

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL

**REGARDING THE 2016 CALIFORNIA ELECTRICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

TRIENNIAL CODE ADOPTION CYCLE

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:

Section Health and Safety Code 18928:

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 2014 National Electrical Code and be published as the 2016 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 2013 California Electrical Code which is based upon the 2011 National Electrical Code of the National Fire Protection Association. This proposed action:

- Repeal the adoption by reference of the 2011 National Electrical Code of the National Fire Protection Association and incorporate and adopt by reference in its place the 2014 National Electrical Code of the National Fire Protection Association for application and effectiveness in the 2016 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 2011 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 2014 National Electrical Code that address inadequacies of the 2014 National Electrical Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2013 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2011 National Electrical Code to the format of the 2014 National Electrical Code.

[1]

ARTICLE 89 CA ADMINISTRATION

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

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.

89.101.1

The SFM is proposing to repeal the adoption by reference of the 2011 National Electrical Code and incorporate and adopt by reference in its place the 2014 National Electrical Code for application and effectiveness in the 2016 California Electrical Code.

89.101.3.2, 89.101.7.3, 89.101.8.1, 89.101.8.2, 89.101.10

The SFM is proposing to co-adopt changes being put forward by HCD and BSC.

89.101.3.2

The SFM is proposing to clarify the non-regulatory nature of the Matrix Adoption Tables and lead code users to understand them as roadmaps for the codes, references in code language to the tables should be deleted. References imply incorporation into the code. Simply making reference to the application sections of the agencies and the authority of local jurisdictions to modify appears to be adequate for the purpose of this paragraph.

89.101.11

The SFM is proposing to reinforce the non-regulatory nature of the Matrix Adoption Tables, language is removed which is not correct in all cases. A non-regulatory note is suggested to emphasize that the tables are meant only to be useful aids to the code user.

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[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 2014 National Electrical Code and proposed for publication as the 2016 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.

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[3]

**Chapter 1 General
ARTICLES 100-110**

The SFM is proposing the adoption by reference Articles 100 and 110 with amendment.

The SFM is proposing to maintain the existing SFM amendment to add **Ballasted Solar Photovoltaic System** to **Article 100 Definitions**.

The SFM is proposing to maintain the existing SFM amendment of Section 110.13 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 2014 National Electrical Code and proposed for publication as the 2016 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 2014 National Electrical Code and proposed for publication as the 2016 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, 392, 393, 394, 396, 398 and 399 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 2014 National Electrical Code and proposed for publication as the 2016 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, 402, 404, 406, 408, 409, 410, 411, 422, 424, 426, 427, 430, 440, 445, 450, 455, 460, 470, 480, and 490 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 2014 National Electrical Code and proposed for publication as the 2016 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, and 555 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 maintain the existing SFM amendment of Section 590.3(C) 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 2014 National Electrical Code and proposed for publication as the 2016 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, 8.3]

**Chapter 6 Special Equipment
ARTICLES 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, 692, 694, 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 move forward the modification to Article 620.71 on behalf of Department of Occupational Safety and Health (DOSH) - Elevator Unit. The justifications for the code change are:

- Motor/motion controls which are mounted in the elevator hoistway do not enjoy safe or ready access as the NFPA 70, 2014, rule 110.26 requires. This denies elevator workers the safe working environment and clearances required by the CEC. This also denies first responders the safe access necessary to determine if the controller is de-energized before attempting to rescue passengers from a malfunctioning elevator.
- Motor/motion controls which are mounted in the elevator hoistway require that the elevator Mechanic trouble shoot the motion controls of the device he is standing on. Unexpected movement of the elevator may cause injury or death by electrocution, crushing or falling.
- If the controller is the source of the fire, the elevator is unlikely to respond to elevator fire recall and safely deliver passengers to the recall level. This leaves the passengers in the elevator hoistway with the smoke being produced by the fire.

Code Advisory Committee (CAC) recommendation: The CAC recommended cleanup of the section to ensure the code user would not misinterpret that multiple rooms would be required. The SFM agreed with the CAC comments and

worked with DOSH to provide additional clarity. DOSH's intention is only to require one room, to house the motor controller and/or motion controller and related elevator equipment outside of the shaft.

The SFM is proposing to maintain the existing SFM amendment of Section 625-29(E) without modification.

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[8, 8.1, 8.2, 8.3]

**Chapter 6 Special Equipment
ARTICLES 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, 692, 694, 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 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 2014 National Electrical Code and proposed for publication as the 2016 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, 727, 728, 750 and 770 without amendment.

The SFM is proposing the adoption by reference of the entire Article 700 as amended. The SFM is proposing to 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 maintain the existing SFM amendment of Section 760.1.1, 760.176 and 760.179 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 2014 National Electrical Code and proposed for publication as the 2016 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, 830 and 840 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 2014 National Electrical Code and proposed for publication as the 2016 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 2014 National Electrical Code and proposed for publication as the 2016 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 2014 National Electrical Code and proposed for publication as the 2016 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 California Building Standards Commission (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