

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2025 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3
(BSC 01/23)**

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.

General purpose, problem, rationale and benefits: The Building Standards Commission (BSC) proposes to repeal the adoption of the 2022 California Electrical Code (CEC), which is based on the 2020 National Electrical Code (NEC) of the National Fire Protection Association (NFPA). BSC proposes to adopt the most recent edition of the model code, the 2023 NEC, into the 2025 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.

A statement of specific purpose, problem, rationale and benefit for each item is as follows.

ITEM 1

Article 89, General Code Provisions

BSC proposes to bring forward existing California amendments in Article 89, Sections 89.101 through 89.102.3.2 from the 2022 CEC for adoption into the 2025 edition of the CEC with minor changes identified below. This proposed action will help maintain accuracy for the code user and provide clarification regarding the regulatory authority of the state agencies.

ITEM 1-1

Section 89.101.1 Title.

BSC proposes to update the general title statement reflecting adoption of the 2023 NEC, 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.

ITEM 1-2

Section 89.101.3.2 State-Regulated Buildings, Structures, and Applications.

The proposed modification aligns the CEC Article 89 with Chapter 1 of other parts of Title 24. This is being done so that Article 89 of the CEC and Chapter 1 of all the other parts of Title 24 have the exact same language so that the code user does not have a concern that there is a difference between the intent of the codes. There is no intended change in regulatory effect.

ITEM 1-3

Section 89.101.8.2 Locally adopted energy standards – California Energy Code, Part 6.

The proposed modification aligns the CEC Article 89 with Chapter 1 of other parts of Title 24. This is being done so that Article 89 of the CEC and Chapter 1 of all the other parts of Title 24 have the exact same language so that the code user does not have a concern that there is a difference between the intent of the codes. There is no intended change in regulatory effect.

ITEM 1-4

Section 89.102.1 # 4 Unreinforced Masonry-Bearing Wall Buildings.

The proposed modification aligns the CEC Article 89 with Chapter 1 of the other parts of Title 24. The modification now references the correct code, the California Existing Building Code. This is being done so that Article 89 of the CEC and Chapter 1 of all the other parts of Title 24 have the exact same language so that the code user does not have a concern that there is a difference between the intent of the codes. This change was made in the CBC and other Parts of Title 24, but it was not updated in the CEC.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 2

Article 90, Introduction

BSC proposes to adopt Article 90 from the 2023 NEC, without amendments into the 2025 edition of the CEC. This action provides general administrative provisions for electrical systems used throughout the state.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 3

Chapter 1 General

BSC proposes to adopt Chapter 1 from the 2023 NEC and to bring forward existing

California amendments without change into the 2025 edition of the CEC. This action provides general provisions and specific state amendments for electrical systems used throughout the state.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 4

ITEM 4-1

Chapter 2 Wiring and Protection

ITEM 4-2

Chapter 3 Wiring Methods and Materials

ITEM 4-3

Chapter 4 Equipment for General Use

BSC proposes to adopt Chapters 2 through 4 from the 2023 NEC, without amendments into the 2025 edition of the CEC.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5

Chapter 5 Special Occupancies

BSC proposes to adopt Chapter 5 from the 2023 NEC, but not to adopt Articles 517- Health Care Facilities, or 550 - Mobile Homes, Manufactured Homes, and Mobile Home Parks into the 2025 edition of the CEC. Articles 517 and 550 are adopted by the state agencies that have statutory authority to adopt electrical provisions for health care facilities and mobile homes, manufactured homes and mobile home parks.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 6

Chapter 6 Special Equipment

BSC proposes to adopt Chapter 6 from the 2023 NEC, with existing California amendment to Section 625.1.1 to be moved forward without change into the 2025 edition of the CEC. This action aids the code user in identifying additional provisions for electrical vehicle charging systems located in other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 7

ITEM 7-1

Chapter 7 Special Conditions

ITEM 7-2

Chapter 8 Communication Systems

ITEM 7-3

Chapter 9 Tables

BSC proposes to adopt Chapters 7 through 9 from the 2023 NEC without amendments. However, BSC proposes not to adopt articles 708, 728, and 840 into the 2025 edition of the CEC.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 8

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

BSC proposes not to adopt the Annexes from the 2023 NEC into the 2025 edition of the CEC. The Annexes are not part of the body of the adopted model code unless specifically identified for adoption by state agencies or local jurisdictions. This regulatory action by BSC maintains the appropriate procedure for Annex adoption by local jurisdictions as needed.

CAC Recommendation:

Approve

Agency Response:

Accept

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 NEC. Health and Safety Code 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.

Health and Safety Code Section 18928 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. The proposed action carries forward existing amendments with no intended change in regulatory effect.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC 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 proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed code changes carry forward existing amendments with no intended change in regulatory effect.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

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.

The proposed regulations do not duplicate or conflict with Federal regulations.