

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING PROPOSED CHANGES TO  
THE CALIFORNIA ELECTRICAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**(BSC 01/17)**

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 the agency intends to address 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.)

**General purpose, problem, rationale and benefits:** The California Building Standards Commission (CBSC) proposes to repeal the adoption of the 2016 California Electrical Code (CEC), which is based on the 2014 National Electrical Code (NEC) of the National Fire Protection Association (NFPA). CBSC proposes to adopt the most recent edition of the model code, the 2017 NEC, into the 2019 edition of the CEC with existing and new amendments. This action is to meet the requirements of Health and Safety Code (H&SC) Section 18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, H&SC Section 18934.5 assures that the commission shall adopt, approve, codify and publish building standards for those occupancies under CBSC's authority. These actions meet criteria (3), in the public interest, and (7), incorporation of model codes, of H&SC §18930(a).

**A statement of specific purpose, problem, rationale and benefit for each item is as follows (Item numbers used to coordinate with the items listed in the Express Terms):**

**ITEM 1. CBSC proposes to bring forward existing California amendments with additional amendments located in Article 89, Section 89.101 through 89.101.12 from the 2016 California Electrical Code, and add new Sections 89.102.2.1, 89.102.2.2, and 89.102.2.3 to further clarify CBSC authority and to coordinate with**

**other parts of Title 24. This action will result in the adoption into the 2019 edition of the California Electrical Code:**

**Specific Purpose, problem, rationale and benefit:** CBSC is proposing to change the referenced edition of the model code from the 2014 edition of the NEC to the 2017 edition of the NEC. The CBSC is the state agency with the responsibility for maintaining the format of the published codes. 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. 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.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 2. CBSC proposes to bring forward existing California amendments without change in Section 89.103 through 89.114 from the 2016 California Electrical Code for adoption into the 2019 edition of the California Electrical Code:**

**Specific Purpose, problem, rationale and benefit:** CBSC is proposing to carry forward the existing California amendments without change. This proposed action will help to maintain accuracy for the code user and provide clarification regarding the regulatory authority of the state agencies.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 3. CBSC proposes to Adopt ARTICLE 90 from the 2017 National Electrical Code, without amendments:**

**Specific Purpose, problem, rationale and benefit:** CBSC is proposing to adopt the model code Article 90 for use in California for all occupancies. By proposing this action CBSC will be meeting a statutory mandate to adopt model code provisions. This action provides general administrative provisions for electrical systems used throughout the state.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 4. CBSC proposes to adopt CHAPTER 1, ARTICLES 100 and 110 from the 2017 National Electrical Code and to bring forward existing California amendments without change into the 2019 edition of the California Electrical Code:**

**Specific Purpose, problem, rationale and benefit:** To adopt the model code Articles for use in California for all occupancies and carry forward state amendments to definitions in Article 100 and the requirements for electrical installations in Article 110. Adopt per statute the model code provisions for the code user. This action provides general provisions and specific state amendments for electrical systems used throughout the state.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 5. CBSC proposes to adopt Chapters 2 through 4 (All Articles) from the 2017 National Electrical Code, without amendments:**

**Specific Purpose, problem, rationale and benefit:** CBSC proposes to adopt the model code Articles 2 through 4 for use in California for all occupancies. By adopting these articles CBSC meets the statutory mandate to adopt the model code provisions for the code users of California.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 6. CBSC proposes to adopt Chapter 5 from the 2017 National Electrical Code, but not to adopt ARTICLES 517- Health Care Facilities, or 550 - Mobile Homes, Manufactured Homes, and Mobile Home Parks:**

**Specific Purpose, problem, rationale and benefit:** CBSC proposes to adopt the model code Chapter 5 for use in California for all occupancies excluding Articles 517 and 550. Articles 517 and 550 are adopted by the state agencies that have statutory authority to adopt electrical provisions for health care facilities and mobile home manufacturing and mobile home parks.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 7. CBSC proposes to adopt Chapter 6 from the 2017 National Electrical Code, with existing California amendments to Section 625.1.1 to be moved forward without change into the 2019 edition of the California Electrical Code:**

**Specific Purpose, problem, rationale and benefit:** CBSC proposes to carry forward existing California amendments without change into the 2019 California Electrical Code. This action aids the code user in identifying additional provisions for electrical vehicle charging systems located in other parts of Title 24.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 8. CBSC proposes to adopt Chapters 7 through 9 from the 2017 National Electrical Code without amendments however BSC proposes to not adopt articles 708, 726, 750, and 840.**

**Specific Purpose, problem, rationale and benefit:** CBSC proposes to adopt model code Chapters 7 through 9 except articles 708, 728, 750 and 840 for use in California for all occupancies. By adopting these articles CBSC meets the statutory mandate to adopt the model code provisions for the code users of California.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**ITEM 9. CBSC proposes not to adopt the Annexes from the 2017 National Electrical Code:**

**Specific Purpose, problem, rationale and benefit:** CBSC is proposing to not adopt the Annexes from the 2017 NEC. The Annexes are not part of the body of the adopted model code unless specifically identified for adoption in the matrix adoption tables.

By not adopting the Annexes, CBSC maintains the appropriate format for Annex adoption by local jurisdictions as needed.

**CAC Recommendation:** The PEME Code Advisory Committee recommended Approve as Submitted (AS).

**CBSC Response:** The CBSC agreed with the CAC recommendation.

**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).

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

**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.)

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

**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.)

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

**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.)

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

**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)

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified.

### **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))

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 new businesses or the elimination of existing businesses 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 with 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 update and clarify minimum 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.)

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.

### **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.)

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