



April 11, 2024

South Dakota Electrical Commission
Department of Labor & Regulation
217 W. Missouri Ave.
Pierre, SD 57501

Re: Proposed Amendment to ARSD 20:44:14:10 (12)

Dear Commissioners:

On behalf of the South Dakota Home Builders Association (SDHBA), we are writing to express our concerns about the Commission's proposed amendment to ARSD 20:44:14:10 (12). SDHBA represents persons engaged in the home building industry throughout South Dakota and advocates for affordable and safe housing.

In 2020, the South Dakota Electrical Commission adopted the 2020 National Electrical Code (NEC) with the following exceptions, which are codified under ARSD 20:44:14:10 (12):

1. 210.8 (F) – GFCI for AC units
2. 230.67 – Surge protection
3. 210.8 (A) – GFCI for 250 Volt
4. 406.9 (c) – Bathroom GFCI

Originally, the Commission adopted the 2020 NEC without these exceptions. The Interim Rules Review Committee, however, remanded ARSD 20:44:14:10 (12) to the Commission based on concerns raised by SDHBA. The Commission then held another hearing on ARSD 20:44:14:10 (12) and adopted the 2020 NEC with the four exceptions. Now, the Commission is proposing to adopt the 2023 NEC without the exceptions to Sections 230.67, 210.8 (A), and 406.9 (c).

SDHBA opposes the adoption of the 2023 NEC without these exceptions. In 2020, the Commission determined that the exceptions were appropriate. There is no evidence showing that circumstances have substantially changed in the past three years, and the exceptions are no longer appropriate. Deleting these exceptions will increase the cost of housing while providing only minimal safety benefits.

In addition to maintaining these exceptions, SDHBA urges the Commission to specifically exempt the following appliances from the GFCI-protection requirement under Section 210.8(D), regardless of where the appliance is located:

1. electric ranges,
2. wall-mounted ovens,
3. counter-mounted cooking units,
4. clothes dryers, and
5. microwave ovens

Requiring these 240-volt appliances to be connected to a GFCI device not only adds unnecessary costs to a housing project but occasionally causes nuisance tripping because some appliances are simply not compatible with a GFCI device.

For these reasons, we respectfully request that you retain the 2020 exceptions to the NEC and add an exception to the GFCI-protection requirement for certain appliances.

Thank you for your consideration. We appreciate your service on the Commission.

Sincerely,

Peter Ronning

Peter Ronning
SDHBA Legislative Chairman
South Dakota Home Builders Association

Tony Kneeland

Tony Kneeland
SDHBA President
South Dakota Home Builders Association