



Safety Codes Council

MINUTES OF THE FOURTH FIRE SUB-COUNCIL MEETING OF 2021

- DATE:** September 16, 2021
- TIME:** 9:00 a.m. to 1:05 p.m.
- LOCATION:** videoconference
- PRESENT:** **Sub-Council Members**
Michael Bos, Chair
Cameron Bardas
Allan Blatz
Richard Friesen
Robbin Foxcroft, Vice Chair
Mark Heiderich
Cammie Laird
Hunter Langpap, Vice Chair
Glenn Baxter
Stephen Suen
Marc Royer
Chris Taylor
Payman Montakhebi
- Safety Codes Council**
Allison Karch, Kathryn Derkach
- Alberta Municipal Affairs**
Tina Parker, Cindy Yan, Paul Chang, Liz Gillean, Njeri Mbajjorgu (for item 4.1 only)
- REGRETS:** Joseph Davis, John Penzo
- GUESTS:** Corey Klimchuk, BSC Liaison; Laura Stewart, Alberta Agriculture & Forestry (for item 4.1. only)
- RECORDER:** Allison Karch
- 2021 MEETINGS:** November 25

1. Meeting Opening

The Chair called the meeting to order at 9:00 a.m. A round table introduction was held and members were reminded that their primary duty is to act in the best interest of safety in the built environment for the benefit of all Albertans.

1.1 Agenda Adoption

Marc Royer / Robbin Foxcroft moved that the agenda be adopted, as circulated, with a flexible order of business; CARRIED

1.2 Adoption of the May 20, 2021 Minutes

Robbin Foxcroft / Cameron Bardas moved to adopt the minutes of the May 20, 2021 meeting, as circulated; CARRIED

2. Matters for Decision

Marc Royer / Robbin Foxcroft move to enter closed session: CARRIED

Marc Royer / Glenn Baxter moved to leave closed session: CARRIED

2.1. Vice Chair South Election

It was explained that the vice-chair election must be held every two years but there are no limits upon how many terms a member can serve as vice-chair.

The Chair called for nominations from the floor and Robbin Foxcroft was nominated. After three calls with no further nominations, ***Robbin Foxcroft was appointed Vice Chair South by acclamation.***

2.2. Matrix Review

The matrix was included in the portal and reviewed. It was clarified that the Fire Sub-Council has not received any requests for representation.

Payman Montakhebi / Chris Taylor moved that the matrix has been reviewed and remains appropriate; CARRIED

2.3. Skills Matrix Review

The skills matrix was included in the portal and reviewed. It was noted that it's beneficial to review these documents periodically.

Richard Friesen / Cameron Bardas moved that the skill matrix has been reviewed and remains appropriate; CARRIED

3. Review Matters Arising/Action List

	Item	Action	Date Initiated	Responsible	Status/Update
1.	Qualified Persons Registry (E.2.06.11)	Communicate status of registry	Nov 23/16	Orr	No update available
2.	Farm Buildings	Administrator will provide updates on farm building issues as they arise.	Jan 21/21	Parker	No update available; AMA has not yet received direction from Minister. The Administrators will provide an update at the next BSC and FSC meetings or sooner by email if possible.

4. Matters for Discussion

4.1. Wildland Urban Interface Fire Risk Presentations

Njeri Mbajjorgu of Alberta Municipal Affairs and Laura Stewart of Alberta Agriculture & Forestry were welcomed to the meeting. Both of these presentations will be posted in the Portal.

Laura Stewart presented an overview of FireSmart Alberta and the National Guide for Wildland Urban Interface (WUI) Fire. Highlights included the following:

- FireSmart Alberta was established in 2020 based on recommendations from several wildfire reviews in Alberta indicating a proactive approach is needed to what appears to be a worsening problem with wildfires in Alberta.
- The initiative is collaborative as no one agency, person, project or action can reduce wildfire risk completely.
- Seven disciplines: Education, Emergency Planning, Vegetation Management, Inter-agency Cooperation, Cross Training, Development, and Legislation
- Reducing Home Ignitions: structural modifications and vegetation modifications together can reduce risk by 70%.
- More than half of homes destroyed by wildfires are ignited by embers that can travel on wind, most homes are lost due to using exterior materials vulnerable to fire (highly combustible roofing, etc)
- Climate change is expected to increase wildfire ignitions 75% during the life of new buildings built today, making adaptation more urgent.
- National Guide for WUI Fire, released recently by NRC: Provinces and territories have been asking for this. The guide has 4 core elements:
 - Hazard and exposure factors (vegetation, topography, weather, historical conditions, effects of climate change): this allows for different levels of rigour to a urban home to a home in the forest. A matrix was created based on level of exposure and indicates a corresponding construction class.
 - Property factors (Priority Zones, construction materials, property perimeter, building access, presence of on-site fire protection measures)
 - Community Planning and Resources (community size, type and configuration, access routes, population, community vulnerability, firefighting resources)
 - Emergency Planning and outreach (community emergency plans, evacuation procedures, public outreach activities)
- Barriers to FireSmart development in Alberta include:

- the fact the guideline is not code, but is intended to inform and support municipal land use legislation and implementation.
- lack of financial resources, and technical and legal information
- Education and communications strategy could remedy many perceived barriers.
- Next steps: there is a need to form a provincial working group to review and recommend the best approach—Municipal Affairs and Agriculture & Forestry are working together to form this group, which will help define how to best use this guide in Alberta.

A question was asked about cooperation from or impact on the insurance industry and it was explained that there has been little involvement from the insurance industry to date. It was recognized that incentivizing homeowner action is missing link and FireSmart is exploring an insurance discount for homeowners. It was noted that insurers are open to sharing the message with clients.

Njeri Mbajiorgu presented about FireSmart legislation. Highlights included the following:

- Framing the issue includes clarifying the urgency of this initiative and the value of land use planning. Municipalities are underutilizing land use planning to address wildfire risk on private land, despite evidence that it is an important tool to address WUI fire risk.
- The highest density of WUI is in the Maritimes; Alberta is the 4th-highest province for total WUI area; Alberta has highest area of Wildland-Industrial Interface.
- An overview was given about the various pieces of legislation that are involved:
 - Land Stewardship Act—regional plans are developed under this Act.
 - Municipal Government Act (MGA)—allows for land-use bylaws.
 - City Charters can include climate change adaptation plans.
 - Forest protection is under the Forest and Prairies Protection Act.
 - Emergency Management Act and Safety Codes Act may also come into play.
- An example was given of the South Saskatchewan Regional Plan which has wording that indicates municipalities are expected to minimize potential conflict of land use with in and adjacent to areas prone to flooding, erosion, subsidence, or wildfire.
- The MGA gives municipalities lots of autonomy over land use planning—plans are not approved by the province. All municipalities must adopt land use bylaws, which are powerful tools to regulate the use and development of parcels of land and which need to be revisited to make sure alignment with legislation continues.

A challenge was identified in regards to Section 66.1 of the Safety Codes Act, which some municipalities interpret to mean that they may not make bylaws about fire protection for buildings and building materials (ie. non-combustible roofing and cladding) because those are regulated by the building code. It was clarified that this section of the Safety Codes Act should not be an impediment to a municipality implementing FireSmart principles in their bylaws, and this points to a knowledge and awareness gap among municipalities. This has been identified as a perceived barrier in the past and there may be an opportunity to revisit it.

It was suggested there may have been a misunderstanding between municipalities and Municipal Affairs, because some municipalities have been given the impression they may not use a land use bylaw to limit builders to use certain non-combustible materials even if they are listed in the code. Municipal legal teams have also given the opinion that there is nothing in the MGA that allows municipalities to restrict building materials for the purposes of managing wildfire risk. It

was suggested that a formal interpretation about this may clarify the issue for municipalities without any legislative changes being needed.

The Building Administrator will work with the presenters and others at Municipal Affairs to address any confusion about Section 66.1 of the Safety Codes Act with respect to FireSmart. [Chang]

Architectural controls for aesthetic purposes and restrictive covenants were discussed. It was noted that the MGA, through land use bylaws, gives authority for architectural controls and the Land Stewardship Act and Societies Act also come into play with restrictive covenants. An example was shared from one municipality in which the advice from their legal team was that architectural controls under land use bylaws had passed but would not hold up if challenged, and on that basis the municipality did not make any changes to their land use bylaw to require non-combustible building materials for WUI fire risk mitigation.

The Fire Administrator highlighted that the guidance document, National Guide for Wildland Urban Interface, and all the enforced Codes were issued by the same organization – National Research Council. As such, the WUI guide does not contradict anything written within the National Building Code.

This item will be added to the next agenda for further discussion. [Council Administration]

4.2. Working Group Reports

4.2.1. Code Review

A working group report was posted in the Portal. The following was discussed:

- The group has met once since the last FSC meeting
- Almost 100 items were identified as possible topics for development of a code change request to NRC. The group's current focus is on narrowing down this list.
- The group is targeting the next code cycle for most code change requests.
- The group will meet prior to the next FSC meeting to develop a shortlist of code change requests that could be submitted more quickly to potentially be implemented in this code cycle.
- The Fire Administrator will also be engaging with the Albert Fire Marshal's Guild on how they can propose code changes to NRC.

4.3. BSC Liaison Report

There is no update because there hasn't been a BSC meeting since the last FSC meeting.

It was reported that Rick Gratton will attend the next FSC meeting as the BSC Liaison and a question was asked about the practice of rotating liaisons versus having one consistent liaison. It was felt that a diversity of perspectives can be a good thing and Council staff can help provided consistency where it's needed.

4.4. Administrator/AMA Report

The Administrator reported:

- Legal teams for the Ministries of Health and Municipal Affairs are meeting to discuss inspection components of residences that fall under SLALA (Supportive Living Accommodation Licensing Act); further updates will be provided as available.
- AMA is seeing an increase in inquiries related to the Alberta Energy Regulator's Directive 55 (Storage Requirements for the Upstream Petroleum Industry) and the NFC(AE), including comments about water supply, permitting, and fuel tanks. The Administrator will reach out to the accredited corporation's representative on the sub-council as well as ASCA and the Fire Marshals Guild to assess what is happening in industry and why AMA is receiving these kinds of inquiries. An update will be provided at a future meeting.

4.4.1. Occupant Load Draft STANDATA

The draft was included in the portal and reviewed, and the floor was opened for comments and suggested changes. Feedback included:

- Some felt that the continued existence of dual definitions for occupant loads adds confusion to an already confusing topic.
- Moving into harmonization with the National Fire Code is believed to be a good path.
- A question was asked about whether AHJs can continue with their current processes and it was noted that this is an Interpretation STANDATA; the interpretation from MA is that this is the path that should be followed but it was recognized that jurisdictions may choose not to follow it.
- It was felt that owners would benefit from additional clarity that both the building and the fire code occupant load calculations apply, and the lesser number will be the occupant load that the owner will have to abide by.
- Adding a reminder that a fire (operational) occupant load is operationally driven so if you change the layout, large furnishings, or use of a space you could be subject to a different occupant load.
- A cut-off date for the STANDATA was suggested—once the next code comes in, the STANDATA would consist of only the last half of the current draft.
- Outdoor spaces were mentioned as a topic where occupant loads are needed but it may not be appropriate to apply the building code. This may be a topic for a separate STANDATA.
- How can collaboration between the building and fire disciplines within municipalities be encouraged?

This draft will be taken to the next BSC meeting as well as the Fire Marshal's Guild for comments and a final draft will be brought to a future FSC meeting. [Parker]

4.4.2. Overnight Childcare STANDATA

The Administrator reported that this STANDATA was developed in consultation with the Ministry of Children’s Services, the City of Edmonton, and the City of Calgary. Due to recent changes to child care regulations allowing for overnight care, issuance of this STANDATA was a priority and, because of the timing of meetings, a draft was not able to be provided to BSC and FSC in advance of publication.

Glenn Baxter/ Richard Friesen move to support the issuance of the Overnight Childcare STANDATA; CARRIED.

4.5. Council Updates

A written report was included in the portal and the following updates were provided:

- Meeting location/delivery
 - Council leadership has approved a hybrid approach in which approximately half of a sub-council’s meetings will be held in person and the rest virtually.
 - It is anticipated that the first in-person meetings will be held in April/May 2022, but this is subject to change depending on the pandemic situation at that time.
- The Council AGM will be held virtually the afternoon of October 29, 2021
 - An online awards program and volunteer appreciation event will follow
 - A calendar invitation with meeting link and more details will be sent shortly
- Council staff anticipate returning to the office on December 6, 2022
- Professional Development for Members – please contact Gerry Letendre to register
 - New Member Orientation: Tuesday November 9, 9:00 am – 12:30 pm
 - Effective Meetings Workshop: Wednesday, October 20 and Thursday, October 22, 8:30 am – 12:30 pm (must attend both days)
 - Appeals Training Workshop: Wednesday, October 27 and Thursday, October 28, 8:30 am – 12:30 pm (must attend both days)

4.2.1. 2022-2023 Meeting Dates

Proposed dates were included in the portal and reviewed. The proposed dates of March 17, 2022, and March 16, 2023, will be switched to March 3, 2022, and March 2, 2023. Council staff will confirm the meeting dates at the next meeting. [Council Administration]

5. Meeting Finalization

5.1. Round Table

- There is a class-action lawsuit being brought against insurance companies regarding business interruption losses due to the COVID-19 pandemic.
- Noncompliant fire extinguishers previously found in the fuel bars of a major retailer have been removed from all Lethbridge locations. There is no update available on other locations in the province. An update on this topic will be forwarded to the Fire Marshals Guild.
- Carcinogenic chemical flame retardants that pose a health risk to firefighters are being phased out after an action plan to review and research this topic.

- The firefighter safety objective is being incorporated into the 2020 national building and fire codes; this is good news to provide for firefighter safety and because it assists with the ability to issue alternative solutions on this topic.
- Maintenance of systems in unused buildings is topic of interest for BOMA.
- The petroleum industry representative reported that harmonization of chemical labeling is occurring.
- Pop-up patios in the City of Calgary are being reviewed as some impeded egress. Further information is being sought from engineers about exiting in an emergency.
- ABOA has cancelled meetings due to the pandemic and is holding a virtual AGM on September 24, 2021.
- A resolution about fire services acting as back-up when EMS is overloaded is being brought to the RMA conference in November, put forward by Wheatland County and seconded by Clearwater County.
- The architecture representative reported that he is planning to retire in the near future.

5.2. Next Meeting

The next meeting was reconfirmed for 9:00 a.m. on November 25, 2021, via videoconference.

5.3. Meeting Adjournment

The meeting was adjourned at 1:05 p.m.

– NEW ACTION ITEMS –

4.1. Wildland Urban Interface Fire Risk Presentations

The Building Administrator will work with the presenters and others at Municipal Affairs to address any confusion about Section 66.1 of the Safety Codes Act with respect to FireSmart. [Chang]

This item will be added to the next agenda for further discussion. [Council Administration]

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– MOTIONS –

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2.3. Skills Matrix Review

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4.4.2. Overnight Childcare STANDATA

Glenn Baxter/ Richard Friesen move to support the issuance of the Overnight Childcare STANDATA; CARRIED.

– WORKING GROUP MEMBER LISTS –

WORKING GROUP	WORKING GROUP MEMBERS (<u>Chair</u>)
Code Review	<u>Chris Taylor</u> Marc Royer, Glenn Baxter, Hunter Langpap Municipal Affairs: Cindy Yan