

CHBA APPEAL ON PCF 1617 – SUPPORTING SPEAKERS

1. TINA SARYEDDINE

Tina Saryeddine is the Executive Director of the Canadian Association of Fire Chiefs (CAFC), which is a long-standing stakeholder group and member of CCBFC.

Process concerns

Tina will speak to the appeal issue of cross-committee coordination, in particular CAFC's concern with an incomplete process, and the critical step of fully investigating the potential implications of proposed changes for energy efficiency for other code provisions and objectives, and related fields of work.

2. BOB DEEKS

Bob Deeks is President of RDC Fine Homes, a Net Zero builder in Whistler, BC. Bob started building homes in 1993 and is recognized for innovation in housing technology. Bob is a Past Chair of both CHBA's Net Zero Energy Housing Council and the CHBA Technical Research Committee, and is a member of the Standing Committee on Energy Efficiency. Bob will speak on behalf of himself as a member of the SC-EE Working Group on Unintended Consequences, and also on behalf of Andrew Oding, who was Chair of the SC-EE Working Group on Unintended Consequences.

Process concerns

Bob will speak to the appeal issue of cross-committee coordination, in particular the result of the deliberations of the SC-EE Working Group on Unintended Consequences.

3. MARGARET WEBB

Margaret Webb is Director of Canadian Industry Affairs and Glass Products for the Fenestration and Glazing Industry Alliance and participates in a number of key glazing standards committees. Since 2004, she has attended meetings of the Standing Committee on Structural Design, as well as the Standing Committee on Use and Egress, the Standing Committee on Housing and Small Buildings, and related task groups. Margaret also attended meetings of the Standing Committee on Energy Efficiency post public review.

Process concerns

Margaret will speak to the appeal issues of cross-committee coordination and impact analysis, in particular how the principles of consensus-based decision-making and the Code of Conduct were applied at SC-EE during its deliberations on these matters.

4. BRUCE CLEMMENSEN

Bruce Clemmensen is President of Clemmensen & Associates, a construction project management firm in Ontario. He was the Chair of the CCBFC from 1997 to 2010 and, more recently, a member of the Joint Task Group on the Code Development System Review Phase II. Invested as a Member of the Order of Canada for his work in the renewal of building and fire codes, he served as CCBFC Chair during the transformation to the current code development process and numerous end-of-cycle contested PCF approvals, where the inherent de-risking of code development through the cross-committee coordination process was important.

Process concerns

Bruce will speak to the appeal issue of cross-committee coordination, in particular to the intent of the process as it was envisioned and how the CCBFC has handled issues of incomplete process in the past.

CHECK AGAINST DELIVERY

CANADIAN ASSOCIATION OF FIRE CHIEF REMARKS – SEPTEMBER 1, 2021

Good day and thank you for the opportunity to appear before the CCBFC Executive in support of the Appeal from the Canadian Home Builders' Association on the process related to the introduction of the proposed changes to the energy efficiency clauses.

My name is Tina Saryeddine and I am the Executive Director of the Canadian Association of Fire Chiefs (CAFC). I have been asked to read this statement today on behalf of the Canadian Association of Fire Chiefs Building Codes Committee on which CCBFC Commission member Chief McKearney and Chief Chantal Bibeau both sit along with fire chiefs from across the country.

CAFC would like to begin by commending the CCBFC Executive for hosting this Appeal. We understand it is the first time you have leveraged this process. That you are willing to do this, shows the flexibility and commitment you have, not only to the process but also to the quality of the outcome. We commend you for this. It is part of making a good system better.

Today, we would like to speak in support of this Appeal. Let me begin by clarifying that we have no position on the energy efficiency clauses. In fact, the clauses may or may not be in our favour. Our position here however is, on principle, in support of the Appeal, solely on the issue of process.

It has been our concern for some time that the CCBFC must exercise greater, not less, consideration of the unintended consequences of decisions across the system. This relates directly to the responsible introduction of innovation.

A good example, for illustrative purposes only, is the introduction of encapsulated mass timber construction. Stakeholders with resources and data have proven that EMTC is good for environment and economy; however, are there unintended consequences?

Do first responders have the right equipment; training; and readiness to respond in an emergency? Who is going to spread what knowledge is available; how many similar innovations are we catching up to this year? These would hopefully have come up in an exploration of cross system issues.

In the case of the energy efficiency proposals, we see the same type of problem, changes are being introduced before we are even clear what the implications for all parts of the system will be. That the proposal has not gone to the Fire Prevention Committee of CCBFC is especially concerning.

As we support this Appeal, know that we do so with the view to making a good process better. It essential that the innovations being introduced are done responsibly and in full consideration of all consequences across the system.

Thank you

CHBA APPEAL ON PCF 1617

SUPPORTING SPEAKER – BOB DEEKS

SPEAKING NOTES

Thank you for the opportunity to speak to the Appeal Committee today. My name is Bob Deeks, and I am President of RDC Fine Homes, a Net Zero builder in Whistler, BC.

I am a Past Chair of both CHBA's Net Zero Energy Housing Council and the CHBA Technical Research Committee. I am also a member of the Standing Committee on Energy Efficiency and was a member of the SC-EE Working Group on Unintended Consequences. I am speaking to you today for myself, and also on behalf of Andrew Oding, who was Chair of the SC-EE Working Group on Unintended Consequences. Unfortunately, Andrew was unable to participate today due to a scheduling conflict.

As an experienced net zero builder, I have first-hand knowledge of what it takes to build a net-zero home. I also have knowledge of the lessons learned by net-zero builders like me across the country through our participation in CHBA and NRCan's Net Zero Home program. Through the program, we are identifying challenges and we have found solutions to many of those challenges. But there are some issues that we haven't yet resolved through the program. It is also important to remember that the vast majority of builders in this country are not

building net zero homes yet, and they may not be prepared to find immediate solutions to issues they might encounter in the field. Those builders are relying on code committees to develop requirements that are free of conflicts and issues.

The agreement to strike the SC-EE Working Group on Unintended Consequences was made at the SC-EE meeting in May 2019. However, the Working Group was not able to meet until March 2020—and we all know what happened in March 2020.

As noted in the Working Group’s report, we were working under very tight time constraints. We were allowed three teleconferences in March/April 2020, and we were instructed that we were only to rank issues previously identified in order of importance.

25 issues had been flagged—some by the Standing Committee on Housing and Small Buildings in 2012, some by builders across Canada in implementing the 9.36 provisions published in the 2015 edition of the codes, and some by net zero builders through the Net Zero Home demonstration program.

The Working Group ranked 10 of the issues as critical—reporting to SC-EE that these issues needed to be resolved **prior** to publication of NBC 2020. Ten more issues were identified as needing to be resolved in the short-term, in order to

enable the provinces and territories to efficiently adopt and deliver the 2020 code. The remaining 5 issues were ranked to be resolved in the next code cycle.

The full list of issues ranked by the SC-EE Working Group on Unintended Consequences in March and April 2020 was provided to the Standing Committee on Housing and Small Buildings Working Group on Cross-Committee Coordination in February 2021.

We see that the HSB Working Group's June 3, 2021 interim report now identifies 39 issues. The June 20, 2021 memo from HSB to SCEE says they did not have time to complete their investigation of the issues and that they cannot confirm there are no implications or conflicts with other requirements in Part 9. Clearly, HSB and SCEE still need to coordinate on this joint effort.

I understand the CHBA appeal, and this hearing, is about whether or not the process has been completed, so I won't get into the technical details of the issues identified. But I would like to say, that as the reports show, some of these issues have very significant implications that need to be resolved – possibly in other areas of Part 9.

As I said earlier, ultimately, any requirements that get published in code need to work for **all** builders and building officials across the country, not just those who

are experienced in net-zero construction. This is not something we can put out there assuming it will get sorted out in the field.

As a net-zero, innovation-driven builder, I am anxious to see all homes built to net-zero ready levels of performance. I am disappointed to think the changes aren't ready for publication, but it is clear there is still work to be done. The important thing now is to complete the process and finish the job.

Thank you.

CHBA Appeal on PCF 1617

MARGARET WEBB – Fenestration and Glazing Industry Alliance – Speaking Notes

Thank you for the opportunity to speak in support of the CHBA process appeal on PCF 1617.

My name is Margaret Webb and I was the Executive Director of the Insulating Glass Manufacturers Alliance and am now the Director of Canadian Industry Affairs and Glass Products for the Fenestration and Glazing Industry Alliance formed as a result of the merger of IGMA and the American Architectural Manufacturers Association (AAMA).

As noted in our letter of July 27, 2021, the Fenestration and Glazing Industry Alliance (FGIA) and its industry partners (Fen-BC and AVFQ) represent more than 600 innovative member companies across Canada, the U.S. and internationally who manufacture windows, doors skylights, curtainwalls, storefronts and insulating glass, plus the components that go into them. Our members are actively involved in the residential and commercial fenestration and glazing industries, primarily across North America. We also represent hundreds of technical and professional members.

The Fenestration Industry submitted comments during the Public Review on PCF 1414, 1536, 1541, 1611 and 1617. Over the last two code cycles, we have also submitted CCRs and have experienced the entire code development process from beginning to end.

We have attended all the SC-EE meetings post Public Review in order to advocate for our industry but also to educate ourselves on the proposed tiered energy prescriptive and performance requirements. We also attended the assigned Task or Working Groups that were relevant to our industry.

As a result of attending these meetings, we share CHBA's process concerns with regard to cross-committee coordination and impact analysis, and – in particular – how the principles of consensus-based decision-making and the Code of Conduct were applied at SC-EE during its deliberations on these matters.

On Cross-committee coordination we witnessed that the SC-HSB has had insufficient time to review the possible impacts of PCF 1617 on other sections of Part 9. This is also evidenced by the June 20, 2021 memo from the Standing Committee on Housing and Small Buildings (SC-HSB) to the Standing Committee on Energy Efficiency, and the June 3, 2021 Interim Report of the SC-HSB Working Group on Cross-Committee Coordination. This review must be completed, and cross-committee coordination must then be completed by both SC-HSB and SC-EE in order to de-risk proposed requirements with due diligence before adoption of PCF 1617.

As the Chair's and members' code of conduct and the consensus-based decision-making are key principles in the CCBFC's Policies & Procedures underlying any of the process steps appealed by CHBA, I would like to add the following:

On Principles of consensus-based decision-making: During all the SC-EE meetings since the 2020 Public Review, as well as Task and Working Groups meetings, it has been quite clear to us that many substantive arguments are marginalized and all but ignored. It is typically the same four members that actively participate with ample speaking time – the other members are silent. The Chair then assumes that silence is agreement, which can be a dangerous assumption. The SC-EE Chair monopolizes discussion for large parts of the meeting, allows introduction on dissenting arguments but not a full discussion, and makes a unilateral summary decision on dissenting arguments. Much of SCEE's work is done in Working Groups, which are meeting without observers present. It seems a lot of work is done by a select group of members that meet behind the scenes. To me, this is not how to conduct consensus-based decision-making.

On Code of conduct: I have participated in many standards committees and since 2004, have attended meetings of the SC-SD, as well as SC-UE, SC-HSB and related Task Groups, and as I said earlier, I have attended the SC-EE meetings post public review.

The conduct of the SC-EE Chair is very different from the Chairs presiding over SC-SD, SC-UE, SC-HSB. The other chairs run their respective committees professionally and with respect for all viewpoints. At these other committees, full discussion is permitted for dissenting comments.

At SC-EE meetings, the Chair reads the meeting preamble about the code of conduct for committee members and observers. Despite this, the conduct of some of the SC-EE voting members has been disrespectful on a number of occasions. Specific examples can be cited if the Executive Committee requires names and other details.

In my opinion, the way SC-EE meetings were conducted since the 2020 Public Review prevented any substantial discussion on cross-committee coordination or impact analysis on PCF 1617.

This process needs to be completed according to the policies and procedures laid out by CCBFC, **given the profound effects this proposed change will have on the industry.**

Thank You, Mr. Chair

BRUCE CLEMMENSEN

Since 1978, I have been the President of a construction project management company in Ontario, but I am speaking to you today – in support of CHBA’s appeal – because of my experience serving as the Chair of the CCBFC from 1997 to 2010. During my tenure as Chair, the Commission, NRC and the Provinces and Territories created the current code development framework that was officially recognized by all provincial/territorial Deputy Ministers and the NRC President in 2001. More recently, I was a member of the Joint Task Group on the Phase 2 Code Development System Review on the code development process.

I support the CHBA process appeal because it concerns many of the core principles that I believe underpin the national code development system, and because the process issues being appealed here are not new.

I am not here to discuss the technical merit of the proposed change in question, or the need for it. Whether a proposed change is minor or significant like this one, fully completing the process of cross-committee coordination and impact analysis is important.

PROCESS CONCERNS

One of the roles of the Commission has always been to ensure a technically defensible process. Many of the Commission's process steps are designed and intended to identify potential risks early, so committees have a chance to address them. Public review is one of these.

Over the years that I was the Chair, there were instances when the development of changes was under pressure, and the advice received, and the discussions at the Commission caused changes to be made in process and content.

In my opinion, and in my experience – in both code development and construction project management – when the pressure is high – it is all the more important to make good decisions, and to get it right.

There are many examples, but a few are worth noting:

- Just before the scheduled approval of the two 1997 Model National Energy Codes, the then Finance Minister announced that the Commission would approve the energy codes. However, during the Commission meeting, serious issues came to light with the approach taken in the codes and their adoptability. The CCBFC did not approve the codes that day! the Commission did approve the codes later with many qualifications and the word “Model” in their titles, but – in the end – only one province was able to reference one of them.
- Another example was the change in NBC Part 4 from Working Stress Design to Limit States Design. This change was not initially approved because one Commission member noted that the cost impact analysis had not been completed and major implications for the provinces and territories were not considered.

- Another example – a request was made to the Commission to make a special change to reduce hot water temperature to minimize the risk of children and the elderly being scalded. However, the Commission learned from the industry and the regulatory community that the change could have produced the unintended consequence of increasing the risk of legionella growth. When the Commission was made aware of these conflicting safety concerns, it collaborated with industry stakeholders, advocacy groups and its technical committees to complete the investigation required to resolve the issues before making the change.

To me, these examples show that it's more important to get the code right prior to issuing a code.

Cross-committee coordination is a key function of code development. It is through cross-committee coordination that the Commission makes sure that changes that are made in one aspect of a building will not have negative consequences for another aspect of a building.

When changes are put forward for approval, the Commission is the last checkpoint to make sure that everything works together. The Commission relies on its standing committees to fully complete cross-committee coordination. If it is not done, the code documents may cause unintended negative consequences. The provincial/territorial partners count on the national process to publish codes that work without conflicts or inconsistencies.

The codes have to be technically defensible, and that only works when committees do their due diligence. When NRC staff had to testify during the BC leaky condo hearings, the Commission was informed that they could refute the accusation that the code had been at fault because the Commission's committees had done their due diligence, and because code requirements were technically defensible.

I urge the Appeal Committee, and the Commission to consider the importance of fully completing cross-committee coordination for PCF 1617 before the proposed change is published in the code.

Following a few steps in the cross-committee coordination process is not the same as completing the process.

The review needs to be completed – and any potential issues fully resolved – in order to avoid problems when the code requirements are applied by industry and enforcement officials.

As I said earlier, when the pressure is high, it is important to make good decisions.

Thank you for the opportunity to speak to you today.