

**WAC 246-358-040 Variance and procedure.** (1) Conditions may exist in operations that a state standard will not have practical use. The operator may request a variance. 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 chapters 49.17 RCW and 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) in 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) Requests for variances from safety and health standards shall be made in writing to the director or the assistant director, Department of Labor and Industries, P.O. Box 44625, Olympia, Washington 98504-4625.

(5) Variance application forms may be obtained upon request from the department of labor and industries or the department of health.

[Statutory Authority: Chapter 70.114A RCW and RCW 43.70.334 through 43.70.340. WSR 15-13-091, § 246-358-040, filed 6/15/15, effective 7/16/15. Statutory Authority: RCW 70.114A.065 and 70.114A.110. WSR 00-06-082, § 246-358-040, filed 3/1/00, effective 3/1/00.]