

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

(SFM 01/20)

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

ARTICLE 89

General Code Provisions

Item SFM 01/20-89-1

Article 89, General Code Provisions, Section 89.101, General

The SFM is proposing to maintain the adoption of those existing California provisions contained in Sections 89.101 through 89.101.12 with modification.

Item SFM 01/20-89-2

**Article 89, General Code Provisions, Section 89.111.4.4, Fire Clearance
Preinspection**

Section 89.111.4.4 and 89.111.4.5 are updated to meet the Health & Safety Code Section 13244. The statute was changes for the fees that are charges for inspections. This changes were made in other parts of Title 24, but Part 3 was missed. This will correlate with the other parts of Title 24.

Item SFM 01/20-89-3

Article 89, General Code Provisions, Section 89.111.4.5 Care Facilities

Section 89.111.4.4 and 89.111.4.5 are updated to meet the Health & Safety Code Section 13244. The statute was changes for the fees that are charges for inspections. This changes were made in other parts of Title 24, but Part 3 was missed. This will correlate with the other parts of Title 24.

Item SFM 01/20-89-4

Article 89, General Code Provisions, Section 89.111.6 Certificate of Occupancy

The SFM is proposing to correlated the requirements for certificate of occupancy with the regulations in the California Building Code. This is an existing amendment that has not been maintained and overlooked in the California Electrical Code for several editions. The California Building Code is the appropriate part of the California Building Standards Code for the issuance of a certificate of occupancy from the authority having jurisdiction.

Item SFM 01/20-89-5

Article 89, General Code Provisions, Section 89.111.7 Temporary Structures and Uses

The proposal is an editorial correction to the referenced Section number in the California Building Code.

**ARTICLE 90
INTRODUCTION**

Item SFM 01/20-90-1

Article 90, Introduction

The SFM is proposing to maintain the adoption of Article 90.

**Chapter 1 General
ARTICLES 100-110**

Item SFM 01/20-1-1

Chapter 1, General, Article 100-110

The SFM is proposing to maintain the existing SFM amendment of Articles 100 and 110 with amendment.

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

Item SFM 01/20-2-1

Chapter 2, Wiring and Protection, Article 200-285

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

Item SFM 01/20-2-2

Chapter 2, Wiring and Protection, Article 225, Outside Branch Circuits and Feeders, Section 225.30

The National Electrical Code-Making Panel 10 and the Correlating Committee on National Electrical Code note the following error in the 2020 edition of NFPA 70, *National Electrical Code*. Update the references in 225.30 errata with no regulation change.

**Chapter 3 Wiring Methods and Materials
ARTICLES 300-399**

Item SFM 01/20-3-1

Chapter 3, Wiring Methods and Materials, Article 300-399

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, 392, 393, 394, 396, 398, and 399 with amendment.

**Chapter 4 Equipment for General Use
ARTICLES 400-490**

Item SFM 01/20-4-1

Chapter 4, Equipment for General Use, Article 400-490

The SFM is proposing the adoption by reference Articles 400, 402, 404, 406, 408, 409, 410, 411, 422, 424, 425, 426, 427, 430, 440, 445, 450, 455, 460, 470, 480, and 490 without amendment.

**Chapter 5 Special Occupancies
ARTICLES 500-590**

Item SFM 01/20-5-1

Chapter 5, Special Occupancies, Article 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, and 555 without amendment.

Item SFM 01/20-5-2

Chapter 5, Special Occupancies, Article 517 HealthCare Facilities

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

Item SFM 01/20-5-3

**Chapter 5, Special Occupancies, Article 590 HealthCare Facilities, Section 590.3(C),
Emergencies and Tests**

The SFM is proposing the adoption by reference of the entire Article 590 (except Section 590.3(C)) as amended.

Item SFM 01/20-5-4

**Chapter 5, Special Occupancies, Article 590 HealthCare Facilities, Section 590.3(C),
Emergencies and Tests**

The SFM is proposing to maintain the existing OSFM amendment of Section 590.3(C) without modification.

**Chapter 6 Special Equipment
ARTICLES 600-695**

Item SFM 01/20-6-1

Chapter 6, Special Equipment, Article 600-695

The SFM is proposing the adoption by reference Articles 600, 604, 605, 610, 620, 626, 630, 640, 645, 646, 647, 650, 660, 665, 668, 669, 670, 675, 680, 682, 685, 690, 691, 692, 694, and 695 without amendment.

Item SFM 01/20-6-2

**Chapter 6, Special Equipment, Article 625 Electric Vehicle Power Transfer System,
Section 625.52 (B)**

The SFM is proposing the adoption by reference of the entire Article 625 (except Section 625.52 (B)).

Item SFM 01/20-6-3

**Chapter 6, Special Equipment, Article 625 Electric Vehicle Power Transfer System,
Section 625.52 (C)**

The SFM is proposing to maintain the existing SFM amendment of Section 625.52(C) without modification.

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

Item SFM 01/20-7-1

Chapter 7, Special Conditions, Article 700 Emergency Systems

The SFM is proposing to maintain the adoption by reference of the entire Article 700 with

existing amendments.

Item SFM 01/20-7-2
Chapter 7, Special Conditions, Article 700, Section 700.12 (B) Generator Set (2)
Internal Combustion Engines as Prime Movers.

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

Item SFM 01/20-7-3
Chapter 7, Special Conditions, Article 700, Section 700.16 (B) System Reliability

The National Electrical Code-Making Panel 13 and the Correlating Committee on National Electrical Code note the following error in the 2020 edition of *NFPA 70, National Electrical Code*. The proposal is errata with no regulation change.

Item SFM 01/20-7-4
Chapter 7, Special Conditions, Article 701-750

The SFM is proposing the adoption by reference Articles 701, 702, 705, 708, 710, 712, 720, 725, 727, 728, 750 without amendment.

Item SFM 01/20-7-5
Chapter 7, Special Conditions, Article 725 Class 1, Class 2, and Class 3 Remote-Control, Signaling, and Power-Limited Circuits

Reason: Based on the approved NEC proposed TIA No. 1438, No comments were received on this TIA, therefore, according to 5.6(b) in the NFPA Regs, the final results show this TIA HAS achieved the $\frac{3}{4}$ majority vote needed on both Ballot Item No. 1 (Correlation Issues) and Ballot Item No. 2 (Emergency Nature).

Substantiation: CMP-3 removed this exemption in the First Revision for 2020: “Exception –Marking shall not be required for power sources providing 0.3 amperes nominal current or less per conductor.” This imposes a new requirement on this equipment. Manufacturers will not be able to instantly comply and therefore, require time to make the appropriate changes to their equipment. The added text intentionally does not include equipment where the rated current exceeds 0.3A per conductor. This requirement was imposed in 2017 with an effective date of January 1, 2018. This equipment should already have this label and therefore is purposely excluded from coverage under this TIA.

NEC Emergency Nature: The standard contains an error or an omission that was overlooked during the regular revision process. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification of the action.

As the 2020 code sits today, manufacturers will be required to comply on January 1, 2020. Unless they are involved in the revision process, they will not be aware of this new requirement and will not be able to comply on January 1, 2020.

Item SFM 01/20-7-6
Chapter 7, Special Conditions, Article 760, Sections 760.1.1, 760.176(F) and 760.179(G)

The SFM is proposing to maintain the existing OSFM amendment of Sections 760.1.1, 760.176(F) and 760.179(G) without modification.

Item SFM 01/20-7-7
Chapter 7, Special Conditions, Article 770

The SFM is proposing the adoption by reference Article 770 without amendment.

Chapter 8 Communications Systems
ARTICLES 800-840

Item SFM 01/20-8-1
Chapter 8, Communication Systems, Article 800-840

The SFM is proposing the adoption by reference Articles 800, 810, 820, 830, and 840 without amendment.

Chapter 9
Tables

Item SFM 01/20-9-1
Chapter 9, Tables, Tables 1-12

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

Annex

Item SFM 01/20-A-1
Chapter Annex, Annex A-B

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

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

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

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.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

This comprehensive electric code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The National Electric Code (NEC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

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 this code.

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

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

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 this code.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The SFM has determined 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.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

T has assessed whether or not and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause elimination, of jobs within the State of California.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of business currently doing business within the State of California.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The SFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

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.