

WAC 296-900-11020 Changing a variance. (1) You, your employees, or their representatives may request changes to variances in writing as follows:

(a) For a permanent variance only after it has been in effect for at least six months.

(b) For a temporary variance, only when renewing it.

Note:

1. After six months, WISHA may initiate changes to a variance if they appear to be warranted.
2. Employers can decide at any time to follow the original requirement, instead of the requested variance.

What to expect from WISHA:

(2) A review of your request to change a variance.

If more information is needed to make a decision, WISHA may:

(a) Contact you or others who may have the needed information.

(b) Visit your workplace after contacting you to make arrangements.

(c) Deny your request for a change if you do not provide information needed to make a decision.

(3) A decision at least twenty-one calendar days from when the request was posted for employees.

The twenty-one-day period allows employees time to request a hearing on your request to change a variance. See Variance hearings, WAC 296-900-11025.

(4) A written decision either granting or denying the change in variance.

(a) If granted, the written decision will include all of the following:

(i) The requirements for which the variance applies.

(ii) The locations for which the variance applies.

(iii) What you must do as an alternative means of protecting employees.

(iv) The effective date of the change in variance.

(v) An expiration date of the variance, if applicable.

(vi) The requirement to post the decision.

(b) If denied, the written decision will include:

(i) A brief statement with reasons for the denial.

(ii) The requirement to post the decision.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-11020, filed 9/5/17, effective 10/6/17; WSR 06-06-020, § 296-900-11020, filed 2/21/06, effective 6/1/06.]