



Standards Council of Canada
Conseil canadien des normes



Key Considerations in the Development and Use of Standards in Legislative Instruments

*Understanding the Partnership of the Regulatory
and Voluntary Standards Systems*

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National Standards System (NSS) Guide

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FOREWORD

The Standards Council of Canada (hereinafter referred to as "Council" or "SCC") is a Crown Corporation established by The Standards Council of Canada Act of Parliament in 1970, and as amended from time to time, to foster and promote voluntary standardization in Canada. It is independent of government in its policies and operations, although it is financed partially by Parliamentary appropriation. The Council consists of members from the government and private sector.

SCC's mandate is to promote the participation of Canadians in voluntary standards activities, promote public-private sector cooperation in relation to voluntary standardization in Canada, coordinate and oversee the efforts of the persons and organizations involved in the National Standards System (NSS), foster quality, performance and technological innovation in Canadian goods and services through standards-related activities, and develop standards-related strategies and long-term objectives.

The NSS is Canada's network of people and organizations involved in the development, promotion and implementation of standards. Through the collaborative effort of the NSS partners, Canadian standards help advance the social and economic well being of the country and safeguard the health and safety of Canadians. The NSS partners includes over 350 organizations and 15,000 individuals, many of which are volunteers. The SCC coordinates and oversees the efforts of the NSS.

The SCC promotes efficient and effective voluntary standardization in Canada in order to advance the national economy, support sustainable development, benefit the health, safety and welfare of workers and the public, assist and protect consumers, facilitate domestic and international trade and further international cooperation in relation to standardization.

The SCC serves as Canada's focal point for voluntary standardization, and represents Canada in national, regional and international standardization activities. It sets out policies and procedures for the development of National Standards of Canada, and for the accreditation of standards development organizations, of certification bodies, of calibration and testing laboratories, of quality management systems registration bodies, and of environmental management systems registration bodies, and promotes and supports the principle of recognition of accreditation or equivalent systems.

Requests for clarification or recommendations for amendments to this document, or requests for additional copies, should be addressed to the Manager, Standards Governance, Standards Council of Canada, Suite 200, 270 Albert Street, Ottawa, Ontario K1P 6N7.

PREFACE

The National Standards System (NSS) provides the baseline requirements for Standards Development Organizations (SDOs) in Canada. For regulated areas however, additional considerations and guidance are needed to meet the expectations of policy and regulatory decision makers. This guide provides key considerations for standards developers and regulatory authorities to ensure the successful use of standards within legislative instruments (federal, provincial/territorial, municipal). By successful, we mean a standard which is developed and written with the regulator needs in mind, and a standards referencing process which is built upon an understanding of the National Standards System opportunities and limitations as a way to support the standards used in regulation.

This guide is based upon lessons learned in the development and use of standards in legislative instruments, however, each regulated area may have its unique requirements and needs. A standard prepared in accordance with this guide improves the likelihood, but does not necessarily ensure its adoption or use by regulatory authorities. Regulatory authorities always have the right to accept or reject standards for use in regulation.

This guide is not intended to be used for auditing SDOs or their products.

The incorporation by reference of standards in legislative instruments is a method of drafting a code or regulation in such a way that a detailed statement of technical requirements is replaced in the text of the code or regulation by a reference to one or more standards, or to the relevant parts thereof. The use of standards in regulation is supportive of a number of government policies and obligations such as the North America Free Trade Agreement, the World Trade Organization Technical Barriers to Trade Agreement, inter-provincial trade agreements, etc.

Regulation in Canada is achieved by a variety of processes and authorities. Some regulations are done by codes which are made mandatory by law either at the federal or provincial/territorial level. All codes, however, are not regulations. Some may be published and used by general agreement and are considered guides. In some instances, regulations may reference the same standards or requirements but cover different purposes. Other regulation is done at the local or municipal level and can be the referencing of codes, standards or practices. It is possible therefore, that various regulators may wish to avail themselves of a standard by reference and apply such a standard in different ways.

There are six (6) sections to this guide. Section 1 covers the scope. Section 2 provides definitions. Section 3 provides some general principles of the National Standards System. Section 4 provides guidance on the standards development process. Section 5 provides guidance to the regulatory adoption process. Section 6 provides recommendations on maintenance. Annex "A" provides an overview and references to additional sources of information for the standards developer and the regulator.

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KEY CONSIDERATIONS IN THE DEVELOPMENT AND USE OF STANDARDS IN LEGISLATIVE INSTRUMENTS: UNDERSTANDING THE PARTNERSHIP OF THE REGULATORY AND VOLUNTARY STANDARDS SYSTEMS

1. SCOPE

- 1.1 This guide provides assistance to standards development committees and regulatory authorities in developing standards for reference in legislative instruments.

2. DEFINITIONS

- 2.1 For the purpose of this document, the following definitions shall apply. Other definitions are found in ISO/IEC 17000 and ISO/IEC Guide 2 .

- 2.2 Accreditation: third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks. Where such accreditation has been accorded by SCC, the organization so accredited is a component of the National Standards System (NSS).

- 2.3 Consensus: general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

NOTE: Consensus need not imply unanimity.

- 2.4 Legislative Instrument: Any instrument, act, statute, or regulation made in the execution of a legislative power conferred by or under the authority of a governing body.

- 2.5 Maintenance: the action by a standards development committee of reviewing a standard which results in reaffirmation, amendment, publication as a new edition or withdrawal.

- 2.6 National Standard of Canada (NSC): a standard prepared or reviewed by an accredited standards development organization and approved by the Standards Council of Canada according to the requirements of CAN-P-2.

NOTE: The term "National Standard of Canada" has been registered by the Standards Council of Canada under the Trade Marks Act.

- 2.7 National Standards System (NSS): an association overseen by the SCC, of the accredited Canadian standards-development organizations, certification, calibration, testing, and management systems registration bodies, and, the Canadian committees for international standardization. The NSS is Canada's network of people and organizations involved in standardization activities.
- 2.8 Reference to Standards (in regulations): reference to one or more standards in place of detailed provisions within a regulation.
- NOTE 1: A reference to standards is either dated, undated or general, and at the same time either exclusive or indicative.*
- NOTE 2: A reference to standards may be linked to a more general legal provision referring to the state of the art or acknowledged rules of technology. Such a provision may stand alone.*
- 2.9 Regulator: any federal, provincial, municipal or other government body, or body/authority designated by a government responsible for regulating the acceptability, manufacture, sale or use of the subject products, materials or services and those enforcing these rules and regulations.
- 2.10 Regulatory Authority: authority that is responsible for preparing or adopting regulations.
- 2.11 Regulation: document providing binding legislative rules, that is adopted by an authority.
- 2.12 Standard: a document, established by consensus and approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at achievement of the optimum degree of order in a given context.
- NOTE: Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits.*
- 2.13 Standards Development Committee: a committee responsible for developing, approving, and maintaining the technical content of a draft or published standard in accordance with the policies and procedures of the standards development organization.
- 2.14 Standards Development Organization (SDO): a Standards Council of Canada accredited organization that assumes (or accepts) responsibility for the development, approval, preparation, publication and maintenance of standards.
- 2.15 Second Level Review: a second level of review, administered by the SDO, to ensure compliance with procedures of the standards development process up to the end of the Standards Development Committee approval stage.

3. GENERAL PRINCIPLES OF THE NATIONAL STANDARDS SYSTEM

- 3.1 Increasing regulatory confidence in standards is critical to the overall social utility of the standards world. Standards only have value if they are used. When a standard is incorporated into a regulation, it is being utilized at the highest possible level and becomes part of the overall technical and social infrastructure of the jurisdiction(s) concerned.
- 3.2 In Canada, only SCC accredited standards development organizations may submit standards to SCC for approval as National Standards of Canada. CAN-P-1, Accreditation of Standards Development Organizations, provides the SCC accreditation requirements. CAN-P-2, Criteria and Procedures for the Preparation and Approval of National Standards of Canada, provides the SCC requirements for accredited SDOs for the preparation and submission of standards which will be designated as National Standards of Canada. For the preparation of all standards by an accredited SDO, whether or not these are submitted to SCC for approval as National Standards of Canada, the SDOs' accredited procedures under CAN-P-1 must be followed.
- 3.3 Some advantages for a regulatory authority referencing standards developed within the National Standards System include:
- (a) the standards have been developed by balanced committees of all relevant interests, employing the principles of consensus;
 - (b) the standards have undergone a public review process as well as a "second level review" by the SDO prior to publication;
 - (c) the standards are maintained and reviewed at appropriate intervals to ensure current technological developments are incorporated;
 - (d) the commercial needs of producers, users, and other interests are addressed at the development stage, thus ensuing regulations referencing these standards are more amenable to commercial acceptance; and,
 - (e) the standards address the national public interest by considering to the extent possible as appropriate to the subject of the standard, how it advances the national economy, supports sustainable development, benefits the health, safety and welfare of workers and the public, assists and protects consumers and facilitates trade.

3.4 The preparation and approval of standards as National Standards of Canada is an important objective of the National Standards System. The accreditation of standards development organizations includes their activities leading to the publication of National Standards of Canada as well as other documents prepared using the consensus process. In preparing these other documents, standards development organizations are urged to comply with the criteria established for developing National Standards of Canada given that the process offers the following advantages:

- (a) National Standards of Canada are normally published in both official languages;
- (b) the process for developing National Standards of Canada is subject to an additional independent review by the Standards Council of Canada to ensure that it meets SCC's criteria for each standard submitted; and,
- (c) National Standards of Canada are consistent in regard to quality and identity.

4. **GUIDANCE ON THE STANDARDS DEVELOPMENT PROCESS**

4.1 **CONSIDERATIONS FOR THE STANDARDS DEVELOPMENT COMMITTEE**

- 4.1.1 The effective development of a standard suitable for incorporation by reference in a legislative instrument requires that a cooperative effort between the regulatory authority and the standards development committee be established from the outset.
- 4.1.2 The standards development committee should be aware of the views of the regulatory authority with respect to the scope of the standard and its expected date of completion.
- 4.1.3 Representatives of interested regulatory authorities should be active participants on the standards development committee. If for reasons of balance, time, or distance this is not possible, they should be associate or corresponding members who can make comments and provide input.
- 4.1.4 Depending on the nature and complexity of the work of the standards development committee and the number of regulatory authorities involved, it may be advisable to establish an appropriate mechanism for coordination with all interested parties. For example, coordination with a range of regulatory authorities could be achieved by correspondence and through report sharing which is made simple and effective with current technology.
- 4.1.5 Should a standards development committee become aware of a requirement which is beyond the scope but related to, or considered essential to, a broader aspect of the subject under consideration, the standards development committee should refer the issue to the appropriate body, such as other standards or code committees or a regulatory authority so that the matter can be resolved.

4.2 THE CONTENT OF THE STANDARD

- 4.2.1 The body of a standard for reference in legislative instruments should contain only those requirements considered essential for regulatory reference.
- 4.2.2 A standard intended for regulatory reference as well as for marketplace needs should be drafted to facilitate this separation whenever possible.
- 4.2.3 Requirements should be divided into distinct, consistent and easily identifiable sections to facilitate their incorporation by reference in codes and regulations. This permits selected sections to be separately identified in a code or regulation when only part of the standard is referenced.
- 4.2.4 References to certification or administrative requirements relating to conformity assessment, marks of conformity and other non-technical issues, including promotional material, should not be included in the normative content of a standard. These requirements typically use terms such as "approved", "approval", "accepted", "acceptable", "certified", "listed" and "registered" and imply acceptance, endorsement, certification or listing by a regulatory authority or its appointee. Such requirements may be included in the preface, notes to the preface, foreword, or informative annexes.
- 4.2.5 A standard should not specify any date for enforcement of a standard to be referenced in a legislative instrument. The enforcement date is an administrative requirement determined by the regulatory authority.
- 4.2.6 The language for a standard to be used in regulation should be clear, direct and precise. A standard written in language which "recommends" is not likely to be suitable in a regulation if failure to comply could result in prosecution.
- 4.2.7 Each specific requirement of a National Standards of Canada should be stated unambiguously using wording that is logical, valid and specific. In particular,
- (a) terms such as "adequate", "adversely affected", "sufficiently strong", and "extreme conditions", should be avoided;
 - (b) qualitative adjectives and nouns that could be taken as absolute should not be used unless defined. Examples include "waterproof", "unbreakable", "flat", and "safe";
 - (c) qualitative adjectives and nouns that describe a measurable property should not be used unless defined. Examples include "high", "strong", "transparent", and "accurate"; and,
 - (d) the term "unless otherwise specified" should not be used, except when the "other specification" is clearly identified in the standard.

- 4.2.8 If a standard is to repeat requirements stated in another standard, the repetition should be by specific reference and clearly indicate the referenced version. The use of the term "latest issue" should be avoided unless it has been carefully thought out and decided by the standards development committee that there are valid reasons to do so.

5. GUIDANCE TO THE REGULATORY ADOPTION PROCESS

5.1 ADVANTAGES OF REFERENCING STANDARDS IN REGULATIONS

- 5.1.1 When a standard is available and it allows the achievement of a regulatory objective by reference, it can provide some of the following advantages:
- (a) Fulfills the Need: the process of developing a standard in a consensual manner, which takes into account various interests, supports a solution that is likely to meet the expectations of the majority of the stakeholders addressed by the regulation.
 - (b) Verification: a standard which lends itself to 3rd party certification enhances confidence in a product or a system and provides the necessary positive support for a regulatory requirement.
 - (c) Effectiveness of Requirements and Access to Expertise: a standard may represent the sum of the knowledge of a broader expert pool than the one which the regulatory authority has access to.
 - (d) Uniformity of Requirements: a standard produced in collaboration with representatives of several jurisdictions of regulatory authorities results in more uniform requirements, eliminating unnecessary trans-border barriers and favouring the exchange of good and services.
 - (e) Marketplace Compliance: by referencing standards which bring together marketplace and regulatory input, the likelihood of market compliance increases, thereby reducing the oversight burden.
 - (f) Efficiency: If manufacturers are using the same tool to meet market needs and regulatory needs it will be more effective and efficient where both are concerned.
 - (g) Resource Savings: referencing a standard which contributes to the objective of the regulation is likely to save significant resources. This saving can be examined in light of costs associated with participation by the regulatory authorities in the standard development process.

5.2 METHODS OF REFERENCING STANDARDS

5.2.1 The method of referencing standards in regulations usually employs one of the following preferred variations:

(a) Dated Identification (Referencing a Specific Issue of a Standard): This is the most restrictive reference, used when a specific issue of a standard is intended, and future amendments and editions are excluded. Such references should include a date of issue or edition number of the standard. For example:

- Date of Issue: "The Good Standards Association CAN/GSA XYZ 1979, Laminated and Tempered Safety Glass." (Hazardous Products Act. Safety Glass Regulations. CRC c. 933 Sec. 3)
- Edition Number: "Tank cars shall not be unloaded after sundown unless the unloading rack, tank car dome and other areas of activity on the unloading site are adequately lighted by permanent flood lights, installed and otherwise in conformity with the provisions of the Good Standards Association Standard XYZ -1986, Canadian Electrical Code, Part I, Eighth Edition." (National Transportation Act, CRC c1147 Sec. 38)

(b) Dated Identification (Referencing a Specific Issue of a Standard Including Future Amendments): This type of reference incorporates a specific issue of a standard and includes all future amendments to that specific issue, but excludes new editions. Such references should include the date of the specific issue of the standard with the addition of the preferred phrase "as amended from time to time". For example: "Good Standards Association Standard CAN/GSA XYZ - 1982, Standard Methods of Fire Endurance Tests of Building Constructions and Materials, as amended from time to time."

(c) Undated Identification (Referencing to Incorporate New Editions of the Referenced Standard Without Requiring a Change to the Regulation): This type of reference incorporates a standard with no mention of a date of issue or a specific edition. In such instances, regulatory authorities should add the phrase, "latest edition of". This is the most liberal reference and permits regulatory authorities to respond easily and quickly to technical changes.

5.2.2 Each regulatory authority is responsible for determining which type of reference it is empowered to employ and must consult the provisions of the appropriate legislative instrument. For example, some Acts may not allow the use of undated references as this could be interpreted as a delegation of legislative authority to the standards development committee.

5.3 REFERENCING OPTIONS

5.3.1 The following are potential options for referencing standards or parts of standards:

- (a) Complete Reference: In this application, all of the contents of the standard are included by reference in the regulation. For example:

"Where in a work place, there is a hazard of drowning, the employer shall provide every person granted access to the work place with a life jacket or buoyancy device that meets the standards set out in the Good Standards Association standard CAN/GSA XYZ, Life Jackets, Inherently Buoyant Type, dated April 1980." (Canada Labour Code. Occupational Health and Safety Regulations. 12.11(a) i).

- (b) Qualified Reference: In this application, selected portions of the referenced standard are deleted as being inappropriate for the intended purpose, however, the retained balance of the standard is included in the regulation. For example:

"A respiratory protective device referred to in subsection (1) shall be selected, fitted, cared for, used and maintained in accordance with the standards set out in Good Standards Association standard XYZ, Selection, Care and Use of Respirators, the English version of which is dated May, 1982, as amended to September, 1984 and the French version of which is dated March, 1983, as amended to September, 1984, excluding clauses 6.1.5, 10.3.3.1.2 and 10.3.3.4.2(c)." (Canada Labour Code. Occupational Health and Safety Regulations. 12.7(2)).

- (c) Partial Reference: In this application, only selected portions of the referenced standard are included in the regulation. For example:

"The air shall meet the standards set out in clauses 5.5.2 to 5.5.11 of Good Standards Association standard CAN/GSA XYZ, Compressed Breathing Air and Systems, dated December, 1985;" (Canada Labour Code. Occupational Health and Safety Regulations. 12.7(3)(a))

It is desirable when selecting a qualified or partial reference to clearly communicate and discuss the intent and rationale for this to the Standards Development Organization and the standards development committee(s) involved. The Standards Development Organization and the standards development committee(s) can provide guidance and identify possible issues in following this route that could impact all stakeholders.

- (d) Reference as Good Practice: In this application, a standard is referenced as a guide to permit conformance to "good engineering practice". The method of compliance to ensure good engineering practice is generally determined by regulatory authorities. This is a flexible approach that does not require compliance with the referenced standard, but informs the user of its existence and acceptability. For example:

"Systems serving spaces that contain hazardous gases, dusts or liquids such as grain elevators, metal powder plants and ammonium nitrate storage shall be designed, constructed and installed to conform to the requirements of the appropriate provincial legislation or, in the absence of such legislation, to good engineering practice such as is described in the publications of the Fire Safety Association and in the National Fire Code of Canada 2005." (The National Building Code of Canada 2005, Item 6.2.2.5)

- (e) Reference as an Alternate: In this application, standards are referenced as examples whereby compliance will ensure that certain performance requirements will be satisfied or where compliance will allow the user to obviate certain provisions. For example: "In paragraph 16.4.6 of Good Standards Association standard CAN/GSA XYZ, Installation Code for Propane Burning Appliances, a container-mounted 80 per cent automatic shut-off refuelling valve shall be considered an acceptable alternative to the fixed liquid level gauge required by this paragraph." (Motor Vehicle Safety Act, Schedule IV, Sec. 301. [1].
- (f) Inclusive Reference to Standards: In this application, the standard selected as a reference contains one or more references to other standards. For example, standard X (the primary reference) may include a reference to standard Y, (the secondary reference) and Y in turn may reference standard Z (the tertiary reference). Regulatory authorities should ensure that such secondary or tertiary references are germane to the regulation being formulated. If not, this should be so indicated by specifying they are to be excluded, or by the application of the "Qualified" or "Partial" reference options described above.

6. **RECOMMENDATIONS FOR MAINTENANCE AND MAINTENANCE PROCEDURES FOR STANDARDS FOR USE IN LEGISLATIVE INSTRUMENTS**

- 6.1 SCC accredited SDOs are required to maintain their standards current. This requires SDOs to regularly review standards to ensure that they remain current and abreast of technology. When undertaking this review, standards development committees should determine the requirements of the interested regulatory authorities. When a standard is being considered for maintenance action, the standards development organization should provide sufficient notice to the interested regulatory authorities such that they may have ample opportunity to make their views known or to take such action as they consider appropriate.
- 6.2 Regulatory authorities should develop procedures to assist them in monitoring the status of standards referenced in their regulations. This monitoring should include updates, amendments and withdrawals so that the regulatory authority can take appropriate action to affected regulations. As part of its maintenance procedure, the regulatory authorities should maintain active participation in the appropriate standards committees.

ANNEX A
ADDITIONAL INFORMATION SOURCES
KEY CONSIDERATIONS IN THE DEVELOPMENT AND USE OF STANDARDS IN
LEGISLATIVE INSTRUMENTS

A1. SCC Policy

The Standards Council of Canada, at its twelfth meeting on February 24, 1975 approved the following policy statement:

"That the Standards Council of Canada endorses the principle of reference to standards in legislation and encourages all levels of government in Canada to adopt this principle to the maximum practicable extent, and that Council provide guidance or make recommendations on appropriate methods for implementing the concept of reference to standards in legislation".

A2. Extracts of the SCC Act

The following extracts from the *Standards Council of Canada Act* support the Council's role in promoting the utilization of voluntary standards by government agencies and departments:

- "promote cooperation between organizations concerned with voluntary standardization in Canada and departments and agencies of government at all levels in Canada with a view to achieving compatibility and maximum usage of standards and codes;
- make recommendations to the Minister on standards-related matters, including voluntary standards that are appropriate for incorporation by reference in any law, which recommendations may be included in the annual report of the Council".

The full *SCC Act* can be found at <http://www.scc.ca/en/about/governance/mandate.shtml>

A3. SCC Information Services

Every year, the Standards Council of Canada (SCC) helps thousands of Canadian companies identify the standards, regulations and conformity assessment procedures they need to know about before entering a particular market. Standards and regulations can be complicated, but the SCC's Information and Research Service has a number of resources available to make tracking and understanding this vital information easier.

In an effort to address its clients growing need for web-based standards-related information, the Standards Council of Canada has developed a number of services and products that provide up-to-date market information in an easy to use electronic format.

A4. Export Alert!

Export Alert! is a unique automated e-mail notification service that offers advance warning to subscribers of pending changes to trade-related regulations. It also provides them with the unique opportunity to input into the proposed measures that affect their trading activities – and even ward off regulations that could become barriers to their trading practices. *Export Alert!* serves a number of diverse clients within Canada, including private industries with an interest in exporting, federal and provincial government representatives, industry associations, and standards development organizations.

To subscribe to Export Alert!, visit <https://alert.scc.ca/exportalert/ca/index.cgi>

A5. RegWatch

RegWatch is a fully searchable database specifically designed for those interested in tracking voluntary standards referenced in Canadian federal regulations.

The RegWatch database includes a number of key pieces of information, including:

- location of a standard reference within a particular federal regulation;
- information about the standard, including whether there is a more current version than the one referenced in law, as well as a link to bibliographic data about the standard;
- the Standards Development Organization (SDO) responsible for development of the standard; and,
- links to the full text of the legislation.

RegWatch can be accessed by external users from the SCC website. The database offers two search options – basic and advanced (multiple fields). To find new information contained in RegWatch, users must visit and search the site regularly to find new records. For additional information regarding this service, visit:

http://www.scc.ca/en/news_events/subscriptions/regwatch.shtml

A6. Standards Alert!

Standards Alert! allows subscribers to be among the first to learn about changes to Canadian and international standards. This automated notification service sends e-mail updates about the changes that matter most to users. Standards Alert! allows subscribers to:

- monitor a particular field of interest/subject area;
- track an individual standard (including Canadian, ISO and IEC);
- receive automatic alerts when changes are made to these standards;
- receive a bibliographic summary of the standards selected; and,
- order standards online.

To subscribe to Standards Alert! , please visit the Standards Council's Web site at http://www.scc.ca/en/news_events/subscriptions/standards_alert.shtml

A7. Standards Development Organizations

There are four standards development organizations (SDOs) in Canada that have been accredited by the Standards Council of Canada:

- Bureau de normalisation du Québec (BNQ);
- Canadian General Standards Board (CGSB);
- Canadian Standards Association (CSA); and,
- Underwriters' Laboratories of Canada (ULC).

The four Canadian SDOs may develop standards in any subject area, however they have generally agreed upon areas of specialty that reflect the expertise of their technical committees.

Once a new standard has been developed it may be sent to the Standards Council of Canada where it will be evaluated to see if it meets the criteria of a National Standard of Canada.

Key criteria for designation as a National Standard of Canada include:

- developed by consensus of a balanced committee of stakeholders;
- subjected to public review;
- normally published in both official languages;
- is consistent with or incorporates existing international or pertinent foreign standards as appropriate; and,
- does not act as a barrier to trade.

A8. Canadian Standards Database

Canadian standards are distributed by Canada's four accredited standards development organizations. To find and purchase these standards, use the Canadian standards database available from the SCC's search page.

A9. Standards Development Organizations' Work Programmes

SCC-Accredited Standards Development Organizations (SDOs) are required to make information regarding their standardization activities publicly available through their websites. As such, SDOs publish a work programme containing the standards they are currently preparing and the standards which they have adopted in the proceeding period. A notice of the existence of the work programme must also be published in a national publication of standardization activities.

The work programmes may be accessed via the Canadian SDOs' main website addresses:

- Canadian Standards Association (CSA): <http://www.csa.ca>
- Canadian General Standards Board (CGSB): <http://www.pwgsc.gc.ca/cgsb>
- Bureau de normalisation du Québec (BNQ): <http://www.bnq.qc.ca>
- Underwriters' Laboratories of Canada (ULC): <http://www.ulc.ca>

A10. ISO/IEC GUIDE 15-1977 (E) ISO/IEC CODE OF PRINCIPLES ON REFERENCE TO STANDARDS

The advantages of the principle of "reference to standards" in legislation and regulations are by now well-known among governmental agencies; for example, a document drawn up by a group of experts of the U.N. Economic Commission for Europe in May 1973, makes clear that if technical requirements are expressed in standards:

- The legislative work is simplified and accelerated.
- The elimination of barriers to trade is facilitated.
- The results of the work of international standards organizations can be more easily taken into account.
- Technical regulations can be changed more easily to take account of technological advance.
- Technical requirements are better observed as technical staff is more accustomed to using standards in their daily work than laws.
- All technical regulations could be arranged within one, unified systematic collection, if the method is applied consistently.
- The implementation of national technical regulations is better secured and discordances between the national standards of different countries are avoided if all interested parties participate in the preparation of the standards.

The standards-making procedures of ISO and IEC and their members are at the disposal of intergovernmental organizations and national governmental agencies wishing to use the principle of reference to standards. With a view to guiding the work of ISO and IEC and their members towards standards which can be referenced in legislation or regulations the ISO and IEC Councils have adopted the following principles:

- ISO and IEC will give special attention to work requested by intergovernmental organizations which plan to recommend enactment of national legislation or regulations making reference to standards. Target dates for the completion of such work will be established on request. Similar principles will be observed by members of ISO and IEC in relations with national governmental authorities.
- The national committees and their delegations engaged in the relevant standardization work should be fully representative of the views of all interested parties: government, public authorities, producers, distributors, users, etc.
- With a view to ensuring wide-spread governmental acceptance of ISO or IEC standards for reference in conjunction with legislation and regulations, ISO and IEC technical committees will pay special attention to preparing international standards which have the widest possible geographical support.

- ISO and IEC members shall contribute to the implementation of the relevant international standard, as soon as and as far as possible, either by endeavouring to ensure the closest possible conformity of the respective national standard with the international standard, or by conferring the appropriate status to the latter directly, within their own territory. If deviations from the international standard are necessary these should be indicated in the national standard, at the time of its next revision.
- If a regional intergovernmental authority should call upon a regional standards organization for the preparation of standards to which national governments refer in conjunction with regulations, the ISO and IEC members belonging to that regional organization shall ensure that relevant ISO and IEC standards are taken into consideration in the development of a regional standard wherever possible by direct adoption of the ISO or IEC standard as a regional standard.
- Successful application of the principle of "reference to standards" requires close collaboration between government and standards bodies, and the ISO and IEC Councils have therefore also drawn up principles setting out certain desiderata for such collaboration. ISO and IEC members are requested to draw these to the attention of their respective governmental authorities, inviting acceptance of them.
- When national authorities or intergovernmental organizations wishing to refer to international standards in their regulatory work put requests to ISO and IEC or through member bodies for such standards, understanding should be sought from the beginning on the scope of the standardization work requested.
- In such cases the interested national authorities or intergovernmental organizations should consider agreeing that during a certain period they would abstain from regulatory action which could hamper the work of developing the standard.
- The interested national authorities should be willing to offer appropriate assistance in the standardization work thus undertaken; their experts are invited to participate in the work together with the other delegates and should be willing to envisage any appropriate modifications of their national legislation or regulations in the field in question.
- Wherever international standards exist, national authorities and intergovernmental organizations should refer thereto in their regulatory texts either directly or through harmonized national standards.
- National and international standards are revised in the light of experience and technical progress. When choosing among the various techniques of reference to standards it is desirable that governmental authorities adopt a technique which will take advantage of these revisions with the least delay.

A11. World Trade Organization (WTO)

Canada is a signatory to the WTO Agreement and must abide by its provisions.

The WTO is the international body that oversees trade between nations. It has a membership of 146 countries. The WTO facilitates global trade by: administering trade agreements, giving technical assistance to developing countries and in general, fostering international cooperation through trade-related activities.

Source: WTO website <http://www.wto.org/>

In particular, the WTO Technical Barriers to Trade provisions note:

Technical regulations and product standards may vary from country to country. Having many different regulations and standards makes life difficult for producers and exporters. If regulations are set arbitrarily, they could be used as an excuse for protectionism. The Agreement on Technical Barriers to Trade tries to ensure that regulations, standards, testing and certification procedures do not create unnecessary obstacles.

Source: http://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm