

WAC 296-900-16005 Requesting more time to comply.

IMPORTANT :

You can request more time to correct violations if they:

1. Have made a good faith effort to correct the violation.
2. Have not corrected the violation because of factors beyond their control.

(1) You must submit any requests for more time to correct violations in writing. Requests must be received or postmarked before midnight of the correction date shown on the citation and notice (C&N) or corrective notice of redetermination (CNR), and include:

- (a) The business name.
- (b) The address of the workplaces.
- (c) The citation and the correction dates to be extended.
- (d) The new correction date and length of correction period being requested.
- (e) A description of the actions that have been, and are being, taken to meet the correction dates in the C&N or CNR.
- (f) Factors preventing correction of violations by the date required.
- (g) The means that will be used to protect employees while the violation is being corrected.
- (h) Certification that the request for correction date extension has been posted, and if appropriate, certification that a copy was delivered to affected employees or their representatives.
- (i) Employer's signature or the signature of the employer's representative.
- (j) Date.

(2) You must submit requests by one of the following methods:

- (a) First class mail, postage prepaid to any L&I office.
- (b) Take to any L&I office.
- (c) Fax to the number shown in the C&N.

Reference: For a list of the local offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

What to expect from WISHA:

(3) WISHA may accept late requests if they are both:

- (a) Received within five days following the related correction date; and
- (b) Accompanied by your written statement explaining the exceptional circumstances that caused the delay.

Note: WISHA does not accept late requests when compliance activity has already started.

(4) WISHA may respond to telephone requests or personal conversations asking for more time to comply if timely, and followed up in writing within twenty-four hours.

(5) WISHA may conduct an investigation before making a decision whether to grant a request for more time.

(6) WISHA will make a decision whether or not to grant the employer more time. Once made, the decision remains in effect unless an employee or employee representative requests a hearing.

(7) WISHA will keep the original correction date in effect unless a notice granting more time is sent.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-16005, filed 9/5/17, effective 10/6/17; WSR 06-06-020, § 296-900-16005, filed 2/21/06, effective 6/1/06.]