



State of Idaho
Division of Occupational and Professional Licenses
Idaho Electrical Board

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Draft Minutes
08/26/2024 Public Hearings Summary

Division Staff: Amy Lorenzo, Executive Officer
Steve Greene, Electrical Program Manager
Jill Randolph, Legal Counsel
Erin Einarsson, Board Support Specialist

The meeting was called to order by Executive Officer Amy Lorenzo at 9:00 AM MT.

This was a public meeting to provide a summary of the public comments received from the six public hearings held in Boise, Pocatello, Rexburg, Twin Falls, Moscow and Post Falls as well as any comments emailed to the Division of Occupational and Professional Licenses (DOPL) on IDAPA 24.39.10 Temporary Rules of the Idaho Electrical Board. There was a total of 78 attendees statewide at the public hearings, with 75 unique attendees. A broad section of the industry was represented including electricians, contractors, suppliers, educators, home builders and state officials. The primary goal of these meetings was to gather information so that the Idaho Electrical Board and DOPL can present draft rules that align with the feedback and concerns of the stakeholders as well as meeting the expectations of the legislators.

The following topics were discussed:

- **Adopting the 2023 National Electrical Code (NEC):** At each public hearing, DOPL consistently received statements from stakeholders in support of adopting the 2023 NEC in its entirety. These public members emphasized that the NEC is created to protect people and property from electrical hazards and should be adopted in full without any exemptions or amendments.
- **210.52 (C)(2) & (3) Island and Peninsular Countertops & Work Surfaces:** This item was not addressed in the temporary rules. However, DOPL received a significant number of comments with regards to the 2023 NEC restrictions for outlet placement on kitchen islands. With the 2023 NEC, outlets can only be placed on or above countertops which requires installing a pop-up outlet. If no outlet is installed in the countertop, a future receptacle must be provided within the kitchen island. Stakeholders, citing the additional costs and limited availability of the pop-up outlets as well the difficulty of cutting into certain countertop materials, requested reverting back to the 2017 NEC Code for kitchen islands.

- **100.01.05 Continuing Education:** DOPL received feedback that Residential Electricians should also be subject to continuing education requirements. It was also recommended to add “As Approved by DOPL” after “Independent Study” to clarify that any coursework submitted will be reviewed to ensure that it meets the minimum qualifications.
- **200.03 Supervision:** Stakeholders suggested that Residential Electricians should be limited to supervising only within their scope of practice. Additionally, EO Lorenzo noted that multiple stakeholder groups were critical of the Residential Electrician license and were not in support of its implementation.
- **600 Idaho Electrical Code:** With regards to the exemptions and exceptions listed, Stakeholders indicated the current numbering system is confusing. It was suggested that the rules would be easier to follow if they included what is permitted rather than listing what numbers were deleted. Making this change to the rules may increase the length of section 600 but will provide more clarity.
 - Section 210.8(A)(5) Basements: It was suggested that the rules return to the 2017 NEC code where Ground-Fault Circuit-Interrupters (GFCI) are required in unfinished basements.
 - 600.01.b Section 210.8(A): Stakeholders generally agreed with this exception, but noted that Automotive Vacuum Machines, Tire Inflation Machines and Vending Machines must be exempted. There was general consensus that many of the small appliances such as dishwashers and clothes dryers have internal GFCI protection and thus was not necessary to include at the outlets as well.
 - 600.01.c Section 210.8(A)(7): Several stakeholders identified that the exposure to liquids is still possible in areas of a kitchen where a sink is not present.
 - 600.01.h Section 210.8(D)(1) Automotive Vacuum Machines: It appears that this information was erroneously copied from a section on sinks. The recommendation is to delete this exemption in its entirety and refer to the 2017 language.
 - 600.01.i Section 210.8(D): It was noted that (1) Automotive Vacuum Machines, (4) Tire Inflation Machines and (5) Vending Machines were existing requirements in the 2017 rules and should not have been exempted. The 2023 NEC had moved this list from a different section in previous editions, so it may have appeared to be new, but was not.
 - 600.01.k Section 210.12(B) Arc-Fault Circuit-Interrupter (AFCI) Protection, Dwelling Units: Most stakeholders supported returning to the 2017 NEC language which requires AFCI installed in bedrooms for 1 and 2 family dwelling units. EO Lorenzo shared that she received a letter from the Idaho Home Builders Association that they are recommending eliminating AFCI requirements entirely due to installation costs and potential nuisance tripping.
 - 600.01.m Section 230.67 Surge Protection: This item is currently listed as an exemption. However, DOPL received feedback that the installation of surge protectors is not a significant cost barrier, and that the life-saving capabilities are

substantial. Additionally, it was noted that the cost to retrofit a home with surge protectors is significantly higher than the initial installation cost.

- 600.01.n Section 230.85 Emergency Disconnects: Multiple stakeholders shared that homes with backup generators will continue to power a home after the panel is pulled and thus an emergency disconnect is a necessary to protect the lives of first responders and homeowners.
 - 600.01.u Section 480.7(B) Battery Emergency Disconnect: DOPL received feedback that in relation to solar installations, an emergency disconnect is not required.
- **Temporary Rules Technical Revisions**: Steve Greene, DOPL Electrical Program Manager, reviewed the temporary rules and while there were no emergent life-safety issues, he did identify areas for the Board to consider addressing for clarification. His analysis was presented at the August 22, 2024 Board meeting and those items will be included in the draft rules EO Lorenzo will present at the August 29, 2024 Board Meeting. Additionally, within the temporary rules, Surge Protection and Emergency Disconnects were exempted from specified sections of the NEC, but there are additional requirements in the NEC that were not referenced. The feedback DOPL received from Stakeholders is that the rules need to be consistent but there were questions as to how broadly these exemptions should extend. Additionally, with regards to detach Solar PV structures, 600.01.i Section 690.12, the temporary rules created a conflict with Idaho Building Code and will be rephrased.

PUBLIC COMMENTS: Ken Burgess, Idaho Home Builders Association, asked if the changes to kitchen islands should be submitted as an emergency temporary rule considering that some jurisdictions are enforcing the 2023 NEC, and some are not. EO Lorenzo appreciated the concern and added that while this is not a life-safety issue, DOPL can have a conversation with the Governor's office as to whether they would like to add this item to the temporary rules. DOPL has been conducting education and outreach to explain that full enforcement of the temporary rules will be in effect as of January 1, 2025. EO Lorenzo asked that if anyone finds inconsistencies with that, to please notify DOPL immediately so that it can be corrected. Bret Stoddard, City of Rexburg, expressed appreciation for the effort EO Lorenzo and DOPL has made to extend invitations and create opportunities throughout the state for the industry and stakeholders to comment on the legislation. Representative Lance Clow, Chairman of the House Business Committee, asked if digital copies of the 2023 NEC could be provided to the legislators for their reference. Representative Clow expressed concern about the \$500 cost of the NEC code book also asked if it was possible to provide access to the 2023 NEC code to the public as well. Mr. Stoddard replied that the National Fire Protection Association (NFPA) provides free access online at www.nfpa.org. The 2023 NEC as well as previous versions are available. Gabe Madrid, City of Idaho Falls, commented that the Code Book is not \$500 and that every electrician should own and be familiar with the NEC because it provides information on how to do electrical installations safely, not only for themselves, but also for the public.

Outside of the topic of negotiated rulemaking, EO Lorenzo added that DOPL is in the process of outsourcing all exams to ensure there is a high level of rigor, validity and availability. The

Journeyman and Master Electrician exams have been transitioned to national providers, but there are still a small number of limited license exams administered at DOPL. The participation rates for those exams have been low and stakeholders have identified that the licenses are not in line with the industry's needs. Therefore, DOPL is working with a national provider to develop exams for the Limited Energy Electrical Installer as well as the Well Driller and Pump Installer licenses. DOPL will be using the negotiated rulemaking process as an opportunity to be responsive to the industry and will be asking the Board to consider separating the well driller and pump installer into two separate license types. Representative Clow added the efforts to simplify the rulemaking process, which includes removing duplicative references to statute in rules, may be removing information that is necessary to understand the rules on their own. EO Lorenzo thanked Representative Clow for attending both a public hearing and the summary public hearing and participating in the rulemaking process. EO Lorenzo announced that the proposed rules will be published in the October 5, 2024 Idaho Administrative Bulletin. Comments about the proposed rules must be submitted in writing or in person before the Idaho Electrical Board votes to go pending.

ADJOURNMENT

With no further comments, the meeting was adjourned at 9:55 AM.