

WAC 296-900-17006 Stay of abatement date request. (1) Employers may request stay of abatement dates for any violation classified as serious, willful, repeat serious, or failure to abate serious. Stay requests must be made in the notice of appeal under WAC 296-900-17005.

(2) Stay requests must include:

(a) Each violation and item number for which a stay is requested.

(b) The reason for the stay request.

(3) DOSH will review requests for stay of abatement dates for each violation requested. DOSH will stay the abatement date when an appeal is filed for any serious, willful, repeat serious, or failure to abate serious violation where DOSH cannot determine that the preliminary evidence shows a substantial probability of death or serious physical harm to workers.

(4) The basis for decisions on stay requests will be in the CNR.

(5) If a stay of abatement date is granted in the CNR and the employer appeals the CNR, the stay will remain in place until there is a final order on the appeal.

(6) If a stay of abatement date is denied in the CNR and the employer appeals the CNR further, the request for a stay of abatement date must be renewed according to WAC 296-900-17010.

(7) There is no requirement to abate a violation for which a stay request is pending.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 2011 c 91. WSR 12-02-055, § 296-900-17006, filed 1/3/12, effective 7/1/12.]