

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA ELECTRICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3
(SFM 01/23)**

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 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).

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

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 text with proposed changes was made available to the public for a 45-day comment period from May 17, 2024 until July 1, 2024.

BSC received public comments during the 45-day comment period pertaining to SFM proposed amendment to Section 210.8.

An additional 15-day was not needed.

Item 4.0

Article 210 Branch Circuits, Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel

SFM proposes to adopt Section 210.8 with modification. The modification includes repealing model code language under Exception No. 2, “This exception shall expire September 1, 2026”. The modification will remove the September 1, 2026, expiration date from Exception No. 2. The SFM proposal will leave this exception in the 2025 California Electrical Code (CEC) until the expiration of the 2025 CEC in coordination with HCD. This prevents the exception from expiring six months after the effective date of the 2025 CEC and supports continuity of the enforcement.

Commenter(s) and Recommendation:

Mike Stone, National Electrical Manufacturers Association (NEMA)

NEMA requested that the Plumbing, Electrical, Mechanical and Energy Code Advisory Committee to disapprove the SFM proposal to remove the sunset date from this exception and proceed in the adoption the model code.

Agency Response:

SFM has determined that removing the model code language under Exception No. 2 “This exception shall expire September 1, 2026” eliminates code maintenance issues and further preserves the exception so that the date can align with California cycles. SFM acknowledges the comment and appreciates the recommendations provided by NEMA but has decided not to make any additional amendments as suggested by the commenter.

Commenter(s) and Recommendation:

Randall Cooper, Association of Home Appliance Manufacturers

The commenter recommends changes to 210.8(A) and 210.8(D). Changes include striking out “through 250-volt” in 210.8(A), adding “... where receptacles are installed to serve countertop services” in 210.8(A), and striking out items 8 through 12 in 210.8(DD). The commenter also proposes allowing the removal of GFCI when nuisance tripping occurs if the previous recommendations are not addressed.

Agency Response:

SFM acknowledges the comment and appreciates the recommendations provided by the Association of Home Appliances Manufactures. Upon review, SFM has made the decision to not implement additional amendments to the model code language as suggested.

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).

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