

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

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

The Office of Statewide Health Planning and Development (OSHPD) finds that no revisions have been made which would warrant a change to the initial statement of reasons for the proposal to:

- Adopt the 2005 National Electrical Code for incorporation, by reference, into the 2007 California Electrical Code
- Carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers
- Amend Section 517.35 to prohibit the use of batteries, in lieu of generators, to provide power to the essential electrical system in hospitals
- Amend Section 517.42 to allow specified wireless nurse call systems in skilled nursing facilities
- Clarify that requirements for skilled nursing facility construction also apply to “distinct part” units included on a hospital license and units within hospital buildings
- Make minor technical amendments

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD 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)

Public Comment:

Amy Lee, Acting Director, Department of Building Inspection, City and County of San Francisco

Ms. Lee submitted a letter stating that the San Francisco Department of Building Inspection and the San Francisco Fire Department are petitioning the California Building Standards Commission (BSC) to amend the 2005 National Electrical Code (NEC), Section 800.2 regarding the definition of “Communications Equipment”. The suggested amendment would repeal specific model code language in the current definition as follows: “Communication Equipment. The electronic equipment that performs the telecommunications operations for the transmission of audio, video,

and data and including power equipment (e.g., dc converters, inverters and batteries) and technical support equipment (e.g. computers). “

OSHPD’s Response:

The comment submitted by Ms. Lee suggests amending the 2005 NEC Section 800.2 model code definition of “Communications Equipment”. This suggested amendment, however, will not be considered during the BSC’s 2006 Code Adoption Cycle. Public comments are considered during a BSC Code Adoption Cycle only if the comment pertains to a state agency’s proposed amendment to model code. OSHPD is proposing to adopt Section 800.2 unamended, therefore, Ms. Lee’s comment is outside of OSHPD’s proposed rulemaking and cannot be considered.

The NEC is a model code published by the National Fire Protection Agency and is amended at the national code adoption level. The commenter’s suggested amendment would be appropriately addressed at the national level.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The OSHPD 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 adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

There were no proposed alternatives. The OSHPD has determined that the proposed regulations not have an adverse impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

The OSHPD did not receive comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

The OSHPD did not receive comments from the Trade and Commerce Agency.