

How to submit this form

Submission form: Building Amendment Bill proposals for regulations for Building Product Information Requirements, the modular component manufacturer certification scheme, and the product certification scheme

The Ministry of Business, Innovation and Employment (MBIE) would like your feedback on proposals for regulations for Building Product Information Requirements, the modular component manufacturer certification scheme, and the product certification scheme (CodeMark). Please provide your feedback by **5pm, on 11 June 2021**.

When completing this submission form, please provide comments and reasons explaining your choices. Your feedback provides valuable information and informs decisions about the proposals.

We appreciate your time and effort taken to respond to this consultation.

Instructions

To make a submission you will need to:

1. Fill out your name, email address, phone number and organisation.
2. Fill out your responses to the discussion document questions. You can answer any or all of these questions in the [discussion document](#). Where possible, please provide us with evidence to support your views. Examples can include references to independent research or facts and figures.
3. If your submission has any confidential information:
 - i. Please state this in the email accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
 - ii. Indicate this on the front of your submission (e.g. the first page header may state "In Confidence"). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
 - iii. Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.

How to submit this form

4. Submit your feedback:

i. As a Microsoft Word document by email to building@mbie.govt.nz with subject line:
Consultation: Building Amendment Bill proposals for regulations

ii. By mailing your submission to:

Consultation: Building Amendment Bill proposals for regulations
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473

Wellington 6140
New Zealand

Submitter information

Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the section below it 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:

Graham Burke

Email address:

graham@grahamburke.co.nz

Phone number:

0212493459

Organisation:

New Zealand Construction Industry Council

- The Privacy Act 1993 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.

Building Product Information Requirements

Building Product Information Requirements

Supply chain responsibilities to meet Building Product Information Requirements

1. Do you think the split of responsibilities across the supply chain for information requirements is clear?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

There is clarity around what information is required and who should be supplying that information (along with supply chain data and information standards) to ensure compliance with Building Code.

2. Do you agree with the proposal that manufacturers and importers should be responsible for producing information for the building products they supply in order to comply with information requirements?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Accurate and up to date information must be available for a product or system at its source, that means with the NZ manufacturer or the importer.

3. Do you agree with the proposal that distributors and retailers should be responsible for ensuring building products they supply comply with information requirements?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Distributors and retailers must act as a responsible part of the supply chain with appropriate systems for quality assurance.

4. Do you agree with MBIE's assessment of the likely impacts of the proposed information requirements on (1) manufacturers and importers, and (2) distributors and retailers? If not, what impacts do you think the proposals will have on these two groups?

Manufacturers and importers:

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Distributors and retailers:

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

Businesses at all stages of the supply chain have clear responsibilities and duties to ensure building products they supply have consistent and accurate information. Where a supplier fits into more than one level of a supply chain, that supplier must fulfil the requirements of all those levels. For example, a builder who imports product directly from an overseas manufacturer must meet the requirements of

Building Product Information Requirements

the importer and the retailer; and the product must meet the specified quality and testing requirements with third party certification which is updated periodically to ensure compliance and quality.

Content of information to be provided about building products

5. Does the minimum set of information required for all building products look reasonable? If not, what information requirements should be added or removed?

Yes Yes, with changes No Not sure/No preference

The minimum set of information seems reasonable at present, however future requirements introduced under the Building for Climate Change workstream are likely to require additional information regarding embodied carbon, whether the product is recyclable and how the product is to be dealt with at the end of its service life.

6. Do you agree with the proposal that manufacturers and importers must make claims about how their building product meets relevant Building Code clauses?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

Manufacturers and importers must demonstrate compliance and not just make a claim. Compliance can be demonstrated by verification methods or providing suitable testing data to be verified by independent bodies. The certification and quality management system need to be reviewed/certified intervals determined by a risk assessment.

7. What challenges would manufacturers and importers face in making claims about how the building product meets relevant Building Code clauses?

Manufacturers / importers have a duty to understand how their products meet relevant Building Code Clauses and provide the relevant information to ensure performance.

It is critical that information includes relevant Code Clauses for stated scope / limitations of use. (Proposal 3).

Manufacturers/importers who do not have the systems to provide this information must be prevented from supplying into the NZ market.

8. Do you agree with the proposal to require manufacturers and importers to use the compliance pathways listed in section 19 of the Building Act 2004 to illustrate compliance with the Building Code?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

This is a critical aspect of the system and provision of this information must be mandatory with no exceptions.

Building Product Information Requirements

9. What other requirements or guidance would you recommend to ensure the information provided is relevant and accurate?

NZCIC believes that third-party verification and regular re-verification should be mandated for critical products and further guidance is required for processes and procedures to manage product substitution.

Guidance is also required for products incorporated into modular components to enable appropriate in-service maintenance and repair.

Supply chain data and information standards

10. Do you agree with MBIE's assessment of the likely impacts on manufacturers and importers of the requirement to make evidenced claims about the Building Code compliance of their products? If not, what impacts do you think the proposals will have on manufacturers and importers?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

11. Do you agree that all information requirements should be met prior to supply of a building product and that information be kept up to date with the latest version of that product? If not, what other requirements do you think would be reasonable?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

It is vital that product information is current and updated when there are any changes made to the content or manufacturing process of a building product.

Product which is altered in any way must not be released to market until it is proven to meet its stated performance and product information is updated. This must include whether the updated product can be mixed/substituted for earlier versions of the product.

12. Do you agree that all information should be provided in structured data and accessible across the supply chain and by MBIE?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Information must be in a consistent format and readily accessed to assist quality management and improve productivity.

Building Product Information Requirements

13. Do you think it is reasonable to require all information to be disclosed about building products to be made available online?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

This is a practicable and efficient means of sharing information. Consideration will need to be given to archiving information so that it is protected should a manufacturer/ importer/distributor discontinue their business.

14. Do you agree with the proposal for all building products to have a unique identifiable code that links it to the information provided online?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

This will enable efficient access to information and improve traceability of products

Transition period

15. Do you agree with proposal for an 18 month transition period after building product information requirement regulations are made before they come into force? If not, what would be a reasonable timeframe?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Once the structure is agreed an 18-month transition is acceptable. Suppliers should be encouraged to meet the requirements as quickly as is reasonably practicable.

Modular component manufacturer certification scheme

Modular component manufacturer certification scheme

Prescribing the kinds of building products that would be 'modular components' and scopes of certification

1. Do you agree with the proposed approach to prescribe offsite manufactured building elements such as open frames and trusses, enclosed panels/units, volumetric structures, and whole buildings as 'modular components'?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Building is a complex system with many variables and levels of risk. This must be recognised in regulations with appropriate controls to match complexity and risk, including periodic verification as part of a quality management system.

2. To what extent do you think there is benefit in developing a system to guide how modular component manufacturer certification bodies describe the scope of a modular component manufacturer's certification?

As per question 1, the certification system must recognise the level of risk and complexity associated with the modular component and its manufacture.

3. Which, if any, of the proposed options on which to base the proposed scope of certification system do you prefer?

Option 1 Option 2 Option 3 Not sure/no preference

Please explain your views.

This option best recognises associated risk and complexity.

Modular component manufacturer certification body accreditation and registration

4. Do you think the proposed regulatory settings provide confidence in the certification bodies that would be accredited and registered within the modular component manufacturer certification scheme?

Proposed regulatory settings to be accredited:

Yes Yes, with changes No Not sure/No preference

Proposed regulatory settings to be registered:

Yes Yes, with changes No Not sure/No preference

Please explain your views.

It is critical that certification bodies auditing modern component manufacturers are accredited to or compliant with ISO17065:2012 Conformity assessment – Requirements for bodies certifying products, processes, and services.

Modular component manufacturer certification scheme

5. How do you think the proposed regulatory settings for certification bodies might affect their uptake of the modular component manufacturer certification scheme?

Regulatory settings for certification bodies must be consistent with International Standards to ensure quality management meets international best practice and New Zealand consumers are appropriately protected.

Audit types and frequency should be defined by the regulator and reference appropriate international Standards.

Modular component manufacturer certification and registration

6. Do you think the proposed regulatory settings provide confidence in the modular component manufacturers that would be certified and registered within the scheme?

Proposed regulatory settings to be certified:

Yes Yes, with changes No Not sure/No preference

Proposed regulatory settings to be registered:

Yes Yes, with changes No Not sure/No preference

Please explain your views.

Subject to consistency with International Standards, as per question 5.

7. Do you think the proposed regulatory settings for modular component manufacturers provide for adequate consumer protection?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

Assuming consistency with International Standards and as per answers to questions 5 and 6

8. How might the proposed regulatory settings for modular component manufacturers have different impacts for different kinds of manufacturers that may wish to participate in the scheme?

No comment

9. To what extent do you think modular component manufacturers will benefit from the proposed regulatory settings, and what costs do you think they might face when trying to meet the proposed settings?

Proposed settings will ensure all manufacturers operate under robust quality assurance systems ensuring their product meets NZ Building Code requirements.

Opportunities for anti-competitive behaviour from low quality manufacturers will be reduced(eliminated).

Compliance issues and defects in products will be reduced (eliminated).

Modular component manufacturer certification scheme

Audits within the modular component manufacturer scheme

10. Do you agree with the proposal that auditing parties will use a prescribed risk assessment to decide the frequency and type of audits they will use for those being audited?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

As per answers to questions 5,6 and 7.

11. What costs do you think the proposed audit requirements might have for modular component manufacturers, given that the fees for audits would be set through contract between the manufacturer and its modular component manufacturer certification body?

No comment

12. Do you agree with modular component manufacturer certification bodies and modular component manufacturers having three months to make changes outlined in an audit report following an audit? Please explain your views.

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Response time to deficiencies identified in an audit should be subject to the severity and consequences of the issue identified. Some issues will require immediate action.

Modular component manufacturer's certificates

13. Do you support manufacturers being responsible for transportation, storage and assembly of modular components that they manufacture within the modular component manufacturer certification scheme? What impacts might this have on manufacturers?

Yes Yes, with changes No Not sure/No preference

Manufacturers should be responsible for all aspects falling under their quality management system.

14. To what extent do you think the information that is proposed to be required on manufacturer's certificates will provide clarity for different parties within the modular component manufacturer certification scheme?

Manufacturers certificates should confirm construction as per building consent.

15. What costs do you anticipate that providing the proposed information on manufacturer's certificates might have?

No comment

Product certification scheme

Product certification scheme

Implement registration requirements for product certification bodies

1. Do you consider that the proposed fit and proper test and notification requirements would be effective criteria to establish if a product certification body should operate in the scheme?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

[insert response here]

2. Do you agree with the proposal to not prescribe an adequate means test or other product certification body registration criteria at this stage? Please explain your views.

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

Generic technical competency evaluation should be included in the PCB application process.

3. Do you consider that MBIE has proposed the right requirements for what must go on an application for product certification body registration?

Yes Yes, with changes No Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

[insert response here]

Implement registration requirements for certificates

4. Do you agree with the MBIE's assessment that the proposals for certificate information will improve the usability of product certificates?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

[insert response here]

5. Are there any gaps or issues with current certificates that MBIE have missed that should be addressed by changes to Regulation 14 or Schedule 2?

[insert response here]

Product certification scheme

Improve scheme requirements for product certification body accreditation

6. Do you consider that the product certification body accreditation proposals will improve the alignment of scheme documents?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

[insert response here]

7. Do you consider there will be any compliance issues with the product certification body accreditation proposals? If so, what are they?

Yes No Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

Increased costs to manufacturer who has to pay for PCB fees will be passed on to the supply chain and client.

8. What further clarification related to the proposal to require product certification bodies to only accept test reports from competent testing facilities may be required?

Strengthening of CodeMark will require certainty that PCB's will only accept test reports from competent testing facilities certified as meeting International Standards.

9. Do you agree with proposal 8 to revoke existing Regulation 7A?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

[insert response here]

Product certification scheme

Strengthen requirements for product certification body audits and reviews of certificates

10. Does the proposal related to product certification body audits and reviews of certificates look reasonable? If not, what requirements should be amended, added or removed?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

[insert response here]

11. What cost impacts do you consider the product certification body audit proposals will have? Will costs change compared to the current requirements?

There may be some increased cost to cover certification.

12. Is three years the correct minimum frequency for certification review?

Yes No Not sure/No preference

Please explain your views.

Certification reviews should be conducted following a risk based approach, with three years being the maximum duration.

Regulated fees for the modular component manufacturer certification scheme and the product certification scheme

Regulated fees for the modular component manufacturer certification scheme and the product certification scheme

Registration fees for modular component manufacturer certification scheme

1. Do you agree with MBIE's estimated cost drivers for modular component manufacturer certification body and modular component manufacturer registration?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

[insert response here]

2. To what extent might the prescribed registration fees create a barrier to entry and ongoing participation in the scheme?

The proposed fee is reasonable and would not be a barrier to entry.

Accreditation and audit fees for modular component manufacturer certification scheme

3. Do you agree with MBIE's assumption that the fee structure and level for assessing modular component manufacturer certification body accreditation is comparable to that for assessing building consent authority accreditation?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

[insert response here]

4. Do you agree with MBIE's proposed fee structure for modular component manufacturer certification body accreditation and audits?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Is there anything you would like to tell us about the reason(s) for your choice?

[insert response here]

5. To what extent might the prescribed audit fees create a barrier to entry and ongoing participation in the scheme?

There is insufficient information to provide an objective answer to this question.

Regulated fees for the modular component manufacturer certification scheme and the product certification scheme

Registration fees for product certification scheme

6. Do you agree with MBIE's assessment of the options for structuring registration fees for product certification bodies and certificates? Please explain your views.

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

[insert response here]

7. Do you consider that the proposed fees for registration of product certification bodies and certificates are set at the right level? Please explain your views.

Yes Yes, with changes No Not sure/No preference

Please explain your views.

[insert response here]

Accreditation and audit fees for product certification scheme

8. Would the proposed fees for product certification body accreditation and audits of product certification bodies create any practical issues? If so, what would the issues be?

Yes No Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

[insert response here]

9. Do you consider that the proposed fees for product certification body accreditation and audits of product certification bodies are set at the right level?

Yes No Not sure/No preference

Please explain your views.

[insert response here]

Expected impacts

10. Will the prescribed fees have a significant impact on the costs of participating in the schemes?

Yes No Not sure/No preference

Is there anything you would like to tell us about the reason(s) for your choice?

[insert response here]

11. Do you have any other comments on the proposals?

[insert response here]