

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING THE ADOPTION BY REFERENCE OF THE
2008 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC)
WITH AMENDMENTS INTO THE 2010 CALIFORNIA ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 3**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

(Government Code Section 11346.2)

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal is to act accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2008 National Electrical Code and be published as the 2010 California Electrical Code.

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon a more current edition of a model code. The current California Electrical Code in effect is the 2007 California Electrical Code which is based upon the 2005 National Electrical Code of the National Fire Protection Association. This proposed action:

- Repeal the adoption by reference of the 2005 National Electrical Code of the National Fire Protection Association and incorporate and adopt by reference in its place the 2008 National Electrical Code of the National Fire Protection Association for application and effectiveness in the 2010 California Electrical Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2005 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2008 National Electrical Code that address inadequacies of the 2008 National Electrical Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2007 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2005 National Electrical Code to the format of the 2008 National Electrical Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

[1]

**ARTICLE 89 CA
ADMINISTRATION**

The SFM is proposing the adoption of various sections listed below from California Article 89-Administration.

Sections 89.101 – 89.101.12

The SFM is proposing to maintain the adoption of those existing California provisions contained Sections 89.101 through 89.101.12 with modification. The SFM proposes to distinguish the California Chapter 1 administrative provisions from those of the base model code Chapter 1 administrative provisions by renumbering the California administrative sections.

SFM proposes to update the NEC reference from 2005 to 2008, and to make changes to provide consistency with other Parts of Title 24, administrative provisions. SFM proposes to make nonsubstantive reference, grammatical, and punctuation corrections to Sections 89.101.2, 89.101.3.2, 89.101.3.3, 89.101.4, 89.101.5, 89.101.6, 89.101.7.2, 89.101.7.3, 89.101.8, 89.101.8.1 (3), 89.101.10, 89.101.11, 89.101.12 for consistency with the Chapter 1, General Code Provisions of Title 24, Parts 2, 4, 5, and 9. Additional modifications to Section 89.101.8.1 are proposed to revise the mailing address for the Department of Housing and Community Developments (HCD) from a physical address to a post office box for mailings of findings to be filed with HCD.

89.1.1.7.4

89.1.1.13

89.1.1.14

The SFM proposes to incorporate into the California General Code Provisions certain administrative provisions derived from the Building, Fire and Residential Code. These administrative provisions are proposed to be relocated from the proposed Division II of Chapter 1 of such codes as they are typically not adopted by SFM in the base model code. Relocating these provisions to Division I of the California General Code Provisions will provide statewide application and consistency. These amendments do not create a change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[1.1]

Sections 89.111 – 89.111.10

The SFM is proposing to maintain the adoption of those existing California provisions contained Sections 89.111 through 89.111.10 without modification.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[2]

**ARTICLE 90
INTRODUCTION**

The SFM proposes to not adopt Article 90 pursuant to Health and Safety Code Sections 13108, 13113, 13114, 13131.5, 13143, 13143.6, 17921 and 18949.2.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[3]

**Chapter 1 General
ARTICLES 100-110**

The SFM is proposing the adoption by reference Articles 100 and 110 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[4]

**Chapter 2 Wiring and Protection
ARTICLES 200-285**

The SFM is proposing the adoption by reference Articles 200, 210, 215, 220, 225, 230, 240, 250, 280, and 285 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[5]

**Chapter 3 Wiring Methods and Materials
ARTICLES 300-398**

The SFM is proposing the adoption by reference Articles 300, 310, 312, 314, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 348, 350, 352, 353, 354, 355, 356, 358, 360, 362, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, and 392 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[6]

Chapter 4 Equipment for General Use ARTICLES 400-490

The SFM is proposing the adoption by reference Articles 400, 404, 406, 408, 409, 410, 411, 422, 424, 426, 430, 440, 445, 450, 480, and 490 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale of these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[7, 7.1, 7.2, 7.3]

Chapter 5 Special Occupancies ARTICLES 500-590

The SFM is proposing the adoption by reference Articles 500, 501, 502, 503, 504, 505, 506, 510, 511, 513, 514, 515, 516, 518, 520, 522, 525, 530, 540, 545, 547, 553, 555, and 590 without amendment.

The SFM is proposing the adoption by reference of the entire Article 517, (OSHPD amendment) as amended.

The SFM is proposing the adoption by reference of the entire Article 590 (except Section 590.3(C)) as amended. The SFM is proposing to bring forward and maintain the existing SFM amendment of Section 590.3(C) with editorial modification to relocate the SFM banner.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale of these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[8, 8.1, 8.2]

Chapter 6 Special Equipment ARTICLES 600-695

The SFM is proposing the adoption by reference Articles 600, 604, 605, 610, 620, 630, 640, 645, 647, 650, 660, 665, 668, 669, 670, 680, 682, 685, 690, 692, and 695 without amendment.

The SFM is proposing the adoption by reference of the entire Article 625 (except Section 625.29(D)) as amended. The SFM is proposing to maintain the existing SFM amendment of Section 625-29(E) without modification.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale of these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[9, 9.1, 9.2, 9.3, 9.4]

**Chapter 7 Special Conditions
ARTICLES 700-770**

The SFM is proposing the adoption by reference Articles 701, 702, 705, 708, 720, 725, and 770 without amendment.

The SFM is proposing the adoption by reference of the entire Article 700 as amended.

The SFM is proposing to bring forward and maintain the existing SFM amendment of Section 700.12(B)(2) without modification.

The SFM is proposing the adoption by reference of the entire Article 760 as amended.

The SFM is proposing to bring forward and maintain the existing SFM amendment of Section 760.1.1 with modification.

This modification is proposed to update the edition of the referenced NFPA 72 standard to the current 2007 edition.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[10]

**Chapter 8 Communications Systems
ARTICLES 800-830**

The SFM is proposing the adoption by reference Articles 800, 810, 820, and 830 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[11]

**Chapter 9
Tables**

The SFM is proposing the adoption by reference Tables 1-12 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for

these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[12]

Annexes

The SFM is proposing the adoption by reference Annex A and Annex B without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2009 National Electrical Code and published as the 2010 California Electrical Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2))

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A))

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of an electrical code.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

(Government Code Section 11346.2(b)(3)(B))

The SFM has determined that no alternative available that would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, no alternatives have been identified or that have otherwise been identified and brought to the attention of the SFM that would lessen any adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

(Government Code Section 11346.2(B)(4))

The SFM has made an determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 113465.2(b)(5))

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal

regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.