

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

(BSC 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.

The Building Standards Commission's proposal to amend the 2022 California Electrical Code (CEC) was presented to the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee during its March 24-25, 2021 meeting. Each committee recommendation is listed below, accompanied by BSC's response.

General purpose, problem, rationale and benefits: The California Building Standards Commission (BSC) proposes to repeal the adoption of the 2019 California Electrical Code (CEC), which is based on the 2017 National Electrical Code (NEC) of the National Fire Protection Association (NFPA). BSC proposes to adopt the most recent edition of the model code, the 2020 NEC, into the 2022 edition of the CEC with existing amendments. This action is to meet the requirements of Health and Safety Code (HSC) Section 18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, HSC Section 18934.5 assures that the commission shall adopt, approve, codify and publish building standards for those occupancies under BSC's authority. These actions meet criteria (3), in the public interest, and (7), incorporation of model codes, of HSC Section 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

Article 89, General Code Provisions

BSC proposes to bring forward existing California amendments in Article 89, Section 89.101 through 89.102.3.2 from the 2019 California Electrical Code for adoption into the 2022 edition of the California Electrical Code with minor changes. This proposed action

will help maintain accuracy for the code user and provide clarification regarding the regulatory authority of the state agencies.

89.101.1 General. BSC proposes to update the general title statement reflecting adoption of the 2020 National Electrical Code, the most recent edition of the model code.

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. This update will clarify the codes available for use in 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

89.101.3 Scope. BSC proposes to carry forward existing amendment with minor modification. Modification is editorial and for format and consistency with the code. No intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

89.101.3.2 State-Regulated Building, Structures, and Application.

The proposed modification to the “Note” replaces a reference to an incorrect location. BSC edited this note in Parts 2 and 10 in the 2015 Triennial Code Adoption Cycle to correct where the code user can find language explaining how to distinguish model code vs. California amendments. For consistency BSC proposes to edit the note in Parts 3, 4, 5 and 9 to match text in Parts 2 and 10. There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

89.101.8 City, County, or City and County Amendments, Additions or Deletions.

BSC proposes modification to existing California amendment. The proposed modification

adds the word “a” in front of the second instance of “city, county, or city and county.”
There is no intended change in regulatory effect.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

89.102.1. BSC proposes to replace language that was removed accidentally and/or missed during codification.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

89.102.2.2 Graywater Systems for Nonresidential Occupancies. BSC proposes make a minor editorial amendment to correct the sentence.

CAC Recommendation:

The PEME Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 2

Article 90 Introduction

BSC proposes to adopt ARTICLE 90 from the 2020 National Electrical Code, without amendments into the 2022 edition of the California Electrical Code. By proposing this action BSC 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 3

Chapter 1 General

BSC proposes to adopt CHAPTER 1, ARTICLES 100 and 110 from the 2020 National Electrical Code and to bring forward existing California amendments, as shown in the Express Terms, without change into the 2022 edition of the California Electrical Code. 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 4

Chapter 2 Wiring and Protection, Chapter 3 Wiring Methods and Materials, Chapter 4 Equipment for General Use

BSC proposes to adopt Chapters 2 through 4 (All Articles) from the 2020 National Electrical Code, without amendments into the 2022 edition of the California Electrical Code. By adopting these articles BSC 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 5

Chapter 5 Special Occupancies

BSC proposes to adopt Chapter 5 from the 2020 National Electrical Code, but not to adopt ARTICLES 517- Health Care Facilities, or 550 - Mobile Homes, Manufactured Homes, and Mobile Home Parks into the 2022 edition of the California Electrical Code. 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 6

Chapter 6 Special Equipment

BSC proposes to adopt Chapter 6 from the 2020 National Electrical Code, with existing California amendment to Section 625.1.1 to be moved forward without change into the 2022 edition of the 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 7

Chapter 7 Special Conditions, Chapter 8 Communication Systems, Chapter 9 Tables

BSC proposes to adopt Chapters 7 through 9 from the 2020 National Electrical Code without amendments; however, BSC proposes not to adopt articles 708, 726, 750, and 840 into the 2022 edition of the California Electrical Code. This regulatory action by BSC 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 to the proposed amendment.

Agency Response:

BSC accepts the CAC recommendation.

ITEM 8

ANNEX A, B, C, D, E, F, G, H, I, & J

BSC proposes not to adopt the Annexes from the 2020 National Electrical Code into the 2022 edition of the California Electrical Code. The Annexes are not part of the body of the adopted model code unless specifically identified for adoption in the matrix adoption tables. This regulatory action by BSC maintains the appropriate procedure for Annex adoption by local jurisdictions as needed.

CAC Recommendation:

The PECE Code Advisory Committee recommended Approve as Submitted to the proposed amendment.

Agency Response:

BSC accepts 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. HSC 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.

California Building Standards Law (HSC Section 18901 et seq) requires the adoption of the NEC into the CEC, which contains prescriptive building standards. However, this proposal does not mandate the use of specific technologies or equipment beyond the existing requirements already contained within the CEC. This proposal only contains clarifying code language with no intended change in regulatory effect.

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.

BSC has not identified any reasonable alternatives to these proposed regulations, which do not mandate the use of specific technologies or equipment. This proposal includes clarifying code language with no intended change in regulatory effect.

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. HSC Section 18928 mandates this proposed action which carries forward existing amendments with no intended change in regulatory effect.

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.

BSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

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)

California Building Standards Commission has assessed whether 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 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 of new businesses or the elimination of existing businesses 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 businesses currently doing business with 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 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.

Because this proposal makes only non-substantive, clarifying changes to existing code language resulting in no change in regulatory effect, BSC estimates there will be no additional cost for the regulated community to comply with these building standards. The benefits of this code change include clarifying code language that will produce sensible and usable state building standards that promote health and safety. BSC's assumption of no additional cost of compliance is based on the fact that the proposal preserves the existing status quo of the CEC with no intended change in regulatory effect.

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. HSC Section 18928 mandates this proposed action.