

**INITIAL 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 (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.

ITEM 1

Article 89 General Provisions

The SFM is proposing the adoption of section 89.101 through section 89.101.12, and section 89.111.1 through 89.111.10 and carrying forward existing amendments with modifications shown below.

ITEM 1-1

Section 89.101.1 Title

Section 89.101.1 is modified to replace the 2020 National Electrical Code with the current model code edition 2023 National Electrical Code of the National Fire Protection Association.

CAC Recommendation:

Approved

Agency Response:

Disagree

Upon further review the SFM found that the charging language did not identify properly all the sections intended for adoption.

ITEM 2

Article 90 Introduction

The SFM is proposing the adoption of Article 90 without amendments.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 3

Chapter 1 General

The SFM is proposing the adoption and carrying over existing amendments of Articles 100 and 110.

Article 100 Definitions

Including the following existing California amended definitions:

Accessory Dwelling Unit

Ballasted Solar Photovoltaic System

Article 110 General Requirements for Electrical Installations

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 4

Chapter 2 Wiring and Protection

The SFM proposes adopting the following Articles 200, 210, 215, 220, 225, 230, 235, 240, 242, 245, and 250 with modifications listed below.

ITEM 4-0

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

The SFM is proposing the adoption of section 210.8 with the following modification.

SFM is proposing to adopt and amend section 210.8 in coordination with Housing Community Development (HCD). It was identified that this is a fire, and life safety issue. The amendment will remove the September 1, 2026, expiration date from Exception No. 2. There have been reported issues for example nuisance tripping with heating, ventilation, and air conditioning (HVAC) equipment incompatibility with ground fault circuit interrupters (GFCI). SFM along in coordination with HCD is proposing to leave this exception in the 2025 California Electrical Code (CEC) until the expiration of the 2025 CEC. This prevents the expiration from happening just six months after the effective date of the 2025 CEC. This will allow continuity of the enforcement.

CAC Recommendation:

N/A

Agency Response:

This proposal has been added to SFM rulemaking documents after it was heard at the Code Advisory Committee hearing for HCD and it was recommended that the two State Agencies coordinate on this important life safety issue. SFM is co-adopting the amendment HCD proposed to strike out the September 1, 2026, expiration date from Exception No. 2.

ITEM 4-1

Article 210 Branch Circuits, section 210.12 Arc-Fault Circuit-Interrupter Protection

The SFM is proposing the adoption of section 210.12 with modification to the reference standard. The most current edition of the NFPA 72 standard is being proposed, which is the 2025 Edition. Adoption of the latest standards is beneficial to the industry and provides the most current advancements in the industry.

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 5

Chapter 3 Wiring Methods and Materials

The SFM is proposing the adoption of Articles 300, 305, 310, 312, 314, 315, 320, 322, 324, 326, 330, 332, 334, 335, 336, 337, 338, 340, 342, 344, 348, 350, 352, 353, 354, 355, 356, 358, 360, 362, 366, 368, 369, 370, 371, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 393, 394, 395, 396 and 398 without amendment.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 6

Chapter 4 Equipment for General Use

The SFM is proposing the adoption of Articles 400, 402, 404, 406, 408, 409, 410, 411, 422, 424, 425, 426, 427, 430, 440, 445, 450, 455, 460, 470, 480 and 495 without amendment.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 7

Chapter 5 Special Occupancies

The SFM is proposing the adoption of Articles 500, 501, 502, 503, 504, 505, 506, 511, 512, 513, 514, 515, 516, 517, 518, 520, 522, 525, 530, 540, 545, 547, 555, 590 with new and existing amendments. SFM does not adopt Articles 550, 551, and 552.

ITEM 7-1

Article 517 Health Care Facilities, Section 517.31 Requirements for Essential Electrical System, 517.41 Required Power Sources, 517.42 Essential Electrical Systems for Nursing Homes and Limited Care Facilities, 517.45 Essential Electrical Systems for other Health Care Facilities

The SFM is proposing the adoption of Article 517 with new amendments. Add sections 517.31(H), 517.42(G), and 517.45(H) to coordinate regulations with OSHPD.

517.31(H) On-site energy storage systems and fuel supply

SFM in coordination with OSHPD proposes to add 517.31(H) which relocates and rewrites the on-site emergency generator fuel requirements for Type 1 essential electrical systems which were previously included as exceptions to 700.12(D). SFM/OSHPD proposes to revise the language from "internal combustion engine fuel supply" to "On-site energy storage systems and fuel supply" to align with the new model code language which allows essential power sources other than generators. The section is co-adopted with the OSHPD.

Associated Section: 700.12 (D)(2)(a) in Item 9-1

517.31(H)(1) SFM in coordination with OSHPD proposes to add 517.31(H)(1) to specify on-site energy storage systems and fuel supply requirements for correctional treatment centers that provide optional services, and for acute care hospital facilities required to meet NPC-5 requirements. These are the same requirements that were previously in 700.12(D)(2). The section is co-adopted with OSHPD.

Associated Section: 700.12 (D)(2) Exception No. 1 in Item 9-1

517.31(H)(2) SFM in coordination with OSHPD proposes to add 517.31(H)(2) to specify on-site energy storage systems and fuel supply requirements for correctional treatment centers with 7 beds or more that provide only basic services and for acute psychiatric hospitals with 7 beds or more. These are the same requirements that were previously in 700.12(D)(2). The section is co-adopted with OSHPD.

Associated Section: 700.12 (D)(2) Exception No. 2 in Item 9-1

517.42(G) [SFM, OSHPD 2, 4 & 5] On-site energy storage systems and fuel supply.

SFM in coordination with OSHPD proposes to add 517.42(G) which relocates and rewrites the on-site emergency generator fuel requirements for Type 2 essential electrical systems which were previously included as exceptions to 700.12(D). SFM/OSHPD proposes to revise the language from "internal combustion engine fuel supply" to "On-site energy storage systems and fuel supply" to align with the new model code language which allows essential power sources other than generators. The section is co-adopted with OSHPD.

Associated Section: 700.12 (D)(2) in Item 9-1

517.42(G)(1) – SFM in coordination with OSHPD proposes to add 517.42(G)(1) to specify on-site energy storage systems and fuel supply requirements for correctional treatment centers with 7 beds or more that provide only basic services for acute psychiatric hospitals with 7 beds or more, for intermediate care facilities and for skilled nursing facilities. These are the same requirements that were previously in 700.12(D)(2). The section is co-adopted with OSHPD.

Associated Section: 700.12 (D)(2) Exception No. 2 in Item 9-1

517.42(G)(2) – SFM in coordination with OSHPD proposes to add 517.42(G)(2) to specify on-site energy storage systems (ESS) and fuel supply requirements for skilled nursing facilities that have an alternate source of power that is independent of the EES that provides power to meet new requirements found in the CEC517.1(B). If the EES is independent of these alternate power sources the EES on-site fuel supply will need to meet the 96-hour run time required in CEC 517.1(B). The section is co-adopted with the OSHPD.

Associated Section: 517.1(B) in Item 9-1

517.45 Essential Electrical Systems for Other Health Care Facilities.

(H) [SFM, OSHPD 3 (Surgical Clinics only)] SFM in coordination with OSHPD proposes to add 517.45(H) which relocates and rewrites the on-site emergency generator fuel requirements for Surgical Clinics which were previously included as exceptions to 700.12(D). OSHPD proposes to revise the language from “internal combustion engine fuel supply” to “on-site energy storage systems and fuel supply” to coincide with the new model code language which allows essential power sources other than generators. The section is co-adopted with OSHPD.

Associated Section: 700.12 (D)(2) Exception No. 3 in Item 9-1

CAC Recommendation:

Approved

Agency Response:

Disagree

Apon further coordination with OSHPD after the CAC meeting, SFM made changes in the proposed language to align with OSHPD proposed language.

ITEM 7-2

Article 590 Temporary Installation

[The SFM is proposing the adoption of Article 590, carrying forward the deletion of Section 590.3 (C), and carrying forward the existing SFM amendment of Section 590.3 (C.1).]

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 8

Chapter 6 Special Equipment

The SFM is proposing the adoption of Articles 600, 604, 605, 610, 620, 625, 626, 630, 640, 645, 646, 647, 650, 660, 665, 668, 669, 670, 675, 680, 682, 685, 690, 691, 692, 694, 695, and carrying over existing amendments.

ITEM 8-1

Article 625 Electric Vehicle Power Transfer System, 625.52.

The SFM is proposing the adoption of Article 625, carrying forward the deletion of Section 625.52 (B), and carrying forward the existing SFM amendment of Section 625.52 (C).

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 9

Chapter 7 Special Conditions

The SFM is proposing the adoption of Articles 700, 701, 702, 705, 706, 708, 710, 722, 724, 725, 726, 728, 750, 760 and 770, repeal existing 700.12 amendments in coordination with OSHPD, and carrying over existing amendments to 760 as shown in Items 9-1 and 9-2.

ITEM 9-1

Article 700 Emergency Systems, section 700.12 General Requirements

The SFM is proposing to adopt Article 700 and repeal the following amendments in Section 700.12 to coordinate with OSHPD.

Repeal the 700.12 (D)(2) exceptions for on-site fuel supply for internal combustion engines for various OSHPD building types. Note this text is being moved from Article 700 to Article 517 with revisions in Item 7-1.

Associated Sections: 517.31(H), 517.42(G) and 517.45(H) in Item 7-1

Associated Sections: 517.31(H), 517.42(G) in Item 7-1

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 9-2

Article 760 Fire Alarm Systems.

The SFM is proposing to maintain the existing SFM amendment of Sections 760.1 through 760.176(F) with modifications to update to the most current edition of the NFPA 72 reference standard, which is the 2025 Edition.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 10

Chapter 8 Communication Systems

The SFM is proposing the adoption of Articles 800, 805, 810, 820, 830, and 840 without amendment.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 11

Chapter 9 Tables

The SFM is proposing the adoption of reference Tables 1-13 without amendment.

CAC Recommendation:

Approved

Agency Response:

Accept

ITEM 12

Chapter 9, Informative Annex

The SFM is proposing to adopt by reference Annex A and Annex B without amendment. SFM does not adopt Annex C through Annex K.

CAC Recommendation:

Approved

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).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

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.

The SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

- This comprehensive electric code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.
- This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety, and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The National Electric Code (NEC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

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.

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 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 of this code.

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.

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 and less burdensome to affected small business than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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.

The SFM has determined that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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)

State Fire Marshal 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 cause 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 or the elimination of existing business 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 business currently doing business within 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 improve minimum existing 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.

The SFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety Section 18928 requires that building standards be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete, and updated text of the regulations and standards.

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 SFM has determined that this proposed rulemaking action does not unnecessarily duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.