

**FINAL 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 requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

BSC has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

BSC has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts. BSC does not have authority to adopt regulations applicable to school districts. While the proposed building standard regulations are applicable to—and required to be enforced by—local agencies (i.e., city and county building departments), the regulations within this proposal make clarifying changes to existing standards with no intended change in regulatory effect.

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).**

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The following is a summary of the comments BSC received during the 45-day public comment period, BSC's explanation of the reasons for making no changes, as specified:

**Commenter 1: Robert Glass, Goodman Manufacturing Company, L.P.**

**Item: Not proposed for change: Article 210.8(F)**

(F) was added new to the 2020 NEC. Comment is to delete or modify this article concerning new requirements for outdoor outlets ground fault circuit interrupter (GFCI). It requires all outdoor outlets for dwelling units supplied by single-phase branch circuit rated 50 amperes or less to be provided with ground fault circuit-interrupter (GFCI) protection. The requirement applies to power connection to most residential HVAC units. According to Mr. Glass, the new GFCI requirement is causing nuisance trips of some residential HVAC units. His letter indicates that 9 out of 22 states have either deleted 210.8(F) or modified it so that it does not apply to HVAC equipment. Furthermore, two Temporary Interim Amendment (TIA No. 1593 and TIA No. 1593), which will delay the implementation of 210.8(F) until January 1, 2023, have been submitted to NFPA. His proposed code language changes 210.8(F) from a GFCI requirement for outdoor outlets in dwelling units to a GFCI requirement for outdoor receptables in other than dwelling units.

**Agency Response:**

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After further review, no changes to the Final Express Terms were made as a result of these comments, which are technical in nature. Moreover, BSC and other state agencies are not proposing changes to Article 210.8(F), which is model code language published by the 2020 National Electrical Code (NEC). The suggested code changes referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the commenter and recommends they contact National Fire Protection Association (NFPA 70 – National Electrical Code), the organization that develops the NEC for additional information.

**Commenter 2: Gary Eldridge, ChargePoint Inc.**

**Item: Not proposed for change: Article 625.54**

The first draft revision of the NEC 2023 has been rewritten as it did not actually add additional GFCI requirements over 210.8, to merely recognize that the requirements are already in 210.8. As per our parallel proposal to 210.8, we further feel that the NEC 2020 change that California is considering adopting in 2021 requiring all receptacles feeding EVSE to also have GFCI protection is redundant.

**Item: Not proposed for change: Article 625.44(A)(3) and (B)(3)**

Request consideration to adding 60 A receptacles to the list of acceptable non-locking receptacles for Portable and Fastened-in-Place Equipment.

**Item: Not proposed for change: Article 625.42**

First draft revision of NEC 2023 includes a significant rewrite of this article which better reflects nascent industry. Propose suggested revision to the 2022 California Electrical Code.

**Item: Not proposed for change: Article 625.41**

Would like to see this article revised/streamlined.

**Item: Not proposed for change: Article 625.40**

First draft revision of NEC 2023 includes an exception to allow feeding multiple EVSE from a single branch circuit. Propose suggested revision to the 2022 California Electrical Code.

**Item: Not proposed for change: Article 210.25(B)**

Request an exception to 210.25(B) specific to EVSE.

**Item: Not proposed for change: Article 210.24**

In order to facilitate EV-Ready, especially for stratas, and with load management, it is very beneficial to permit multiple receptacles on a common branch circuit to take advantage of diversity of loads and provide an economical, effective, charging infrastructure. Requesting an Exception for 625.44 in 210.24.

**Item: Not proposed for change: Article 210.21(B)(3)**

In order to facilitate EV-Ready installations of already listed equipment that is rated for an 80 A circuit, but 50 A (continuous) output, we are requesting an exception for EVSE receptacles, within the EVSE input and output rating as listed to UL 2594.

**Item: Not proposed for change: Article 210.8(B)(8)**

NEC 2020 requires GFCI protection for non-dwelling unit receptacles in garages, but EVSE already have personal protection systems per UL 2594, 2231- 1 & 2, and Annex A. Requests GFCI requirements be waived via an Exception.

**Item: Not proposed for change: Article 210.8(A)(2)**

Recommend the prior exemption for receptacles above 20 A from having GFCI protection in dwelling unit garages, be retained, if the outlet is for installation of an EVSE, which can be indicated with labeling. Proposed change to NEC 2023 also.

**Item: Not proposed for change: Article 210.8(B)(8)**

NEC 2020 requires GFCI protection for non-dwelling unit receptacles in garages, but EVSE already have personal protection systems per UL 2594

**Agency Response:**

BSC acknowledges the commenter's concerns and appreciates their support and participation in the code development process. After further review, no changes to the Final Express Terms were made as a result of these comments, which are technical in nature. Moreover, BSC and other state agencies are not proposing changes to Articles listed above, which is model code language published by the 2020 National Electrical Code (NEC) or at this time NFPA is in the process of reviewing and developing the 2023 NEC. As a reminder, California Building Standards Law requires the adoption of the most recent edition of the NEC (Health & Safety Code Section 18928). The suggested code changes

referenced in these comments would be more appropriately vetted by stakeholders during a precycle workshop and the Plumbing, Electrical, Mechanical, and Energy (PEME) Code Advisory Committee. BSC thanks the commenter and will consider the proposed changes during a future code adoption cycle.

### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed. In addition, no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC would be more effective in carrying out the purpose for which the regulation is proposed or be as effective as and less burdensome to affected private persons than the adopted regulation or be more cost-effective to affected private persons and be equally as effective in implementing the statutory policy or other provisions of law.

### **REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no proposed alternatives. BSC has determined that the proposed regulations will have no adverse impact on small businesses.