

CHAPTER 2504
RULE WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2504.1(17A) Application.

2504.1(1) Any person may submit a petition to waive, in whole or in part, any rule in the agency's jurisdiction by submitting the petition to the agency.

2504.1(2) The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).

2504.1(3) A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency's address or agency's email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]

Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER
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1. The petitioner's name, mailing address, email, and telephone number or, if applicable, petitioner's representative.
2. A description and citation of the rule(s) that are the subject of the petition.
3. The specific waiver requested, including the scope and duration of the waiver.
4. All relevant facts and reasons the petitioner believes justify the waiver, including specific information satisfying the requirements of subrule 2504.1(2).
5. If applicable, the case number of any contested case related to the petition.
6. If applicable, a history of all previous contacts between the petitioner and the agency that may relate to or be affected by the rule(s) that are the subject of the petition.
7. If known, information about the agency's treatment of other persons in similar circumstances.
8. If known, the name and contact information of any person who would be adversely affected or disadvantaged if the agency waives the rule.
9. If applicable, signed releases from any person with knowledge relevant to the petition.
10. An attestation that all information in the petition is true and accurate.
11. A dated signature by the petitioner or, if applicable, petitioner's representative.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2504.2(17A) Filing and service of petitions and other papers.

2504.2(1) *Filing—when required.* All petitions for waiver, petitions for intervention, briefs, or other papers in a proceeding for a waiver will be filed with the agency at the agency's address or agency's email.

2504.2(2) *When service required.* Except where otherwise provided by law, a person filing a petition for waiver, petition for intervention, brief, or other paper in a proceeding for a waiver is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for waiver or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency and the agency will thereafter attempt to effectuate service on the interested person.

2504.2(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2504.3(17A) Evaluation.

2504.3(1) The agency may notify the petitioner of the receipt of the petition.

2504.3(2) The agency will evaluate the petition in accordance with Iowa Code section 17A.9A. The agency may request additional information from the petitioner or any person as part of its evaluation of the petition.

a. Additional information will be obtained by an evidentiary hearing consistent with Iowa Code chapter 17A if:

- (1) The petition was filed with a request for a contested case;
- (2) An evidentiary hearing is required by any law; or
- (3) The agency requests an evidentiary hearing.

b. If an evidentiary hearing is not required, the agency's request for additional information may be informal.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2504.4(17A) Issuance.

2504.4(1) The agency will issue a written decision granting or denying the petition.

2504.4(2) After issuing a decision, the agency will index, file, make publicly available, and transmit its decision as required by Iowa Code section 17A.9A(4).

2504.4(3) If the agency does not issue a decision on a petition for waiver within 180 days from the date of its receipt by the agency, the petition is deemed denied.

2504.4(4) If the agency grants a petition in whole or in part, the waiver granted will comply with the requirements of Iowa Code section 17A.9A(3), including content, duration, conditions, and renewability.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2504.5(17A) Remedies.

2504.5(1) With appropriate notice, the agency may withdraw, cancel, or modify any waiver granted under this rule if the agency issues a written order finding one or more of the following:

- a.* The petitioner withheld or misrepresented material facts in the petition;
- b.* The waiver no longer adequately protects the public health, safety, and welfare;
- c.* The waiver may burden the substantial rights of any person; or
- d.* The petitioner has not complied with any of the waiver conditions imposed by the agency.

2504.5(2) A petitioner aggrieved by any final order of the agency may seek judicial review in accordance with Iowa Code chapter 17A.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]