

WAC 173-901-140 Process for reviewing an exemption application.

(1) Upon receipt of an exemption application the department will review the application to determine if the application is complete. To be complete an application must include each item in WAC 173-901-130(3).

(2) The department will notify the applicant, within thirty days of the receipt of the application:

(a) That the application has been received and is complete; or

(b) That the application is incomplete and identify which sections are missing or incomplete. If the application is incomplete, the applicant must then complete the application and resubmit it.

(3) After receiving a complete application, the department will review the application. The department will, within ninety days of mailing the notice that the completed application has been received, either:

(a) Determine that the applicant **has demonstrated** that complying with the requirements of this chapter is not feasible, does not allow compliance with safety standards, or causes significant financial hardship and grant the exemption;

(b) Determine that the applicant **has been unable to demonstrate** that complying with the requirements of this chapter is not feasible, does not allow compliance with safety standards, or causes significant financial hardship and deny the application for exemption; or

(c) Determine that the applicant **has not provided enough information to demonstrate** that complying with the requirements of this chapter is not feasible, does not allow compliance with safety standards, or causes significant financial hardship and request additional information.

(4) If the department requests additional information from the applicant the applicant must:

(a) Notify the department that it has received the request for additional information;

(b) Inform the department that it intends to provide the requested additional information; and

(c) Specify a reasonable time frame, not more than one hundred eighty days, within which the applicant will provide the requested information.

(5) After the department has received the additional information the department will review the application and may make any of the determinations listed under subsection (3) of this section.

(6) For the purposes of this section the term "not feasible" means not capable of being done or carried out. The department shall only grant this exemption in instances where the manufacturer has demonstrated that it is impossible or unreasonably impracticable to comply with the requirements of the chapter, as opposed to in instances of minor obstacles and mere difficulty.

(7) **Renewal of exemptions:** If the department grants an application for an exemption, the exemption will be valid for a three-year term. No sooner than ninety days prior to the end of the three-year term, the applicant may provide written notice, that the exemption is still needed. Upon sending this notice the exemption will renew automatically, for an additional three-year term.

(8) **Expiration of exemptions:** If the department has reason to believe that an exemption may no longer be needed, the department may notify the manufacturer that in order to receive the next renewal it will need to update its application and demonstrate that the exemption is still needed. The department must provide this notice at least one

year prior to the next renewal date. If the manufacturer fails to update its application or the department, after reviewing the updated application, determines that the exemption is no longer needed, the exemption will expire.

[Statutory Authority: Chapter 70.285 RCW. WSR 12-21-082 (Order 10-17), § 173-901-140, filed 10/19/12, effective 11/19/12.]