INITIAL STATEMENT OF REASONS

FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING THE ADOPTION OF THE 2014 NATIONAL ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3

AMEND 2014 NATIONAL ELECTRICAL CODE (NEC)

[**Note to agencies:** Directions below which, like this note, are not intended to be shown in your submittal, have been updated to reflect requirements of AB 1711 (Chapter 779, Statutes of 2014) effective January 1, 2015. New directions are shown in underline.]

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

This proposed action by the CBSC adopts the most current edition of the NEC of the National Fire Protection Association, (NFPA) with existing amendments and new amendments shown below. These proposed regulations will make effective the latest edition of the NEC for state owned buildings, including buildings constructed by the Trustees of the California State University and buildings constructed by the Regents of the University of California that are permitted under the next triennial edition of the California Electrical Code (CEC). Further, California law makes the NEC standards adopted by the Commission applicable to all occupancies. Each triennial edition of the California Code of Regulations (CCR) becomes effective 180 days after its publication and is effective at the time an application for a building permit is submitted. The adoption of the 2014 NEC will make applicable the most recent edition for use by individuals, businesses and state agencies as mandated by the Health & Safety Code (H&SC), Section 18928.

New and existing amendments: (Item numbers used to coordinate with the items listed in the Express Terms)

ITEM 1 – Preface & Acknowledgements

Agency Statement: BSC proposes to update the number of parts of the building standards code as identified in law as Title 24. Additionally update the model electrical code edition being proposed for adoption in the 2015 Triennial Code Adoption Cycle.

Specific Purpose:
With the addition of Part 2.5 California Residential Code during the last Triennial cycle, the total number of codes included in the Title 24 standards increased from 12 parts to 13 parts, therefore BSC is proposing to change the preface to reflect the actual number of codes included in Title 24.

Additionally, BSC is proposing to change the referenced edition of the model code from the 2011 edition of the NEC to the 2014 edition of the NEC as well as updating the names of the Commissioners currently serving on the Building Standards Commission.

Rationale:
The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. These changes will provide a more accurate accounting of the parts of

code available through Title 24, California Code of Regulations (CCR), as well as updating the edition of the model code references required to meet Building Standards Law regarding the adoption of the most recent edition of model code within one year of the model code publication.

Benefit:
Changing these references will clarify the codes that are available for construction and maintain the most current building standards for the protection of public health and welfare in the built environment. Additionally, updating the current sitting members of the Commission allows the public to be aware of the person responsible for the adoption and publication of the building standards codes.

ITEM 2 – *CALIFORNIA ARTICLE 89 – GENERAL CODE PROVISIONS*

Agency Statement:
Similar to Item #1 BSC proposes to update the general title statement regarding the number of parts of the building standards code as identified in law as Title 24. Additionally BSC proposes to update the model electrical code edition being considered for adoption in the 2015 Triennial Code Adoption Cycle.

Additionally, BSC is proposing to change the following sections;

Article *89.101.1 Title*:
Specific Purpose:
With the addition of Part 2.5 California Residential Code during the last Triennial cycle, the total number of codes included in the Title 24 standards increased from 12 parts to 13 parts, therefore BSC is proposing to change the preface to reflect the actual number of codes included in Title 24.

Rationale:
The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. This change will provide a more accurate accounting of the parts of code available through Title 24, California Code of Regulations (CCR). Also updating the edition of the model code referenced is required to meet Building Standards Law regarding the adoption of the most recent edition of model code within one year of the model code publication.

Benefit:
Changing these references will clarify the codes available for use for construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

Article *89.101.3.2 State-Regulated Buildings, Structures and Applications*:
Specific Purpose:
An important part of the code development process is producing a code that avoids circular references. The wording of the amendment gave the reader the impression that there were additional provisions related to the listed state agency located in the referenced section. However when checked the reference simply stated that the section was “Reserved”. By rewording the section we have eliminated the circular reference. Additionally, changes to #7 and #8 were made to coordinate updates to provisions for the Housing and Community Development agency.

Rationale:
The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. This change will provide a more accurate referencing format within Title 24.

Benefit:
Changing these references will reduce the frustration the code user may have when checking references that appears to be contain additional information only to find that the reference was to a “Reserved” section where no additional requirements can be acquired.

Article *89.101.7.3 Conflicts (Exception):*
Specific Purpose:
The exception to this section was proposed by the Department of Housing and Community Development (HCD) for addition to the "Conflicts" section of the CEC to identify specific occupancy classifications that are constructed in accordance with the CBC are not required to comply with the California Residential Code also.

Rationale:
Helps to delineate the application of the building code and/or residential code to residential construction and avoids conflicts and duplication in code provisions.

Benefit:
More clearly identified the application of code standards.

Section 89.101.8.1 Findings and filings:
Specific Purpose:
Update the HCD street address.

Rationale:
Maintain accuracy for the code user.

Benefit:
Assists the public to be able to correspond with HCD by maintaining an accurate street address.

Section 89.101.8.2 Locally adopted energy standards:
Specific Purpose:
The CBSC is the state agency responsible for local ordinance filing to modify, in a more restrictive manner, building standards for local application. As required in law, and to provide the local jurisdiction the ability to further amend the building standards for use within their jurisdictional authority, the local jurisdiction can propose to modify the building standards as needed. Additionally, energy provisions promulgated by the California Energy Commission may be modified as well. Upon a local jurisdiction energy standard modification that jurisdiction is required to file any changes to the energy standards with the Energy Commission and to obtain a letter of approval for the modification to the energy code. The documentation received from the Energy Commission is also required to be forwarded to the CBSC to be included within their jurisdictions filed ordinance.

Rationale:
To comply with applicable provisions of the Public Resources Code and applicable provisions of California Administrative Code, Chapter 10, Part 1 of Title 24, California Code of Regulations.

Benefit:
Creates better instruction for the filing jurisdiction use in their ordinance adoption and filing process to ensure compliance with state law.

Section 89.101.10 Availability of codes:
Specific Purpose:
Update the code section reference.

Rationale:

The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. This change will provide a more accurate referencing format within Title 24.

Benefit:
Changing these references will clarify the codes available for use for construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

ITEM 3. BSC proposes to bring forward existing California amendments in Section *89.102* from the 2013 California Electrical Code for adoption into the 2016 edition of the California Electrical Code with additional amendments as follows:

Section 89.102.1 BSC:
Specific Purpose:
Addition of an acronym ***BSC*** In **Section *89.102.1*** was included for new scope and authority provisions for the Building Standards Commission regarding the development of green building standards in response to AB 341. Additionally, the acronym CSU and UC were added to item #1 to identify locations within the code standards that use these acronym references. Lastly, item #4 is proposed to be changed to reflect the adoption of the International Code Council's International Existing Building Code (IEBC) as the base model code for the 2016 California Existing Building Code.

Rationale:
To comply with applicable provisions of the Health and Safety Code and applicable provisions of California Administrative Code, Chapter 10, Part 1 of Title 24, California Code of Regulations.

Benefit:
Creates better instruction for the filing jurisdiction use in their ordinance adoption and filing process to ensure compliance with state law.

Section 89.102.1.1 State building:
Specific Purpose:
Adding State building definition for this section.

Rationale:
The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. This change will provide a more accurate referencing format within Title 24.

Benefit:
Provides clarity of application for the code user regarding state buildings.

Section 89.102.1.2 Enforcement:
Specific Purpose:
Adding clarification regarding enforcement for CBSC regulated occupancies by adding definitions to this section.

Rationale:
The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. This change will provide a more accurate referencing format within Title 24.

Benefit:
Provides clarity of enforcement for the code user regarding state buildings.

Section 89.102.1.3 Enforcement, Reserved for DGS:
Specific Purpose:
This proposal is intended to reserve a section number for future DGS applications.

Rationale:
Maintain accuracy for the code user.

Benefit:
Avoids renumbering of sections during future rulemaking activities addressing DGS applications.

Section 89.102.1.4 Adopting agency identification:
Specific Purpose:
Update to clarify the application of the BSC banner.

Rationale:
Maintain accuracy for the code user.

Benefit:
Provides clarity of enforcement for the code user regarding CBSC's authority.

Section 89.102.2 BSC-CG:
Specific Purpose:
Adding BSC-CG for this section is in response to AB 341 which was legislation that requires the CBSC to add references to other parts of Title 24 that may be impacted by regulations contained in Title 24's Part 11, CALGreen code. This action is being taken to identify the expanded regulatory authority CBSC has over all occupancies that no other agency has authority to regulate and provide green building standards for. Additional to the new section being added for BSC-CG, two existing sections ***~~89.102.3~~, ~~89.102.2.1~~ and ~~89.102.2.2~~*** have been renumber to ***89.101.3, 89.102.3.1 and 89.102.3.2***. The remaining text of these sections was not changed.

Rationale:
The addition of the BSC-CG banner will help to clarify the authority the CBSC has for green building standards for occupancies that no other state agency has authority.

Benefit:
Helps the code user more clearly identify green building standards provisions that are required to included in construction projects throughout the state.

ITEM 4. BSC proposes to bring forward existing California amendments in Section *89.103* through *89.114* from the 2013 California Electrical Code for adoption into the 2016 edition of the California Electrical Code with additional amendments as follows:

Section 89.103 BOARD OF STATE AND COMMUNITY CORRECTIONS
Specific Purpose:
Updating the reference to the Board of State and Community Corrections (BSCC) to align with their agency name change.

Rationale:
To update the name for the BSCC.

Benefit:
Helps the code user more clearly identify the appropriate state agency name.

ITEM 5. BSC proposes to Adopt NEC ARTICLE 90, without amendments

Adopt model code Article 90
Specific Purpose:
To adopt the model code Article for use in California for all occupancies.

Rationale:
Adopt per statute the model code provisions for the code user.

Benefit:
This action provides general administrative provisions for electrical systems used throughout the state.

ITEM 6. BSC proposes the adoption of CHAPTER 1, ARTICLES 100 and 110 from the 2014 National Electrical Code with existing California amendments into the 2016 edition of the California Electrical Code:

Specific Purpose:
To adopt the model code Articles for use in California for all occupancies and carry forward state amendments to definitions Article 100 and the requirements for electrical installations Article 110.

Rationale:
Adopt per statute the model code provisions for the code user.

Benefit:
This action provides general provisions for electrical systems used throughout the state.

ITEM 7. BSC proposes the adoption of Chapters 2 through 4 (All Articles) from the 2014 National Electrical Code:

Specific Purpose:
To adopt the model code Articles 2 through 4 for use in California for all occupancies.

Rationale:
Adopt per statute the model code provisions for the code user.

Benefit:
This action provides general provisions for electrical systems used throughout the state.

ITEM 8. BSC proposes to adopt Chapter 5- Special Occupancies- but not to adopt ARTICLES 517- (*Health Care Facilities*) or 550- (*Mobile Homes*)

Specific Purpose:
To adopt the model code Chapter 5 for use in California for all occupancies excluding Art. 517 and 550.

Rationale:
Adopt per statute the model code provisions for the code user.

Benefit:
This action provides general provisions for electrical systems used throughout the state.

ITEM 9. BSC proposes to adopt Chapter 6 of the 2014 NEC and to add a new amendment for BSC to Art. 625.

Specific Purpose:
As a result of AB 341 being signed into law BSC is proposing to add references from the electrical code to CALGreen for provisions directly related to electric vehicle charging for new construction. Additionally, repeal Art. 625.13 and 625.14 state amendment because model code picked up these provisions in the 2014 model electric code.

Rationale:
To comply with law and to aid the code user in identifying additional provisions located in another part of code within Title 24.

Benefit:
Accuracy in references and connects the codes together for topics that have requirements on more than one part of Title 24.

ITEM 10. BSC proposes the adoption of Chapters 7 through 9 (All Articles) from the 2014 National Electrical Code without amendment:

Specific Purpose:
To adopt the model code Chapters 7 through 9 for use in California for all occupancies.

Rationale:
Adopt per statute the model code provisions for the code user.

Benefit:
This action provides general provisions for electrical systems used throughout the state.

ITEM 11. BSC proposes not to adopt the Annexes from the 2014 National Electrical Code:

Specific Purpose:
BSC is proposing not to adopt the Annexes from the 2014 NEC.

Rationale:
Annexes are not part of the body of the adopted model code unless specifically identified for adoption in the matrix adoption tables.

Benefit:
Maintains the appropriate format for Annex adoption by local jurisdictions as needed.

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

There were no formal studies or reports used as the bases for the proposed adoption of the National Electrical Code. The Health & Safety Code, Section 18928, mandates this proposed action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

There are no mandates for specific technologies or equipment or prescriptive standards that are required.

CONSIDERATION OF REASONABLE ALTERNATIVES

There are no reasonable alternatives identified by the agency. The Health & Safety Code, Section 18928, mandates this proposed action.

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

No alternatives were identified to lessen the adverse impact on small businesses. The Health & Safety Code, Section 18928, mandates this proposed action.

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

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified. The Health & Safety Code, Section 18928, mandates this proposed action.

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

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

- **The creation or elimination of jobs within the State of California.**

  These regulations will not affect the creation of or elimination of jobs within the State of California.

- **The creation of new businesses or the elimination of existing businesses within the State of California.**

  These regulations will not affect the creation of or the elimination of existing business within the State of California.

- **The expansion of businesses currently doing business with the State of California.**

  These regulations will not affect the expansion of businesses currently doing business within the State of California

- **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

  These regulations will not affect the expansion of businesses currently doing business within the State of California

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

CBSC's estimated cost of compliance is negligible based on the extent of the proposed modification. The potential benefits include providing an update to electrical requirements to incorporate the most current electrical provisions to promote safer construction. The related assumptions are that electric vehicle charging infrastructure for new construction will encourage more installations of Electrical Vehicle Charging Equipment which in turn reduces greenhouse gas emissions and reduces dependency for fossil fuels. Additionally, in response to AB 341 (Dickinson) CBSC is proposing to add reference to California electrical code regarding EV requirements within the 2016 CALGreen Code, Part 11 of Title 24, regarding electric vehicle charging infrastructure in commercial applications.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations related to this proposed action. The Health & Safety Code, Section 18928, mandates this proposed action.