

2023



# July 2025, Board of Electricity Request for Interpretation Requests

# Topics to Discuss

- Email Correspondence
- RFI – Section 210.8(A)(6)
- RFI – MN Statute 326B.127
- RFI – Section 230.67(A), and section 215.18(A)

# Request for Interpretation - 210.8 (A)(6)

## **210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

A listed Class A GFCI shall provide protection in accordance with 210.8(A) through (F). The GFCI shall be installed in a readily accessible location.

Informational Note: See 215.9 for GFCI protection on feeders.

For the purposes of this section, the distance from receptacles shall be measured as the shortest path the power supply cord connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier.

## 210.8(A) Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

(1) Bathrooms

(2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use

(3) Outdoors

(4) Crawl spaces — at or below grade level

(5) Basements

(6) Kitchens

(7- 12).....

## 210.8(D) Specific Appliances.

GFCI protection shall be provided for the branch circuit or outlet supplying the following appliances rated 150 volts or less to ground and 60 amperes or less, single- or 3-phase:

(1) – (7) ... see NEC

(8) Electric ranges

(9) Wall-mounted ovens

(10) Counter-mounted cooking units

(11) Clothes dryers

(12) Microwave ovens

# Department's position

The NEMA incident report was always intended as a last resort, with compliance remaining our top priority.

Prior to utilizing this alternative option, **we had no options available to support installers in the field.**

Recommending that homeowners switch to a different appliance brand was not a feasible solution.

Before the implementation of this approach, we received numerous complaints, underscoring the challenges faced by both inspectors, installers and homeowners in the absence of manufacturer guidance.

# Department's response

1. The first email sent to the team regarding this issue was on **October 23, 2023**. All state and contractor inspectors received it. When other municipal inspectors inquired about a solution, I shared the email with them upon request. In the message, we requested verification letters confirming compatibility or proposing a solution to correct the installation.
2. The second email was sent on **June 26, 2024**, to reaffirm our position. The slight change was that we permitted the removal of the GFCI protection device once the required submissions were uploaded to the permit. This change was made in response to the continued lack of feedback from the manufacturers. All state and contractor inspectors were included in the communication. Since then, I have spoken publicly about our position to help ease tension within the industry.

# October 2023 email

During the meeting, GFCI protection for ranges and dryers were discussed and I shared that we have a couple links from NEMA that you could share. As mentioned in the statement below, we'll wait for NEMA or either the appliance or breaker manufacturers to tell us they have no solution, otherwise, the expectation is that the installer provides the protection.

If your installers don't get any responses after submitting the document, let me know and I'll reach out to my contacts at NEMA to find out what the status is.

Email that you can share with installers with links:

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The department's position is that we are requiring GFCI protection to be provided. We have been enforcing this requirement since the spring of 2021.

The links below are for the National Electrical Manufacturers Association (NEMA). Please send an incident report regarding your specific nuisance tripping events. Typically, NEMA follows up with the appliance or breaker manufacturer, and in most instances, they are able to get the issues resolved.

GFCI issues can be documented here: <https://www.nema.org/membership/products/gfci-unwanted-tripping-report>

AFCI issues can be documented here: <https://www.afcisafety.org/>

When we get a response back from the manufacturer, or NEMA, stating that the only way to resolve the issue is to forgo the protection, then we will grant permission.



# June 2024 email

I am proposing that we change our protocol, a bit, to take us (the enforcement community) and our contractors/homeowners out of the waiting game to eliminate some of the frustration. My proposal is this: the contractor/homeowner needs to complete the incident report, as before - but now, they just need to provide us proof that the report (screenshot) was sent to NEMA. In this situation, we are letting the manufacturers oversee the process.

Moving forward, here will be state's protocol:

**GFCI breakers are installed and inspected for NEC compliance.** If after the appliance is installed, the appliance is shown to not be compatible with the GFCI protection, the contractor or homeowner will submit a NEMA incident report, and the GFCI breaker can be removed.

GFCI issues can be documented here: <https://www.nema.org/membership/products/gfci-unwanted-tripping-report>

AFCI issues can be documented here: <https://www.afcisafety.org/>

The contractor or homeowner provides proof, which is uploaded to the permit, that shows a NEMA incident report was submitted for an appliance at a specific address. (This could be a screenshot of the report on their webpage)

If the breaker or appliance manufacturers provide a solution - it is up to the contractor/homeowner to make the necessary repairs and provide GFCI protection.

As a code official, I am not advocating for less safety but have a hard time when contractors/homeowners don't have a solution to remedy these situations. Simply telling someone it doesn't work so they can't use their appliances, or that GFCI protection is a "joke" and taking the breaker out - is not a solution.



- Report Numbers:

- Number of AFCI reports submitted by MN residents/contractors in 2024
  - Total: 6
  - 4 from contractors
  - 2 from the same homeowner
- Same info for 2025
  - Total: 5
  - 3 from contractors
  - 2 from homeowners
- And if the number of submittals has increased, decreased, or remained flat.
  - More or less remained flat.

## Report Numbers:

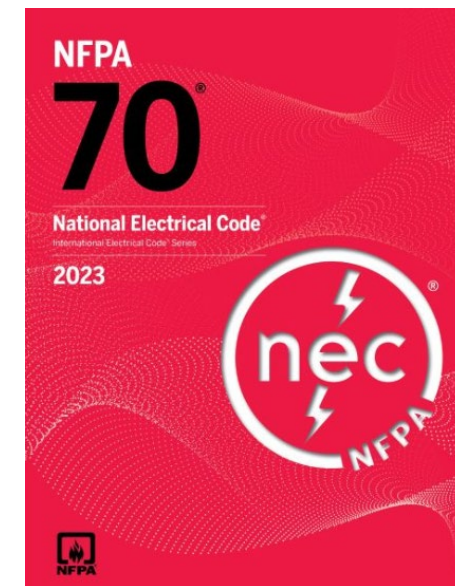


Here are the numbers for GFCIs.

- Number of GFCI reports submitted by MN residents/contractors in 2024
  - Total: 708
  - 9 from contractors
  - 699 from owner, president, inspector, office coordinator, etc.
- Same info for 2025
  - Total: 172
  - 2 from contractors
  - 170 from owner, president, scheduler, etc.
- And if the number of submittals has increased, decreased, or remained flat.
  - Number of submittals decreased.

## 90.4(B) Interpretations.

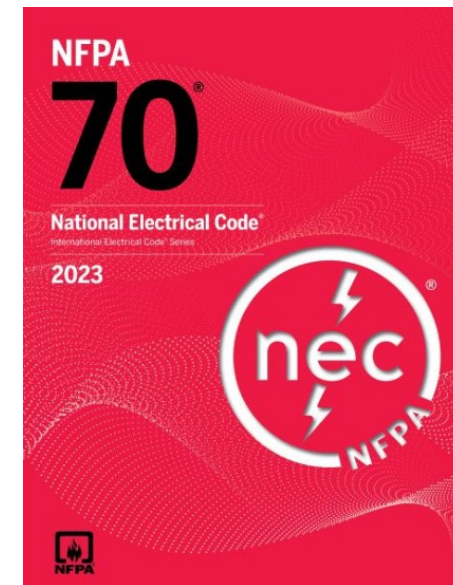
The **authority having jurisdiction** for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and **for granting the special permission** contemplated in a number of the rules.



# NEC 90.4 Enforcement

## 90.4(C) Specific Requirements and Alternative Methods.

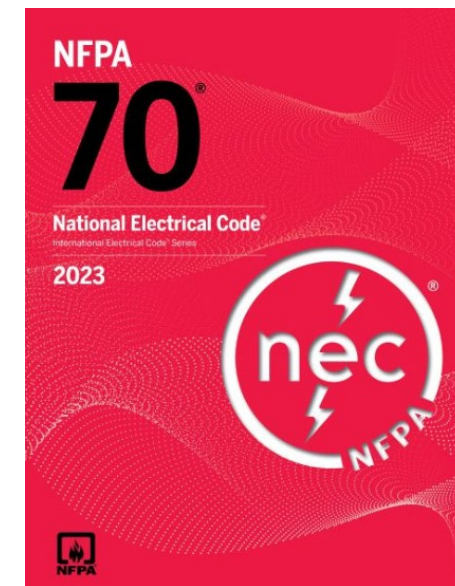
By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.



# NEC 90.4 Enforcement

## 90.4(D) New Products, Constructions, or Materials.

This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.



# Request for Interpretation - 210.8 (A)(6)

## Questions?

- Board's requested action?

# Request for Interpretation – Minnesota Statute 326B.127

## 326B.127 STATE BUILDING OFFICIAL.

**Subd. 5. Interpretative authority.** To achieve uniform and consistent application of the State Building Code, the commissioner has final interpretative authority applicable to all codes adopted as part of the State Building Code **except for** the Plumbing Code, **the Electrical Code,** and the High Pressure Piping Code.

The Board of Electricity has final interpretative authority applicable to the State Electrical Code and shall review requests for final interpretation made to the board that relate to the State Electrical Code.

The Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems shall review a request and issue a final interpretation within 30 days of the request. Any person aggrieved by a final interpretation may appeal the interpretation within 30 days of its issuance by the commissioner or the board in accordance with chapter 14. The final interpretation must be published within ten business days of its issuance and made available to the public.



# Request for Interpretation – Minnesota Statute 326B.127

## Questions?

- Board's requested action.

# Request for Interpretation – 230.67(A) and 215.18(A)

## **230.67 Surge Protection.**

### 230.67(A) Surge-Protective Device.

All services supplying the following occupancies shall be provided with a surge-protective device (SPD):

- (1) Dwelling units
- (2) Dormitory units
- (3) Guest rooms and guest suites of hotels and motels
- (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

# Request for Interpretation – 230.67(B)

## **230.67(B) Location.**

The SPD shall be an integral part of the service equipment or shall be located immediately adjacent thereto.

Exception: The SPD shall not be required to be located at the service equipment as required in 230.67(B) if located at each next level distribution equipment downstream toward the load.

# Request for Interpretation – 230.67(A) and 215.18(A)

## **215.18 Surge Protection.**

### 215.18(A) Surge-Protective Device.

Where a feeder supplies any of the following, a surge-protective device (SPD) shall be installed:

- (1) Dwelling units
- (2) Dormitory units
- (3) Guest rooms and guest suites of hotels and motels
- (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

## 12. Sections 215.18, 225.42 and 230.67:

New language was added similar to section 230.67 to require surge protection devices (SPDs) for both feeders and outside feeders. The need for the protection is to limit damage to electronic devices and equipment which can be rendered inoperable by a surge. The areas where the surge protection is required has been expanded and will now include new installations as well as replacement distribution equipment located in: (1) Dwelling units (2) Dormitory units (3) Guest rooms and guest suites of hotels and motels (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

The Type 1 or Type 2 SPD must be installed in or adjacent to the **distribution equipment** connected to the load side of the feeder that contains branch circuit overcurrent protective device(s). **This requirement does not apply to a feeder disconnect that supplies a single branch circuit.** In addition, the SPD shall have a nominal discharge current rating (In) of not less than 10kA.

# Request for Interpretation – 230.67(A) and 215.18(A)

## Questions?

- Board's requested action.

# Proposed Rulemaking

- Proposed Amendment to Rules Relating to Licensing, Minnesota Rules, Chapter 3800; Minnesota Board of Electricity
- Proposed Amendment to Rules Relating to Electrical Procedures and Repeal of Rules Relating to Training, Minnesota Rules, Chapter 3801; Minnesota Department of Labor and Industry Construction Codes and Licensing Division

## Proposed draft language highlights: Deletion

### **3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; ACCEPTABLE EXPERIENCE.**

#### **Proposed to remove part (C)**

~~C. Experience while performing electrical work in Minnesota for an employer who is exempt from licensing when the work is exempt from inspection under Minnesota Statutes, section 326B.36, or when the work is performed on federal property by a federal employee, if the department has determined in either situation that the experience is substantially equal to that acquired in performing work while in the employ of a licensed contractor. The determination shall be made after a personal inspection by not less than two department representatives on the premises where the applicable work was performed.~~

- Not reasonable to expect department personnel to review an individual's time, and work experience during an on-site inspection.



Proposed draft language highlights: Relocation and minor revisions

## Electrical Training Programs

Proposed parts 3800.3620 through 3800.3685 are relocated (with minor changes) from parts 3801.3820 through 3801.3885 and address requirements for electrical training programs that can be used to fulfill the experience credit requirements for electrical license applicants.

The rules governing approval of electrical training programs are currently located in chapter 3801, which is adopted by the Department. The Department is proposing the repeal of those amendments to chapter 3801 as part of a rulemaking so that they may be adopted by the Board, which has the authority to adopt rules governing licensure of the electrical industry, including the adoption of rules governing the requirements for approval of electrical training programs.

## Proposed draft language highlights: Deletion

- Delete requirements for exemption from “listing for custom equipment” in 3801.3620 Subpart 3 (D).
  - Minnesota Rules Chapter 3801.3620, Subpart 3(D)(1) is often misunderstood. While custom-made electrical equipment may be exempt from listing and labeling, it must still be tested by the manufacturer to all applicable national standards. The resulting test data is subject to review and approval by the department, just as it would be for a third-party field evaluation.
  - Minnesota Rules Chapter 3801.3620, Subpart 3(D)(2) refers to an inspection program that was envisioned years ago but never implemented. The department lacks the resources, staffing, and expertise to evaluate complex custom-made equipment. If such a situation arose, the department would contract a third-party entity to perform the evaluation—a process that could take several months. It is more efficient and cost-effective for the equipment purchaser or manufacturer to directly engage a third-party evaluator.

## Proposed draft language highlights: Revisions

- 3801.3770 - Where wiring is to be concealed, the inspector must be notified sufficiently in advance to permit completion of a rough-in inspection of the wiring method and conductor splicing before concealment.....
- 3801.3780 Subp. 1. **Final inspection.** Installers of electrical wiring shall schedule a final inspection of the work associated with an electrical permit prior to the wiring being utilized by the intended user and the associated space being occupied. **Removed the words “or otherwise notify”**
- 3801.3780 Subp. 2. - **Expiration.** Electrical permits with inspection fees of ~~\$250~~ **\$1000** or less are void 12 months from the original filing date...
- 3801.3780 Subp. 4. **Nonpayment of permit fees.** The department shall not accept a permit application from an electrical contractor, registered employer, or owner that has not paid in full the fees for previously issued permits.

# Questions?

Dean Hunter

[Dean.hunter@state.mn.us](mailto:Dean.hunter@state.mn.us)

218-770-1263