

Joint Submission of MCAM and ECAM 2020 National Model Construction Code Adoption Manitoba Regulatory Consultation

Submitted By: Ramona Coey

February 14, 2023

BACKGROUND

In October of 2022, the Manitoba Government announced the accelerated adoption of the 2020 standards for the National Building, Plumbing, Fire and Energy Codes (the codes) thereby bypassing the 2015 editions. This came as a direct result of industry and stakeholder feedback received through the regulatory consultation process held, June 29th and August 17th. The original regulatory consultation outlined a framework adopting the 2015 editions with Manitoba amendments; amendments recommended by the Building Standards Committee prior to it being disbanded in December 2017.

As key stakeholders, MCAM and ECAM requested ongoing involvement in the stakeholder engagement and advised association members of impending changes.

In December of 2022, Inspections and Technical Services (ITS) solicited feedback regarding concerns MCAM and ECAM may have regarding the 2020 codes. ITS provided a summary of significant changes to each of the codes and attended both the MCAM and ECAM January Board of Directors meetings. Discussions at the association meetings highlighted concerns related to significant changes, national and provincial process changes in code development and intentions related to provincial amendments.

MCAM and ECAM formed a joint working group to further consider implications of the proposed changes. The discussion group included mechanical and electrical contractors, suppliers, and consultants. Primary discussion points of the working group included:

- Building Standards Board
- Manitoba Amendments
- Seismic Values
- Tiered Energy Codes
- Timing of Adoption
- Industry awareness and engagement of/with the Canadian Free Trade Agreement, National Research Council (NRC), the Regulatory Reconciliation and Cooperation Table (RCT), the Construction Code Reconciliation Agreement, the Workplan Development Process and effective engagement and advocacy with Manitoba representatives.



Mechanical Contractors Association of Manitoba

The Mechanical Contractors Association of Manitoba (MCAM) is a provincial trade association working to represent the unified voice of and provide leadership for the Mechanical Contracting Industry of Manitoba. Established in 1971, MCAM is an autonomous membership driven organization including contractor, manufacturer, supplier, design consultant, business associate and sub-trade contractor members. MCAM Contractor members reflect the diversity of the industry; union, non-union, urban, rural, service providers and constructors of residential, institutional, commercial, and heavy industrial mechanical systems within Manitoba's vertical infrastructure.

MCAM values:

- High Professional Standards
- Authentic Transparent Communication and Active Listening
- Diversity of Membership, Workforce and Leadership
- Adaptability
- Growth - Training and Education

Electrical Contractors Association of Manitoba

The Electrical Contractors Association of Manitoba (ECAM) works to unite, represent and lead the Electrical Contracting Industry in Manitoba. Established in 1957, ECAM is an autonomous membership driven organization including contractor, manufacturer, supplier, design consultant, business associate, sub-trade contractor and legacy members. ECAM Contractor members reflect the diversity of the industry; union, non-union, urban, rural, service providers and constructors of residential, institutional, commercial, industrial, low voltage and data electrical systems within Manitoba's vertical infrastructure.

ECAM values:

- Industry Diversity
- Professional Integrity
- Membership Driven

INDUSTRY RECOMMENDATIONS

1. Building Standards Board (BSB)

We appreciate the value the BSB provided to the analysis of past National Building Code Models. This critical checkpoint with industry allowed subject matter experts to advise on local building conditions and limitations. With the disbanding of the BSB in 2017, we are concerned how authentic industry engagement will take place with future models. The Construction Code Reconciliation Agreement outlines a framework for a centralized process of provincial/territorial code development. Through the disbanding of the BSB and implementation of the centralized process, the provincial government will have eliminated their opportunity for authentic engagement and consultation with Industry. ***We recommend the provincial government form an advisory panel of subject matter experts to support Manitoba representatives involved in the centralized process before and through the development of future NBC models.***

2. Manitoba Amendments

The Construction Code Reconciliation Agreement highlights the patchwork approach to construction codes across Canada as a result of variations to the national codes. We appreciate the goal of reducing these variations across Canada and the benefits of harmonization. However, this goal can not take precedence over the allowance for exceptions under the agreement. ***We recommend the provincial government form an advisory panel of subject matter experts including constructors, manufacturers, engineers and architects to support Manitoba representatives involved in identifying those variations that meet the allowances for exceptions.***

3. Seismic Values

Our membership is concerned about the changes with the Manitoba Amendments related to seismic values. The Manitoba Mechanical and Electrical design and construction community does not have the practical experience with seismic restraints and isolation of mechanical and electrical systems. Without the advantage of historic practical experience, allowances for seismic values beyond zero, will vary in interpretation, design and costing. This change has the potential to disrupt the bidding system and/or diminish Manitoba's competitive advantage in owner investment. Additionally, we are concerned how this change will be applied by inspectors with limited practical experience and the resulting potential conflict this may create with owners, consultants and constructors. We are working with Industry experts to identify if there is a value that may be considered zero although not zero. ***We recommend delaying the adoption of a seismic value beyond zero to allow for proper education of industry as well as a better understanding of the implication of the value beyond its numerical existence.***

Is there a seismic value that although not 0, is treated as zero when dealing with seismic restraints and isolation of mechanical and electrical systems.

4. **Tiered Energy Codes** – Mechanical and Electrical contractors will play a significant role in Manitoba’s built environment achieving Net-Zero by 2050. Both associations recognize the leadership role we serve in growing industry capacity. **We support the submission of the WCA.**

Conclusion

MCAM and ECAM appreciate the opportunity to be involved with the 2020 National Model Construction Code Adoption – Manitoba Regulatory Consultation. We respect and support the goals of the:

- Canadian Free Trade Agreement
- Regulatory Reconciliation and Cooperation Table (RCT)
- Construction Code Reconciliation Agreement, and
- intent of Harmonization of the construction industry.

We appreciate the time and resources staff of Inspections and Technical Services have provided Industry. We appreciate staff highlighting the process changes at both National and Provincial levels relevant to code adoption and the broader work of the RCT. Through this process we have:

- learned of legitimate pathways of advocating for industry improvements and harmonization, and
- identified a critical gap in the Provincial Governments ability to represent and respond to their constituents through timely and authentic stakeholder engagement.

Also, we appreciate the opportunity to continue working with ITS as we educate the construction community of the accelerated adoption of the 2020 standards for the National Building, Plumbing, Fire and Energy Codes.

In conclusion, we respectfully request:

1. ***an advisory panel of constructors, manufacturers, engineers, and architects be created to support Manitoba representative involved in future NBC model development and other RCT workplan items related to the construction industry.***
2. ***a delay of the adoption of a seismic value beyond zero.***

Respectfully Submitted



Ramona Coey
Executive Director, MCAM and ECAM