

Date: May 24, 2023

To: Jeff Sargent and National Electrical Code Correlating Committee

Subject: National Electrical Code® Correlating Committee White Paper
Keeping the NEC® Relevant - Is Now the Time to Modernize?

The following are direct comments to proposed ideas in the White Paper as requested.

In direct response to the title of this white paper, the answer is that the NEC is under continuous revision and modernization every three years through its scheduled development cycles. This process is ongoing, so the answer is a given. NECA totally agrees and supports the fact that the NEC must remain relevant to support continued adoption at state and local levels.

NECA agrees that there have been several advancements made in technology, safety, and the electrical industry since 1937, all of which have been effectively implemented into the *NEC*®'s current structure. The current working NEC structure is agile and can be expanded and modified to address enhanced usability while remaining relevant. Much of the information provided in this white paper just repeats ongoing NEC development work that is effectively addressing identified and substantiated reasons to change and evolve. NECA supports all of those concepts presented, including those related to addressing the communications and limited energy systems coverage through all NEC requirements, unless otherwise exempted with industry consensus and justification.

This white paper also proposes a completely new structure that has severe consequences to the entire electrical industry, which is of significant concern. NECA supports adjustments to the existing NEC structure, where these adjustments and/or reorganization is substantiated through identified industry needs.

As the second paragraph of this paper clearly indicates the current NEC structure has been successful for over 70 years and continues to work very effectively. Many organizations involved in the electrical industry have established business models around the current NEC structure, and training on the use and application of this Code has a solid history of success. The current NEC structure should not be changed as there is no evidence of a problem or that it has become ineffective, and there is no substantiation to support this effort. At its annual Codes and Standards Committee meeting in March 2023 NECA did establish a consensus position to oppose a complete restructuring of the NEC for the specific reasons provided below. These questions, comments, and concerns were provided to NFPA and the NEC Correlating Committee and have yet to be answered.

- Over the last 70+ years, have there been no Public Inputs submitted, let alone accepted, regarding the structure of the *NEC*®, or implying the structure needs to be addressed, none. This is only the idea or concept of not even the entire NEC Correlating Committee. As an aside, NECA was not included in the initial concept development of this proposed thought

pattern. No evidence of a problem or need to change that was ever submitted into the NEC development process, which is required for compliance with the NFPA Regulations Governing the Development of NFPA Standards. Not to mention there is no technical or scientific substantiation that warrants such a change. The current NEC structure is nimble and totally designed and capable of incorporating revisions and new requirements that are identified and proposed through the standard process of public input and comments.

- Chapter 2 of the current *NEC® Style Manual* establishes the structure of the document and will likely require modification to accommodate a new structure. Meaning the NEC Correlating Committee would need to revise this set of guidelines in order to complete the proposed restructuring. This is creating disruption and then writing the rules to support it afterward, which appears to be self-serving and without integrity. This also appears to disregard the important and supported historical work of the NEC committee years ago that exercised wisdom and care in establishing the current NEC structure. It has stood the test of time and can continue to do so. Those before us that shaped the NEC structure years ago were very wise in the development and evolution of a sustainable NEC structure. Why would an effort be proposed that introduces completed confusion and disruption and interrupts proven success? This doesn't make good business sense and is in need of significant reconsideration.
- NECA supports adoption of the latest edition of the NEC as indicated NECA Standing Policy 3. NECA is very concerned as the NFPA should be, about NEC adoption across the country which will also certainly be negatively impacted. The impact this will have on electrical installation safety is immeasurable as current business models based on the existing and functioning NEC structure will be disrupted.
- NECA is concerned, and experience has shown as witnessed in the public record, that this proposed concept letter may be perceived by various Technical Committee's as a directive and mandate from the Correlating Committee. This is wrong and misleading and should be clarified to the NEC Committee and the public. It should be made clear that the Correlating Committee does not have authority to require Technical Committees to make technical changes at all, especially those that are not substantiated. This is out of step with The NFPA Regulations Governing the Development of NFPA Standards. These regulations clearly provide the rules that technical committee must abide by as required under NFPA's ANSI standards development procedures (The Regulations).
- This proposed white paper concept expresses a need to modernize the NEC® to remain relevant as the foundation for electrical installation regulation. NECA agrees in modernizing the NEC to incorporate substantiated revisions to remain relevant. NECA has serious

concerns that a proposed change in structure of this magnitude may be seen by many beyond the NEC communities as dysfunctional and invites other standards and code developers an opportunity to exploit to get their foot in the door with local municipalities as they are going to be virtually rewriting their entire statutes or ordinances anyway. In other words, this could lead to development of another electrical Code, which is something that NFPA should be concerned about. NECA is seriously concerned that ugly shades of the past will resurface, unnecessarily.

- Another important consideration about these proposed NECA structural changes is that it will create a negative and cascading domino effect with several stakeholders (outside the boundaries of the NEC committee) in addition to the average Code users. Where is the justification for such broad negative industry impact to the groups such as those listed below (nonexclusive)?
 - Standards Development Organizations that heavily reference the NEC®
 - Manufacturers
 - Licensing Boards and exam developers
 - State and Municipal Governments
 - Training Organizations that teach trade workers how to use the NEC
 - Organizations with Business Models based on the current proven NEC structure.
 - Existing electrical professionals, electrical workers, designers, engineers that are trained in the current NEC structure.

At this point, NECA believes that this proposed concept is still being put forward in a vacuum, thus limiting the amount of stakeholder feedback. The proposed restructuring will require a significant investment, not just by the the industry, but a significant investment of time and effort by NEC committee volunteers. At the very least, proportional measures should be taken to gather feedback on the proposed restructuring so these efforts are not made in vain. The implementation of this concept will have impact far beyond than the boundaries of the NEC development committees as such, substantial efforts seeking input from the NEC stakeholders should be made to ensure the transparent ANSI standards development process is maintained. This input should be sought before moving forward with any work related to a wholesale restructuring of the NEC.

In summary, NECA fully supports keeping the NEC relevant and modernizing it as needed to address identified and substantiated needs to do so. Many of the technical revisions and advancement proposed in this white paper are already part of an ongoing code development process. All of these can be incorporated under the current NEC structure, without significant impact to an entire industry. Because the impact to industry is so great and has the potential to negatively impact standards developers and their current business models, NECA believes any such position or concept must be support internally and transparent fashion. It is vital that the

concerns and comments expressed in this response to the white paper be disclosed transparently to not only the entire NEC committee, but the entire electrical industry.

- NECA is encouraged by finally being requested to participate with an assigned “NEC Structure Task Group” that is exploring the ideas introduced by this white paper. As it has from the beginning of NEC development, NECA is still very committed to providing meaningful contributions to revision efforts to achieve optimal results, with no severe impact to industry. A big part of the NEC Correlating Committee’s responsibilities is to act as stewards of the NEC and protect it and guide it in the best interest of NFPA, the publishers of the NEC. This requires continuous responsible leadership that this committee has historically been known for.