



*March 17, 2009*

---

**Interim amendment to the Oregon  
Electrical Specialty Code**

---

**Opportunity for public input:**

Those who would like to provide public testimony may attend a public hearing on March 17, 2009 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. March 20, 2009.

**Live broadcast via the internet:**

To view the public hearing live, click on "[View live meetings](#)"

**Purpose of the rule:**

This proposed rule removes certain requirements from the 2008 Oregon Electrical Specialty Code (OESC), Article 708 Critical Operations Power Systems (COPS). Article 708 contains standards that are outside the authority of the Building Codes Division to administer.

This proposed rule would become effective April 1, 2009.

**Citation:**

Amend: OAR 918-305-0280

**History:**

The requirements in Article 708 originate from the 2008 National Electrical Code (NEC), which is the base model code for the OESC that was adopted by the Building Codes Division in April 2008. It has since been determined that this article is outside the scope of the OESC. It is unclear who designates areas requiring critical operations power systems be installed.

**Contact:**

If you have questions or need further information, please contact Hearing Officer Aeron Teverbaugh at (503) 373-1354, or [Aeron.Teverbaugh@state.or.us](mailto:Aeron.Teverbaugh@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number

Shauna M. Parker	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

**RULE CAPTION**

Amends Oregon Electrical Specialty Code Article 708, Critical Operations Power Systems.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

March 17, 2009	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Aeron Teverbaugh
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** 918-305-0280

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 479.730

---

Other Auth.:

---

Stats. Implemented: ORS 479.730

---

**RULE SUMMARY**

This proposed rule amends the Oregon Electrical Specialty Code (OESC), Article 708, Critical Operations Power Systems, by removing provisions that are outside the scope of the OESC such as continuing maintenance and physical security. The proposed rule also clarifies who has the authority to designate an area as a critical operations area (DCOA) and classify systems in the DCOA as critical operations power systems.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, March 20, 2009 by 5:00 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long		
Signature	Printed name	Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Amends Oregon Electrical Specialty Code Article 708, Critical Operations Power Systems.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending OAR 918-305-0280

Statutory Authority: ORS 479.730

Other Authority:

Stats. Implemented: ORS 479.730

Need for the Rule(s): This proposed rule is necessary to clarify critical operation system requirements contained in the Oregon Electrical Specialty Code (OESC), Article 708. Currently some provisions contained in the Article are outside the scope of the OESC and it is unclear who designates areas requiring critical operations power systems be installed.

Documents Relied Upon, and where they are available: 2008 Oregon Electrical Specialty Code; and draft rules are available from the division's rules coordinator located at 1535 Edgewater St NW, Salem, OR 97304 and are available on the division's Web site at [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

Fiscal and Economic Impact: The division does not anticipate any fiscal or economic impact from this rule. The proposed rule creates no new requirements and removes some of the existing requirements.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There should be no impact on state agencies, local government, or the public. The proposed rule states that the owner of the facility may designate areas requiring a more robust installation.

2. Cost of compliance effect on small business (ORS 183.336): There should be no impact as a result of this proposed rule.

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The proposed rule states that the owner of the facility may designate areas requiring a more robust installation.

Therefore, only owners of a facility that chose to designate an area as requiring a critical operations power system would be affected by the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There is no anticipated increase in reporting, recordkeeping, or other administrative activities.

c. Equipment, supplies, labor and increased administration required for compliance:

There should be no impact on equipment, supplies, labor, or administrative requirements.

How were small businesses involved in the development of this rule? Small businesses were represented on the 2008 OESC Code Review Committee involved in the review of the rule.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The division consulted with the Electrical and Elevator Board and members of industry.

Mark Long

Signature

Printed name

Date

**NEC Article 708 Amendment**  
**DRAFT- 2-9-09**

**918-305-0280**

**Amend Chapter 7 Special Conditions**

(1) Chapter 7 Special Conditions. Amend Chapter 7 by adding the following preface to the Chapter: “Building Officials and inspectors administering and enforcing the state building code under ORS 455.148 and 455.150, shall not inspect for compliance with Sections 700.27, 701.18, or 708.54, refuse to perform or finalize inspections, refuse to issue a certificate of occupancy, or use other methods to ensure compliance with Sections 700.27, 701.18, or 708.54. If requested by the Building Codes Division, the Supervising Electrician must demonstrate that the requirements of Sections 700.27, 701.18, or 708.54, as appropriate, have been met. In determining whether a system meets the requirements of Sections 700.27, 701.18, or 708.54, the division may request the local jurisdiction to perform an inspection or collect the relevant information, so that the division may review and make a determination.”

(2)(a) Section 700.27 Coordination. Amend 700.27 by adding the following to the end of the first paragraph: “For the purposes of this section, supply side overcurrent protection means those protective devices on the emergency system supply side and not on the normal power supply side. The protection shall be coordinated using the higher of the normal power supply fault current levels or emergency system fault current levels.

(b) Amend 700.27 by inserting the following: “Exception No. 2: The requirements for selective coordination described in 700.27 are not required where the emergency system was installed prior to April 1, 2005. For new emergency systems that are supplied from an existing emergency system installed prior to April 1, 2005, the new portion of the emergency system must comply with NEC 700.27. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other protective devices.”

(3)(a) Section 701.18 Coordination. Amend by adding the following after 701.18: “For the purposes of this section, supply side overcurrent protection means those protective devices on the emergency system supply side and not on the normal power

supply side. The protection shall be coordinated using the higher of the normal power supply fault current levels or emergency system fault current levels.”

(b) Amend Section 701.18 by inserting the following: “Exception No. 2: The requirements for selective coordination described in 701.18 are not required where the required standby system was installed prior to April 1, 2005. For new emergency systems that are supplied from an existing required standby system installed prior to April 1, 2005, the new portion of the required standby system must comply with NEC 701.18. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other protective devices.”

**(4)(a) The following provisions of Article 708 are amended:**

**(a) Section 708.1 Scope amended as follows:**

**(A) Amend 708.1 Scope to read: “The provisions of this article apply to the installation of the portions of the premises’ wiring system intended to supply, distribute, and control electricity to designated critical operations areas (DCOA) in the event of disruption to elements of the normal system. Critical operations areas and critical operations power systems are designated by the owner of the facility. A building official has no authority to designate or require designation of an area as requiring a critical operations power system. Critical operations power systems can include but are not limited to power systems, HVAC, fire alarm, security, communications, and signaling for designated critical operations areas.”**

**(B) Amend 708.1 by inserting the following: “FPN 9: Chapter 5 of NFPA 1600-2007, Standard on Disaster/Emergency Management and Business Continuity Programs, provides additional guidance concerning risk assessment and hazard analysis.”**

**(b) Amend Section 708.4 Risk Assessment by deleting Section in its entirety.**

**(c) Amend Section 708.5 Physical Security to read: “Electrical circuits and equipment for critical operations power systems shall be accessible to qualified personnel only.”**

**(d) Amend Section 708.6 as follows:**

**(A) Amend Section 708.6(A) to read: “The authority having jurisdiction shall conduct or witness a test of the completed system upon installation.”**

**(B) Delete 708.6(B) Tested Periodically.**

**(C) Delete 708.6(C) Maintenance.**

**(D) Delete Fine Print Note.**

**(E) Delete 708.6 (D) Written Record.**

**(F) Renumber 708.6(E) Testing Under Load as 708.6(B).**

**(e) Amend Section 708.8 by deleting the section in its entirety.**

**(f) Amend Section 708.22. Amend 708.22(B) by deleting the second paragraph.**

**(g) Section 708.54 Coordination is amended as follows:**

**(A) Coordination.** Amend 708.54 by adding the following to the end of Section 708.54: “For the purposes of this section, supply side overcurrent protection means those protective devices on the emergency system supply side and not on the normal power supply side. The protection shall be coordinated using the higher of the normal power supply fault current levels or emergency system fault current levels.”

~~(b)~~**(B)** Amend Section 708.54 by inserting the following: “Exception: The requirements for selective coordination described in 708.54 are not required where the critical operations power system(s) was installed prior to April 1, 2005. For new critical operations power system(s) that are supplied from an existing emergency system installed prior to April 1, 2005, the new portion of the critical operations power system(s) must comply with NEC 708.54. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other protective devices.”

**(h) Amend Part V by deleting the Part and Section 708.64 Emergency Operations Plan in its entirety.**

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.730

Hist.: BCD 23-2004, f. 12-15-04, cert. ef. 4-1-05; BCD 6-2008, f. 3-7-08, cert. ef. 4-1-08