

## Michael Lewis

---

**From:** Michael Lewis [Michael.Lewis@state.mn.us]  
**Sent:** Thursday, May 29, 2008 2:03 PM  
**To:** Michael Lewis  
**Subject:** FW: Comment 2008 NEC Adoption

---

**From:** Fecteau, Jeff [mailto:Jeff.Fecteau@nema.org]  
**Sent:** Thursday, May 29, 2008 12:09 PM  
**To:** rulecomments@state.mn.us  
**Cc:** Annette.Trnka@state.mn.us  
**Subject:** Comment 2008 NEC Adoption

Judge Richard Louis,

My name is Jeffrey Fecteau and I am the Midwest Field Representative for NEMA (National Electrical Manufacturers Association) and it has come to my attention that during the Administrative Law Judge hearing for the adoption of the 2008 NEC (National Electrical Code), testimony was provided stating that several states have amended the 2008 NEC. Therefore, I am writing this letter to you in an attempt to provide you with the most current and factual data on which areas have currently adopted the 2008 NEC and explain any amendments. I am one of four NEMA Field Representatives and personally responsible for the seventeen Midwestern states. Between the other three field representatives and me, we cover all fifty states and work closely with Electrical Inspectors and Building Officials.

As NEMA Field Representatives one of our tasks is to promote the direct adoption of the 2008 NEC without amendments. This task is two fold, first it is in keeping with the purpose of the NEC, which like all code relating to construction is considered a minimum safety document;

“90.1 Purpose.

(A) Practical Safeguarding. The purpose of this Code is the practical safeguarding of persons and property from hazards arising from the use of electricity.”

The second is to provide a level playing field with the same rules across all fifty states. This is beneficial to the manufactures since there products are distributed nation wide. Therefore, if the electrical equipment is code compliant on the east coast, it too would be compliant on the west coast and everything in between. In addition to the manufactures, it also is helpful to electricians that travel from state to state, multi-state electrical supply stores, and electrical inspectors who have multi-state meetings. This is specifically beneficial to Minnesota since they are a member of a multi-state reciprocity agreement for all state licensed electricians. What this means is any licensed electrician within any one of these states can receive a license in another state covered by this reciprocity agreement without having to take that specific states test. When these states are on the same NEC, it allows these electricians to travel to other states without having to be retrained on a different version of the NEC.

The following states have currently adopted the 2008 NEC without amendments. These states have effective dates of enforcement scheduled anywhere between January 1, 2008 through January 1, 2009.

Arkansas - Colorado – Iowa – Kentucky - North Carolina - Ohio – Texas – Utah – Wyoming - Ohio adopted the 08 NEC on January 1, 2008; it has since been contested by the Ohio Home Builders Association and for 1 – 2 & 3 family dwellings, the governor signed a ninety day emergency order to exempt these structures from enforcement of the 08 NEC. This emergency order by the governor is scheduled to expire on June 29, 2008 and by state law, it may not be extended.

The following local municipalities have currently adopted the 2008 NEC without amendments. These municipalities have effective dates of enforcement scheduled anywhere between January 1, 2008 through January 1, 2009.

Johnson City, TN - Montgomery, AL - Shelby County, AL - Bloomington, IL - Normal, IL - Jacksonville, IL - Pekin, IL - Washington, IL - Lake Hills, IL - Matton, IL - State of Illinois Capitol Development

The following states have currently adopted the 2008 NEC with amendments. These states have effective dates of enforcement scheduled anywhere between January 1, 2008 through January 1, 2009. Since I am not the NEMA Field Representative for all of these states I can only elaborate on the amendments that I am personally aware of.

Idaho – Massachusetts,

New Mexico;

90.2 has been modified to require listing of all electrical products by a testing lab certified by OSHA.

Alternatives to listing are a field evaluation or, if an appropriate standard for a product does not exist, the State will accept an evaluation report from an engineer. The rule limits residential general purpose outlets to 10 and small appliance outlets are limited to 4. These requirements are more restrictive.

The Electrical Code also contains a requirement to comply and coordinate with the New Mexico Energy Conservation Code, 14.7.6 NMAC and further contains specific energy conservation requirements for electrical installations.

North Dakota;

All wiring materials and equipment shall be listed by nationally recognized testing laboratories to safeguard life and property. It is the duty of the electrical installer to secure permission from the executive 25 director to use materials, devices, and methods of installation not specifically covered by these standards. Equipment not approved under a testing laboratory category shall be evaluated by a registered professional engineer on state accepted evaluation forms.

Exception: Manufacturing firms that install industrial machinery for use by the firm itself and employ professional engineers may evaluate the industrial machinery according to NFPA 79 or UL 508 Standard. This requirement is more restrictive.

Fifteen and twenty ampere 125-volt receptacles located outdoors or in unfinished basements supplying sewer pumps and sump pumps shall be ground-fault protected or a single receptacle shall be installed in an enclosure that is locked. This is giving an option that is considered less restrictive from a safety point of view, however more restrictive from should the installer choose not to install ground-fault protection.

Oregon;

Arc-fault requirements have been modified to require arc fault protection, combination type, only for bedroom circuits in dwellings. This is consistent with the requirements in the 2005 Edition of the NEC that took effect on January 1, 2008. This is considered to be less restrictive from a safety point.

Tamper resistant receptacles were adopted as written, but with a delayed implementation date of October 2008. The delay was due to a perceived shortage of product. There is currently nor was there any shortage of product for code compliance.

The requirements for selective coordination of overcurrent protection in several articles were modified to clarify that it will only be required for new installations and the new or modified portions of existing installations. This is neither more or less restrictive, just a clarification, that the code is only intended to apply to new work and not retro active to existing installations.

South Dakota;

Fifteen and twenty ampere 125-volt receptacles supplying sewer pumps and sump pumps are exempted from ground-fault protected. Also life support equipment in dwelling units are exempted from arc-fault protection. These amendments are considered less restrictive from a safety standpoint.

Hopefully this information will be beneficial by identifying that the statement made at the Administrative Judicial Hearing that several states have amended the 2008 NEC is minimal where it is considered to be less restrictive and based on code language an electrical hazard. There are other states that amended the code that are considered to be more restrictive.

The following web address can be used to locate NEMA code alerts of the 2008 NEC adoption;  
<http://nema.org/stds/fieldreps/codealerts/>

Please do not hesitate to contact me in further information is required.

Jeffrey A. Fecteau C.B.O, E.C.O  
NEMA Midwest Field Rep.  
651-304-0818 Cell  
651-408-8562 Office/Fax  
Jeff.Fecteau@nema.org  
6523 261st Street  
Wyoming, MN 55092

---

May is National Electrical Safety Month! Please visit the Electrical Safety Foundation International's website at <http://www.electrical-safety.org> for electrical safety information and checklists for your home and office!