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**November 3, 1998**

**Joint CCBFC/PTCBS Task Group on the Code Review and  
Development Process.**

Report of the Eighth Meeting

14, 15 September 1998

Regina Sask.

**Members present**

**Chair: Bruce Clemmensen**

Tom Makey  
Rick McCullough  
Fred Nicholson  
Ross Rettie  
Jack Robertson  
Ted Ross  
Chris Tye

**Members absent:**

Ann Borooah  
Mike Dwyer  
Serge Goulet  
Chris Fillingham  
Dick Miller  
Krystyna Paterson

**IRC Staff:**

Bob Bowen  
Richard Desserud

**Visitors:**

Margaret Kuzyk- PTCBS Saskatchewan  
Luc Saint-Martin- NRC  
Keith Hanson- Saskatchewan Home  
Builders Association  
Ken McKinley- Saskatchewan Home  
Builders Association  
Rick Roland- Regina Fire Marshall  
Laurie Labelle- Province of Saskatchewan

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### REPORT OF THE 7<sup>TH</sup> MEETING

The report of the seventh meeting was approved with minor changes. (The final version is posted on the Task Group Web Site)

### PRESENTATIONS/SUBMISSION

Mr. Keith Hanson and Mr. Ken McKinley made a presentation on behalf of the Saskatchewan Home Builders Association. (see Appendix A) Highlights of the presentation included:

- Core Codes need to be stand alone documents
- P/T need to be able to adopt the core code without any changes or additions
- The code should represent a minimum standard for building
- National agreement is needed that the objectives are appropriate and defensible
- Codes must be well thought through, technically sound, represent due diligence, represent the right thing to do
- The code should be a stationary document that is reassessed periodically, not continuously
- The homebuilding industry is the single largest users of the codes, and intends to be involved in their development.
- CHBA can help with improving the understanding of the impact of codes on affordability
- The code process must recognize the accountability of builders for their products
- There are concerns over reluctance in acceptance of equivalents by local authorities wanting to limit their liabilities
- Codes should not be used as a vehicle for social change
- There are real concerns over how new acceptable solutions under objective-based codes will be handled
- New solutions should be posted nationally for all to see and use

### Submission from the Canadian Council of Professional Engineers

A submission from the Canadian Council of Professional Engineers was received (Appendix B). It represents the unanimous views of all the provincial and territorial engineers associations and is quite similar to the proposal received previously from PEO. The recommendations in the submission were compared against the those reached so by the Task Group, and most were found to be consistent.

The only major differences were point of entry, selection of the CCBFC, and the final approval process.

1. The CCPE favours the point of entry being either at the national level or at the provincial/territorial level, at the option of the proponent, and where the province or territory chooses to act as a point of entry.

The Task Group at previous meetings had concluded that the Provinces and territories would be the “normal” entry point for some changes. The Task Group believed that as a matter of perception, it was important to put a P/T “face” on the process.

After some discussion, the Task Group agreed that the issue of perception could be handled by declaring that there would be multiple points of entry, at the discretion of the proponent. The national point of entry would be one of as many as 13, with individual provinces and territories opting out if they chose to rely on the secretariat.

2. The CCPE recommends that the provinces and territories only be involved in the recruiting and selection of technical committee members and not be involved in selection of CCBFC members.

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The Task Group reconsidered the decision made at the last meeting and agreed with the CCPE recommendation. It is important to ensure the independent nature of the Commission. As is the case now, all code users would be invited to comment on all aspects to the code process, including matrices and membership.

3. The CCPE recommends that all technical changes be ratified by the PTCBS before they are published in the core codes.

The Task Group could see no reason to change its position that the CCBFC should be making the final decisions on the core codes. Ratification of changes by a P/T committee was seen to be unlikely, and would be meaningless, since adoption decisions are made at the political level.

4. The system needs to allow for full participation in both official languages. Any translation of core code or core code changes should be reviewed and approved in the other language by a committee of core code users who are also fluent in both official languages.

The Task Group agreed to include the issue of participation of French-speaking stakeholders in the final report.

## CORRESPONDENCE

The Task Group reviewed correspondence received from Mr. W. G. Mitchell of Human Resources Canada (HRDC) (Appendix B) regarding the progress report on the Task Group's activities distributed previously.

1. If the National Codes were better written, there would be little need for technical variations at the provincial level – only administrative ones. It doesn't require major changes in process to accomplish this – just better drafting instructions to technical committees. The work being done on analyses of code objectives will hopefully assist in this.

Task Group Comments. The Task Group did not agree with the comment. Most P/T differences are made to meet P/T priorities, and most are additions.

2. In theory, providing more opportunity for consultation and input from provinces and territories prior to publication should lead to fewer P/T amendments after publication. This supports the much-desired goal of harmonization. But it is not at all clear that adding the steps described in the straw model to the current process will lead to a shorter total timeline. The step at the top of the process marked "P/T Adoption of the Core Codes" will still be subject to the same vagaries of political priorities, legislative schedules, and regional lobbying efforts as the present system. As noted, this one step can take three years or more in some jurisdictions.

Task Group Comments. The Task Group believes that the overall time period should be less since P/T will be undertaking many of the steps during development that they formerly did after publication. Also early involvement should mean that there will be few, if any, issues that need to be resolved during the adoption process.

3. The reference to a current total timeline of 8 years may be misleading. This represents the time between the publication of one code edition and the adoption of the next full code edition. But it does not represent the time to process any particular code amendment. The time from initiation to finalization of an amendment should be closer to 2 years. Publication may be delayed as a matter of policy if approved changes are only published every 5 years. But the actual amendment process does not take 5 years.

Task Group Comments. The statement referred to the time between the initiation of a change until it is published and comes into effect in legislation.

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4. It appears to us that many of the proposed new Provincial/Territorial consultative processes should be running parallel to the current standards development process, not in sequence with it.

Task Group Comments. Agreed. This is the intent.

### Comments on Straw Model

5. “Federal” should be added to the list of Provincial/Territorial adopting authorities, and to membership on the P/T Board. Some of the reasons for this are:
  - a) One of the federal government’s broader policy objectives is to promote harmonization of standards within Canada, and particularly between provinces.
  - b) The federal government as regulator has a major (perhaps the major) stakeholder interest in national uniformity of building/fire codes. While it may be true that the federal government does not presently have a comprehensive building safety act, neither do a number of the provinces. For constitutional reasons provincial and municipal officials have no jurisdiction on federal government property, and only limited jurisdiction on federally regulated businesses. The federal public service alone has a population exceeding that of PEI or either of the two (soon to be three) Territories. Legislation such as the Canada Labour Code, which references the NBC and NFC, has a client universe (federal works, undertakings, and businesses) that is larger than the client universe of half the provincial authorities.
  - c) As custodians or property owners, the federal government and all federal works, undertakings and businesses likewise have a major stakeholder interest in national uniformity of standards.

Task Group Comments. The Task Group has identified the need for policy advice from the adopting authorities, which are considered to be the provinces and territories because of the definition of powers in the constitution. It does not presume to advise the P/T on the membership of these bodies. The federal government is normally considered to be a user of the model codes in the construction and operation of its own properties.

Provincial/territorial governments are seen to be the bodies representing public expectations with respect to the health and safety of its residents in all buildings.

The Task Group acknowledged that three provincial/territorial advisory committees are anticipated, and that Federal government departments may have a legitimate role to play on the one advising on the fire code.

6. The federal government should be included in the “Normal Entry Point for All Code Changes”. Federal government departments and agencies cannot be expected to submit requests for code changes through a provincial screening process.

Task Group Comments. See the discussion on the CCPE submission. The Task Group agreed to recommend multiple points of entry.

7. The note under Entry Point that says “Direct submission to Secretariat is OK for proposals from national groups” requires some clarification. What is the intended definition of “national groups”? For example, is it intended to mean trade associations, or would it include federal government agencies and national corporations such as CMHC, Crown Corporations, etc.?

Task Group Comments. See the discussion on the CCPE submission. The Task Group agreed to recommend multiple points of entry.

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8. The statement that “Provinces and Territories are the Normal Entry Point for All Code Changes” implies that even technical committees cannot initiate proposals for code changes, except by submission through a province. This is completely counter to any standards-committee process that we have encountered. In fact in our experience the majority of code changes are initiated by technical committees, although they may be in response to problems or issues identified by others.

Task Group Comments. The concept of early involvement of the adopting authorities requires proposed code changes to be circulated to the P/T's before technical committees spend too much time developing them. Therefore, it is expected that if technical committees identify issues requiring code changes, these would be processed by the secretariat in the same manner as changes coming from any source.

9. There is a procedural problem with the provinces and territories being the normal entry point for all code changes when many of the provinces are not working with the latest edition of the codes. When provinces have regulations based on out-of-date editions, it is to be expected that their clients/stakeholders will be proposing changes that are not germane to the current editions of the codes. This will remain a problem until such time as all jurisdictions are adopting the codes within a year of publication.

Task Group Comments. The intent of the exercise is to devise a code development system that would result in a commitment to adopt the codes in a timely manner.

10. There appears to be a reduction in the decision-making powers of the technical committees in favour of powers assumed by:
- Provinces and Territories (“normal” entry point for all changes);
  - the Secretariat (triage of code proposals, “explanation” of core codes);and,
  - the Technical Advisory Committee (advises the Decision-Making Body re. Acceptability P/T of recommended technical changes).

Diminishing the authority of Technical Committees runs contrary to the trend in other standards-writing organizations, and will make it difficult to attract good people to serve on these committees. Technical committees should also have the principal responsibility for formal interpretations. They cannot do this if the technical content can be significantly altered by committees above them.

Task Group Comments. The proposed process makes no changes in the decision making process from the existing system. Technical committees do not make decisions on code changes, they only make recommendations to the CCBFC. The CCBFC makes the final decisions on code content.

Neither the secretariat, nor the provinces and territories can overturn the technical committee recommendations, only the CCBFC can do that. Concerns raised by the P/t, however will be known by the CCBFC at the time of decision, instead of later.

If anything, the new system should strengthen the process by widening the involvement, and having it occur throughout the process.

Because of constitutional jurisdictions, official interpretations of the codes can only rest with the adopting authorities.

11. a) It is not clear why a P/T Pre-Consultation Process is required. Why should proposed changes need to be submitted to P/T for “vetting to permit consultation”? Every national standards writing organization

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has an obligation to seek public consultation on proposed changes; this should not be subject to the permission of provincial officials.

Task Group Comments. A coordinated public review requires involvement of the adopting authorities. Some provinces require permission from political decision makers on proposed changes in regulations, before they are circulated. Not all provinces require this, and it is done on significant issues only. It is anticipated that as the adopting authorities gain confidence in the new system, the need for this step, or its duration, will be diminished.

11. b) It is implied that there may be no direct public review and comment on proposed changes unless it is carried out by the provinces. This cannot be correct.

Task Group Comments. The inference is not correct. The “national” public review will be done by the secretariat.

12. The duties of the proposed Technical Advisory Committees appear to be confused, and not consistent with the proposed membership. Second-level review functions such as auditing for due process and coordinating between technical committees should not be primary responsibilities of P/T officials, who make up most of the proposed membership. On the other hand, it is not understood how the Technical Committee Chairs can be members of a committee that may effectively be appealing decisions of their own Technical Committees to the Decision-Making Body. It is also questionable if the Chairs should be part of a committee whose task is to ensure that the Technical Committees have followed due process.

If Technical Advisory Committees are to have the responsibility to determine the “acceptability to P/T of recommended technical changes” and to advise the Decision-Making Body accordingly, this would seem to be the crucial step in P/T influence over the final content of the codes. But providing advice to the Decision Making Body, rather than back to the Technical committees, will:

- (a) undermine the responsibility of the technical committees for technical content of the codes; and,
- (b) lead to the Decision Making Body having to make a lot of decisions on technical issues, which is not supposed to be its function.

The P/T technical comments should instead be submitted to the Technical Committees. The disposition of such comments should be reported to a P/T Advisory Committee, and perhaps the Advisory Committee should have the right to appeal the Technical Committees’ decisions to the Decision Making Body.

Task Group Comments. The Technical Advisory committee provides a forum at which the P/T’s can raise their concerns over the actions of the technical committees in handling public comments received during the stakeholder consultation. In some cases, it is hoped that by having access to technical committee chairs, and discussing the issue, misunderstandings can be set aside.

This is not a decision making body. No technical committee recommendation can be overturned. Unresolved P/T concerns would be brought to the attention of the CCBFC when considering the recommendations. This activity should give the CCBFC comfort in knowing the views of the adopting authorities prior to making a final decision.

As is the case now, any changes not accepted by the CCBFC are sent back to the Technical committees.

The auditing of due process and coordinating functions have been dropped.

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### CANADIAN HOME BUILDERS' ASSOCIATION

The Task Group discussed correspondence from Mr. John Kenward, of the Canadian Home Builders' Association. (Appendix C)

It was agreed that the wording of the draft report of meeting #7 was not as clear as it could be. The intent of the statement regarding industry "buy-in of the results" and "restricting lobbying at the provincial level to before the decision making body passes judgement and not after" intended to convey the message that respondents should feel encouraged to participate in the single development system. It was not intended that any stakeholder should be discouraged from making their views known to governments that have the ultimate authority for building regulations. It was agreed that the use of the term "buy-in" was inappropriate.

Regarding the statement that the Task Group supported the statement from the NS Home Builders Association "Authorities should be obliged to base their interpretation on nationally recognized code commentaries and to consider the rigorous technical analysis that has been part of the national model code development process."

The Task Group noted that at its 7th meeting, it responded by stating "The comment regarding obliging the P/T to base interpretations on national commentaries of technical analysis, was interpreted by the Task Group as meaning that such interpretations shouldn't be arbitrary, but take into account all technical information available."

The Task Group also addressed a number of questions raised in Mr. Kenward's letter.

Will the new development process focus on the technical integrity of codes based on building science and disciplined cost-benefit analysis?

Task Group Comments There is nothing in the proposed process that affects the present policy of basing decisions on technical soundness and cost effectiveness.

Will the new development process focus on producing national model codes based on consensus, or on decision-making approaches (lobbying) designed to get political acceptance of content prior to adoption by provincial governments?

Task Group Comments. The goal of the task group is to arrive at a coordinated process in which all can participate, and which gives everyone an opportunity to present their views and concern. It will be based on the broadest consensus possible, which includes consensus among the adopting authorities.

The opportunity to discuss scope issues at an early stage also reduces the probability of disputes in such areas.

Will the new development process mean that CCBFC's judgements are to be considered by participants as final decisions on code content with respect to provincial building codes? If so, then is the document still a model code for review by stakeholders and adoption by provincial governments?

Task Group Comments The provinces and territories will always have the final say on their own regulations, however it is hoped that a coordinated public review will increase the likelihood of adoption without change. There is no intent to take away any ability for stakeholders to interact with provincial governments.

Will the new development process, given that there are wide disparities among potential participants with respect to infrastructure and resources, provide all participants with fair and equal opportunity to influence results, including all provincial governments? If it will, how will this be done?

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Task Group Comments. The Task Group believes that the new process would give greater opportunities to participate and that information on code development issues and initiatives will be given wider distribution. The philosophy behind the system is the pooling of resources. It should not be seen as separate national and P/T processes, but one national process that all P/T's have the opportunity to participate to the degree they see fit. It is recognized that P/T's with greater resources could have greater influence, the concept of a core code, would eliminate the possibility of any one P/T taking control of scope issues. Provincial additions and progeny documents would be the home of scope issues for which there is not widespread agreement. Additionally, P/'s have the ultimate control since they can make their own decisions.

Will the new development process create expectations of greater time and resource commitments from participants to influence results than is currently the case?

Task Group Comments. Time and resource expenditures should be less as a coordinated public review makes the system more efficient and effective.

The new process won't require additional participation. As is the present situation P/T's and stakeholders will be able to participate to the degree that they wish to.

Will the new development and adoption process, with wider scope and opportunity for participation, be lengthier, more cumbersome and more costly than the current process for participants, including all provincial governments?

Task Group Comments. The Task Group believes that the new process hasn't added anything that doesn't already exist at one level or another. If the initiation of a change is seen as the first step in a coordinated development and adoption process, instead of the first step in a process that entails one code development process followed by 13 adoption processes, the overall impact is to make the system less cumbersome.

If the new system results in earlier adoption and greater uniformity, costs to the construction industry and the regulatory community as a whole should be less.

Will the new development process attempt to impose limitations on the opportunity for organizations, such as the CHBA and its provincial associations, to participate in the process?

Task Group Comments. There is no such intention.

Will the new development process provide clear definition of the scope of codes, or will it be left ambiguous so as to cater to "politically sensitive items such as barrier-free access"?

Task Group Comments. This matter is not within the scope of this Task Group. The Task Group will encourage the use of core codes with an agreed upon scope. The system, through the CCBFC and the P/T advisory committees, will provide the framework to mutually agree upon the scope of these documents, in consultation with code users.

Will the new development process provide clear definition of issues having "major economic impact" and how these issues will be identified for assessment?

Task Group Comments. These matters will be included in policies, procedures and guidelines that are yet to be developed. It is expected that judgement will be part of the process. Technical committees also have the right to question the actions of the secretariat.

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Will the new development process define when “cost analysis” will be required and what decision-making criteria will apply if it is determined that “cost analysis” is not a “deciding factor”, or will this be a politically determined decision?

Task Group Comments. Criteria presently exist that require cost implications to be included with all change proposals. Again, it is expected that judgement at the secretariat, the technical committees and the CCBFC levels will be part of the process of deciding how sophisticated the analysis must be.

Will the new development process define when and under what circumstances political sensitivities will prevail over building science considerations, or will this be ad hoc in approach?

Task Group Comments. The proposed process envisages consensus-building, including consensus-building among the P/T’s. When it comes to the core codes, political sensitivities can’t prevail, however, knowledge of such sensitivities is one of the considerations that the CCBFC must take into account in making final decisions, in the same vein as cost effectiveness and technical adequacy.

The reality, of course is that if there is political sensitivity to a CCBFC decision, the P/T, because they have the ultimate constitutional responsibility for codes, simply won’t adopt it, although the new system should make this situation less likely.

It will not be ad hoc.

Will the new development process incorporate the fire and plumbing codes? If it will, how will this be done?

Task Group Comments. Yes. All steps in the system are directly applicable. Efforts will be made to engage P/T decision-makers in a similar manner to the building code.

### **P. A. IRWIN, P.ENG.**

Mr. Irwin made several recommendations :

- Greater funding for technical staff at IRC to support the code
- Per diem payments for committee members
- Greatly expanded research funds for code issues at institutions and companies across Canada
- A tax on construction projects in support of code development

Task Group Comments. The Task Group believes that the volunteer approach to committee membership is still the most appropriate. The suggestions regarding IRC funding and support will be forwarded to the Director-General of IRC for consideration.

### **“STRAW” CODE REVIEW AND DEVELOPMENT MODEL**

The Task Group concluded that the straw model (Appendix C) , while useful as a development tool, was becoming too comprehensive. It should be replaced in the final report with a streamlined version, focusing on the four stages of the process..

It was agreed that the term “P/T Board” gave the impression that it was a decision-making body. The title “P/T Code Committee” was judged more appropriate.

### **Fast Track**

A model patterned on the existing CCBFC special change procedures was discussed (Appendix D). This procedure by-passed the public review stage in certain circumstances. The Task Group was not comfortable

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with the suggestion that there be no public consultation on other than emergency health and safety issues. In fact some provinces and territories would not permit such a process to take place.

The final report would recommend that the four stages on the process should be applied for all code changes, even those on the fast track. Timing, duration and extent of the public consultation may need to be tailored to fit the situation..

A provisional schedule for the technical updating of the 1995 codes Appendix G) was discussed briefly. It was agreed that it would be revisited at the next meeting

### **TASK GROUP PRESENTATION TO THE DEPUTY MINISTERS**

A draft presentation was discussed. It was agreed it needed more work, particularly to make it shorter. It was also agreed that the Chair would do a dry run of the presentation at the CCBFC meeting and that the presentation would be finalized at the next meeting of the Task Group.

### **RESOURCE ISSUES**

The Task Group revisited the decision made at the last meeting to recommend in the final report that all provinces and territories, and NRC, endorse the principles of user pay and revenue sharing for the codes development and distribution system.

It was noted that NRC makes a considerable contribution by funding the CCBFC and its committees, the Canadian Codes Centre and technical research in support of codes.

It was decided that the final report should describe the present situation on how most provinces and territories make contributions to the CCBFC process to help offset a portion of those cost- through sales of the national codes in their jurisdiction; by having NRC publish provincial codes or; by making a direct contribution to NRC on the basis of sales of provincial codes.

No formal assessment has been made regarding cost and revenue implications of the proposed process, nor is one possible. There is a suspicion that a redistribution of effort and resources may be necessary to service the new system, however, the proposed overall process will be more effective and efficient. It is believed that there should not be a need for additional resources for the overall system. It was stated that that it seems unlikely that new public money will be available, however, should all subscribe to the new process, resources will take care of themselves.

The Task Group agreed, that it was more appropriate to use the phrase “equitable cost sharing” as opposed to. “user pay and revenue sharing.”

### **FORMAT AND CONTENTS OF THE TASK GROUP FINAL REPORT**

A draft final report was reviewed. While the contents were generally judged accurate, there were suggestions improvement, including:

- The first section of the report should be an attention grabber.
- Get the benefits of the process up front
- More explanation of how the Task Group worked towards its conclusion (i.e. a clean slate approach, progression of straw models, everything was challenged)
- Avoid colloquialisms such as “buy-in” “comfort”
- Add a section on French language participation

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- The section on Conflicting Policy Advice was ok
- The order of the recommendations should be changed. Core codes, coordinated consultation, and the reduction of differences among codes, should be given prominence.
- Organize the description of the proposed system as Structure (bodies and committees) and process (point of entry, technical review, stakeholder consultation, decision)
- Consistency in terms (e.g. use core codes, not model codes)
- Remove the recommendation regarding dispute mechanisms
- Greater emphasis on pooled or united resources
- “Triage” might not be the best word for the preliminary review by the secretariat.

The Task Group was not sure that further consultation with stakeholders on the Task Group recommendations was necessary. Such an activity might cause unnecessary delays. The new system could be put into place immediately, and tried out of the next stages in code development (Technical updating, consultation over scope, format and contents of the objective-based codes). The recommendations also did not appear to conflict with the input received in any significant way.

The matter of further consultation was deferred to the next Task Group meeting.

### **TIMING AND SCHEDULE**

Key meetings to work around are;

1. CCBFC Executive Committee – September 16 1998
2. CCBFC Meeting - October 4 & 5, 1998
3. PTCBS Meeting - Nov 16 & 17, 1998

### **FUTURE MEETINGS**

It was agreed that an additional Task Group meeting was necessary since the Air Canada Strike prevented so many members from attending. A conference call was arranged to obtain input from members not able to attend the meeting to ensure the report to the CCBFC reflected the consensus of the Task Group.

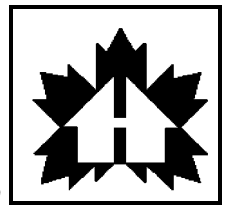
Secretary’s note: The next meeting is scheduled for October 27 in Toronto.
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**Building Code Evolution  
in Canada**

*Responsibilities and Realities*

**Submitted to the Joint CCBFC/PTCBS Task Group on  
the Code Development and Review Process**

*Saskatchewan*



Home Builders' Association

September 1998

## **Mr. Chairman and esteemed committee members.**

We appreciate the opportunity to present the positions and perspectives of the Saskatchewan Home Builders' Association on the evolution and development of the National Building Code of Canada to the Joint CCBFC/PTCBS Task Group on the Code Development and Review Process.

Our presentation has been condensed to reflect four elements which the Saskatchewan Home Builders' Association believe best categorize the responsibilities of those involved in the evolutionary process of code development and the realities that must be faced by those involved in the facilitation.

The four elements of our presentation are complementary to the positions taken by the Canadian Home Builders' Association. It is not our intention to repeat or dwell on positions taken by CHBA as these have been clearly enunciated and enjoy our full support.

Our presentation will focus on:

- The Issue of Core Codes
- The Importance of CHBA Involvement
- The Trust Relationship Between Industry and the Code

and

- Our Dilemma

## **Issue of the Core Code**

It's difficult to determine what a 'core code' element is or should be. We believe that the core code must be sufficiently complete to stand alone without the need for additional provincial 'non-core' codes. This requires the core code to address life safety, public health and structural sufficiency but without the encumbrances of social/political agendas (provincial and municipal).

We recognize that provincial/municipal issues may have to be addressed through the building code structure as a legal reality in some jurisdictions. However, it is our belief that these issues should be kept to a minimum and not be selective for application to new construction only. Products, processes and systems acceptable for renovation, repair/replacement in existing buildings should also be acceptable for new construction.

The core code must have complete support of all provinces/territories reflecting that the objectives are appropriate and defensible, specifically:

- objectives are well thought through and clearly stated,
- objectives are technically and economically viable,
- objectives are the result of due diligence, and
- objectives represent a balance between public protection and industry freedom, reflecting the 'right thing to do'.

The core code, born of intelligently derived defensible objectives, should require only periodic review (every 5-7 years) to confirm the appropriateness of the objectives. When the core code is reviewed it should be done on a national basis in a fashion that removes the need for separate provincial reviews.

## **Importance of CHBA Involvement**

The largest user group of the National Building Code are those who are represented by the Canadian Home Builders' Association: builders, renovators, trades persons, professionals and suppliers. CHBA is in a position to provide guidance, opinion, perspective and balance to the code development and review process. The impact of cost relative to a code objective can best be analyzed and documented by CHBA members who are active and regular users of the code and who face direct and personal consequences of code requirements on a daily basis.

CHBA has indicated a strong desire to be a major partner in the ongoing process of code evolution. Consideration must be given to facilitating a strong presence and role for CHBA in the code development and review process. Another CHBA role for consideration is that of 'professional' which would provide the system a means of dealing with equivalencies for fundamental practices in the residential sector which can't be handled on a house by house basis but for which local authorities are reticent to address.

## **Trust Relationship Between Industry and the Code**

Canadian builders have come to depend on the code for guidance and protection. Building officials, architects and engineers, and home builders are content with the building quality that results from compliance with the NBC. This tenant must not be breached. Confidence in the system must be maintained. Warranty programs use the NBC as the benchmark upon which warranty is based. Courts support the NBC as an acceptable basis upon which liability for actions taken or not can be assessed. Lenders require compliance with the NBC as a minimum standard of performance for new construction. Each of these component parts of the housing system is based on a mutual trust in the NBC and the processes that support it. This trust must be maintained to protect the legal positions of builders, home purchasers, lenders and warranty providers.

Accountability is the obligation of the parties to the process to accept responsibility for their actions. For parties to accept accountability the baseline use for measurement must be seen to be fair, equitable and responsive, thus is the fundamental role of the NBC in Canada.

If liability can't be limited a code document worthy of trust by the courts, many builders will be forced from the business of home construction because of their inability to assume high levels of liability.

The CCBFC is the national body that should be the custodian of the NBC. The CCBFC must support and facilitate the code process such that a uniform national core code is adopted in each province. The process must also allow for national changes/adjustments to be vetted by the provinces.

## **Our Dilemma**

As stated previously, SHBA want the code process/structure to allow for provincial interpretation and regional flexibility. However, we do not want the provinces to use the building code as a vehicle for social change without being subjected to the same checks and balances identified earlier.

The risk of aggressive provincial codes is that they tend to limit the development or distribution of building products and hamper the transfer of evolving technologies between provinces. These actions all result in higher costs for home buyers and reduced innovation in the industry.

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Recognizing the right of the local jurisdiction to approve equivalencies for products, procedures and/or building systems, we believe a system of registration should be supported by NRC whereby successful equivalency submissions can be collected and made accessible to all code users. A Web site may be the best means of providing the background documentation used to support equivalency requests. In this manner, successful submissions in one jurisdiction may be helpful in the preparation and evaluation of equivalency submissions in other jurisdictions.

### **In Summary**

SHBA supports the establishment of a stand alone core building code that is sufficient for adoption by a province without additional requirements.

The members of CHBA are the single biggest user group for the NBC and as such should be formally recognized and involved in the code evolution process.

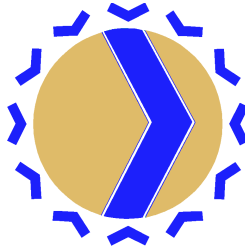
The NBC has become the benchmark upon which orderly growth has occurred in the home building industry which includes, lenders, warranty providers, designers and builders. The substantial trust relationship that has evolved must not be broken.

Provinces must have some flexibility to respond to regional building issues, but should subscribe to a uniform core code and be committed to making a uniform code work throughout Canada.

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**Appendix B - Submission From the Canadian Council of Professional Engineers (CCPE)**

Canadian  
Council of  
Professional  
Engineers



Conseil  
Canadien  
des  
Ingénieurs

**CCPE SUBMISSION  
ON THE NATIONAL BUILDING, FIRE AND PLUMBING CODES  
DEVELOPMENT AND REVIEW PROCESS**

**September 1998**

<b>CCPE SUBMISSION ON THE NATIONAL BUILDING, FIRE AND PLUMBING CODES DEVELOPMENT AND REVIEW PROCESS</b>
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## **1.0 Canadian Council of Professional Engineers**

Each province and territory within Canada has an engineering regulatory body with regulatory powers. As a group, these bodies regulate the engineering profession in Canada, and license a total of 160,000 professional engineers across the country. The Canadian Council of Professional Engineers (CCPE) is the national organization that serves provincial and territorial associations which license and govern the practice of engineering.

Established in 1936, the CCPE delivers national programs which ensure the highest standard of engineering education, professional qualifications and ethical conduct. The CCPE is the voice of the engineering profession on national and international affairs and promotes the greater understanding of the nature, role and contribution of engineering to society.

The CCPE has developed the national position of the engineering profession on the National Building, Fire and Plumbing Codes Development and Review process in close consultation with its twelve (12) Constituent Members that comprise the provincial and territorial associations/ordre in Canada. This submission is based primarily on the earlier submission prepared by Professional Engineers Ontario. It represents the consensus view of all 12 engineering associations/ordre.

In this national submission, PEO is used as an example of the jurisdiction and authority of the 12 associations/ordre. Each association has its own engineering act which is used to govern the practice of engineering, and as such there are some differences in the application. CCPE provides voluntary national guidelines to the associations/ordre to help to administer consistent engineering education and admission standards.

## **2.0 Professional Engineers Ontario - *An Example of a Provincial/Territorial Association/Ordre***

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Professional Engineers Ontario (PEO) is the association that regulates and sets standards for professional engineering in Ontario under the Professional Engineers Act. PEO currently has a membership of about 62,000 licensed professional engineers. The association is committed to fulfilling its legislated mandate, including participating in public debate and policy setting in its prime area of responsibility, protection of the public health, safety and welfare where engineering principles are involved.

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PEO provides the engineering perspective on relevant public and technology-related issues, including protection of the natural environment. PEO also publishes professional practice guidelines to provide PEO licence holders with guidance within the subject practice area, and with a better understanding of the engineering profession. PEO guidelines complement the association's definition of professional misconduct and the Code of Ethics, and may be used as a basis against which the conduct of professional engineers is judged in a PEO disciplinary proceeding. PEO currently publishes eight professional practice guidelines related to code issues. Similar practice guidelines have been developed to varying degrees in the other provincial and territorial associations/ordre.

### **3.0 Background**

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A joint Task Group of the Canadian Commission on Building and Fire Codes (CCBFC) and the Provincial/Territorial Committee on Building Standards (PTCBS) has been formed. Its role is:

- to recommend strategies aimed at ensuring appropriate levels of national/provincial/territorial participation in a uniform building, plumbing and fire code development and review process; and
- to establish a coordinated code public review process that accommodates the needs of the CCBFC and the provinces/territories.

The joint task group is currently conducting a stakeholder consultation. This submission provides CCPE's responses to the set of questions the joint task group has posed about how the code development process can be improved. These responses were drafted by PEO in its earlier submission, and modified slightly in some cases based on reviews by the other 11 constituent members of the CCPE.

### **4.0 Rationale for CCPE Involvement**

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As the national organization for the engineering profession, it is CCPE's role to develop consensus views of its 12 constituent members on matters that impact the safety and well-being of the public and the engineering profession. In this case the PEO submission was used as the basis for a national review of the proposed consultation process. CCPE facilitated the discussion amongst its constituent members and obtained the consensus view contained in this submission which represents the collective opinion of the engineering profession.

CCPE has developed a national definition of the practice of professional engineering as: "... any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising, or managing any of the foregoing that requires the application of engineering principles and that

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concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment”.

Each Provincial and Territorial Engineering Act defines the practice of engineering for the purpose of restricting practice to those individuals who meet qualification standards appropriate to ensure the protection of the public. Interpretation of the definition with respect to its application in individual circumstances is carried out by each provincial/territorial licensing body and its local judiciary.

Provincial engineering associations have the mandate to regulate activities that fall within the definition of the practice of professional engineering. For example, the Professional Engineers Act of Ontario defines professional engineering as:

“...any act of designing, composing, evaluating, advising, reporting, directing or supervising wherein the safeguarding of life, health, property or the public welfare is concerned and that requires the application of engineering principles.”

Professional engineers undertake many of the acts described in the definition as building design professionals, and are responsible for ensuring that the health and safety of the public is explicitly considered at both the building design and construction stages. In recognition of this fact, the involvement of professional engineers is required under the Ontario Building Code and under similar legislation in other Canadian jurisdictions. In addition, professional engineers ensure that both the building’s design and construction comply with other applicable legislation, codes and standards.

### **5.0 National Building, Fire and Plumbing Codes Working Group**

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PEO’s National Building, Fire and Plumbing Codes Working Group was comprised of seven professional engineers with knowledge of and experience in the building industry and in building code development. The working group agreed to prepare the PEO submission from the perspective of protection of the public interest.

The answers to the specific questions posed by the joint CCBFC/PTCBS Task Group are provided in [Appendix 1](#).

### **6.0 Definitions**

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The following terms are defined in the interest of clarifying the ideas contained in this paper.

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**Core code:** Refers to the National Building, Fire and Plumbing Codes which should be the same for all provinces and territories.

**Ancillary code parts:** Refers to the additional requirements developed by individual provinces or territories that are ancillary to the *core code*. *Ancillary code parts* should only address items that are not specifically covered by the *core code* and should not amend or contravene the *core code* or the intent of the *core code*.

**National public review:** Refers to the formal period during which both stakeholders and the general public across Canada are allowed to review and comment on any proposed changes/additions to the *core code*. The review should be ongoing rather than on a five-year cycle.

**Stakeholder:** Refers to any individual or organization, representing industry, regulatory authorities, special interest groups or the public at large who is knowledgeable and interested in the subject, or may be affected by core change proposals.

## 7.0 Assumptions

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### 7.1 One Core Code for all of Canada

CCPE assumes that the National Building, Fire and Plumbing Codes will be adopted uniformly across Canada. The content of this *core code* should be restricted to fire and life safety, public health, and structural sufficiency issues. Resources used in the past to develop unique codes for individual jurisdictions should be applied toward the *core code* development process to the extent possible. With a focus on technical aspects, provincial and federal resources could be directed toward the same goal, a state-of-the-art *core building code*.

The *core code* document would be made up of parts, which could then be adopted without amendment by provincial and territorial governments. Where considered necessary, provinces and territories could develop *ancillary code parts* which would not amend or contravene the *core code*.

The use of one *core code* across the country would (a) ensure that minimum health and safety standards are met for all Canadians, (b) encourage consistency and a reduction in errors, (c) reduce costs relating to the development, issuance and enforcement of building regulations, (d) lead to improved efficiency in the building industry, (e) allow the sharing of innovative ideas and solutions across the country, (f) facilitate harmonization of Canada's core code with international codes, and (g) facilitate the mobility of *core code* users across Canada.

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*Core code* development should remain a national function and should be supported by provincial and territorial governments. This support would include a commitment to adopt and use the core code as well as technical contributions wherever possible. All Canadian jurisdictions would thereby be able to take advantage of National Research Council of Canada resources and the pooled resources of provinces and territories.

To obtain support for the adoption of the NBC, stakeholders should have direct access to the *core code* development process.

### **7.2 Agreement of PTCBS, Provincial and Territorial Governments and CCBFC**

CCPE assumes that the PTCBS, provincial/territorial governments and the CCBFC will agree on the need for one *core code* for the country, and for one *core code* development process.

### **7.3 Structure of CCBFC and PTCBS**

CCPE assumes that the structure and scope of the CCBFC and PTCBS will be expanded to include issues relating to building, fire and plumbing codes.

## **8.0 CCPE Position on the National Building, Fire and Plumbing Codes Development and Review Process**

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### **8.1 Scope of Core Code**

The preface to the National Building Code (NBC) of Canada states that the NBC is essentially “a code of minimum regulations for public health, fire safety and structural sufficiency with respect to the public interest”<sup>1</sup>. The first step to achieving a *core code* technical development and review process is to restrict the *core code* to these issues.

The *core code* should be restricted to a set of minimum core technical requirements dealing with life safety, fire protection, structural sufficiency and health related issues regarding building construction and maintenance.

Even though the *Guide to the Use of the Code*<sup>2</sup> states that “it is not intended to be a textbook on building design”, both *core code* writers and provincial/territorial enforcement authorities attribute mandatory

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<sup>1</sup> National Building Code of Canada 1995, Preface, page ix.

<sup>2</sup> National Building Code of Canada 1995, A Guide to the Use of the Code, page xiii.

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adherence to its provisions and those of its referenced standards as the minimum acceptable standards for building design in Canada.

The minimum acceptable level of fire and life safety, structural sufficiency and health standards for buildings should be the same across Canada. The transition to objective-based codes may make this easier to attain.

The goals and objectives for specific code issues should be identical; however, different acceptable solutions that take into account the economic and geographic realities of different regions can be developed. As a result, emergency amendments to code requirements at the provincial/territorial level would not be necessary.

### 8.1.1 Interpretation of *Core Code*

In order to ensure a uniform interpretation of the *core code*, effective liaison among the CCBFC, PTCBS and the provincial/territorial authorities will be necessary. The Canadian Codes Centre of the National Research Council of Canada (NRCC) should be designated as the body to assist the Provincial/Territorial authorities in the interpretation of the *core code*.

### 8.1.2 *Ancillary Code Parts*

CCPE believes that the provinces and territories will need to address provincial/territorial-specific issues in *ancillary code parts* if not addressed in the *core code*.

Development of *ancillary code parts* should be generated through various stakeholders at the provincial/territorial level with the provision for their adoption by other provincial or territorial governments, if deemed to be a priority in the affected region. This will allow provincial and territorial governments to retain the ability to decide unilaterally on requirements which are of a social or regional nature.

### 8.1.3 Incorporation of *Ancillary Code Parts* into the *Core Code*

The scope of the *core code* should be augmented only when there is clear evidence of strong support among the majority of all *core code* users and agreement of the adopting authorities.

## 8.2 Proposed National Core Code Change Process Entry Points

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There was a divergence of opinion amongst the provincial/territorial associations/ordre of CCPE concerning the entry point for core code change proposals. Ten of the twelve associations expressed the desire that the core code development and review process should begin at the national level and that there should be a single entry point at the national level for all proposed changes to the code.

In this scenario, the point of entry for proposed changes to the *core code* should be through the CCBFC (see [Appendix 2](#) for the proposed model). Appropriate resources and operational procedures should be put into place at CCBFC to ensure *core code* issues are dealt with effectively and in a timely manner. A national entry point would make the process consistent for all provinces and territories, given that some jurisdictions have no code development departments.

The Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) and Ordre des ingenieurs de Quebec (OIQ) support a provincial/territorial entry point for the reason that provincial awareness and support is important before it is submitted to the national level for assessment and consideration. The APEGBC position results from a perceived lack of influence or effectiveness of the current national model code change process which has caused British Columbia to rely on changes made later when establishing the B.C. Building Code, rather than attempting to influence and change the National Building Code. The British Columbia government has attempted to reduce its involvement in Building safety and Building Code issues and it is felt that maintaining a Provincial/Territorial entry point for the core change proposals would ensure the continued involvement of the B.C. government in Building Code issues pursuant to their historical responsibilities.

It was concluded by the constituent members of CCPE that the core code change entry point should not be limited to the national level, but that there should also be a provincial/territorial entry point for any province or territory who prefers to do so.

It is understood that submissions to the Provincial/Territorial entry point for core code issues could not be vetoed by the Provinces/Territories and would be passed forward to the national Secretariat (possibly NRC) which would circulate the proposal to all Provinces/Territories for comment/evaluation.

The outcome of the discussion resulted in the consensus view that, in addition to the national point of entry as described above, a Provincial/Territorial entry point for core code change proposals would be acceptable as long as it is understood that the Provinces/Territories could not veto the proposal.

It is understood that, over time, more issues could be agreed to by the Provinces/Territories and included in the core code with fewer regional issues dealt with as ancillary Provincial/Territorial additional regional/local code items. It is further understood that the core code agreed to by the Provinces/Territories would be limited to health and safety issues.

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All proposals regarding the *core code* be ultimately filtered through the CCBFC, whether submitted through the national or Provincial/Territorial entry point. If the proposal is deemed to be ancillary to the *core code*, it would be channeled to the appropriate province or territory for review and possible action.

### 8.2.1 CCBFC Technical Committees

CCBFC's technical committees should be made up of technical representatives, selected for their current technical knowledge, experience and expertise, and for their ability to assess risk to public health and safety as well as the economic impact of proposed code changes. CCBFC should develop technical committee criteria to reflect these requirements.

The CCBFC/PTCBS Joint Task Group should review the technical committee matrices to ensure that appropriate technical, balanced and unbiased representation is achievable on each committee. Provincial/territorial authorities and PTCBS should also be involved in the process of nominating and selecting CCBFC technical committee members.

### 8.2.2 Mandatory Requirements for Written Proposals for *Core Code* Changes

Proposals for changes to the *core code* should be required to include an assessment of (a) the impact on fire and life safety, structural sufficiency and health related issues, as well as (b) the economic impact of the proposed change, including a cost-benefit analysis.

### 8.2.3 PTCBS Involvement prior to *National Public Review*

All proposed *core code* change recommendations that have been "deemed to have merit" by the relevant CCBFC technical committee should be distributed to the PTCBS for their early review and possible feedback prior to the national public review. Any PTCBS comments should be appended to the public review document prior to its distribution.

Using this sequence, the PTCBS will have the benefit of the CCBFC technical committees advice on the proposal's relevance to the core code criteria of public health, fire safety and structural sufficiency, and/or impact of the proposed changes.

### 8.2.4 Role of Provincial/Territorial Code Development Committees/Councils

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If a national *core code* is adopted by all provinces and territories and a single *core code* development process implemented, the role of provincial/territorial building code development councils and committees should be redefined.

Provincial/territorial authorities may determine an ongoing need for code development councils and committees to address specific issues or building types that impact on their jurisdiction but are not of national interest.

If provincial/territorial development councils and committees are retained by provincial/territorial jurisdictions, improved liaison would be necessary to ensure that the *core code* is not compromised.

### **8.3 National Public Review**

CCPE believes that *core code* public review meetings should be held across the country to obtain public/stakeholder comment, and to review any *core code* change proposals that have been deemed to have merit. This review process should be ongoing rather than on a five-year cycle. Past experience has shown that separate provincial/territorial public reviews were redundant and out-of-synch with the national process.

#### **8.3.1 National Public Review Package**

There should be one official *national public review* package. It should contain:

- a) *core code* change proposals, complete with economic impact documentation,
- b) PTCBS's comments on the proposed changes to *core code*, if any, and
- c) any provincial/territorial proposals to broaden the scope of the *core code*, i.e. for *ancillary code parts* to be incorporated into the *core code*.

#### **8.3.2 Posting of Proposals on Internet**

Once a CCBFC technical committee deems that a proposal has merit, the proposal for change to the *core code* should be distributed to the PTCBS, and soon after posted on the Internet. Internet publication of proposed changes to the *core code* may significantly improve the response from stakeholders. In addition, ease of response via the Internet may result in increased comment from stakeholders.

### **8.4 Final Ratification by PTCBS**

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CCPE believes the PTCBS must ratify any *core code* changes after CCBFC's final approval. PTCBS is the body responsible to provincial/territorial governments which ultimately must legislate any new *core code* changes within their jurisdictions.

### 8.4.1 Dispute Resolution Mechanism

A dispute resolution mechanism should not be necessary if the *core code* development process is appropriate and has been agreed upon by the PTCBS and CCBFC. However, a mechanism should be in place to deal with disputes arising among members of the PTCBS or CCBFC.

## 8.5 Benefits

Adoption of a *core code* and a nationally coordinated *core code* development process would have the following benefits:

1. Meet government (both levels) goal for harmonization and elimination of duplication.
2. Meet goals and strategies contained in the CCBFC Strategic Plan.
3. Create an opportunity for a meaningful partnership involving the provinces and territories and the NRCC.
4. Will lead to greater and more meaningful stakeholder participation in the *core code* development and review process.
5. Allow for the "channeling" of issues to the provincial or territorial body if not appropriate for the *core code*.
6. Provide the opportunity for the establishment of a truly national *core code*. The *core code* would be developed and administered by the CCBFC with the provinces and territories agreeing on the scope and content. Provinces and territories would develop and administer their own *ancillary code parts* based on regional, social, industrial or economic needs.
7. Will lead to greater uniformity (less provincial or territorial change) and consistency.
8. Will allow the sharing of innovative ideas and solutions across the country.

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9. Will facilitate harmonization of Canada's core code with international codes and thereby support Canada's international trade policies and agreements.
10. Will facilitate the mobility of code users across Canada.

### **8.6 Requirements for Achieving a *Core Code* Development Process**

An initial, formal partnership agreement between each participating province and territory and the CCBFC should be signed. Some requirements include:

1. **Timing:** A coordinated national/provincial/territorial development and review process will require a commitment by each partner to a set timetable.
2. **Process Uniformity:** Partners will need to agree on a common development and review process, one that will accommodate the "channeling" of change proposals to either the CCBFC (*core code*) or the province/territory (*ancillary code parts*).
3. **Adoption:** A commitment by all provincial/territorial governments to adopt the core code without amendments.
4. **Language:** The system needs to allow for full participation in both official languages. Any translation of core code or core code changes should be reviewed and approved in the other language by a committee of core code users who are also fluent in both official languages.

### **8.7 Strategies for Achieving a *Core Code* Development Process**

1. Development of formal partnership agreements between the various parties to work cooperatively on code development and review. Eliminate existing parallel processes.
2. Agreement on a *core code* that is not amended by provincial or territorial governments.
3. Use of a single publishing source for the *core code* by all provinces and territories and, ideally, for the provincial/territorial *ancillary code parts*.

## 9.0 CCPE Conclusions

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The National Building, Fire and Plumbing Code should be adopted by all Canadian jurisdictions as the *core code* for each province and territory. The *core code*'s content should be restricted to fire and life safety, public health, and structural sufficiency issues. Where considered necessary, provinces and territories could develop *ancillary code parts* to address regional or social issues. The *ancillary code parts* should only address issues that are not specifically covered by the core code and should not amend or contravene the core code or the intent of the core code.

The use of one *core code* across the country would:

- (a) ensure that minimum health and safety standards are met for all Canadians;
- (b) encourage consistency and a reduction in errors;
- (c) reduce costs relating to the development, issuance and enforcement of building regulations;
- (d) lead to improved efficiency in the building industry;
- (e) allow the sharing of innovative ideas and solutions across the country;
- (f) facilitate harmonization of Canada's core code with international codes; and,
- (g) facilitate the mobility of core code users across Canada.

The *national* point of entry for proposed changes to the *core code* should be through the CCBFC, given that some jurisdictions have no code development departments. A national entry point would make the process consistent for all provinces and territories. The process should provide for Provincial/Territorial entry points, to allow those Provinces/Territories to do so on the understanding that the Provinces/Territories would not be allowed to veto the proposal.

All proposals for *core code* changes should explicitly deal with public health and safety implications, and provide an economic assessment of the proposed change.

Resources used in the past to develop unique codes for individual jurisdictions should be applied to the *core code* development process to the extent possible. In many provincial and territorial

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jurisdictions, the resources used in the past to change or add to the National Model Code will still be needed to deal with ancillary code development necessary to deal with issues unique or special to a particular region. Wherever possible, resources no longer used at the provincial level to assess or develop core code changes could be re-allocated to support the national process.

*Core code* change proposals should be delegated through CCBFC to its technical committees for assessment. Members of CCBFC technical committees should be selected for their technical knowledge, experience and expertise. It is imperative that committee members be technically competent, unbiased, and focused first and foremost on public health and safety issues. In addition, the matrices of each technical committee should be reviewed to ensure that representation is balanced and unbiased.

The involvement of the PTCBS should come at two distinct points in the *core code* development process. Once a CCBFC technical committee deems that a proposal for a *core code* change has merit, the proposal and any supporting documentation should be provided to the PTCBS for its information and possible comment prior to the *national public review*. Any PTCBS comments received should be included in the

*national public review* package. In addition, any *core code* change that has received CCBFC's final approval must be ratified by the PTCBS.

In CCPE's opinion, final ratification by the PTCBS is mandatory because it is the body responsible to provincial/territorial governments which ultimately must legislate any new *core code* requirements within their jurisdictions.

Improved communications between CCBFC and provincial and territorial authorities will be required to ensure:

- (a) uniform interpretation of the *core code*; and,
- (b) assurance that any provincial/territorial resources directed at the national *core code* development process are being appropriately utilized.

The Canadian Codes Centre should assist in the interpretation of the core code.

There should be only one *national public review* of core code change proposals with the same deadline for all jurisdictions. Interim reviews through regional meetings and Internet publication of *core code*

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change proposals that have been deemed to have merit should be scheduled. This would allow stakeholders and the public to have access to proposals as soon after the CCBFC's technical committee assessment as possible.

Initially, a formal partnership agreement between the provincial/territorial and federal authorities (CCBFC) will likely be required to implement a single, national *core code* development process.

## 10.0 CCPE Recommendations

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CCPE makes the following recommendations for the consideration of the joint CCBFC and PTCBS Task Group.

### Recommendation #1

CCPE recommends that one national building, fire and plumbing *core code* for all provinces and territories be adopted.

### Recommendation #2

CCPE recommends that the model for a national core code development process as presented in [Appendix 2](#) be adopted.

### Recommendation #3

CCPE recommends that all necessary steps be taken to ensure that implementation of any new core code development process coincides with the completion of the objective-based building code which is currently targeted for 2001.

## 11.0 Submitted by CCPE and its 12 Constituent Members

This document has been submitted with the participation of the 12 constituent members of CCPE listed as follows:

Association of Professional Engineers and Geoscientists of British Columbia (APEGBC);  
Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA);  
Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS);  
Association of Professional Engineers and Geoscientists of Manitoba (APEGM);  
Association of Professional Engineers of Yukon (APEY);  
Association of Professional Engineers of the Northwest Territories (NAPEGG);  
Professional Engineers Ontario (PEO);

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Ordre des ingenieurs de Quebec (OIQ);

Association of Professional Engineers of New Brunswick (APENB);

Association of Professional Engineers of Prince Edward Island (APEPEI);

Association of Professional Engineers of Nova Scotia (APENS);

Association of Professional Engineers and Geoscientists of Newfoundland (APEGN).

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## APPENDIX 1

### CCPE RESPONSES TO JOINT TASK GROUP QUESTIONS

#### Responses to Question #1:

- 1.0 Acknowledging the constitutional prerogative of the provinces and territories to adopt whatever code they wish and considering differing provincial/territorial issues and priorities, how could a uniform code technical development and review process be achieved?

The Preface to the National Building Code of Canada states that the NBC is essentially “a code of minimum regulations for public health, fire safety and structural sufficiency with respect to the public interest”. The first step to achieve a uniform code technical development and review process is to restrict the core of the code to these issues.

Issues related to changing social policy should be excluded from the core of the code and be developed as standards with the provision for their adoption by inclusion in the legislation by the elected officials of the provinces and territories if deemed to be a priority in the affected region.

Recognize that while the “Guide to the Use of the Code” states that “it is not intended to be a textbook on building design”, both code writers and enforcement authorities attribute mandatory adherence to its provisions and those of its referenced standards as the minimum acceptable standards of building design.

- 1.1 Designation of provincial/territorial authorities as the point of entry to the code development process?

CCPE believes the *national* point of entry to the uniform code should be the CCBFC. Appropriate resources and operational procedures should be put into place at CCBFC to ensure code issues are

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dealt with effectively. CCPE believes Provincial/Territorial points of entry should also be permitted for those wishing to do so, provided that no province or territory could veto the proposal, and that such proposals would still be vetted through the CCBFC.

### 1.2 Improved liaisons between the CCBFC and provincial/territorial code development councils and committees?

If the National Building, Fire and Plumbing Codes are to become truly national, the role of provincial/territorial code development councils and committees would have to be redefined as they relate to the *core code*.

If provincial/territorial development councils and committees are required by the various jurisdictions, improved liaison would be necessary to ensure that the *core code* is not compromised.

### 1.3 Improved liaisons between the CCBFC and provincial/territorial code authorities?

In order to ensure a uniform interpretation of the *core code*, effective liaison between the CCBFC and the provincial/territorial code authorities is necessary. NRCC's Code Centre should be designated as the official body responsible for interpretation of the *core code*.

### 1.4 Greater representation of provincial/territorial authorities on the CCBFC committees?

CCBFC technical committees should be made up of technical representatives, selected for their technical expertise. In CCPE's opinion, greater representation of provincial/territorial authorities as per the current matrix is not necessary.

### 1.5 Earlier involvement of provincial and territorial authorities in the CCBFC code development process?

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Assuming that (a) the *national* point of entry continues to be through the CCBFC for proposed changes to the *core code* and that (b) provinces and territories have accepted the process and technical committee matrices, there should be no need for earlier involvement.

However, all “deemed to have merit” code change recommendations, accompanied by an economic impact and life safety assessment of the proposed change, should be distributed to the PTCBS for their *early* information and possible feedback prior to the national public review process.

1.6 Joint review of technical changes by provinces and territories prior to wider public review, or separate provincial public reviews funneled into a National review process?

Retain only the national public review process. Separate provincial/territorial public reviews would be redundant.

1.7 Inclusion of all provincial/territorial amendments in a national review package?

PTCBS comments on the proposed changes to *core code* should be included in a national public review package.

CCBFC should review provincial/territorial proposals for new *ancillary code parts* to determine whether they should be considered as part of the *core code*.

1.8 Greater involvement of provincial and territorial (PTCBS?) in the process of selecting members for the CCBFC and its standing committees?

PTCBS should be involved only in the process of selecting standing committee members.

1.9 CCBFC decisions on code change made subject to a ratification by provincial/territorial authorities such as used by some Canadian Standards Development Organizations?

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Have CCBFC code changes subject to ratification by PTCBS as the responsible body because political accountability must be assumed by provincial/territorial governments.

1.10 A more frequent or continuous process instead of scheduled or periodic public reviews?

The proposed changes to *core code* should be made available as soon as possible. With the adoption of objective-based codes, a continuous process will be necessary.

Responses to Question #2:

2.0 Considering geographical and economic realities, how could greater participation in a coordinated national/provincial territorial code development and review process be achieved?

2.1 More code development originating at the provincial/territorial level?

*Core code* development should remain a national function and should be supported by provincial and territorial governments.

Development of *ancillary code parts* should be generated through various stakeholders at the provincial level, at which point the provinces have an ability to maintain control of those changes which are of a social nature, rather than a technical one which affects the *core code* requirements.

2.2 More meetings across Canada?

Regional public meetings should be held across the country to obtain public/stakeholder comment. Representatives from each province could attend regional meetings.

2.3 Enhancement of the present decision-making process used by the CCBFC (broad consensus, public review, balanced matrix, individuals as members)?

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No comment.

### 2.4 National conferences to discuss/decide code development as occurs in the USA?

No. Regional meetings are more manageable and effective. In addition, the national public review process is superior to the process used in the USA.

### 2.5 Greater use of the Internet?

Public broadcast of proposed changes to the code onto the Internet will significantly improve response from the public. Ease of response via the Internet would further encourage public comment. It is assumed that the above process is for proposed changes which have already passed through the technical standing committee(s).

### Responses to Question #3:

3.0 How should the process deal with the possibility of contradictory policy and technical advice from stakeholder groups?

### 3.1 Require stakeholder groups to refer issues to the Provincial/Territorial Committee on Building Standards (PTCBS) first?

It is understood that a general goal is to have a single core document with ancillary documents prepared by individual provinces as appropriate to that province. Recognizing this goal, proposed changes to the core document should go directly to CCBFC and not through a provincial committee first.

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3.2 Create partnership agreements with provincial/territorial decision-making authorities specifying to whom the process will refer policy issues?

Once the initial formal partnership agreements between the provincial/territorial and federal authorities (CCBFC) have been signed, additional partnership agreements/commitments should not be necessary for *core code* change proposals.

3.3 Create liaison agreements between the process and stakeholder groups, such as the Canadian Council of Fire Marshals and Fire Commissioners (CCFM/FC), the Canadian Advisory Council on Plumbing (CACP) and the Federal /Provincial/Territorial Subcommittee on Building Codes and Housing?

The structure of the CCBFC and PTCBS should be expanded to include all *core code* issues relating to building, fire and plumbing.

3.4 Establishing a dispute resolution mechanism?

A dispute resolution mechanism should not be necessary if the *core code* development process is appropriate and has been agreed upon by the PTCBS and CCBFC.

A mechanism should be in place, however, to deal with internal disputes arising among members of the PTCBS or CCBFC.

Responses to Question #4:

4.0 Are there characteristics of model building, plumbing and fire codes that need to be accounted for in a code development process?

4.1 Restrict the model building, plumbing and fire codes to a set of core minimum requirements and rely on provinces and territories to develop provisions for issues that do not have widespread application?

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Yes. The model building, plumbing and fire codes should be restricted to a set of minimum core technical requirements dealing with life safety, fire protection, structural sufficiency and health related issues regarding building construction and maintenance.

The minimum acceptable level of fire and life safety, structural sufficiency and health standards for buildings should be the same across Canada. The transition to objective-based codes may make this easier to attain. The goals and objectives for specific issues should be identical, however, different acceptable solutions, taking into account the economic and geographic realities of different regions, can be developed.

### 4.2 Base the model codes, to the greatest extent possible, on technical correctness only?

The *core codes* should be based on technical and economic considerations as they relate to life safety, fire protection, structural sufficiency and health related issues.

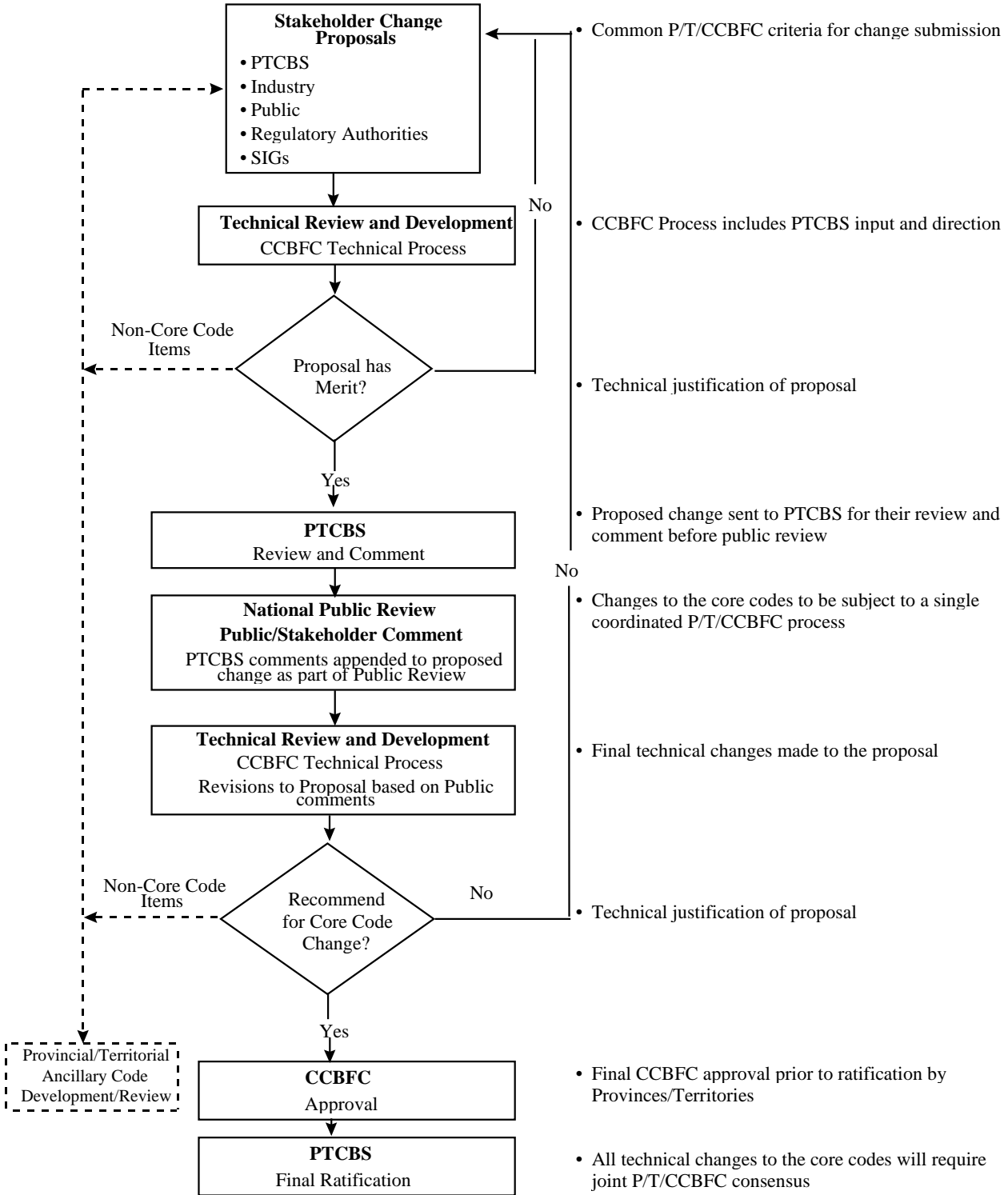
### 4.3 Give due consideration to cost impact?

A cost-benefit analysis of all *core code* proposed changes should be made and the economic impact should be considered.

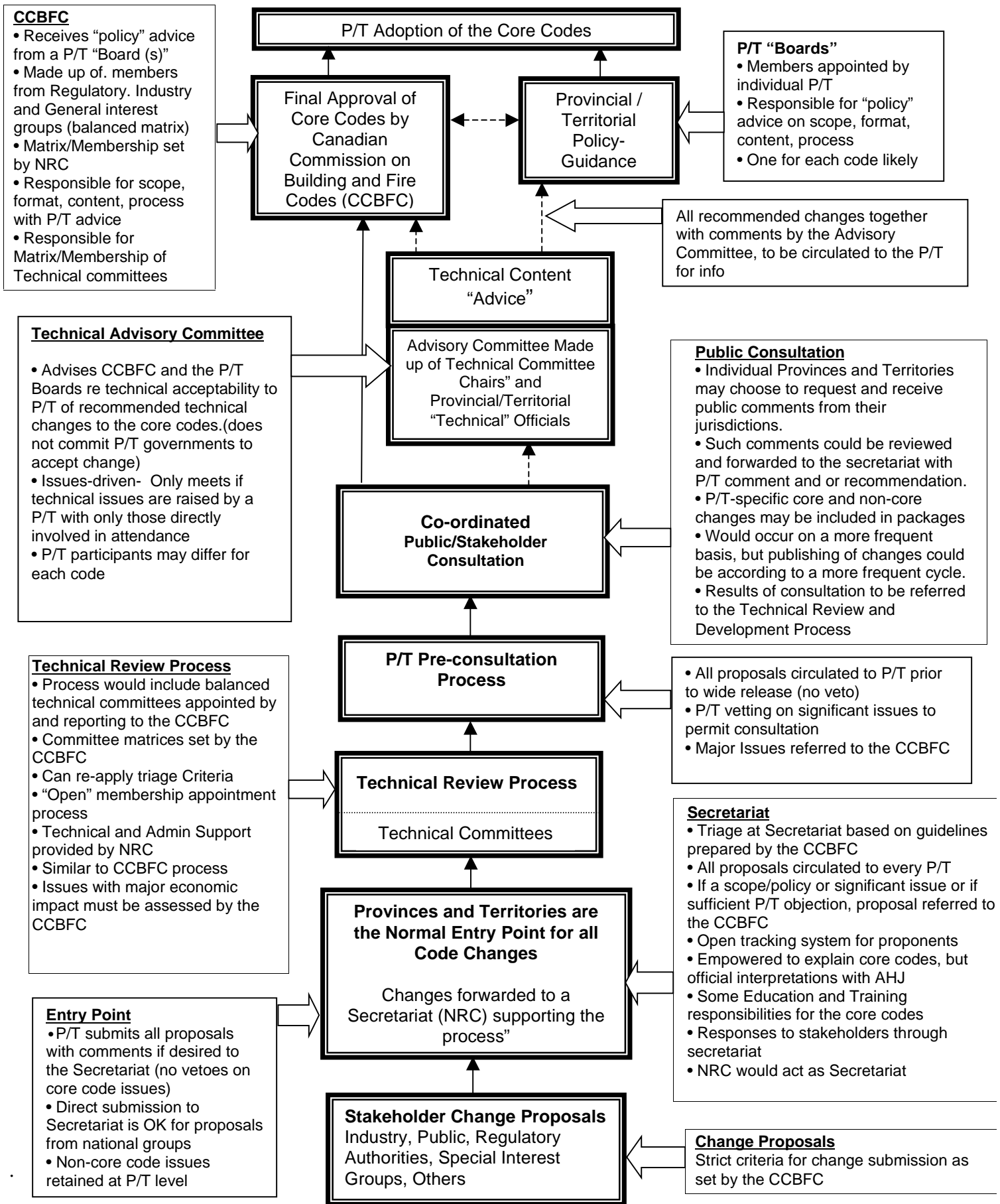
### 4.4 Increase the scopes of the model codes only when there is strong evidence of wide support in the code-affected community and among adopting authorities?

The scope of the *core codes* should only be increased when there is clear evidence of strong support among all *core code* users and adopting authorities.

In addition, the provinces/territories are able to develop *ancillary code parts* on issues that are relevant in their regions.



**“Straw” Code Development and Review Process  
August 1998**



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Appendix D Joint CCBFC/PTCBS Task Group on the Code Development and Review Process  
Draft Fast Track Process

