

150 Laurier Avenue W.
Suite 500
Ottawa, Ontario
K1P 5J4

T. 613 230 3060
F. 613 232 8214
E. chba@chba.ca
W. www.chba.ca

**Canadian
Home Builders'
Association**



**Association canadienne
des constructeurs
d'habitations**

April 9, 2009

Bruce Clemmensen, Chair
Canadian Commission on Building and Fire Codes
c/o Anne Gribbon, Acting Secretary
Canadian Codes Centre / National Research Council
Building M-23A
1200 Montreal Road
Ottawa, Ontario K1A 0R6

Dear Bruce:

I am writing on matters of concern to the Canadian Home Builders' Association (CHBA) regarding the Canadian Commission on Building and Fire Codes' (CCBFC) consideration of energy efficiency as a new objective of the model National Building Code (NBC).

Specifically, I want to raise the following concerns:

- 1) The current status of work by the Executive Committee related to consideration of energy efficiency as a new code objective, under the protocol for addressing new objectives in model national codes.
- 2) The importance of timely input from affected parties and stakeholders into this process.
- 3) The importance of rigorous impact analysis in relation to Step Six of the protocol, *Development of Technical Requirements*, and the need to underpin this work with proper data on current building practices.

Background

As you know, the CHBA has supported the development of a protocol for addressing new objectives in model national codes. Further, we have indicated our support for consideration of a new objective on energy efficiency, once this protocol is in place. As well, we have expressed our support for the refurbishment of the Model National Energy Code for Houses.

The CHBA's support for these measures reflects our confidence in the CCBFC's commitment to full science-driven analysis, and its adherence to a disciplined and transparent process open to all interested parties. The integrity of this process is of paramount importance to the CHBA.

1) Current Status of Work Related to Consideration of Energy Efficiency as a New Code Objective

We note that the CCBFC Executive Committee has established a Joint Task Group on Energy Efficiency in Houses (JTG – EEH) with the Provincial/Territorial Policy Advisory Committee (PTPACC).

The published Terms of Reference for the JTG – EEH (November 2008) indicate that this Group is to provide the CCBFC with a *“recommended course of action to address energy efficiency in houses such that prescriptive requirements will be available for adoption by jurisdictions by no later than 2012”*.

In reviewing the Minutes of the first meeting of the JTG – EEH, dated January 23, 2009, we note that it has agreed to *“address Step 3.1 to 3.6 of the protocol before the summer. This will ensure that the protocol has been completed.”*

As stated in the protocol, completion of Step Three, *Analysis*, is the responsibility of the CCBFC Executive Committee. It would appear that background work has been delegated to the JTG – EEH by the Executive Committee. We would appreciate your confirming whether or not this is the case. We would also appreciate your confirmation of when the Executive Committee anticipates reviewing this work and completing Step Three of the protocol.

It is also our understanding that the CCBFC may have decided to, or is currently considering, initiation of work on the protocol’s Step Six: *Development of Technical Requirements*, in parallel with other steps in the protocol process, in order to expedite matters. While in principle the CHBA has no objection to this approach, provided the required work is carried out in a fully transparent and disciplined manner, we would ask you to confirm the current status of this matter, and indicate when interested parties will be invited to participate.

We also note that the work involved in Step Six can only be conducted in an appropriate manner if the Executive Committee has established the framework required in Step Three, based on setting policy goals and measurable outcomes, and conducting a full analysis of options.

The CHBA is concerned that there is a very real risk that efforts to expedite the protocol process will result in the work to be done in Step Six preempting or predetermining the policy framework required in Step Three. We ask that you confirm that the CCBFC will take appropriate actions to avoid such an outcome.

2) The Importance of Timely Input Related to Step Three of the Protocol

In relation to Step Three, the work entailed is of critical concern to the CHBA, as it is fundamental to the integrity of the overall protocol process. In this step, a number of very

important matters must be addressed, including the definition of goals for a proposed new objective, inter-jurisdictional review, and the development and consideration of options for action. Further, the impact of each option will need to be assessed in relation to legal and enforcement implications, effectiveness and efficiency, and timelines for implementation.

In order for the residential construction industry to have confidence in the outcome of the protocol process, it must have full confidence in the work conducted during Step Three.

The CHBA wishes to be certain that it understands clearly how the protocol will be followed in relation to buildings constructed under Part 9.

Specifically, Step Three of the protocol states that the Executive Committee will analyze the request for a new objective with input from “*appropriate regulatory agencies and key stakeholders*” to determine the appropriateness of a new objective in the code.

The CHBA would appreciate clarification concerning what specific opportunities for “input” will be available to it, and others, during the JTG – EEH’s work on completing tasks under Step Three of the protocol. It is the CHBA’s expectation that provision for such engagement would be made at a point in the process where such views and knowledge would be directly relevant to the identification and consideration of all options, including non-regulatory approaches, and well before outcomes are being formulated and determined.

3) Step Six Impact Analysis

The CHBA has assumed that a full Impact Analysis will be conducted in relation to Step Six of the protocol: *Development of Technical Requirements*. As noted previously, it is our understanding that work on Step Six may be carried out concurrently with earlier Steps in the protocol.

We expect that this analysis will be consistent with the recommendations made by the Joint Task Group on Code Changes Impact Analysis (JTG – Impact Analysis, October 2007). This document notes that “*the CCBFC has mandated that proposals for change to the National Codes must be accompanied by an analysis of impact on costs and benefits and on enforcement*”. This process requires definition of costs, benefits, enforcement implications and other impacts. It also requires clear definition of the parties affected by related costs and benefits.

We note that, in its work on a refurbished Model National Energy Code for Buildings, the Standing Committee on Energy Efficiency in Buildings has initiated a large-scale survey of current building practices to support its impact analysis work. It is our understanding that, at present, this work will not include buildings falling under Part 9.

The CHBA believes that it is essential that such a survey be conducted to determine the current building practices and energy efficiency outcomes of Part 9 buildings, to support the required impact analysis in relation to houses. In the absence of such data, the conditions set down by the JTG – Impact Analysis cannot be met.

We would appreciate your confirmation that the CCBFC will direct that this research be carried out, to support proper application of the protocol, including the development of technical requirements.

Given the compressed timeframe adopted by the CCBFC for addressing energy efficiency in houses, the CHBA assumes that this required research would be initiated on a priority basis. We would appreciate your confirming that this is the case, and providing advice about the anticipated schedule for this work.

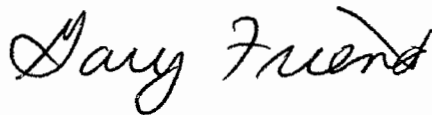
Summary

As indicated previously, in relation to consideration of energy efficiency as a new code objective, the integrity of the protocol process is of paramount importance to the CHBA.

The CHBA urges the CCBFC to ensure that the protocol is followed fully, so that the process and deliberations are fully transparent, and that all interested parties have the opportunity to be fully engaged. Given that this is the first application of the protocol, important precedents will be established. As well, consideration of energy efficiency as a code objective will, of necessity, involve complex issues that require full and thorough deliberation.

We are also mindful of the proposed schedule for completion of this task, and urge the Commission to ensure that required research to support both the application of the protocol, and the development of technical requirements related to Part 9 buildings, proceeds expeditiously.

Yours truly,

A handwritten signature in black ink that reads "Gary Friend". The signature is written in a cursive, flowing style.

Gary Friend
President

cc: CHBA Executive Board