

**WAC 296-307-16120 Variance and procedure.** (1) Conditions may exist in operations that a state standard will not have practical use. The director of the department of labor and industries may issue a variance from the requirements of the standard when another means of providing equal protection is provided. The substitute means must provide equal protection in accordance with the requirements of chapter 49.17 RCW and chapter 296-900 WAC, Administrative rules.

(2) A temporary variance may be requested under chapter 296-900 WAC, Administrative rules, when an operator cannot comply with new requirements by the effective date(s) of this chapter because:

(a) The construction or alteration to a building cannot be completed in time;

(b) Materials or equipment are not available; or

(c) Professional or technical assistance is not available.

(3) Applications for variances will be reviewed and may be investigated by the department of labor and industries and the department of health. Variances granted will be limited to the specific case or cases covered in the application and may be revoked for cause. The variance must remain prominently posted on the premises while in effect.

(4) Variance application forms may be obtained from the Department of Labor and Industries, P.O. Box 44650, Olympia, Washington 98504-4650 or the Department of Health, P.O. Box 47852, Olympia, Washington 98504-7852, upon request. Requests for variances from safety and health standards must be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44650, Olympia, Washington 98504-4650. (Reference RCW 49.17.080 and 49.17.090.)

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 20-21-091, § 296-307-16120, filed 10/20/20, effective 11/20/20; WSR 15-13-092, § 296-307-16120, filed 6/15/15, effective 7/16/15. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050 and 1999 c 374. WSR 00-06-081, § 296-307-16120, filed 3/1/00, effective 3/1/00.]