

4626.1690 VARIANCE REQUEST; PROCEDURES. 8-103.11

A person may ask the regulatory authority to grant a variance from the provisions of this Code according to parts 4626.1690 to 4626.1715.

A. A variance must not be granted from:

- (1) part 4626.0020, subpart 35;
- (2) parts 4626.0040 to 4626.0120;
- (3) part 4626.1565; and
- (4) parts 4626.1590 to 4626.1675.

B. The applicant for a variance shall be the person to whom the rule applies.

C. The person requesting the variance shall submit the request in writing to the regulatory authority with the appropriate fee, if required. If a variance is granted, the person shall retain the information and variance in the person's files. A request must contain:

- (1) the specified language in the rule or rules from which the variance is requested;_{p2}
- (2) the reasons why the rule cannot be met;_{p2}
- (3) the alternative measures that will be taken to ensure a comparable degree of protection to health or the environment if a variance is granted;_{p2}
- (4) the length of time for which the variance is requested;_{p2}
- (5) a statement that the person applying for the variance will comply with the terms of the variance, if granted;_{p2}
- (6) other relevant information the regulatory authority determines necessary to properly evaluate the request for the variance;_{p2} and
- (7) a HACCP plan, if required under part 4626.1730, that includes the information in part 4626.1735 that is relevant to the variance requested._{p2}

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.07; 144.08; 144.12; 157.011*

History: *23 SR 519; 43 SR 295*

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