



NATIONAL FIRE PROTECTION ASSOCIATION

The leading information and knowledge resource on fire, electrical and related hazards

MEMORANDUM

TO: NEC® Correlating Committee

FROM: Sarah Caldwell, *Committee Administrator*

DATE: January 25, 2023

SUBJECT: NEC® Proposed Tentative Interim Amendment (TIA) No. 1690

Code-Making Panel 9 has been balloted on proposed TIA No. 1690, submitted by Frederic Hartwell of Hartwell Electrical Services, Inc. We have received written agreement to the processing of the submitted TIA from Rod Belisle of the NECA-IBEW Electrical Training Trust. A copy of the proposed TIA and the preliminary results of the Panel balloting are attached.

This proposed TIA is being submitted to you for ballot. In accordance with Section 5 of the *Regulations Governing the Development of NFPA Standards*, you are being balloted on any **correlation issues** resulting from the proposed TIA. A “disagree” vote is limited to subjects within the purview of the Correlating Committee. Opposition on a strictly technical basis is not sufficient grounds for substantiating a “disagree” vote.

This proposed TIA has been published for public comment in the January 2023 issue of *NFPA News* with a Public Comment Closing Date of February 10, 2023. Any public comments received will be circulated to the committee. Finally, the Standards Council will review and consider the issuance of this TIA.

The ballot can be accessed through the NFPA online ballot system at the following link: [NFPA Ballot Link](#). Please complete the ballot or before **January 31, 2023 by 11:59PM (ET)**.

While completing your ballot, please remember the following:

- **A comment is required for the online TIA ballot. Comments must accompany all Negative, Abstaining and Agree votes. If you vote “Agree”, simply add “Agree” to the comment.**

You must hit SUBMIT to SAVE your work. **Note:** the system session will time you out after 45 minutes; any work not submitted at that time will not be saved! You may return to finish or change your ballot at any time up to the closing date. Ballot comments exceeding 4,000 characters must be submitted in a Word document via email, to Sarah Caldwell at scaldwell@nfpa.org.

Note: Please remember that the return of ballots and attendance at committee meetings are required in accordance with the Regulations Governing the Development of NFPA Standards.

NFPA 70®-2023 Edition

National Electrical Code®

TIA Log No.: 1690

Reference: 314.29(A)

Comment Closing Date: February 10, 2023

Submitter: Frederic Hartwell, Hartwell Electrical Services, Inc.

www.nfpa.org/70

1. Revise paragraph 314.29(A) to read as follows:

314.29 Boxes, Conduit Bodies, and Handhole Enclosures to Be Accessible. Boxes, conduit bodies, and handhole enclosures shall be installed so that wiring and devices contained in the boxes, conduit bodies, or handhole enclosures can be rendered accessible in accordance with 314.29(A) and (B).

(A) In Buildings and Other Structures. Boxes and conduit bodies shall be installed so the contained wiring and devices are accessible. Boxes and conduit bodies that are recessed into or behind finished surfaces of buildings shall have access to their internal contents maintained by openings in their covers and in the building finish that comply with 314.29(A)(1), (A)(2), or (A)(3) as applicable. Removable finished covers and faceplates that maintain this access shall be permitted.

(1) Boxes 1650 cm³ (100 in.³) or Less in Size. The openings in the building surfaces, if reduced from the outer walls of the box, shall be centered not more than 25 mm (1 in.) from the centerline of the box, and shall not extend beyond the walls of the box. If rectangular, the opening shall be not less than 73 mm (2 7/8 in.) by 45 mm (1 3/4 in.) in size. If circular, the opening shall not be less than 90 mm (3 1/2 in.) in diameter.

Exception: Smaller openings in building surfaces that accommodate one or more individual devices shall be permitted if all of the following conditions are met:

- (1) The outlet box that supplies the device(s) is nonmetallic.*
- (2) The branch circuit wiring that supplies each device consists of a separate nonmetallic cable assembly originating outside the box, or individual sets of conductors in a single nonmetallic raceway, all of which originate outside the box. Other than the connections to a single device, these conductors are not spliced in the box or continued to another device, and no other wiring or raceways enter the box.*
- (3) Each device is capable of removal from the building surface opening without being damaged. If a special tool is required for this purpose, the applicable circuit directory for the device records the location of the tool, together with a product code/QR code for acquiring a replacement if necessary.*
- (4) All connections for each device to the branch circuit wiring are made with listed clamping-type wire connectors, which are supplied with the devices. The branch-circuit conductors are arranged to permit the connector(s) to be exposed after the device has been fully removed.*
- (5) The device assemblies are listed for this application.*

(2) Boxes Larger Than 1650 cm³ (100 in.³) in Size. The openings shall not be smaller than the outer walls of the box.

(3) Conduit Bodies. The openings shall not be smaller than outer walls of the conduit body.

(B) Underground. Underground boxes and handhole enclosures shall be installed ...

Substantiation: CMP 9 has recently become aware of devices designed to mount in front of the outlet boxes that contain their electrical supply. The outlet boxes are recessed entirely behind the building surfaces, with a cylindrical hole cut into the building surface to match the hole in a mounting plate that attaches to the box. The hole diameters are 36.5 mm (1 7/16 in.), sized to receive the actual devices. The device exteriors consist of nonmetallic barrels that engage mating surfaces manufactured as part of the mounting plates. The devices can be removed through the use of a cylindrical extraction tool that closely envelops the outer margin of the cylindrical device, and that in so doing spreads the interior locking tabs, which in turn enables the extraction of the devices, one at a time, after it is pushed into position.

This means that there is little meaningful access to the box interior after the surface material is applied. As noted, the devices can be removed, but the box interior is only viewable to the minimal extent that it can be seen through the finished hole. The surface treatments supported by the system run from 6 mm (1/4 in.) through 19 mm (3/4 in.) and up to 32 mm (1 1/4 in.), which results in a significant reduction in visibility into the box, especially relative to required equipment grounding connections to the box and also the mechanism for branch-circuit cable and/or raceway securement to the box itself.

An installation video provided by one manufacturer, however inadvertently, demonstrated these shortcomings convincingly. It showed the application of the special tool that allows for the extraction of the wiring device from the wall, with the device bringing with it branch circuit conductors attached to the wire leads from the device with twist-on wire connectors. As the device was drawn away from the wall, the branch-circuit conductors followed it, eventually bringing into view what appeared to be an NM cable sheath. The entire cable assembly then began to move out of the wall. This intersected with the installation advice (advice, not a requirement) that only one wire (obviously intended as meaning one cable assembly) be present in the box. It was also apparent that that cable assembly was not secured to the box, and that a significant amount of cable slack had been arranged ahead of the box, in order to support the withdrawal from the wall that allows for inspection and maintenance to be done as required to the supply connections. The video also implied (but does not state) that wiring methods other than Type NM cable should not be used. In fact, the intact cable assembly exiting the box showed no sign of the required equipment grounding connection to the box having been made, although the installation guidance from one manufacturer for single device applications specifies a steel outlet box.

The NEC has required access to boxes for about 100 years. What is now 314.29(A) originally only applied to junction boxes, however, the access rule was extended to outlet boxes 60 years ago, in the 1962 NEC. These devices and their mounting provisions obstruct access to and the ability to inspect boxes behind surface treatments. This approach eviscerates the six-decade requirement for access to outlet boxes, because a box in an admittedly known location whose contents cannot be viewed short of removing the building surface is one that effectively contravenes key safety objectives in the access rules. Electrical components that cannot be viewed cannot be maintained.

CMP 1 has rewritten the definition for accessible for the 2023 edition to further strengthen its terms, now including the word “blocked” along with the prior wording “closed in by the structure or finish of the building.” This system clearly blocks access to the box, and therefore even more certainly fails the accessibility test.

In its original form, this TIA, docketed as Log 1649, was presented without any exception. CMP 9, Task Group 2 had the opportunity, during the comment period on its original form, to engage with a major manufacturer of a system addressed in the TIA. The task group continues to believe that the TIA has general merit, in that the present content of 314.29(A) may allow for more latitude than CMP 9 ever intended. However, it also became clear that within strict limits, such a device system can be utilized within the policy objectives of CMP 9 and without sacrificing safety. The limitations are accomplished through the use of a carefully crafted exception into the originally circulated TIA. Devices that operate under this system number in excess of 75,000.

The TIA as originally worded would have forced this system out of the market.

It has become clear that if the product is used as at least one manufacturer intends it to be used, everything that one would need to see inside a box can be withdrawn from the box and into view. The one exception would be the connection of the branch-circuit wiring to the box, and that is plainly viewable on the rough inspection. At the time of the original submittal, the installation instructions had many gaps and errors that could not guarantee this outcome. The manufacturer expressed a willingness to go back to UL and revise the installation instructions and manufacturing/shipping practices accordingly.

Because of these developments, by a public comment circulated to address the original TIA (log 1649), the Task Group recommended to the CMP 9 membership that the votes cast to date be withdrawn. The understanding was that the TIA would reissue with the Exception herein included to 314.29(A)(1). That recommendation was successful, and the original version of this TIA was rejected by CMP 9. This TIA submittal includes the anticipated exception, and it should go forward accordingly.

The TIA now proposed differs, therefore, from the original principally by the inclusion of the exception. A detailed analysis of the exception provisions follows:

- (a) Requires a nonmetallic box. Such boxes do not require an equipment grounding connection, and therefore there will be no grounding connections to the box interior for review, maintenance, or inspection after the building finish is in place.
- (b) Requires a nonmetallic branch circuit wiring method, for the same reasons as the nonmetallic box. The other provisions assure that each device is directly connected to a branch circuit conductor that is not otherwise spliced in the box. No splices or other wiring will be present to inspect or maintain, beyond the device connections that are withdrawable [see (d)]. Clarifying language is included that prohibits the continuation of wiring beyond the box.
- (c) The devices must be designed for removal. The location of the tool must be entered in the circuit directory, which could be placed once at the bottom and referenced with asterisks or similar to reduce real estate. This rule also addresses what happens when the building changes hands or whatever. The wording also creates enforceable text relative to the field wiring being folded into the box in a way conducive to removal and reinsertion. To a great extent this will be self-enforcing, because the devices cannot be installed ahead of the building finish.
- (d) With the manufacturer supplying the connectors, the manufacture and the testing laboratory will have control over their size, and therefore be in a position to assure that the connections can be withdrawn through the building surface specified opening diameter

(currently 1 7/16 in.) when the device is removed. The point is that these connections must be inspectable and maintainable.

- (e) This is the listing requirement, and it is to be specific to the application. This wording will assure that the evaluation will take into account the code context and not simply the general product standard requirements for receptacles.

Emergency Nature: The proposed TIA intends to correct a previously unknown existing hazard.

The existence of this product line, now bolstered by a product listing, raises serious safety and enforcement concerns, particularly as it directly conflicts with new wording in Art. 100. CMP 9 has amended 314.29 for the 2023 NEC by removing former language that duplicated some of the Art. 100 definition, in favor of a straightforward requirement for accessibility. This makes the full application of that definition crucial for proper enforcement. The product listing complicates the ability of the inspection community to regulate these devices. This TIA provides clear and easily enforceable statements as to how large an opening is considered to afford the required interior access, together with allowances for different shapes and a moderate degree of centerline offset, all of which accommodate long-standing standard plaster ring and related cover designs. The exception creates an appropriately limited allowance that still meets the intended the policy objectives of the Code.



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MEMORANDUM

TO: Code-Making Panel 9

FROM: Sarah Caldwell, *Committee Administrator*

DATE: January 24, 2023

SUBJECT: NEC® Proposed TIA No. 1690 **PRELIMINARY TC BALLOT RESULTS**

According to Section 5.6(a) in the NFPA Regs, the preliminary results show this TIA **HAS** achieved the $\frac{3}{4}$ majority vote needed on both Ballot Item No. 1 (**Technical Merit**) and Ballot Item No. 2 (**Emergency Nature**).

13 Eligible to Vote
0 Not Returned

Technical Merit:

0 Abstentions
11 Agree (w/comment: Barnhart,
Schultheis)
2 Disagree (Carroll, Sasso)

Emergency Nature:

0 Abstentions
10 Agree (w/comment: Barnhart,
Graham, Hartwell)
3 Disagree (Carroll, Sasso,
Schultheis)

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative $\frac{3}{4}$ vote]. Both questions must pass ballot in order to recommend that the Standards Council issue this TIA.

- (1) In all cases, an affirmative vote of at least a simple majority of the total membership eligible to vote is required.

$$[13 \text{ eligible} \div 2 = 6.5 = (7)]$$

- (2) The number of affirmative votes needed to satisfy the $\frac{3}{4}$ requirement is **10**
(13 eligible to vote - 0 not returned - 0 abstentions = $13 \times 0.75 = 9.75$)

Ballot comments are attached for your review.

This proposed TIA has been published for public comment in the January 2023 issue of *NFPA News* with a Public Comment Closing Date of February 10, 2023. Any public comments received will be circulated to the committee. The Standards Council will consider the issuance of this TIA.

NFPA 70®-2023 Edition

National Electrical Code®

TIA Log No.: 1690

Reference: 314.29(A)

Comment Closing Date: February 10, 2023

Submitter: Frederic Hartwell, Hartwell Electrical Services, Inc.

www.nfpa.org/70

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(currently 1 7/16 in.) when the device is removed. The point is that these connections must be inspectable and maintainable.

- (e) This is the listing requirement, and it is to be specific to the application. This wording will assure that the evaluation will take into account the code context and not simply the general product standard requirements for receptacles.

Emergency Nature: The proposed TIA intends to correct a previously unknown existing hazard.

The existence of this product line, now bolstered by a product listing, raises serious safety and enforcement concerns, particularly as it directly conflicts with new wording in Art. 100. CMP 9 has amended 314.29 for the 2023 NEC by removing former language that duplicated some of the Art. 100 definition, in favor of a straightforward requirement for accessibility. This makes the full application of that definition crucial for proper enforcement. The product listing complicates the ability of the inspection community to regulate these devices. This TIA provides clear and easily enforceable statements as to how large an opening is considered to afford the required interior access, together with allowances for different shapes and a moderate degree of centerline offset, all of which accommodate long-standing standard plaster ring and related cover designs. The exception creates an appropriately limited allowance that still meets the intended the policy objectives of the Code.

NEC CMP-9 TIA No. 1690 Ballot Preliminary Results Report
Election:70_A2025_NEC_P09_Log1690_TIABallot
Results by Revision

QUESTION NO. 1: I AGREE with the TECHNICAL MERITS of the Proposed TIA Log No. 1690 to revise paragraph 314.29(A).

Eligible to Vote: 13

Not Returned : 0

<u>Vote Selection</u>	<u>Votes</u>	<u>Comments</u>
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Agree	11	
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Carmon A. Colvin	Agree	
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Richard Hollander	Agree	
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Frederic P. Hartwell	Agree	
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Ryan Parker	agree	
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Michael OConnell	Agree	
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Paul D. Barnhart	UL continues to support the safe use of this product. As noted in the substantiation, changes to the 2023 code could have unintended implications of the acceptance of this design. The issuance of this TIA is necessary to ensure this interpretation of the 2023 requirements does not result in an adverse impact on the product.	
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Paul B. Sullivan	Agree
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Ronnie H. Ridgeway	Agree
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Lou Grahor	Agree
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Timothy James Schultheis

The proposed TIA takes the steps necessary to correct some of the shortcomings discovered by the current product in the marketplace. We believe the access traditionally required by 314.29 is severely limited with the exception. The use of these exceptions will severely limit the applications where it can be used in commercial construction referenced by many of the public comments provided in the second draft stage of the 2023 cycle. There are several issues with the requirements and would benefit from the full debate of CMP-9. This can open additional unwanted issues and end up with unintended consequences with the exception provided and it may be a cycle or two until we fully understand those consequences. Currently, this product appears to carry a UL certification as a device but is not listed as an entire system that would traditionally comply with 314.29. Listed products and product certification does not allow the installation to violate traditional, minimum requirements of the NEC as indicated in Article 110.3(C). Failure of a device installed utilizing this exception would cause an issue with device replacement of traditional device yokes and screw patterns and would certainly result in damage to the finished construction. If this device was installed for compliance with 210.52, failure could result in problems maintaining compliance utilizing a replacement device.

George Smith

Disagree

Nick Sasso

2

Agree

314.29 already requires access to the box without having to add cumbersome language. This is already evidenced by the submitter in his substantiation, "This means that there is little meaningful access to the box interior after the surface material is applied..." So the installation doesn't meet code. No change to code is required. The inspector can cite 314.29 if he flags the violation.

David R. Carroll

The 2nd TIA adds language to accommodate an existing product that violates 314.29. The submitter acknowledges that there is "little meaningful access". It is not in emergency nature and should go through the proper review on CMP 9.

Abstain

0

QUESTION NO. 2: I AGREE that the subject is of an EMERGENCY NATURE for one or more of the reasons noted in the Instructions box.

Eligible to Vote: 13

Not Returned : 0

<u>Vote Selection</u>	<u>Votes</u>	<u>Comments</u>
Agree	10	
Carmon A. Colvin		C. The proposed TIA intends to correct a previously unknown existing hazard.
Richard Hollander		C. The proposed TIA intends to correct a previously unknown existing hazard.
Frederic P. Hartwell		Agree. The TIA will correct a previously unknown existing hazard, and does so in a way that will not inhibit innovation.
Ryan Parker		f
Michael OConnell		Agree
Paul D. Barnhart		F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action. UL continues to support the safe use of this product. As noted in the substantiation changes to the 2023 code could have unintended implications of the acceptance of this design. The issuance of this TIA is necessary to ensure this interpretation of the 2023 requirements does not result in an adverse impact on the product.
Paul B. Sullivan		F
Ronnie H. Ridgeway		C
Lou Grahor		The standard contains an error or an omission that was overlooked during the regular revision process.
George Smith		Agree Reason "C"
Disagree	3	
Nick Sasso		It's not an emergency. Changes such as are being proposed in the TIA need to be discussed at full meeting, not as an emergency TIA.
Timothy James Schultheis		Does not meet any of the requirements listed in A through F.
David R. Carroll		It is not in emergency nature and should go through the proper review on CMP 9 and does not meet any of the requirements listed in A through F.
Abstain	0	

- A. The standard contains an error or an omission that was overlooked during the regular revision process.**
- B. The NFPA Standard contains a conflict within the NFPA Standard or with another NFPA Standard.**
- C. The proposed TIA intends to correct a previously unknown existing hazard.**
- D. The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.**
- E. The proposed TIA intends to accomplish a recognition of an advance in the art of safeguarding property or life where an alternative method is not in current use or is unavailable to the public.**
- F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.**