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MEMORANDUM

(AMENDMENT)

TO: Code-Making Panel 11

FROM: Sarah Caldwell, *Senior Committee Administrator*

DATE: July 15, 2025

SUBJECT: Final Results Amendment 70-48 Ballot on the Proposed 2026 Edition of NFPA 70, *National Electrical Code*®

In accordance with the *Regulations Governing the Development of NFPA Standards*, the final results show the Amendment **HAS** achieved the 2/3 majority vote needed to recommend approval of the Association Action by the Technical Committee. As a result, the recommendation to the Standards Council is to support the Amendment recommended by the membership by vote at the Technical Session.

17 Members Eligible to Vote
2 Ballots Not Returned (*Deachin, Sardina*)

The number of votes needed to recommend approval of the Association Action is **10**.
(17 eligible to vote - 2 not returned - 0 abstentions = $15 \times 0.66 = 9.9$)

The attached report shows the number of affirmative, negative, and abstaining votes as well as the explanation of the vote. The transcripts from the Annual 2025 NFPA Tech Session will be posted online at: www.nfpa.org/techsession

An appeal relating to an Association Technical Meeting Amendment that has been submitted shall be filed no later than 5 days after the notice of the amendment final ballot results are published in accordance with 4.2.6.

Where technical committee activities are managed and coordinated by a correlating committee, the correlating committee shall ballot on any correlation issues resulting from the technical committee recommendation. The final results of the correlating committee ballot will be posted on the Document Information Page at www.nfpa.org/70next.

Requirements for filing an appeal are addressed by Section 1.6 of the *Regulations Governing the Development of NFPA Standards* and should be submitted to stds_admin@nfpa.org.

AMENDMENT BALLOT No. 70-48

Code Making Panel 11

NFPA 70, *National Electrical Code*

June 19-20, 2025

IF YOU AGREE TO SUPPORT AMENDMENT 70-48 as recommended by the NFPA membership by vote at Tech Session, the recommended text reads as follows (*changes shown legislatively to the Second Draft*):

440.14 Location.

Disconnecting means shall be located within sight from, and readily accessible from, the air-conditioning or refrigerating equipment. The disconnecting means shall be permitted to be installed on or within the air-conditioning or refrigerating equipment. Disconnecting means shall meet the working space requirements of 110.26(A).

The disconnecting means shall not be located on panels that are designed to allow access to the air-conditioning or refrigeration equipment or where it obscures the equipment nameplate(s).

Exception No. 1: Where the disconnecting means provided in accordance with 430.102(A) is lockable open in accordance with 110.25 and the refrigerating or air-conditioning equipment is essential to an industrial process in a facility with written safety procedures, and where the conditions of maintenance and supervision ensure that only qualified persons service the equipment, a disconnecting means within sight from the equipment shall not be required.

Exception No. 2: Where an attachment plug and receptacle serve as the disconnecting means in accordance with 440.13, their location shall be accessible but shall not be required to be readily accessible.

~~*Exception No. 3: Residential non-fused single-phase disconnecting means rated 250 volt or less and not exceeding 60 amperes shall be in sight from the equipment and accessible.*~~

Informational Note: See Article 430, Parts VII and IX for additional requirements.

IF YOU DISAGREE WITH THE RECOMMENDATION FOR AMENDMENT 70-48 by the NFPA membership by vote at Tech Session, the recommended text (i.e. previous edition text) is shown clean below.

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NEC CMP-11 Amendment 70-48 Ballot Final
Election:70_A2025_NEC_P11_70-48_AmendBallot
Results by Revision

Amendment 70-48: Reject Second Revision No. 8079. Note: A DISAGREE vote would recommend previous edition text. Where no previous edition text exists the text is simply deleted.

Eligible to Vote: 17

Not Returned : 2

Donald P. Deachin,
Anthony P. Sardina

<u>Vote Selection</u>	<u>Votes</u>	<u>Comments</u>
Agree	13	
Ron Widup		Agree with the action.
Luis M. Bas		Agree

Arthur J. Smith, III

There was much discussion about the need to add this exception by HVAC installers during the CMP Second Revision meeting. Their concern was it is common practice that several HVAC compressors get installed very close to each other. In these cases, the close proximity does not permit disconnect placement as required without this exception. However, if the compressor units were properly spaced, where physical room permits, it will improve safety by disconnect placement meeting the “readily accessible” and “the working space requirements of 110.26(A)” as required in 440.14 Location without the exception. The concern is that in some cases, when many units are required, for example an apartment complex, there may not be sufficient physical room for the spacing required that would allow disconnect placement without the exception. The risk is that the exception will become the rule, as we have seen with some past exceptions throughout previous code cycles and provide no guidance or incentive to properly space the HVAC compressor units when feasible to meet the disconnect location without this exception even when physical space permits. For example, a single-family dwelling with two HVAC units typically has sufficient room to space the HVAC compressors allowing proper disconnect placement but often, for no reason other than maybe convenience, the HVAC compressors are placed very close to each other. This issue should be addressed in future code cycles to allow a specific exception where it is impactable to achieve the required spacing but enforce the existing disconnect placement requirements without the exception where there is room to properly space the HVAC compressor units and meet the “readily accessible” as well as meet the “the working space requirements of 110.26(A)” for the disconnects as currently required in 440.14 Location without the exception.

Dirk R. F. Mueller

Agree

Arthur S. Neubauer

Exception #3 was added to provide relief for the construction industry that was asked to install outdoor hvac units at elevated heights that require a ladder to reach from the ground. Since the elevation required a ladder for access, the installation could not meet the definition for "readily accessible." This installation should be considered to be similar to the disconnect requirements for fluorescent/LED lighting that does not require the disconnect to be readily accessible, only accessible prior to servicing. In the next revision, this exception should be put forth again with the addition of the requirement for the installation to be at elevated heights.

Jebediah J. Novak

Agree to revert to the language in the 2023 Edition.

Chester Kelly

agree

Joe Schomaker

Agree

Charles Littlefield		Agree After researching 110.26 I agree that this exception does not have the merit I thought it did when we were at the SDR meeting.
Keith Waters		Agree
Zivorad Cosic		Agree
Tim Hinson		Agree
Jesse Robert Duvuvei		The same hazard is present with residential disconnects as non-residential disconnects. Also, residential structures have ample amounts of space to mount a disconnect in a readily accessible location. Additionally, the submitter of the public comment made the statement which insinuated that this had to do with incident energy, completely ignoring the shock hazard that is still present.
Disagree	2	
Joseph Larson		This text was added to try and address the issue of AC units partially obscuring the readily accessible nature of the disconnect. Without a proposed alternative text, I disagree with removing it entirely.
George S. Tidden		This was discussed at length in the code panel meetings .Now someone just wants to change 8079 without any process. They should be part of the process . If we are wanting to operate like this what is the purpose of having task groups and meetings.
Abstain	0	