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U R G E N T

September 9, 2009

To Our Valued Industry Colleagues:

You may recall that we sent out a petition regarding the “climbability” issue in the National Building Code of Canada about a year ago, seeking your support to have all references pertaining to “climbability” in the Code be removed. Our petition has been given attention, and it is now time to provide our valuable feedback to the proposed changes via the Public Review process.

It is very important to our industry that you take a few minutes of your time to register your support for these proposed changes to the National Building Code of Canada.

NOW OPEN FOR PUBLIC REVIEW

Proposed Changes to the National Building Code of Canada (Sections 3.4.6.5.(7), A-3.3.1.18.(4)(a), 9.8.8.6 and A-9.8.8.6. Design to Prevent Climbing)

DEADLINE FOR COMMENTS: OCTOBER 30, 2009

****IMPORTANT: THESE PROPOSED CHANGES CAN BE DEFEATED IF THOSE
OPOSED ARE GREATER THAN THOSE IN FAVOUR.**

Further to our correspondence to you in September 2008, we have been successful in achieving changes to the National Building Code of Canada for 2010 for the sections noted above. The proposed changes to the Code are a positive “first step” towards allowing increased freedom of design in residential and commercial buildings. As described by the NRC (National Research Centre) in Ottawa:

“These proposed changes represent a compromise solution that respects both industry concerns (i.e., sales of various configurations of guards) and regulatory authority concerns (i.e., child safety). Design limitations are being removed for certain applications—such as in homes (where it is assumed that parents monitor children)—and in other types of occupancies—such as bars and prisons (where children are absent); design specifications for other applications are being replaced with a simple statement that the guards cannot be climbable. The proposed changes leave it up to the authority having jurisdiction to determine whether a guard is climbable or not.”

Specific information regarding these proposed changes is on Pages 3 and 4 of this document.

It is now imperative that the NRC receives a strong show of support for these initiatives. A large show of support will help to ensure that these proposed changes pass the Public Review process and form the 2010 National Building Code of Canada.

Comments can ONLY be submitted to the National Research Council on-line. Please take a few minutes to submit your comments following these easy steps:

How to submit your comments:

1. Go to http://www.nationalcodes.ca/publicreview/2009_2/indices/Subject_NBC_e.shtml and click on Climbable Guards (5 changes).
2. There are 5 sets of underlined text, each describing an important change to the Code. Please click on each set of text individually and submit your comments for each one by clicking on the blue text "Comments" shown at the top and bottom of each document. *(Note: After you click on each text link, a PDF document will appear in your browser with all the changes listed. Clicking on "Comments" will take you to a new page for you to fill in the relevant information.)*
3. Click on the "Save Info" button to have the information in Section I automatically inserted in each subsequent Comment Form that you submit from your computer.

****IMPORTANT:** It is important that you submit a comment where asked. A submission without a comment will not be given as much consideration as one with a comment.

Examples of comments to show your support for these changes:

The current Code:

- Is unduly restrictive with no justification. Jurisdictions such as the U.S. have much greater freedom of design.
- Is harmful to the industry and consumer by limiting the number of products that can be used for railings.
- Favours certain methods of fabrication and product types over others.
- Cannot be supported by any test data or studies.

****IMPORTANT:** It is important that you submit one comment per proposal. There are three (3) changes to the Code that are being proposed as outlined on the following pages of this document. Please see Step 3 above to avoid entering the same information multiple times.

Your support is greatly appreciated and is important to the livelihood of our industry.

Sincerely,

Henry Mercieca
Vice President
Alku Group of Companies – Euro Forgings Inc.

PROPOSED CHANGES TO THE EXISTING NBC 2005

Section 3.4.6.5.(7) Use and Egress, Housing and Small Buildings

Proposed Change

Replace Sentence (7)

Intent

The intent of this clause is to allow an exception to sentence (3)-2010 *in spaces that are not likely to be occupied by young children, such as casinos, night clubs, prisons, high schools, office buildings and industrial occupancies.*

Problem

The requirements within dwelling units for climbable guards are seen as overly restrictive without justifiable research and statistics.

Proposed Change

7) Except for guards located within the interior of dwelling units and unless it can be shown that the location and size of openings do not present a hazard, a guard shall be designed so that no member, attachment or opening located between 140mm and 900mm above the level being protected by the guard will facilitate climbing.

Section 3.3.1.18. Guards, Use and Egress, Housing and Small Buildings

Proposed Change

Insert New Sentence (4)-2010 and Replace Existing Sentence (3)

3) Except as provided in Sentence (4)-2010, guards required by Sentence (1) shall be designed so that no member, attachment or opening will facilitate climbing.

4) The requirements for guards described in Sentence (3)-2010 need not apply:

- a) where it can be shown that the location and size of openings do not represent a hazard to young children (See Appendix A);
- b) within the interior portion of a dwelling unit, or;
- c) where guards serve locations where the difference in elevation is less than 1.8m between the upper and lower adjacent surfaces.

5) Sentence (1) does not apply to the front edges of *stages* or to loading docks.

Section 9.8.8.6. Design to Not Facilitate Climbing, Use and Egress, Housing and Small Buildings

Proposed Change

Replace Article Heading (see above) and Replace Sentences 9.8.8.6. (1) and (2)

Intent

To exempt the requirements to design guards not to facilitate climbing *in spaces that are not likely to be occupied by unsupervised children, such as industrial occupancies, or where it can be expected that they are supervised during the time that they spend in this occupancy or on the basis that these locations do no represent a hazard to children.*

1) Except as provided in Sentence (2), guards required by Article 9.8.8.1 shall be designed so that no member, attachment or opening will facilitate climbing.

2) The requirements for guards described in Sentence (1) need not apply:

- a) where it can be shown that the location and size of openings do not represent a hazard to young children (See Appendix 3.3.1.18.(4)(a)-2010);
- b) in industrial occupancies;
- c) within the interior portion of a dwelling unit, or;
- d) where guards serve locations where the difference in elevation is less than 1.8m between the upper and lower adjacent surfaces.

