Incorporation by Reference of Standards in Regulations

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SCC mandate and role

- Federal Crown Corporation established in 1970
- Reports to Parliament through the Minister of Industry

**Mandate** to:
- Advise federal and provincial governments on standardization issues
- Support standardization priorities of industry and governments
- Coordinate standardization activities in Canada
- Represent Canada in international and regional forums
- **Accredit** Standards Development Organizations & Conformity Assessment Bodies
- **Approve** National Standards of Canada
SCC’s Accreditation Role

• SCC accredits:
  – Standards development organizations (SDOs)
  – Conformity assessment bodies (CABs)

• Verifies competence:
  – People, expertise, resources and equipment to carry out specific tasks

• SCC accreditation programs are increasingly referenced in regulations to manage compliance
SCC Accredited Standards Development Organizations (SDOs)
How standards are developed

Multi-stakeholder/Country Participation
- Regulators, Industry, Civil Society, Consultants, Academics etc.

Consensus-based Decision-making
- Deliberate, rules-based process.
  - “Substantial agreement …implies much more than a simple majority, but not necessarily unanimity.”
- Double-level (stakeholders, countries) at ISO.

Transparent and Inclusive
- Public, member body review of drafts

Current
- Standards have to be reaffirmed, revised or withdrawn every 5 years
Conformity Assessment Bodies

SCC accredits 440+ clients in Canada and abroad
International standards and accreditation programmes

- Reflect global supply chains
- Facilitate access to new markets
- Can reduce barriers to trade and support alignment between regional partners
- Help governments achieve Good Regulatory Practice (GRP)
- Reduce time and costs to develop and implement rules
- Standards include views of interested parties (e.g. regulators, industry, consumers, academics etc.)
### Overview of key standardization trends in 2014

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>Trend</th>
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<tbody>
<tr>
<td>Number of Canadian standards</td>
<td>3,780</td>
<td>3,482</td>
<td>2,973</td>
<td>2,940</td>
<td>2,901</td>
<td>↓</td>
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<tr>
<td>Number of standards maintained by key international standardization organizations (ISO, IEC, ITU)</td>
<td>26,943</td>
<td>27,958</td>
<td>28,869</td>
<td>30,358</td>
<td>30,334</td>
<td>↑</td>
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<td>Percentage of unique domestic National Standards of Canada approved by SCC</td>
<td>N/A</td>
<td>39%</td>
<td>33%</td>
<td>31%</td>
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<td></td>
</tr>
<tr>
<td>Number of active ISO, IEC, ITU technical committees</td>
<td>988</td>
<td>984</td>
<td>993</td>
<td>989</td>
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<td></td>
</tr>
<tr>
<td>Number of Canadian volunteer members participating in international standards development committees</td>
<td>2,648</td>
<td>2,758</td>
<td>2,619</td>
<td>2,628</td>
<td>2,849</td>
<td>↑</td>
</tr>
<tr>
<td>Number of federal government representatives participating to ISO/IEC/ITU international standardization activities</td>
<td>378</td>
<td>401</td>
<td>371</td>
<td>349</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>
Trends in standardization

- Growth in standardization activities regionally and internationally with significant number of new work items being approved
- Shrinking number of Canadian standards
- “Hollowing out” of technical expertise required to keep Canadian standards up to date
- High proportion of outdated references in federal and provincial/territorial regulations (regulations not keeping up with latest edition of standards)
- Significant interest/efforts to align standards between jurisdictions
Implications for Canada

- Standardization is recognized worldwide as a key driver of economic growth, a valuable tool for public policy and a credible framework for rule-making.
- Standards development in Canada alone is not enough to meet the demands of the rapid introduction of new and diversified technologies.
- Canada must maximize the limited resources it is investing in standardization to ensure market influence in areas of strategic importance to its economy.
Setting Standardization Priorities

• SCC is engaging governments and industry in a sustained dialogue on Canada’s standardization priorities and goals to:
  – move from the current ad-hoc, bottom up approach to a more balanced one that also establishes high level strategic priorities
  – optimize resources invested in standardization nationally, regionally and internationally
  – streamline governance mechanisms
  – agree on meaningful metrics and performance outputs
Supporting federal/provincial-territorial (FPT) government priorities

• Federal departments/agencies:
  – ADM Committee on Standardization
  – Annual standardization priorities and goals
  – Update critical standards in federal regulations
  – Find alternative standards to fill existing gaps
  – Focus on Red Tape Reduction Commission and Regulatory Cooperation Council commitments
  – Improve resiliency of infrastructure in the North

• Provincial-territorial (PT) governments:
  – Support Provincial Territorial Advisory Committee (PTAC) and other bodies
  – Facilitate PT dialogue on standardization priorities
  – Streamline FPT standards governance
  – Work on common standards to support upcoming regulations
6,000+ references to standards in FPT regulations

**Organic Agricultural Products Regulation**, Man Reg 51/2013, (Organic Agricultural Products Act)

**Vehicle Standards Regulations**, PEI Reg EC856/72, (Highway Traffic Act)

**Standards experts. Accreditation solutions.**
Status of standards in federal regulations (May 2014)

SCC is monitoring 1,000+ references to standards in 102 Canadian federal regulations maintained by 15 federal government departments and agencies:

- Domestic (39%)
- Regional / NA Harmonized / US (37%)
- International (24%)
Why monitoring standards benefits regulators

- Staff reviews / analyzes data, generates records, reports & tracks updates
- Regulators enabled to detect, address and prevent issues as part of gov’t plan and priorities
- Tool auto-searches and displays matches to SDOs
SCC’s Monitoring Standards in Regulations (MSR) Database

**web-based** tool custom designed by Lexum

**automates** part of SCC’s monitoring of standards in Canadian federal and P/T regulations

access managed exclusively by SCC
SCC’s MSR Database (cont.)

- automatically parses regulations by applicable SDO (by acronym)
- comprehensive research based on CanLII data

*NOTE: CanLII (Canadian Legal Information Institute) offers public access to laws and regulations from all Canadian jurisdictions.
Duplicative Certifications: Example of a Water Heater

For Canada:
A water heater and its components must comply with elements of the following standards:
- CSA B140
- CSA B51
- CSA B125/ASME A112.8 (HARMONIZED)
- CSA B139
- CSA B149
- CSA B64
- CSA B4.1/ ANSI Z21.10 (HARMONIZED)
- CSA B4.4-M99/ Z21.22 (HARMONIZED)
- CSA B 140
- CSA C.22.2
- CSA C309-M90
- ANSI Z535.4
- ASME 1016 & 1017
- ASTM A123M-00
- ULC S636
Challenges for Federal and P/T Regulators

• Establish baseline data about standards in regulations and incorporation by reference approaches

• Manage outdated references/standards

• Compare standards, codes and certification requirements between jurisdictions
  – Pre-requisite for alignment/harmonization efforts

• Identify areas where standards alignment can be achieved

• Set standardization priorities for new standards and conformity assessment solutions to support
  – Current and emerging regulatory needs
  – Economic development strategies
Questions/comments?