

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA ELECTRICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

(SFM 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.

The Office of the State Fire Marshal (SFM) has not added any additional data or any technical, theoretical, or empirical studies, reports, or similar documents on which SFM relied on in proposing these amendments to Title 24, Part 3, into this Final Statement of Reason unless noted otherwise in the comments or response to comments.

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).

The Office of the State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

Health and Safety Code Sections 1250, 13143, 13211, 1569.72, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18949.2, 25500 through 25545, Government Code Section 51176, 51177, 51178, 51179, 51189, Education Code 17074.50 and Public Resources Code Sections 4201 through 4204 requires the SFM to prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire.

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.

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 receptacles in other than dwelling units.

Agency Response:

The Office of the State Fire Marshal (SFM) 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 because of these comments, which are technical in nature. Moreover, SFM 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 pre-cycle 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.

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 or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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 as 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 and amendment of this code.

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).

n/a