

(2) EACH ORDER FOR A TEMPORARY VARIANCE SHALL STATE, IN DETAIL, THE PROGRAM THAT THE EMPLOYER IS TO FOLLOW TO COME INTO COMPLIANCE WITH THE REGULATION OR PART FROM WHICH THE TEMPORARY VARIANCE IS GRANTED.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 89, § 34(a) and the second through fourth sentences of (b).

In subsection (a)(1)(i) of this section, the cross-reference to § 5-319 of this subtitle is added to clarify that an application must be not only in proper form but also timely.

Subsection (b)(1) of this section is revised to clarify that an order for a temporary variance need specify only the "conditions ... operations" that the order affects. The fourth sentence of former Art. 89, § 34(a) limited an order for a permanent variance to conditions and methods "to the extent they differ from the ... regulation ... in question." The third sentence of former Art. 89, § 34(b) omitted any reference to conditions and failed to limit the methods to be set out in the order. Although this revision generally has preserved discrepancies between temporary and permanent variances, it seemed clear that the General Assembly could not have intended that an order for a temporary variance describe each "condition ... operation", including those not affected by the order.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

5-326. TERM AND RENEWAL OF TEMPORARY VARIANCE.

(A) TERM.

UNLESS AN ORDER FOR A TEMPORARY VARIANCE FROM A REGULATION OR PART OF A REGULATION IS RENEWED AS PROVIDED IN THIS SECTION, THE ORDER MAY NOT BE IN EFFECT FOR LONGER THAN:

(1) 1 YEAR AFTER THE ORDER IS PASSED; OR

(2) IF SHORTER, THE PERIOD THAT THE EMPLOYER NEEDS TO ACHIEVE COMPLIANCE WITH THE REGULATION OR PART.

(B) RENEWAL.

(1) SUBJECT TO THE LIMITATIONS IN THIS SUBSECTION, THE COMMISSIONER MAY RENEW AN ORDER FOR A TEMPORARY VARIANCE TWICE.

(2) THE COMMISSIONER MAY RENEW AN ORDER UNDER THIS SUBSECTION ONLY IF THE EMPLOYER: