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**Joint CCBFC/PTCBS Task-Group on  
Implementation of a New Code Development System  
Report of the Eighth Meeting  
19 & 20 March, 2001  
Calgary, Alberta**

**Members present**

Chair: Bruce Clemmensen  
Ann Borooah  
Chris Fillingham  
Jeannot Fecteau  
Tom Makey (March 19 only)  
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

**Visitors:**

Sean Tracy- NFPA  
Bruce Schultz- City of Calgary  
John Haysom- IRC

**Review of the Report of the 7th Meeting.**

The report of the 7<sup>th</sup> meeting was approved with the exception for a requested clarification of the description of the discussion on Core Building, Fire and Plumbing Codes. It is revised to read:

"The Task Group noted that the CCBFC Executive Committee, the PTCBS and the CCBFC all agree with the approach accepted at the Deputies meeting in that the subject matter of the 1995 codes will essentially form the basis for the 2003 core codes. Three subject areas, namely administration, construction and demolition and barrier-free design, have been referred to PTPAC for direction."

**Draft Policies and Procedures of the New Code Development System**

The final outcome of this Task Group will be a revised set of comprehensive policies and procedures describing the new system.

The Task Group continued a review of a draft set of policies and procedures for the new system. In addition to numerous editorial improvements, the following items were raised.

- The introduction should include more information on the role of codes in Canada's construction and regulatory system. A precis of the "context paper" was suggested.
- The preface is presently too historical. Ann Borooah agreed to have the preface redrafted for the next meeting.
- Consideration should be given to changing the CCBFC name to reflect the plumbing codes.

March 7, 2000

## DRAFT

- The role of the provinces and territories needs revision and will be redrafted by Ann Borooah prior to the next meeting.
- Membership re-appointment limits should also apply to standing committees.
- The P & P should specify that the CCBFC operates in both official languages with simultaneous translation provided at meetings.
- Add responsibilities re planning and priorities to the CCBFC Executive Committee.
- Clarify that NRC does not have to approve appointments of individuals to ex-officio categories on the CCBFC, but does approve creation of such spots on the matrix.
- Propose to alter the status of ex-officio standards committee chairs (on the Standing Committee on Structural Design) from voting to non-voting.
- Provide for joint meetings of the CCBFC and PTPAC executive committees.

The Task Group will continue review of the Policies and Procedures at future meetings.

The Task Group reviewed a draft revised memorandum of understanding between NRC and the provinces and territories covering the new system. Suggested improvements included reference to the process to reduce technical differences and numerous editorial changes. The revised draft is attached as Appendix A

### **Single Coordinated Public Review**

The Task Group discussed the results of the recent public consultation on objectives, format and cycle.

In reviewing the comments received, and recommendations from the CCBFC Executive Committee, the Task Group proposed they be divided into the categories shown below. The possible process for dealing with each category and/or the possible response that the Commission/provinces/territories might take is also indicated.

#### **1. Those That Did Not Respond to the Questions Asked in the Consultation**

- a) Proposed technical changes
- b) Need for administrative requirements in code e.g. professional stamps
- c) Enforcement issues
- d) Need for codes to better meet needs of federal government departments

#### **Process/Response**

No need to consider further. In some cases, commentors will be advised to submit code change requests in the normal manner. See end paragraph regarding responses to commentors.

#### **2. Those Addressing Wording**

- a) Objective and sub-objectives
- b) Functional requirements
- c) Division A/Division B link

#### **Process/Response**

Forward comments to the Task Group on Drafting of Objective-Based Codes, which, working in close consultation with the provinces and territories, will be refining and expanding the current objective-based codes prototypes.

**3. Those Addressing the Objectives:**

- a) Eliminate proposed objectives or sub-objectives and attribute requirements to another objective

**Process/Response**

Commission, in consultation with the provinces and territories, will consider previous analysis plus new information added by commentors and decide whether the requirements have been properly attributed.

- b) Eliminate proposed objective or sub-objective and delete requirements attributed to this objective

**Process/Response**

The Commission, in consultation with the provinces and territories, will decide whether deletion of requirements should be considered and when. If so, and deletions are to take place this cycle, the deletions will be part of the 2002 public consultation on technical changes

- c) Add new objectives or sub-objectives

**Process/Response**

The Commission, in consultation with the provinces and territories, will decide whether new objectives or sub-objectives should be added. However, this will likely only be in next or subsequent code cycle.

- d) Expand application of current proposed objectives

**Process/Response**

i) General

The Commission, in consultation with the provinces and territories, will decide whether application of objectives or sub-objectives should be expanded. However, this will likely only be in next or subsequent code cycle.

ii) Accessibility

- Need for uniform requirements across country
- Need for “Universal Accessibility” approach
- Need for integration of accessibility requirements

**Process/Response**

It is clear that the Commission cannot do anything in this area unilaterally and the NBC certainly can't be used to impose anything on the provinces and territories. Nevertheless, the comments indicate widespread discontent with the current situation and the Commission will ask the new Provincial/Territorial Policy Advisory Committee on Codes to seek a way for the new integrated national/provincial/territorial system to address these concerns.

**4. Those Addressing Requirements Proposed for Elimination**

- a) Agree with elimination of requirements
- b) Keep requirements even though not related to proposed objectives
- c) Keep requirements and attribute to proposed objectives (e.g. natural light to health)

**Process/Response**

The Commission, in consultation with the provinces and territories, will consider previous analysis plus new information added by commentors and decide on any needed changes.

**5. Those Addressing Structure**

- a) Agree with proposed structure

**Process/Response**

Based on comments received to date, there is no major change indicated from proposed structure other than wording (see 2.) and explanatory material to clarify roles of Divisions A and B. These comments will be referred to the Task Group on Drafting of Objective-Based Codes.

A version of Division B without links to Division A can be published as an “unofficial” code version (like National Housing Code and Illustrated Guide) but decision does not need to be taken now.

- b) Concern with need to satisfy functional requirements as well as acceptable solutions.

**Process/Response**

These comments will be referred to the Task Group on Drafting of Objective-Based Codes, which, working in close consultation with the provinces and territories, will be refining and expanding the current objective-based codes prototypes..

- c) Concern with bulk of new code

**Process/Response**

See Frequently Asked Questions

**6. Those Addressing the Concept of a National Registry of Accepted Alternatives Solutions**

- a) Agree with concept
- b) Disagree with concept
- c) Agree with concept but strict documentation requirements or national overview would be necessary

**Process/Response**

The Commission, in consultation with the provinces and territories, will consider previous analysis plus new information added by commentors and explore concept further.

**7. Those Addressing the Length of Code Cycle**

- a) Agree with shorter cycle
- b) Disagree with shorter cycle
- c) Yearly revisions

**Process/Response**

The Commission, in consultation with the provinces and territories, will consider previous analysis plus new viewpoints added by commentors and decide. Whatever decision is taken regarding general code cycle, it might be good to consider an initial three years to catch up on the backlog of technical improvements to the code, including reconciliation with provincial differences.

**8. Those Suggesting Model Adopting Legislation/Regulatory Reform**

**Process/Response**

Refer to the Provincial/Territorial Policy Advisory Committee on Codes.

## DRAFT

The Task Group agreed that an acknowledgement should be sent to the commentors with a message that their comments will be considered in the development of the documents that will go through public consultation in 2002. The objective-based codes Frequently Asked Questions, augmented to respond to some of the comments, will be included with this acknowledgement. (see draft response in Appendix B)

A general report on how the Commission and the provinces and territories finally decide to deal with the various categories of comments will be prepared and will form part of the consultation documentation accompanying the draft objective-based codes circulated for public comment in 2002.

The Task Group also discussed the next coordinated public consultation planned for 2002. This consultation will be in two parts:

### **Technical Updating**

This is the "normal" public review of recommendations for technical improvements by standing committees. The new process provides for pre-circulation to provinces and territories for "permission to consult" prior to release. P/T technical updates should be part of this consultation.

### **Objective-based codes.**

This is the consultation on the 1995 codes converted to an objective-based format. It would include the full Division A with objective, sub-objectives and functional requirements, including application and necessary administrative features. It would also include the reformatted Division B with links to objectives and functional requirements. In the case of Division B the hope is to make sure the conversion process hasn't inadvertently introduced a technical or administrative change.

It is expected that the prime vehicle for both consultations will be via the internet, with print on demand as an alternative. Provision of paper copies of the reformatted Division B would be restricted to examples only.

### **Provincial/Territorial Advisory Committee(s)**

The Task Group discussed the status of the establishment of the new PTPAC. It was reported that the first meeting will be hosted by the Province of Ontario on May 14. It was agreed to recommend the meeting be extended to at least a day and one half to allow a fulsome discussion of issues.

Issues identified include the Terms of Reference of the PTPACC, the role of the sub-groups, the status of sub-groups vs. the existing committees (PTCBS, CRCP, CCFM/FC), the decisions on Objectives, the next meeting of Deputies, legislative issues re objective-based codes...

### **Resolve Present Technical Differences.**

The Task Group discussed the report of the first meeting of the Working Group on Technical Differences and concluded that due to resources and priorities, it seemed unlikely that any major progress would be made on this item for the 2003 codes, except for items already in the mill.

Harmonization mechanisms identified in the report were supported, namely:

#### Mechanisms to Pursue Harmonization of Technical Differences:

- Follow the normal technical change process used to develop the national model codes.
- An individual province or territory could take on the technical work to study an area where it is planned to revise a national code and propose revisions that would be acceptable to all jurisdictions.

## DRAFT

- Some provinces and territories could work together to propose a technical harmonization in a common area of interest.
- The Canadian Commission on Building and Fire Codes could establish a task group to study a general subject area including provincial/territorial variations and propose a technical harmonization.

It was suggested that a good approach would be to take a collective approach and try to identify provisions that have been revised in several jurisdictions to see if commonalties could be identified. It was acknowledged that analyzing all the provincial/national differences was a big job and again availability of staff resources is a problem.

One solution was to retain the services of a contractor and Ontario volunteered to draft a Request for Proposal to have this work done. Funding this work will be a matter of future discussion.

### **Core Code Cycle**

The Task Group expressed a preference for the Code Cycle to remain at 5 years and as a result of comments received, but that considering the backlog of technical issues and the work on harmonization of technical differences, the next cycle after 2003 should be three years.

### **Coordination with Production of the 2003 codes**

The Task Group discussed the work plan which had been revised to accommodate recent events and to account for more precise analysis of tasks and timing, as well as the new code development system. In particular:

- Alberta's and Nunavut's decision to delay the consultation on objectives, format and cycle
- BC's and Quebec's decision to extend the consultation deadline
- Delays in completing the intent analysis by the contractor
- More accurate estimate of translation, editing and production activities

It was agreed to further amend the work plan as follows:

- Add the PTPACC meetings
- Add the CCBFC Executive Committee meetings
- Delay the CCBFC meeting one month to allow discussions of possible CCBFC decisions regarding the next consultation on the objective-based 1995 code to be discussed by the provinces/territories (likely PTPACC)
- Remove the reference to a DM meeting and replace with "formal response from the P/T re CCBFC proposals on objectives, format, etc for the 2002 consultation.

It was noted that in order to meet the final deadlines for publishing, there is no more elasticity on the timeline.

### **Next Meetings**

Sept 17 & 18, 2001, location to be determined.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL RESEARCH COUNCIL AND THE PROVINCES AND TERRITORIES OF CANADA ON THE NATIONAL BUILDING, FIRE and PLUMBING CODES**

**I PURPOSE**

Whereas it is desirable to have uniform regulations governing building construction and fire safety across Canada, to provide:

- consistent levels of health and safety for all Canadians,
- a larger domestic market facilitating the movement of goods and services within Canada,
- a reduction in the duplication of effort,
- credibility for Canadian technologies in international markets.
- reduction in design and compliance verification costs for those working in multiple jurisdictions

And, whereas it is recognized that the regulation of building construction, plumbing and fire safety is a matter of provincial and territorial jurisdiction;

And, whereas the National Research Council (NRC), through the Canadian Commission on Building and Fire Codes (CCBFC), has been carrying on the development of the National Building, Fire and Plumbing Codes;

And, whereas it is desirable that the CCBFC continue to develop a model “core” National Building, Fire and Plumbing Codes (hereinafter referred to as “core codes”), together with related documents, in partnership with the provincial and territorial departments responsible for building, fire and plumbing regulations;

And, whereas it is essential that the overall code development system be provided with sufficient and continuous resources to properly perform its function;

And, whereas the parties hereto desire to formalize the relationship between the provinces and territories and the NRC to facilitate the development and use of the “core codes.”

**II UNDERSTANDING**

Therefore, the parties hereto agree:

1. That, the provinces and territories will use the “core codes” as the base document for building, fire and plumbing regulations in each province and territory with as few amendments as possible;
2. That Deputy Ministers responsible for the codes in their jurisdictions will ensure that advice is provided to the overall system regarding the position of the provinces and territories on the effectiveness of the Code development system and on any major policy or significant issues which arise during a code cycle.

3. That a Provincial/Territorial Policy Advisory Committee(PTPAC) be established by Provincial/Territorial deputy ministers responsible for building, plumbing and fire regulations in their jurisdictions to provide policy advice to the CCBFC on scope, content, format and process of the "core codes;"
4. That the CCBFC be responsible for the content of the "core codes" and related documents discouraged
5. That the membership and matrix of the CCBFC be approved by the National Research Council. CCBFC technical standing committee membership and matrices shall be approved by the CCBFC with the participation of members of the PTPAC;
6. That provincial and territorial departments responsible for building, fire and plumbing regulations have the option of acting as the normal point of entry for requests to amend the core code and shall forward these requests to the NRC with or without recommendations; except that requests may be sent directly to the NRC at the option of the proponent or the province or territory. Similarly, requests for changes to provincial/territorial-specific provisions received by NRC will be forwarded to the appropriate province or territory;
7. That NRC will circulate all requests to amend the core codes to appropriate provincial and territorial departments prior to consideration by Standing Committees. Where there is P/T objection or concern, such requests will not be considered until the issue is resolved by the CCBFC in consultation with the PTPAC;
8. That proposed changes recommended by CCBFC technical committees will be circulated to appropriate provincial and territorial departments prior and subsequent to public consultation. Where there is P/T objection or concern, such proposals will not be issued for consultation or approved until the issue is resolved by the CCBFC in consultation with the PTPAC;
9. That all proposed changes to the "core codes" subjected to public review will be done in coordination with provincial/territorial public review;
10. That a special effort be made to resolve technical differences among the national and provincial/territorial code requirements;
11. That the National Research Council will provide secretariat services to the PTPAC through the Institute for Research in Construction.
12. That documents be created, for approval by the National Research Council and by the provinces and territories, detailing policies, operating procedures, roles and responsibilities of the code development system.
13. That provinces and territories and NRC, either collectively or individually, support the overall codes development and distribution system through an equitable cost sharing arrangement.
14. That a signatory to this agreement may terminate their participation in it upon written notice to the other participants of the agreement.

## Appendix B

Draft Reply to Commentors

CCBFC letterhead

Dear \_\_\_\_\_:

Thank you for submitting comments in response to the Commission's public consultation on the objectives and structure of objective-based codes.

A large number of responses have been received. The Commission, together with the provinces and territories, will now analyze these comments and determine how to proceed. The results and the rationale for the decision will be incorporated in the next phase of the consultation planned for the Spring of 2002. In that consultation, which will again be coordinated with the provinces and territories, complete objective-based versions of the current code documents will be developed and code users will be invited to comment on their usability.

If you would like to participate in that consultation, please let us know and we will send you notification when the consultation documents are available.

In the meantime, you might be interested in reviewing the enclosed "Frequently Asked Questions" about objective-based codes. The responses to these questions address many of the issues raised in comments received in this consultation.

Again, thank you for your contribution to the on-going efforts to improve the National Code Documents.

Web addresses

John Archer

Secretary

Canadian Commission on Building and Fire Codes

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