

December 15, 2016

2017 Next Edition Building Code Consultation
c/o Building and Development Branch
Ministry of Municipal Affairs
16th Floor, 777 Bay Street
Toronto, ON M5G 2E5

Re: Potential Changes to Ontario's Building Code

To Whom It May Concern,

The Lung Association - Ontario and the Canadian Environmental Law Association (CELA) are pleased to respond to your request for comment on the review and consultation of the Ontario Building Code.

With respect to radon, last June in response to the consultation paper "Proposals to Encourage Small Landlords to Provide Rental Housing" the Lung Association - Ontario and the Canadian Association of Radon Scientists and Technologists (CARST) made a joint submission in support of including measures in the *Residential Tenancies Act, 2006* (RTA) to protect Ontario tenants from the potential health-related impacts of radon. Likewise, CELA extended similar support in a separate submission. Our organizations commend the Ministry of Municipal Affairs on proposals to move forward to protect Ontario tenants from the dangers of radon.

We also applaud the Ministry of Municipal Affairs on moving forward with proposals to amend the Building Code to protect Ontarians from the hazards of radon. The Lung Association - Ontario and CELA strongly support the proposed changes to the Ontario Building Code pertaining to radon and applaud the government for responding to the 2014 Public Health Ontario report titled "Lung cancer risk from radon in Ontario, Canada: how many lung cancers can we prevent?" That report suggested that changes to the building code are the most effective method to prevent radon.

These suggested changes will help to lower the number of radon-induced lung cancer cases in Ontario. In particular, we strongly support the proposed changes to sections:

- Div. B / 3.1.1.2.(1) - Amend clause to require radon mitigation across the Province, and not limited to three currently specified geographic areas, where radon is above 200 Bq/m³.
- Div. B / 5.4.1.1.(1)(e) - Add new requirement to minimize the ingress of airborne radon from the ground with an aim to controlling the indoor radon concentration.
- Div. B / 6.2.1.1.(1) - Add reference to ANSI/AARST RMS-LB "Radon Mitigation Standards for Schools and Large Buildings".
- Div. B / 9.1.1.7.(1) - Amend clause such that radon controls during building and construction are in place across Ontario and not limited to three currently specified geographic areas.
- Div. B / 9.13.4.1. - Define the application of soil gas control and harmonize radon provisions with the mNBC.
- Div. B / 9.13.4.2. - Clarify provisions for soil gas control and harmonize radon provisions with the mNBC.
- Div. B / 9.25.3.1.(1)(b) - Add a requirement for soil gas to be controlled by an air barrier.

In addition to harmonizing the Ontario Building Code with the National Building Code, these proposed changes would mandate post-occupancy testing – setting Ontario apart as a North American leader in radon mitigation.

The Lung Association – Ontario and CELA have undertaken this submission to raise awareness about radon and encourage Ontarians to take action on this significant health risk. We are aware from legal research conducted at CELA during 2015 that Ontario is the only Province in Canada to not adopt, at least in part, the radon provisions in the national Building Code. With these proposed changes to extend radon protection province-wide, as well as the decision to make specific reference in the Ontario Building Code to the federal radon guideline of 200 Bq/m³, Ontario will be making exceptional progress. We strongly support this very necessary reform.

The government should implement these important health promotion changes as soon as possible. As the second leading cause of lung cancer and the number one cause of lung cancer among non-smokers, radon is responsible for more than 850 lung cancer deaths in Ontario annually. These important changes will help prevent cancer and reaffirm Ontario's commitment to being the healthiest province.

In closing, we echo the important comparison between radon and carbon monoxide made by the Canadian Association of Radon Scientists and Technologists (CARST). Carbon monoxide, also a colourless and odourless gas, is carefully controlled in Ontario's Building Code. According to the Ontario

Association of Fire Chiefs, an average of eleven deaths occur in Ontario every year due to carbon monoxide. In comparison, radon-induced lung cancer kills 77 times more people in Ontario every year than carbon monoxide. Given this reality, the time is long overdue for Ontario to modernize its Building Code radon provisions and prevent 850 deaths per year from radon-induced lung cancer.

Sincerely,



George Habib
President & CEO



Theresa McClenaghan
Executive Director and Counsel

Cc: Hon. Bill Mauro, Minister, Municipal Affairs

About The Lung Association

The Lung Association is the leading organization working to promote lung health and prevent and manage lung disease. We do this by funding vital research, pushing for improved treatments and better policies, and helping patients manage their health. Along with our health professional partners, the Ontario Thoracic Society and the Ontario Respiratory Care Society, we are the go-to resource for patients, their families, caregivers, health professionals and the general community. We might come from different places and bring different talents to the table, but we are all here for the same reason: to ensure that no one has to ever struggle to breathe.

About the Canadian Environmental Law Association

The Canadian Environmental Law Association is a public interest organization founded in 1970 for the purposes of using and improving laws to protect public health and the environment. Funded as a legal aid clinic specializing in environmental law, CELA represents individuals and groups in the courts and before administrative tribunals on a wide variety of environmental and public health matters. In addition, CELA staff members are involved in various initiatives related to law reform, public education, and community organization.