Washington State Department of
Labor & Industries

Preliminary Cost-Benefit Analysis

WAC 296-46B-010, General.

WAC 296-46B-334, Nonmetallic-sheathed cable.

WAC 296-46B-942, Training certificate required.

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Introduction

Administrative Procedure Act Requirements

The Administrative Procedure Act (APA) requires that, before adopting a significant legislative rule, the Department of Labor & Industries (L&I) must analyze the probable costs and benefits of the rule and determine that the benefits are greater than its costs, taking into account both the qualitative and quantitative benefits and costs." [RCW 34.05.328(1)(d)]

RCW 34.05.328(5)(c)(iii) defines a "significant legislative rule" as a rule, other than a procedural or interpretive rule, that:

- Adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction;
- Establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or
- Adopts a new, or makes significant amendments to, a policy or regulatory program.

Under certain circumstances, a rule or rule component is exempt from this requirement.

Proposed Amendments

L&I is proposing amendments to the electrical rules under chapter 296-46B WAC. The proposed amendments would adopt the 2026 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC), with a delayed effective date of December 31, 2026. The 2026 NEC would replace the current 2023 edition.

L&I is also proposing other amendments, including:

- Amending the adopted NEC requirement for non-metallic sheathed cable by removing the restriction on the temperature rating on certain sizes of Non-Metallic Sheathed Cable, Types NMC and NM carrying the suffix letter "-B".
- Amending language to clarify the deadline for trainees to report hours of work experience to L&I.
- Amendments for housekeeping, such as removing obsolete language.

Adoption of the 2026 NEC ensures the rules align with the latest national safety standards. The 2026 edition of the NEC will be published in the fall of 2025. The NEC sets the standard for safe electrical installations in homes, businesses, and institutions to protect people and property from hazards arising from the use of electricity. L&I is proposing adopting the 2026 NEC in its entirety by reference under this rulemaking with a delayed effective of December 31, 2026, to

give stakeholders advance notice of its adoption and more opportunity for review and comment, prior to its publication and L&I's formal rule review process.

Following the adoption of rules under this rulemaking, L&I plans to engage in a subsequent rulemaking next year to begin the formal review process of the 2026 NEC. As part of the subsequent rulemaking, stakeholders will have the opportunity to submit proposals for amendments to the 2026 NEC code requirements and make recommendations to L&I on adoption of the rules prior to the effective date for the 2026 NEC.

Additional amendments under this rulemaking are also necessary to eliminate an unnecessary temperature restriction for certain cable types and to provide better clarity for reporting trainee hours of experience.

Probable Costs and Benefits of the Proposed Amendments

Most of the proposed amendments are not significant legislative rules and are exempt from the cost-benefit analysis requirement. The proposed amendments that are considered significant legislative rules are as follows:

WAC 296-46B-334, Nonmetallic-sheathed cable.

- Overview

The proposed rule amends an adopted NEC requirement for non-metallic sheathed cable to remove the restriction on the temperature rating of Non-Metallic Sheathed Cable, Types NMC and NM carrying the suffix letter "-B". Type NM is commonly installed in residential dwellings. Currently, the NEC limits the temperature rating of Type NM and NMC to 60 degrees Celsius (°C).

The proposed amendments leave the 60°C restriction in place for wire sizes #10 American Wire Gauge (AWG) and smaller commonly used for lighting and outlet circuits exposed to attic temperatures. It amends the NEC by allowing a temperature rating of 75°C, for wire sizes #8 AWG and larger, which is allowed by the NEC for all other cable types with 90°C rated conductor insulation.

- Cost/Benefit Analysis

The proposed amendments allow a variance from the NEC requirement and provides homeowners or contractors an alternative option for installing conductors, so it is a cost savings in general. It also allows for the installation of smaller and less expensive conductors. The benefits include cost savings associated with the alternative for the reduction in regulatory requirements where not necessary for public safety.

Cost-Benefit Determination

As described above, the changes subject to the cost-benefit analysis requirement will either result in a cost savings to customers or no additional costs. These changes include benefits to customers to choose a less costly alternative over existing requirements that do not reduce safety. In total, the probable benefits of this rule are likely much greater than the probable costs.

Least Burdensome Alternative Analysis

L&I is required to determine, after considering alternative versions of the rule and the analysis required, that the amendments being proposed are the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives of the statute. RCW 34.05.328(1)(e).

Non-metallic sheathed cable calculations.

The rule amendments add a new subsection to amend an adopted NEC restriction for non-metallic sheathed cable to change the restriction on temperature rating of Non-Metallic Sheathed Cable, Types NMC and NM carrying the suffix letter "-B" #8 gauge and above, keeping restrictions in place for common branch circuit size #10 and smaller. This rule amendment deviates from the NEC but is the best approach because it provides an alternative option for customers by allowing the installation of smaller and less expensive conductors, which is a cost savings opportunity for them.