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M E M O R A N D U M

TO: NEC® Correlating Committee

FROM: Sarah Caldwell, *Senior Committee Administrator*

DATE: October 24, 2023

SUBJECT: NEC® Proposed TIA No. 1753 **FINAL CC BALLOT RESULTS**

The public comment circulation has passed, therefore, according to 5.7(b) in the NFPA *Regs*, the final results show this TIA **HAS** achieved the ¾ majority vote.

12 **Eligible to Vote**
0 **Not Returned**

11 **Agree**
0 **Disagree**
1 **Abstain** *(Hickman)*

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative vote of ¾ of ballots received] 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.
[12 eligible ÷ 2 = 6 + 1 = **(7)**]

(2) The number of affirmative votes needed to satisfy the ¾ requirement is **9**.
(12 eligible to vote - 0 not returned - 1 abstentions = 11 × 0.75 = 8.25)

Ballot comments are attached for your review.

The *Regs* at 1.6.2.(c) state: An appeal relating to a proposed Tentative Interim Amendment that has been submitted for processing pursuant to Section 5.2 shall be filed no later than 5 days after the notice of the TIA final ballot results are published in accordance with 4.2.6.

Appeal Closing Date for this TIA is **October 29, 2023**.

NFPA 70®-2023 Edition
National Electrical Code®
TIA Log No.: 1753
Reference: 210.70
Comment Closing Date: October 11, 2023
Submitter: Megan Hayes, National Electrical Manufacturers Association (NEMA)
www.nfpa.org/70

1. Revise section 210.70 to read as follows:

210.70 Lighting Outlets Required. Lighting outlets shall be installed where specified in 210.70(A), (B), and (C). The switch or listed wall-mounted control device shall not rely exclusively on ~~a~~ battery power unless ~~a~~ it incorporates a positive means of notification of impending battery depletion. ~~is provided for automatically energizing the lighting outlets upon battery failure.~~

Substantiation: Section 210.70 addresses the locations where lighting outlets are required. In the panel statement addressing the revision that would require a lighting outlet to automatically energize upon battery failure, CMP-2 states "The committee recognizing the need to support illumination upon failure of the control device powered exclusively by a battery that could impede safe egress. The failure mode of a battery powered device must ensure illumination.". The proposed TIA text addresses this safety concern by prohibiting the lighting control in these locations from being an exclusively battery powered control device, unless the control device gives a positive indication when it is approaching battery exhaustion, much like a smoke or carbon monoxide alarm. If, for instance, a battery-operated wall-mounted control were to flash a LED when the battery was expiring, the occupants would be notified to change the battery before the control lost functionality. The proposed revision not only ensures illumination in critical locations, but it also eliminates the electric shock hazard created by a control device unexpectedly energizing a lighting outlet while being serviced.

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

The proposed TIA intends to correct a previously unknown existing hazard. In attempting to alleviate a potential hazard associated with leaving certain spaces in the dark upon failure of a battery, the revised language introduces a hazard that could be more significant than the hazard being addressed. Unexpectedly restoring power to a lighting outlet upon battery failure can create a serious safety hazard when someone is performing electrical work at the lighting outlet. Exposed unterminated ungrounded conductors becoming energized poses a serious risk of electric shock since the person working at the lighting outlet would be unaware of a device battery failure and the power being applied. While one can argue that power should be disconnected at the breaker prior to servicing a lighting outlet, in practice this step is often skipped, particularly in residential applications. IBEW recognized that there are situations where justified energized work is necessary in their comment supporting the inclusion of the requirements of 410.73(G) in the 2005 NEC (now 410.71 in the 2023 NEC Second Revision Draft). This TIA to 210.70 would remove this hazard by removing the provision for

automatically energizing the circuit but would still address the potential hazard associated with leaving spaces in the dark. The proposed TIA intends to correct a previously unknown existing hazard. This TIA is responsive to the CMP-9 committee statement to SR7551 and the Correlating Committee's Public Comment PC872.

NEC CC TIA No. 1753 Ballot Final Report
Election:70_A2023_NEC_AAC_Log1753_Ballot
Results by Revision

QUESTION: I AGREE there are no CORRELATION ISSUES in accordance with 3.4.2 and 3.4.3 of the NFPA Regs.

Eligible to Vote: 12
Not Returned : 0

Vote Selection	Votes	Comments
Agree	11	
Alan Manche		Agree
David L. Hittinger		Agree
Ernest J. Gallo		Agree
Roger D. McDaniel		agree
Christine T. Porter		agree
Dean C. Hunter		I agree there are no correlation issues in accordance with 3.4.2 and 3.4.3 of the NFPA Regulations.
David H. Kendall		Agree
Timothy James Schultheis		agree
Richard A. Holub		Agree.
David A. Williams		Agree
Robert D. Osborne		AGREE
Disagree	0	
Abstain	1	
Palmer L. Hickman		Abstain.