

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT
REGARDING THE 2025 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3
(DSA-SS 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.

The Division of the State Architect – Structural Safety (DSA-SS) proposes to repeal the 2020 edition of the National Electrical Code (NEC) and adopt the 2023 edition of the NEC, published by the National Fire Protection Association, for codification and effectiveness as the 2025 California Electric Code (CEC). DSA-SS proposes this action in order to comply with state law requiring state agencies to adopt the latest edition model code, as enumerated in Health and Safety Code 18916, within one year of the publication date (Health and Safety Code 18928).

Building standards proposed by DSA-SS for adoption are applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

No new amendments to the 2023 edition NEC are proposed by DSA-SS. DSA-SS proposes to carry forward existing California amendments from the 2022 CEC into the 2025 CEC.

State administrative amendments contained in CEC Article 89 are proposed to be carried forward with amendments noted below.

ITEM 1

California Electric Code Article 89 General Code Provisions

Continue adoption of CEC Article 89 (General Code Provisions) of the 2022 triennial edition of the CEC for publication in the 2025 triennial edition of the CEC, with editorial amendments as shown below:

Section 89.101.1 (Title) – Editorial amendment to bring up-to-date reference to the 2023 NEC by deleting reference to the 2020 NEC and replacing with 2023 NEC.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

Article 90, Introduction

DSA proposes to adopt article 90 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 3

Chapter 1, General

DSA proposes to adopt Chapter 1 of the 2023 NEC without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 4

Chapter 2, Wiring and Protection

DSA proposes to adopt Chapter 2 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 5

Chapter 3, Wiring Methods and Materials

DSA proposes to adopt Chapter 3 of the 2023 NEC, without amendment.

CAC Recommendation):

Approve.

Agency Response:

Accept.

ITEM 6

Chapter 4, Equipment for General Use

DSA proposes to adopt Chapter 4 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 7

Chapter 5, Special Occupancies

DSA proposes to adopt Chapter 5 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 8

Chapter 6, Special Equipment

DSA proposes to adopt Chapter 6 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 9

Chapter 7, Special Conditions

DSA proposes to adopt Chapter 7 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 10

Chapter 8, Communication systems

DSA proposes to adopt Chapter 8 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 11

Chapter 9, Tables

DSA proposes to adopt Chapter 9 of the 2023 NEC, without amendment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 12

Annexes

DSA proposes to not adopt Annexes A, B, C, D, E, F, G, H, I, J, and K of the 2023 NEC.

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).

No technical, theoretical, or empirical studies or reports were used, as Section 18928 and Section 18941 of the Health & Safety Code 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.

No new prescriptive standards are proposed.

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.

DSA has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

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.

DSA has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

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.

DSA-SS has no facts, evidence, documents, testimony, or other evidence indicating any potential significant adverse impact on business with regard to the proposed action.

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)

Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons

The Division of the State Architect 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.

DSA has determined that the proposed action has no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA has determined that the proposed action has no effect.

C. The expansion of businesses currently doing business within the State of California.

DSA has determined that the proposed action has no effect.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The adoption of the most recent edition of the model code with California amendments will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment for California residents.

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.

DSA estimates no new costs as Section 18928 of the Health and Safety Code mandates the adoption of the most recent addition of the model code.

Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons

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 conflict with federal regulations.