matter, and if so, to what extent. In doing so it would identify which administrative items have universal application and could be core code items and which items should be removed from the core codes.

It will also consider the desirability of having progeny documents on administrative requirements and propose a process for creation and maintenance of them.

3. Safety on Construction and Demolition Sites

Not all provinces and territories use Part 8 of the National Building Code, and some believe such matters are best dealt with in Labour or Occupational Safety regulations. Some material may also be more appropriate as Fire Code matters.

It will be necessary to examine the future of Part 8 of the NBC as a core code subject.

Recommendation

The Joint Task Group recommends the following principles regarding core codes:

General

The 2003 core codes will be essentially limited to the subjects covered in the 1995 NBC, NFC and NPC.

Accessibility

1. That technical/health/safety aspects of barrier-free design are core code subjects and development of such requirements would be the responsibility of the CCBFC.
2. That given the level of modification of these provisions between jurisdictions, it may be appropriate in the future for provinces and territories to investigate the feasibility of establishing a mechanism with the goal of achieving national uniformity for code-related public policy issues on accessibility. This could include asking CCBFC to facilitate a process to resolve these issues.
3. To assist in this exercise, it may be helpful to identify and separate requirements which are technical and requirements which affect scope/degree of accessibility.

Administration

1. That, administrative provisions are not core code subjects, except where there is unanimous agreement among the provinces and territories that they be included.
2. That consideration be given to creating progeny documents for administrative issues relating to core codes

Safety on Construction and Demolition Sites

1. That the status of Part 8 of the NBC as a core code subject be examined further. If feasible, the results should be reflected in the 2003 codes.

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

- Energy conservation
- Include technical requirements for plumbing systems in the body of the building code
- Portable classrooms
- Rapid transit stations
- Stadium seat theatres
- Application to existing buildings/renovation projects
- Relocatable buildings
- Detailed requirements for log construction
- Swimming pools
- Water Theme Parks
- Dairy Manufacturing Plants
- Coin operated dry cleaning establishments
- Airport noise insulation
- Underground parking of propane powered vehicles

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Appendix C

Briefing Paper on a Single Coordinated Public Consultation Process

Background

The Joint CCBFC/PTCBS Task Group on the Code Review and Development Process recommended that a single coordinated public review of proposed changes to the core codes, as well as provincial and territorial additions to the core codes, be established to ease the burden on reviewers, minimize local variations and reduce the time required for adoption of the core codes. It should reduce duplication of effort and expense within the partnership.

At the last meeting of provincial/territorial Deputy Ministers responsible for the building codes, there was agreement in principle to coordinate the national public review process with provincial/territorial review in a manner that would accommodate jurisdictional needs and timing.

Discussion

A coordinated public consultation process would be a shared responsibility of the CCBFC, the provinces and territories and of NRC.

Some provinces and territories will continue to rely on NRC to manage the process on their behalf.

Some provinces and territories will want to manage the process and request and receive public comments within their jurisdictions. Comments would be reviewed and forwarded to the Secretariat with provincial/territorial comment and/or recommendations for resolution.

Activities will normally include preparation of change packages, announcement of availability, distribution to stakeholders and individuals, public fora to explain changes, receipt compilation and analysis of comments

In order for this to be a coordinated process, provincial/territorial non-core changes would be included in public review packages. Those requesting change packages would receive only such changes for their individual province/territory unless all are specified.

Some provinces have a need to obtain "permission to consult" from government before releasing proposed changes for public consultation, particularly where public policy issues are involved. Therefore, the timeline for all consultation activities needs to account for this necessity.

Both mechanisms would result in technical review of the results of the consultation and recommendation from the CCBFC Technical Committees, prior circulation to the provinces and territories, and subsequent consideration by the CCBFC.

Participation in the coordinated review does not commit any province or territory to accept the ultimate CCBFC decision, however; by fully engaging the provinces and territories throughout the process, it is hoped that changes to the core codes will not result.

Current Situation

The Task Group is preparing procedures and protocols for the coordinated process that is proposed for use in the review of objectives and structure of the new Codes, planned for summer/fall 2000, as well as the consultation on technical updating for the Core codes and the reformatting of the codes into the objective based structure planned for mid 2002. The review of the full codes in the new format is intended to ensure that the process has not inadvertently introduced changes to the code provisions. It is acknowledged that this timing may not fit the schedule for all documents in all provinces and territories. However, agreement of such protocols for use by all in the post-2003 cycle, would be a significant achievement.

A coordinated public consultation on objectives of core and provincial codes is scheduled for mid-2000. It is also acknowledged that some provinces and territories may not be in a position to participate in this activity at this time. The review on objectives is not a formal consultation on code technical content, so ad hoc procedures are needed. These will be discussed during the presentation on Objective-Based Codes later in the Agenda.

Current plans are also to take advantage of the consultation exercise to also get reaction from stakeholders on the proposed format of the next codes.

Recommendation

The Joint Task Group recommends:

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1. A coordinated public consultation be undertaken in mid-2000 on the objectives of all three codes involving the CCBFC and provinces and territories that wish or are in a position to participate. The degree of consultation is discussed in the papers on proposed public consultation on objectives of the national codes.
2. That, as part of the coordinated consultation on objectives, stakeholders be asked to comment on the proposed general reformatting of the objective based framework and on stand-alone provincial objectives, where applicable.
3. Plans be completed for coordinated public consultations on technical updating of the building, plumbing and fire codes and a review of the reformatted present codes into an objective based structure to occur concurrently in mid-2002.

Appendix D

Briefing Paper on Objectives of the Model Codes

Background

At the last meeting of provincial/territorial Deputy Ministers responsible for the building codes, it was reported that the analysis of the codes has identified many objectives other than health, safety and accessibility.

There were other observations on the need to be clear about what building codes should and should not be as well as where the line should be drawn between health and safety and consumer protection. The impact of the new codes on stakeholders needs to be clearly addressed and articulated.

There was agreement in principle to continue with the development of objective-based codes. The schedule for completing the analysis and carrying out a coordinated public consultation on code objectives is planned for the year 2000

Present Situation

For over three years now, work of the Canadian Commission on Building and Fire Codes has focussed on analyzing each of the requirements in the National Code Documents to determine its intent and to identify what objectives it relates to. From this "bottom-up analysis" has emerged a much clearer picture of the issues currently addressed by each of the National Code Documents. The Commission is now able to address the question of what objectives the Code should address.

This analysis has confirmed the hypothesis that the national codes deal primarily with safety, health, and in the case of the National Building Code, accessibility by disabled persons.

The analysis of the codes has also revealed that there are significant numbers of requirements that cannot be attributed to these "traditional" objectives and which would have to be eliminated if the Code were to be strictly limited to safety, health and accessibility.

Results of this work are more fully described in the attached papers.

CCBFC Action

The Commission, at its meeting in December 1999, decided to confirm the widely agreed-upon items of safety, health, and accessibility as primary objectives of the National Building Code.

It further concluded that there are other issues over which there is less certainty as to whether they are widely agreed-upon code objectives. These would be subjected to more intense scrutiny during the next code cycle. These are:

- Fire Protection of Subject Building
- Protection of Subject Building from Structural Failure
- Structural Serviceability
- Protection of Subject Building During Construction and Demolition
- Fire Protection of Adjacent Buildings
- Fire Protection of Adjacent Buildings
- Protection of Adjacent Buildings from Structural Inadequacy of Subject Building
- Protection of Adjacent Buildings During Construction and Demolition
- Containment of Hazardous Liquids
- Resistance to Unwanted Entry
- Protection from Noise
- Safety During Construction and Demolition

It also concluded that certain issues and the requirements uniquely linked to them should be eliminated from the next edition of the NBC, which will be published in 2003. The CCBFC felt that these provisions can be dealt with by other agents in the construction process, such as market driven forces. See the paper "Canada's Construction System and the Context for Model Codes." These are:

- Convenience
- Appearance
- Privacy

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- View of the Outdoors
- Sense of Spaciousness

The CCBFC will confirm or modify these decisions at its next meeting in June of 2000, taking advice from the provinces and territories into account. Subsequently these decisions will be presented to code stakeholders for reaction during a coordinated consultation activity with the provinces and territories in mid-2000.

Fire and Plumbing Codes

The state of the analysis did not permit the Commission to arrive at a position on objectives of the fire and plumbing codes at its last meeting. However, by application of the logic behind the actions on the building code, the following scenario can be predicted. A proposal to the CCBFC is attached for the Fire Code.

The primary objectives of the National Fire Code would be safety, property protection and containment of hazardous substances. Other issues requiring further analysis include health, and structural sufficiency.

The primary objectives of the National Plumbing Code would be health and safety. There are two issues that will require further analysis, namely property protection and containment of hazardous substances.

The CCBFC will consider these possibilities at its next meeting in June of 2000, taking advice from the provinces and territories into account

Joint Task Group Action

Subsequent to the meeting of the Commission, the Joint CCBFC/PTCBS Task-Group on Implementation of a New Code Development System discussed these actions. It decided that it should recommend to the CCBFC that, rather than waiting to the next cycle, the consultation exercise should seek input that would facilitate the resolution of some of the uncertain issues in time to be reflected in the 2003 codes. The results of that consultation would be presented to the following deputy ministers' meeting for advice and subsequent action by the CCBFC.

The Task Group also proposed that consultation on the prototype code structure be part of the consultation on objectives. Previously it was proposed to do this consultation on a less formal basis.

The Task Group also suggested delaying the consultation until the fall of 2000 to enable provinces and territories to complete bottom-up analysis of their unique requirements.

Nature of public Consultation

A basic public consultation document will be prepared and will form the core of a consultation package. It will explain the CCBFC proposal and ask if there is agreement. It will also describe the issues requiring further scrutiny and for information that might allow this scrutiny to take place prior to the 2003 codes.

Where there are additional provincial/territorial objectives these will be added, or a separate version will be prepared.

Any public consultation activities undertaken in the name of the Commission will be with the agreement of provincial/territorial authorities.

Some provincial ministries will conduct their own consultation process.

Commission activities could include –

- regional seminars arranged by the Canadian Codes Centre with or without participation by provincial ministries personnel, at their desire.
- participation by Codes Centre staff and/or Commission members in seminars arranged by provincial/territorial ministries
- provision of Codes Centre materials for use in seminars arranged by provincial/territorial ministries.

Recommendations

The Joint Task Group recommends that:

1. the CCBFC be requested to revisit its decision to delay acting on the “uncertain” objectives until the next code cycle, and to use the upcoming coordinated consultation on objectives to ascertain whether some of these issues could be dealt with prior to the 2003 codes,

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2. consultation on the prototype objective-based code format be part of the consultation on objectives,
3. this consultation take place during the autumn of 2000.

Appendix E

Briefing Paper on P/T Policy Advice

Background

The Joint CCBFC/PTCBS Task Group on the Code Review and Development Process agreed that a mechanism is needed to ensure the coordinated system has access to advice on the position of provincial and territorial governments on matters that are considered to have considerable economic or policy implications.

At the meeting of P/T Deputy Ministers responsible for the building codes, there was general agreement that advisory committees be established to ensure the system receives necessary advice on policy and technical issues. Collectively, provinces and territories will decide the appropriate structure of those committees. It was suggested that the advantages and disadvantages of various options including a joint building-fire-plumbing code advisory committee be examined.

Discussion

The “framework” for provision of provincial/territorial policy advice to the co-ordinated system would be expected to assume a leadership role from the regulatory point of view and in doing so, perform a number of functions:

- advice on the scope, format and objectives of codes
- advice on acceptability of proposed code changes from policy and economic viewpoints
- guidance regarding how well the coordinated system is meeting the needs of P/T governments collectively and individually
- advice regarding the level of comfort with the coordinated system among P/T stakeholders
- guidance regarding whether the coordinated system is following the agreed-upon due process
- recommendations on needed changes to the process to accommodate regulatory and enforcement concerns
- assurance that the system has an appropriate level of political accountability
- advice of the structure and membership of the CCBFC and the technical standing committee.

As an added benefit, the “framework” should provide an opportunity to act as a forum for discussion of other areas of mutual interest and to explore regulatory and enforcement issues outside of code development concerns.

The “framework” needs to operate at a number of different levels depending on whether the matter at hand represents a major policy issue or is more towards sector or operational concerns. Such matters are often addressed at different levels in the decision-making hierarchy. The realities are:

- major policy issues are dealt with at higher levels and occur rarely
- there is value in multi-sector (building, fire and plumbing) discussions on most policy-related issues
- there is a need to provide a forum to discuss inter-jurisdictional enforcement issues
- there is a need to provide a forum to discuss sector-specific issues
- provinces and territories may react differently to the same issue
- there is value in including the CCBFC in such discussions at all levels.

Recommendations

1. Deputy Minister’s, responsible for the codes in their jurisdictions, would ensure that policy advice is provided to the overall system. This would involve meeting periodically to:
 - consider the effectiveness of the Code development system
 - review and, where necessary, provide advice on any major policy issues which arise during a code cycle.
2. Guidance on the operation and improvement of the coordinated system; and advice on scope, content, format and enforcement issues, should be addressed by a Policy Advisory Committee consisting of appropriate senior P/T officials appointed by the Deputy Ministers and cover all three sectors (building, fire and plumbing).
3. Sector-specific issues would be dealt with by sub-groups of the committee described in 2. These sub-groups would have the ability to discuss technical and operational issues of interest to their sector. Meetings would occur in conjunction with meetings of the senior committee, or be held on an independent basis.

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4. CCBFC and/or NRC to be represented on these groups.
5. NRC to provide secretariat services, but travel expenses would be the responsibility of individual provinces and territories.

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Appendix F

Briefing Paper on a Process to Resolve Technical Differences

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. A technical difference occurs where a province or territory does not agree with a requirement or approach contained in a core code and has modified it. It does not include the addition of different subjects.

At the last meeting for P/T Deputy Ministers responsible for the building codes, it was agreed in principle to work towards resolving differences among codes. The consensus was that there is a need to separate issues that are strictly technical from those that are driven by policy considerations. There was an acknowledgement that meetings of Deputy Ministers and the advisory committees could play roles in resolving policy differences.

Discussion

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.

The Working Group will recommend to the CCBFC procedures and/or actions intended to resolve technical differences between provincial/territorial codes and the national codes, however it will not attempt to resolve them itself. This will occur using other mechanisms such as CCBFC standing committees and task groups, as well as special joint CCBFC/provincial/territorial initiatives.

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

All three codes will be examined in this process, although the plumbing code will be addressed using separate procedures.

Additional provincial/territorial provisions not included in the national codes will be addressed in separate discussions on the contents of the core 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. Some differences may be resolvable this cycle however, and the Working Group will target to complete its work so that these may be considered in time for the last coordinated public consultation on technical changes to the core codes scheduled for mid-2002.

Present Situation

The Working Group has been formed, but has not met. The Chair will be Mr. Fred Nicholson, former chief Building Official of the City of Winnipeg and presently Executive Director, Mechanical Contractors Association of Manitoba. Members will be drawn from provinces and territories who have found it necessary to amend the core code requirements. They will include, but not be limited to, technical staff from Ontario Ministry of Municipal Affairs and Housing, the Office of the Fire Marshal, Ontario, the Ministry of Municipal Affairs, British Columbia, Alberta Municipal Affairs, Régie du bâtiment du Québec and Manitoba Labour

The provinces and territories are providing information on all technical differences between their codes and the National codes so the Working Group can begin its deliberations.

Any process assigned to propose resolution of a technical difference must include the jurisdictions where the difference originated. The process would then, in turn, prepare recommendations to the relevant standing committee

The CCBFC standing committee responsible for the plumbing codes has begun the process of harmonizing the national and provincial codes.

Although no agreement exists, work has begun informally to establish a process to resolve differences among fire codes.

Recommendation

The Joint Task Group recommends that:

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1. The Provinces and Territories and the CCBFC work towards the resolution of technical differences among the national and provincial/territorial fire codes, in a manner similar to that presently underway for building and plumbing codes.

Appendix G

Briefing Paper on a Codes Funding Framework

(An abridged version of the “Committee Paper on Codes Funding Framework” prepared by Guy Gosselin and Bob Bowen)

Background

The national and provincial/territorial code development processes have each been funded through separate mechanisms:

- (i) NRC supports the national system through base federal funding supplemented with revenues from sale and licensing of code documents.
- (ii) Provinces producing provincial codes have supported their system largely through base provincial/territorial funding.

At the November 1998 Deputy Minister’s meeting, there was agreement in principle that each province and territory relying on the core building code for its regulations would make a “fair and equitable” contribution to the core codes development process to ensure its viability.

Core Codes Funding – A New Agreement

Subsequent discussions with provinces and territories on a possible framework for implementation of the agreement have yielded a strong consensus on a few guiding principles. The framework must be:

- Simple to administer
- Transparent to all partners
- Predictable and sufficient in terms of level of funding

The determination of who funds the code development service must be kept distinct from that of who provides the service. Since it is a partnership, there is opportunity for different partners to take on different roles, such as that of service provider on behalf of the entire partnership. The funding framework must acknowledge such service contributions.

One must also consider the development and delivery of value-added products that are core content related (e.g. User’s or Explanatory Guides). Any of the partners would be free to pursue these additional opportunities, provided the product pricing comprises three elements: the development cost, the delivery cost and a core code contribution cost. It is envisaged that the development of such value-added product would be seed funded by one or more partners.

Framework for implementation

It is proposed that revenue from the sale and private sector licensing of all documents based on core code content would be used to offset the following services:

- a) Basic core code development services provided by NRC to all jurisdictions;
- b) Other services that support core code development and delivery, such as:
 - acting as the point of entry for code users soliciting change, as well as supporting the national process by providing a technical review of the proposed core code changes;
 - acting as the point of first contact with the jurisdiction for all technical inquiries related to the adopted core codes; and
 - assuming the management and support of the public consultation process, including explanatory seminars within the jurisdiction.
- c) Services related to printing and distribution of the core codes.

In practice, this would mean that revenue from sales and licensing would be directed towards three components as follows:

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- 1) Each sale or licensing of the core codes contents, either as CCBFC national documents or as part of code documents published by a province or territory, will be reported and give rise to a **base contribution** provided to offset the core code development services administered by NRC.
- 2) A provincial or territorial partner that assumes, on a discretionary basis, a significant lead role in the provision of other services that support core code development and delivery, as per the above examples, will retain the portion of revenue attributable to these **discretionary services** (on a per copy basis).
- 3) Each sale will also yield a component to offset **printing and distribution costs**.

Thus, non-code publishing provinces and territories that rely on NRC for basic core code development services could continue to operate on this reliance without any need for funds to flow directly from the provinces and territories to NRC, nor vice versa.

A partner that develops a value-added product that relies on core codes content would be responsible for ensuring that the pricing includes a component or net amount targeted as a core code development contribution to be returned to NRC. This will be established on a case by case basis.

Recommendations

It is recommended that agreement be sought on the above core code funding principles and implementation framework and that details be worked out as part of the implementation of the new code development process.

It is also recommended that agreement be sought on the concept of protecting the commercial value of consolidated versions of core codes so revenue from their sales can continue to serve as a source of funding.

Appendix H

Briefing Paper on the Code Cycle and Interim Revisions

Background

The Joint CCBFC/PTCBS Task Group on the Code Review and Development Process recommended that decisions regarding a permanent cycle for publishing of the core codes, if necessary, be determined when the impact of objective-based codes is clearer.

It further recommended that the four stages of the proposed process would be able to deal with urgent issues, such as health or safety issues, and unreasonable restrictions placed on industry by existing code requirements. Timing, duration and extent of the public consultation may need to be tailored to fit the situation.

An additional recommendation was that a study be undertaken to address the issue of standards updating in the provinces and territories..

Discussion

The Task Group on the Implementation of a New Code Development System has come to the conclusion that these three issues are related.

Code Cycle

There is no obvious answer nationally on an ideal code cycle. Benefits of a shorter cycle for code users include responsiveness to innovation, as well as fewer revisions to absorb and reduced the need for retraining. Liabilities include reluctance to initiate more frequent legislative changes and industry concerns over instability and frequent retraining needs.

A “continuous” process whereby new editions are published and revisions are released as they are completed, presents problems to adopting authorities in establishing legislative agendas. This situation could also result in legal difficulties in the future should there be disputes over which requirements applied to existing buildings.

Codes, however, should be more stable if all agree with the concept of objective-based codes. As well, objective-based codes offer opportunities so that legislative revisions could be reduced in favor of some other mechanism to recognize new acceptable solutions. It is clear, however, that there will be a need for the foreseeable future to continually improve the existing (1995) set of requirements which will form the bulk of the first set of acceptable solutions (Part B).

Urgent Issues

As with the existing national and provincial/territorial code development processes, there will often be demands for the new system to deal with urgent issues, such as health or safety, and unreasonable restrictions placed on industry by existing code requirements. Such processes, however must account for the requirements for public consultation on code changes in most jurisdictions.

The primary issue relates to the length of time required for a change to be proposed, reviewed, subjected to public consultation, approved, published and adopted into legislation. In the past, an elapsed time of about 8 years was not uncommon.

It is hoped that the new coordinated system will tighten this time frame; however, there will continue to be requests to act more quickly, particularly where industry wishes to have materials, designs or systems accepted quickly. In some cases, pressure is placed on governments to take action immediately.

Although the use of the ‘equivalents’ provisions in the codes, and the existence of evaluation organizations such as CCMC, often accommodates such requests, there will remain instances where code change is necessary.

Standards Updating

There are differences in approach among jurisdictions over how to deal with new standards proposed for referencing, and with updates to existing referenced standards. This results in differences as some provinces and territories recognize these and others do not.

New standards proposed for referencing should be treated as a technical change and be subject to the complete process as with any proposal for change. The CCBFC publishes a list of updates to reference standards annually after consultation with

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Standards Development Organizations and its technical committees. At present not all provinces and territories formally adopt these updates.

As with urgent issues, the bulk of the problem results from the length of time between the time standards are produced and the time codes bring them into effect.

Recommendation

The Task Group has concluded that code technical development should continue in a continuous mode, but a timed cycle would be necessary for public consultation and adoption. The present 5+ years between new editions seems excessive; however, given the steps built into the new coordinated system, a cycle of less than 3 years seems unworkable.

The Task Group recommends that, subject to consultation with stakeholders:

1. there be a three year coordinated code cycle with a fixed schedule for submission of proposal, scheduled joint public consultation and publishing, and adoption either as new editions or an updating package,
2. there be a capability in the system for a one year change process to deal with urgent, non-policy, non-sensitive issues, which would feature a targeted, unscheduled stakeholder consultation. Strict criteria would be necessary to ensure the issue is indeed urgent and non-controversial, and that there is no other avenue, such as third party evaluation or certification, that could be followed, and
3. there be recognition that the provinces and territories may have to act independently of the system on issues of particular urgency for their jurisdiction.

This cycle would come into effect after the issuing of the 2003 codes and be revisited on a periodic basis as the impact of objective-based codes becomes clearer.