

clear that, although the process of developing and formulating the standard may be voluntary, the voluntary standards developed by the consensus process become mandatory in application if the force of legislation, or threat of government enforcement by legislation, exists. It appears, therefore, that the term "voluntary" can be more accurately interpreted to mean merely that consensus was the process that developed the standard.

B. THE STANDARD-SETTING ENVIRONMENT

1. Canada's National Standards System

9. The Standards Council of Canada (the SCC) reports to Parliament through the Minister of Consumer and Corporate Affairs Canada (CCAC). The SCC is a Crown corporation created by an act of Parliament in 1970. It is independent of government in its policies and operations, although it is financed partially by parliamentary appropriation. The SCC consists of 57 members, 41 from the private sector and 16 from the provincial and federal governments.¹ The objectives of the SCC, as set out in the *Standards Council of Canada Act*, are to:

Foster and promote voluntary standardization in fields relating to the construction, manufacture, production, quality, performance, and safety of buildings, structures, manufactured articles and products and other goods, including components thereof, not expressly provided for by law, as a means of advancing the national economy, benefiting, assisting and protecting consumers, facilitating domestic and international trade and furthering international cooperation in the field of standards. (p. 992)

10. In examining how to give effect to its mandate, the SCC conceived of a national federation, known as the National Standards System (NSS). Overall policy is achieved through consensus agreements by the participants in the NSS. The SCC has historically² had the authority to accredit three types of organizations (the operational elements of the NSS):

- *Standards Writing Organizations (SWOs)*, which write standards, some of which are accepted by the SCC as National Standards of Canada (NSC). The 1991/1992 SCC Annual Report lists five SWOs.
- *Certification Organizations (COs)*, which have registered trademarks certifying that products or services meet a standard. The 1991/1992 SCC Annual Report lists seven COs.
- *Testing Organizations (TOs)*, which test products or services to determine whether they meet the standard for that product or service and report the results of their tests. They also analyze substances to determine their content or attributes, test products to determine various parameters, etc. The 1991/1992 SCC Annual Report lists 86 TOs. The SCC's many publications explain criteria, procedures, conditions and guidelines for these member organizations. Controls to ensure compliance by the members of the NSS are also explained in the documents. For example, the SCC regularly audits these organizations to ensure that they continue to meet the requirements for accreditation.

¹ SCC, CAN-P-2E (January 1992), p. i.

² The SCC 1991/1992 Annual Report indicated that an accreditation program for organizations that register the quality systems of Canadian companies was launched in the year ended March 31, 1992.