

NEW HAMPSHIRE STATE BUILDING CODE  
PROPOSED AMENDMENT FORM

Proposed amendment submitted by:

**EL-14-01-15**

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Date: September 13, 2015

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Applicable code: **NEC-14 (NFPA 70)**

Applicable code section: **210.12**

Select only one code: IEBC-09 IBC-09 IRC-09 IPC-09 IMC-09 IECC-09 IEBC-09 **NEC-14 (NFPA 70)**

Current language (including section numbers and include prior adopted amendments):

**210.12 Arc-Fault Circuit-Interrupter Protection**

Arc-fault circuit-interrupter protection shall be provided as required in **210.12(A)** (B), and (C). The arc-fault circuit interrupter shall be installed in a readily accessible location.

Check one:  Delete without substitution:  Add new section to read as follows:  
 Delete section and substitute the following:  Revise section to read as follows:  
~~Show Line through material to be deleted.~~ Underline material to be added.

Proposed code language:

Insert an Exception following the opening paragraph of **210.12** as follows:

Exception:

After repeated tripping of an AFCI device and determination the branch circuit is not causing the AFCI to trip, an AFCI device shall be permitted to be replaced with one without AFCI protection in accordance with (A) – (D).

**(A) Marking.** All receptacle outlets supplied by the branch circuit without AFCI protection shall be marked "No AFCI Protection."

**(B) Notifications.** Incident reports shall be filed in accordance with (1), (2) and (3):

(1) An initial incident report shall be filed by registered letter or email with a read receipt requested in accordance with (a) (b) and (c):

(a) By the property owner or occupant with either the building official or other administrative authority in the municipality in which the property is located; and,

(b) By the property owner to all occupants as applicable; and

(c) By the electrician with the New Hampshire Electricians' Licensing Board if he or she is performing the replacement

(2) A follow up incident report shall be filed in accordance with (B)(1) above (C)(3) below if the matter is not resolved within one year.

(3) A final incident report shall be filed in accordance with (C)(1) and (D)(3) below if the matter can be corrected.

**(C) Time Periods.** *The time periods for the AFCI device replacement and incident reporting shall be in accordance with (1), (2) and (3):*

- (1) The device without AFCI protection shall be permitted to remain in place for the period of time it takes for the manufacturer(s) to resolve the matter.*
- (2) The initial incident report shall be postmarked within 5 working days or by email with an electronic read receipt request within 5 working days of replacing the AFCI device.*
- (3) The follow up incident report shall be filed within 1 year and 30 days from the date the AFCI device was replaced.*
- (4) The final report shall be filed within 30 days if the AFCI protection can be restored.*

**(D) Incident Report Information.** *Incident reports shall include information as follows:*

- (1) Initial Incident Report*
  - (a) The location of the installation.*
  - (b) The products involved.*
  - (c) A statement regarding the actions taken to try to rectify the problem(s).*
- (2) Follow Up Incident Report*
  - (a) A statement describing the actions taken in the previous year to try and address the matter.*
- (3) Final Incident Report*
  - (a) A statement the matter has been corrected.*
  - (b) The actions taken to correct the matter.*
  - (c) Date the AFCI protection was restored*

**Reason / Justification:**

This proposed amendment considers a problem encountered within a very restrictive code section. There is no exception to the general rule in the 2014 National Electrical Code. The very idea that there is nothing recognized by the NEC to permit any variance from the general rule places the installer into a position that would constitute a code violation if for any reason an alternate method is applied.

HB533 was written and sponsored because of such a scenario. Certain types of medical equipment by their inherit design powered from a single family dwelling would not function when supplied by a branch circuit protected by Arc-Fault Circuit Interrupter Protective device. Due to the restrictive language in Section 210.12 this person would not be able to live in her home as the AFCI requirement eliminated any possibility for her to get power to her medical equipment necessary for everyday life.

The proposed exception is intended to provide the electrical community within the State of New Hampshire with a practical means to address a situation where a newly installed or existing AFCI device is incompatible with a product until the issue(s) can be resolved and the AFCI protection reestablished. It should reduce or eliminate the need for subsequent amendments, as the proposed exception will cover all products that could potentially be incompatible with current AFCI technology.

It specifically will help the electrical contractor as it provides a prescriptive reasonable process to access a matter of possible AFCI incompatibility that, technically, was not previously available.

The proposed exception will provide a prescriptive avenue for code enforcers who are seeking advice on possible AFCI incompatibilities. Additionally, requiring the property owner or occupant to advise the local AHJ assures they are aware of a change in an installation that may have been previously inspected, provides written documentation that can be included in the property's file and used for follow up inspection if desired.

During consideration of this matter it was identified there is no clear method to track AFCI related matters locally or statewide. Requiring notification to the Electricians Licensing Board and local AHJ provides a means to track any AFCI related matters at both the local and state levels.

Requiring notification by registered mail or by email with a read receipt requested will assure the tracking means is available and the proper delivery of documents without additional burden to the consumer.

**Financial Analysis/Fiscal Impact of proposed amendment:**

There may be some saving to the property owner if this method is followed when the property is being newly built, but more than likely will be no savings generated for the property owner as the additional time and effort required by the electrician may be involved and the owner would be able to keep the removed breaker for replacement in the future if possible. The intention is to provide a code compliant option for such situations that may arise.

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**For Building Code Review Board Use:**

Not approved: \_\_\_\_\_ Approved: \_\_\_\_\_ Approved with modifications: \_\_\_\_\_

Scheduled Hearing Date: \_\_\_\_\_ Exhibit #: \_\_\_\_\_

Chair's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_