

**45-DAY INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2019 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3
(2018 TRIENNIAL RULEMAKING 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

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.

Health and Safety Code Section 18928:

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act in accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regard 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 Electric Code and published as the 2016 California Electric Code.

The Office of the State Fire Marshal (SFM) proposes to adopt the 2017 edition of the National Electrical Code (NEC) into the 2019 edition of the California Electrical Code (CEC). SFM further proposes to:

Repeal the adoption by reference of the 2014 National Electrical Code and incorporate and adopt by reference in its place the 2017 National Electrical Code for application and effectiveness in the 2019 California Electrical Code.

Repeal certain amendments to the 2014 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary.

Adopt new building standards or necessary amendments to the 2017 National Electrical Code that address inadequacies of the 2017 National Electrical Code as they pertain to California laws.

Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2016 California Building Standards Code.

Codify non-substantive editorial and formatting amendments from the format based upon the 2014 National Electrical Code to the format of the 2017 National Electrical Code.

[Item 1. The SFM is proposing to maintain the adoption of those existing California provisions contained Sections 89.101 through 89.101.12 with modification.]

***CALIFORNIA ARTICLE 89
GENERAL CODE PROVISIONS***

***SECTION 89.101
89.101.1***

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

***SECTION 89.111
OFFICE OF THE STATE FIRE MARSHAL***

[2. The SFM is proposing to not adopt Article 90.]

**ARTICLE 90
INTRODUCTION**

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

**ARTICLE 100
Definitions**

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

Chapter 2 Wiring and Protection ARTICLES 200-285

[5. 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.]

Chapter 3 Wiring Methods and Materials ARTICLES 300-399

[6. 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 4 Equipment for General Use ARTICLES 400-490

[7. 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.]

[7.1. The SFM is proposing the adoption by reference of the entire Article 517 (OSHDP amendment) as amended.]

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

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

Chapter 5 Special Occupancies ARTICLES 500-590

[8. 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.]

[8.1. The SFM is proposing the adoption by reference of the entire Article 625 (except Section 625.52 (C)) as amended.]

[8.2. 620.71 WITHDRAWN]

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

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

[9. The SFM is proposing the adoption by reference Articles 701, 702, 705, 706, 708, 710, 712, 720, 725, 727, 728, 750 and 770 without amendment.]

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

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

[9.3 The SFM is proposing the removal of California amendments in 706 and adopt the Model Code section 760.]

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

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

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

700.12 (B) (2)

~~ARTICLE 706 Energy Storage Systems~~

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~~760.1.1~~

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Rationale: The OSFM is proposing the above modifications based on the 2017 National Electrical Code. In the 2016, Intervening Code Cycle this chapter was adopted in the California regulations as a California amendment. The SFM brought these proposals forward based on the current need for guidance and clarification on the safe installation of energy storage system that is an emerging industry in California. This proposal removes the California amendments in 706.1 and adopts the same language that is published the model code. There is no regulatory affect. The OSFM is maintaining other existing amendments.

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

**Chapter 8 Communications Systems
ARTICLES 800-840**

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

**Chapter 9
Tables**

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

Annexes

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 any additional building standards proposed are offered in typically both a prescriptive and performance base. The nature and format of the model code adopted by reference afford for both methods, the following is a general overview of the model codes 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 particular types or classes of materials, products or methods of construction.

The National Electric Code 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)

The Office of the State Fire Marshal 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.
N/A
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
N/A
- C.** The expansion of businesses currently doing business within the State of California.
N/A

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

N/A

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.