



Jack Wells  
Vice President – Corporate Development

P.O. Box 4467  
Pinehurst, NC 28374  
Phone (910) 215-9026 / Fax (910) 215-9071  
Cell (315) 569-2653  
E-mail jack.wells@legrandna.com  
www.passandseymour.com

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State Representative Joe Boylan  
501 Legislative Office Building  
Raleigh, NC 27603-5925

**Subject: House DRH80018-LY24B (1/12)  
Endangered Manufacturing and Jobs Act**

Dear Representative Boylan,

First, congratulations on your election.

My reason for writing is to express my great concern and opposition to the subject bill, in particular the revisions being offered in Part VII revision of Section 7.1. G.S.143-138(b).

Our company produces electrical equipment for installation in residential, commercial/institutional and industrial buildings. We have manufacturing plants in Concord and Greensboro which together employ about 1,000 North Carolinians. As an electrical equipment manufacturer, we are actively engaged in and participate on the committees that develop the product and installation codes and standards governing our products. So we are knowledgeable about the codes and standards referenced or adopted by NC legislation and/or regulation.

The second paragraph of Section (b) of G.S. 143-138 states in part “Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety....” (underlining mine). The proposed new paragraph10 is in complete contradiction to and undermines the very intent underlined above.

The State of North Carolina adopts the National Electrical Code (NEC) promulgated by the National Fire Protection Association (NFPA). Based on my 34 year experience as a member of the NFPA Electrical Code Committee, it is clear that the NEC has historically and continues to consider “industrial machinery” as generally “equipment” or more specifically “utilization equipment” as defined in the NEC. As such this machinery is subject to the installation requirements and approval rules established in the NEC and/or adopted by North Carolina.

For such machinery to be approved by the authority having jurisdiction (the State or municipal electrical inspector) the NEC essentially requires the machinery to be listed by a 3<sup>rd</sup> party product certification organization. For machinery that is not listed, and some industrial production machinery is not, it can be approved by the electrical inspector or, if the inspector does not feel qualified to evaluate such complex machinery, it can be examined in the field by a qualified third party.

This is not an onerous process, especially given the significant safety consequences if it is not designed and manufactured to be compatible with the electrical installation energizing it. Imported equipment designed for installation in accordance with codes other than the NEC may have undersized wiring, uncoordinated overcurrent or short circuit protection. These are fundamental safety requirements long recognized as necessary for the safety of employees working on or near such equipment.

The legislative exclusion of such equipment unnecessarily undermines the electrical safety system established for the very purpose of protecting workers in the State of North Carolina. Worse, it creates an advantage for manufacturers of industrial machinery (foreign or domestic) who chose to produce machinery that is not compliant with industry safety standards and not compatible with the electrical installation code. It virtually prohibits qualified electrical inspectors from the need to approve such machinery and opens the door for non-compliant and potentially dangerous machinery.

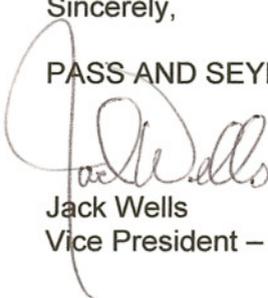
Our company produces thousands of products intended for installation in accordance with the NEC and all are certified to the appropriate product safety standard by a nationally recognized laboratory. Infrequently, some of our product is customized for an industrial user and we secure a field evaluation for such equipment. To open the door to uncertified product and eliminate the need for such product to meet recognized safety standards creates an uneven playing field for our company and my 1,000 associates here in North Carolina.

Strong electrical safety rules are not anti-development, anti-growth or anti-job creation. On the contrary, they are just the opposite because they create a level playing field on which all can compete fairly and aggressively while protecting all of our citizens. I urge you to vigorously oppose this ill conceived legislative manipulation of our electrical safety system

Please advise specifically what your position is on this legislation.

Sincerely,

PASS AND SEYMOUR/LEGRAND



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