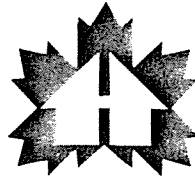


Canadian
Home Builders'
Association



Association
canadienne
des constructeurs
d'habitations

January 6, 2000

Mr. Bruce Clemmensen
Chair, Canadian Commission on Building and Fire Codes
Canadian Codes Centre, Institute for Research in Construction
National Research Council, Montreal Road
Ottawa, Ontario K1A 0R6

Dear Mr. Clemmensen:

Over Christmas I reflected further on the question of the "core objectives" of the National Building Code. These objectives are also referred to as "acknowledged" objectives and sometimes as "primary" objectives. Mention is also made of "sub-objectives". Definitions in the current Code, where the word "objectives" is used, use the expressions "to reduce the probability of" and "unacceptable/unacceptably". These expressions reflect an appropriate modesty about what building science can promise when it comes to regulating construction.

The Code, we are told, has the purpose of reducing the probability that people will be exposed to an unacceptable hazard. A standard of safety is the outcome of regulations of a technical character. Various aspects of safety, including health and fire safety, are addressed by minimum regulations for various elements of construction. The standard of safety is a reflection of these regulations as they have evolved over the years.

The Code, in and of itself, does not set minimum standards/regulations for health and safety per se. Rather, the Code regulates the technical aspects of construction in an effort to reduce unacceptable hazards to human safety. The Code is a technical document based on experience, building science and engineering expertise.

The document, "*A History of the Evolution of Building Code Document for Housing and Small Buildings in Canada*", observes:

"...the desire (was) to establish and maintain a building code based on building science and utilizing an 'engineering' approach to design"

and

It was expected to be "...an engineering-based code with limited social policy objectives"

and,

“...to implement minimum social standards for health, safety and the protection of property from fire” (emphasis added)

From the above, it is clear that the Code was not regarded as an instrument for setting social policy or, for that matter, standards for health and safety.

It can be concluded from the current Preface that the NBC has one core objective and that is safety. It fulfills this objective by regulating the technical aspects of construction to minimize the probability of unacceptable hazards to health and various aspects of safety, including fire safety. The regulations are an expression of technical experience and current technical knowledge.

The technical aspects of building performance are the Code’s mandate, and then only with respect to human safety. Human safety is the only social value (limited social objective) which underpins and justifies the Code, and then only from a building science perspective. Other social considerations, such as economic loss, protection of property, etc., are not within its domain, no more so than the expectation that it should set (rather than implement) standards of safety or health. Matters such as property protection and accessibility are dealt with in a strictly technical way and only as a commonsense extension of safety.

From the above, it can be concluded that any attempt to broaden the scope of the Code beyond its current mandate would require the development of a wholly new role and purpose for the Code — not just the addition of objectives.

What is absent is one clearly stated objective for the Code. The word “objective” is currently used to describe the purpose of a regulation(s). It is never used to describe the purpose of the Code. Such language in the Preface as “minimum regulations”, “a standard of”, “appropriate”, “requirements” are not defined and can create confusion.

To contemplate developing a list of core objectives in a situation where not one core objective has been clearly defined — although some assume otherwise — is not a promising enterprise.

The Code’s Preface, while written in a very unclear way (which does not help), does attempt to set boundaries on what the Code will address. It attempts to focus the scope of the Code on the technical aspects of building performance which affect human safety — although it does not say this precisely. The intent is to confine its content to those things about which it can speak authoritatively. The Code is not an instrument for setting social policy. Its realm of expertise and authority is building science which does not encompass matters social, psychological, cultural, economic, environmental, etc.

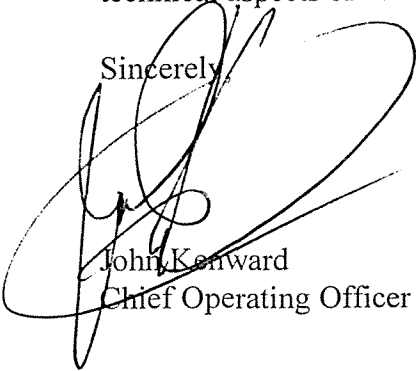
The fact that regulations have entered the Code which address purposes other than safety does not change, or provide a sound technical rationale to change, the current role and purpose of the Code — nor do they represent change in legislative authority for the Code.

It can be concluded that the existence of certain regulations should not be the basis for concocting “new core objectives” by imputing intent beyond the technical considerations these regulations are designed to address. To suggest that a technical requirement requires a new “core objective” to justify its existence because it appears not to fit the Code’s acknowledged core objectives, which are yet to be defined, does not make sense. In effect, vicarious interpretations of intent become the basis for broadening the scope of the Code into areas which are not technical in nature, and for which the Code has no mandate. There has been no demand for such intellectual gymnastics.

The challenge appears to be to define the core objective of the Code as simply and unambiguously as possible. There is no benefit in exploring the possibility of developing “new objectives” based on interpretations of what other benefits a particular regulation may have beyond its technical merit with respect to safety.

It should be found that the technical requirements which have yet to be given a home will fit quite comfortably under a commonsense building science definition of safety as it applies to the technical aspects of construction.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'John Kenward', is written over the typed name and title.

John Kenward
Chief Operating Officer