

BUILDING PERFORMANCE

Proposals for CodeMark scheme rules

CONSULTATION SUBMISSION FORM

Proposed rules for certifying building
methods and building products



How to submit this form

This submission form can be used to provide your feedback on the Ministry of Business, Innovation and Employment's (MBIE's) consultation on proposed rules for CodeMark product certification. It supports the consultation document 'Proposals for CodeMark scheme rules', which is available at www.mbie.govt.nz/have-your-say. If you prefer to complete an online survey instead of this submission form, a link to the survey is also available at www.mbie.govt.nz/have-your-say.

When completing this submission form, please provide comments and reasons explaining your choices. Your feedback provides valuable information and informs decisions about the proposed scheme rules. We appreciate your time and effort in responding.

Please send us your completed form by **5pm on 25 May 2022**:

- by email to building@mbie.govt.nz with the subject line '**CodeMark consultation 2022**', or
- by post to:

CodeMark consultation 2022
Building System Performance
Building Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473, Wellington 6140
New Zealand

If you have any questions about the submissions process please email building@mbie.govt.nz.

Use and release of information

The information provided in submissions will contribute to MBIE's development of the CodeMark scheme rules. We may contact submitters directly if we require clarification of any matters in submissions.

Your submission will also become official information, which means it may be requested under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available upon request unless there are sufficient grounds for withholding it. If we receive a request, we cannot guarantee that feedback you provide us will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Please set out clearly in the cover letter or email accompanying your submission if you have any objection to the release of any information in the submission and, in particular, which parts you consider should be withheld and reasons for withholding this information. MBIE will take such objections into account and consult with submitters when responding to requests under the OIA.

Private information

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of the CodeMark scheme rules. Please clearly indicate in the cover letter or email accompanying your submission if you do not wish your name or any other personal information to be included in any summary of submissions that MBIE may publish.

Submitter information

MBIE would appreciate if you would provide some information about yourself in the section below. If you choose to do so, this information will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

Your name, email address, phone number and organisation

Name: Nicholas Hill

Organisation: Building Officials Institute of New Zealand

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Phone number: 04 4736002

- The Privacy Act 2020 applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.
- MBIE may upload submissions or a summary of submissions received to MBIE's website at www.mbie.govt.nz. If you do **not** want your submission or a summary of your submission to be placed on our website, please tick the box and type an explanation below:

I do not want my submission placed on MBIE's website because... [insert reasoning here]

Please check if your submission contains confidential information

- I would like my submission (or identifiable parts of my submission) to be kept confidential, and **have stated** my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.

[insert response here]

Questions

Part 1: Preliminary provisions

Part 1 of the scheme rules sets out preliminary provisions, including relevant definitions.

1. Do you have any comments on the definitions in Part 1: Preliminary provisions?

No Comment (N/C)

Part 2: Accreditation body requirements

Part 2 of the scheme rules contains requirements for the product certification accreditation body, which is responsible for accrediting product certification bodies and checking they continue to meet the accreditation requirements.

2. Do you agree that the rule with respect to surveillance will provide appropriate oversight over any change in the product certification body responsible for a particular product certificate?

Yes, I agree

No, I disagree

Not sure/no preference

N/C

3. Do you have any other comments on the rules in Part 2: Accreditation body requirements?

This is positive although could become quite onerous depending on the interpretation of the product certificates and possibly should read for *new certificates*. A Product Certification Body (PCB) could get a reasonably high number of new certificate holders, but they could all be for existing products with the processes already reviewed by the Product Certification Accreditation Body (PCAB). That said a PCAB shouldn't lose oversight and surveillance of existing certificates.

Part 3: Product certification body requirements

Part 3 of the scheme rules contains requirements for the product certification bodies, which are responsible for evaluating building products and building methods for CodeMark certification. It includes: general requirements; detailed rules for evaluation and surveillance; rules relating to product certificates and certificate numbers; and rules relating to changes in certificate holder.

3.1 General requirements

4. Do you agree that the specified technical competencies are clear and workable?

Yes, I agree No, I disagree Not sure/no preference

Increasing the technical rigor is always a positive, so better defining of technical competencies is increasingly valuable in an environment where end users often have little or no technical competency.

Test reports similarly should be from an ILAC accredited lab certified for the test in question.

Technical opinions should be provided by personnel with demonstrated experience in the field, and there should be a limited level of surveillance based on the inherent risk

5. Do you have any other comments on the rules in 3.1 General requirements?

N/C

3.2 Evaluation

Pre-evaluation and risk assessments

6. Do you agree that the definitions of likelihood and consequence (in Table 1) are appropriate for use in the risk assessment?

Yes, I agree No, I disagree Not sure/no preference

N/C

7. Are there any other factors you think we should add to Table 1 (steps 2 and 6) or any you don't think should be there?

N/C

8. The proposed rules for minimum audit and inspection requirements allow for some discretion by product certification bodies, recognising that individual practice varies. Do you agree that the proposed rules provide an appropriate baseline?

Yes, I agree No, I disagree Not sure/no preference

Allows for all parties to have clear expectations regarding frequency of audits and inspections but also provides for PCBs to modify audit frequency based on risk assessments and concerns

Preparing the evaluation plan

9. Do you agree with the proposal for developing an evaluation methodology (rule 3.2.8)?

- Yes, I agree No, I disagree Not sure/no preference

N/C

Evaluating the building product or building method

10. Do you agree that the proposed rules for accepting test reports provide a good baseline for product certification bodies?

- Yes, I agree No, I disagree Not sure/no preference

N/C

11. Do you agree that the provision in rule 3.1.16(b) regarding costs being 'unduly onerous' is appropriate?

- Yes, I agree No, I disagree Not sure/no preference

BOINZ supports the development of a Guideline Document

12. Do you agree that the proposed transitional provisions in rule 3.2.16 (c) with respect to testing are sufficiently clear and workable?

- Yes, I agree No, I disagree Not sure/no preference

N/C

13. Do you have any suggestions with respect to the rule for considering technical opinions?

N/C

Site audits and inspections

14. Do you consider the rule relating to remote audits is clear and workable?

- Yes, I do No, I don't Not sure/no preference

N/C

15. Do you agree that the rule relating to installation demonstrations is clear and workable?

- Yes, I agree No, I disagree Not sure/no preference

N/C

Evaluation report, review and certification decision

16. Do you have any other comments on the rules in 3.2 Evaluation?

N/C

3.3 Product certificates and certificate numbers

17. Do you consider the rules for a standard format for certificate numbers are clear and workable?

- Yes, I do No, I don't Not sure/no preference

Standardisation is acceptable as long as it does not have a detrimental effect on the operation of the schemes. Traceability is critical in ensuring quality, so to make any improvements in this area would be extremely positive.

18. Do you have any other comments on the rules in 3.3 Product certificates and certificate numbers?

N/C

3.4 Surveillance

19. Do you consider the rules relating to changes in the product certification body are appropriate in view of the provisions in the Building Act?

- Yes, I do No, I don't Not sure/no preference

N/C

20. Do you consider the requirements for post-manufacture surveillance in certain circumstances are appropriate?

- Yes, I do No, I don't Not sure/no preference

Creates a clear expectation that surveillance is appropriate in given circumstances

21. Do you have any other comments on the rules in 3.4 Surveillance?

N/C

3.5 Change in certificate holder

22. Do you consider that the new rules provide a reasonable framework for assessing how changes in the certificate holder should be assessed by the product certification body?

Yes, I do

No, I don't

Not sure/no preference

N/C

Part 4: Certificate holder requirements

Part 4 of the scheme rules contains requirements for certificate holders including responsibilities for ensuring their building products or building methods are materially the same as those that were evaluated, rules relating to quality plans, and requirements for notifying the product certification body if things change.

23. Do you agree with the proposed rules for quality plans?

Yes, I agree

No, I disagree

Not sure/no preference

N/C

24. Do you have any other comments on the rules in Part 4: Certificate holder requirements?

Transparency is critical in the perception of any scheme, so clear expectations and procedures are essential.

Schedule 1: Use of the mark of conformity

Schedule 1 contains requirements for using the CodeMark mark of conformity, which is a registered trade mark.

25. Do you have any comments on Schedule 1?

N/C

Further comments

26. Do you have any further comments on the proposals for CodeMark scheme rules that you would like to add?

N/C

Thank you again for your time in responding to this consultation.