



Preliminary Cost-Benefit Analysis

**WAC 296-46B-940, Electrician/certificate of competency
required.**

DRAFT

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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 (department) 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 Rule

The Department is proposing amendments to the general journey level electrician and specialty electrician certification qualifications under WAC 296-46B-940, Electrician/certificate of competency required. The proposed amendments remove the requirements for a one-year waiting period and allow applicants who qualify to immediately apply for a reciprocal certificate with the state of Washington. The proposed amendments also remove provisions that exclude certain individuals from qualifying for a reciprocal certificate if they previously failed the Washington State examination. The proposed rule does not change requirements that reciprocal agreements can only be made with states that have equivalent qualifications as Washington.

The Department received a petition for rulemaking requesting the proposed amendments to allow for a reciprocal agreement between Washington and Oregon. On August 7, 2020, the Department filed an emergency rule (WSR 20-17-029) to enact the proposed amendments and expedite entering into a reciprocal agreement with Oregon. A Preproposal Statement of Inquiry (CR-101) was filed simultaneously to adopt a permanent rule.

The Department has now entered into a reciprocal agreement with Oregon. This rulemaking is necessary to continue that reciprocal agreement under the same conditions. The proposed amendments and resulting reciprocal agreement help to alleviate the shortage of journey level electricians in the state and provide more access to qualified electricians working near the border between Washington and Oregon.

The Electrical Board was consulted about the need for emergency and permanent rulemaking at the board meeting on July 30, 2020. The board supported the emergency nature of rulemaking to expedite entering into a reciprocal agreement with Oregon.

Stakeholders were sent notice of this rulemaking through the Electrical Currents Newsletters via GovDelivery (est. 12,500 industry stakeholders and interested parties).

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Probable Costs and Benefits of the Proposed Rule

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

WAC 296-46B-940(19)(c), Electrician/certificate of competency required, Reciprocal Agreements between Washington and other states.

- Rule Overview

Removes language that an individual must hold a journey level or specialty electrician certificate of competency from a reciprocating state for a period of one-year to be eligible for a Washington reciprocal certificate.

- Rule Cost/Benefit Analysis

The proposed rule reduces the qualifying conditions to obtain a Washington State reciprocal certificate and does not add costs. Electricians would be able to apply for a reciprocal certificate in Washington State immediately after passing examination in a reciprocal state and begin working upon approval. The benefit is the reduction in regulatory requirements where not necessary for public safety.

WAC 296-46B-940(20)(d), Electrician/certificate of competency required, Reciprocal Agreements between Washington and other states.

- Rule Overview

Removes language that excludes certain individuals from qualifying for a reciprocal certificate if they previously failed the Washington State examination. The proposed rule would allow eligibility two years after failing examination.

- Rule Cost/Benefit Analysis

The proposed rule reduces the qualifying conditions to obtain a Washington State reciprocal certificate and does not add costs. 01 general journey-level and specialty electricians could be eligible for a reciprocal certificate within two years of failing the Washington State examination. The benefit is the reduction in regulatory requirements where not necessary for public safety.

WAC 296-46B-940(20)(e), Electrician/certificate of competency required, Reciprocal Agreements between Washington and other states.

- Rule Overview

Removes the provision that a person does not qualify for a reciprocal certificate if they were a Washington State resident at the time of examination in a reciprocal state.

- Rule Cost/Benefit Analysis

The proposed rule reduces the qualifying conditions to obtain a Washington State reciprocal license and does not add costs. Electricians may be eligible for a reciprocal certificate regardless of residency at the time of examination in another state. The benefits are 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 not add costs to customers and individuals seeking certification. In total, the probable benefits of this rule are likely much greater than the probable costs.