

Occupational Safety and Health Administration

Directorate of Science, Technology and Medicine

- **Office of Health Nursing**
- **Office of Science and Technology Assessment**
- **Technical Data Center**
- **Salt Lake City Technical Center**
- **Cincinnati Technical Center**
- **Office of Occupational Medicine**
- **Office of Technical Programs & Coordination Activities**

Occupational Safety and Health Administration

Office of Technical Programs and Coordination Activities

Nationally Recognized Testing
Laboratories (NRTL)

DOE Transition Coordination
Variance Program

[The Variance Process]

- What's a variance and how do I apply?
- Recent Trends in the Variance Program
- Variances as a Solution

What's a variance?

- Variances are authorized under Sections 6 and 16 of the OSHA Act
- A Variance is not a waiver or an exemption
- Establishes alternate methods of compliance with the OSHA standards
- Variances are Ordered by the OSHA Assistant Secretary

Types of Variances

- Permanent Variance
-29 CFR 1905.11
- Temporary Variance
-29 CFR 1905.10
- Experimental Variance
-Section 6(b)(6)(c) of the OSHA Act
- National Defense Variance
-29 CFR 1905.12

Variance Application Process



Variance Program History

- Variance Applications- OSHA has received approximately 2500 since 1973
- Variance Grants
 - OSHA has granted more than 180 variance requests during its existence
 - Majority of the variances granted were for temporary variances

Variance Program Current Status

- Variances in Effect (23)
- Types of Variances Currently in Effect
 - *Flammable Liquids*
 - *Mechanical Presses-Guarding*
 - *Walking-Working Surfaces-ladders and cages*
 - *Cranes*
 - *Construction-chimneys and scaffolding*

Variance Program Current Status

- Open Variance Applications
 - *6 safety and 3 health*
 - *41 diving variance requests*
- Types of Open Variance Applications
 - *Lead standard--housekeeping and respirators*
 - *Maritime--welding standard*
 - *Walking--working Surfaces-fixed stairs*
 - *Electrical Standard--clearance space*
 - *Construction--chimneys*

Trends in the Variance Program

- A vehicle to update OSHA Standards
- Multiple employers with identical variance request

Repetitive Variance Requests

Chimney Variances:

- The variance applicants construct, remodel, repair demolish and maintain tall, typically industrial chimneys.
- Nine companies have been granted identical variances from 1926.552(c) and 1926.452(o)(3) during the past three years; two companies have pending applications
- Processing of these variance requests has become routine
- Directorate of Construction will be preparing a Directive to address the chimney variance

[Repetitive Variance Requests]

Diving Variances:

- OSHA has received over 50 identical variance requests from the regulated community of commercial diving companies related to 1910.423 and 1910.426
- OSHA is now considering the variance request for commercial diving companies

[Variances as the Solution]

- Indicators for Standards Revision
- Imaginative Alternatives
- Innovative Technologies
- Consensus Standards
- Experimental Variances

[How to apply?]

- **File a written application:**

*Assistant Secretary for Occupational Safety and Health US Department of Labor, Room S2315
200 Constitution Avenue, NW,
Washington, D.C. 20210*

- **Include elements from 29 CFR 1905**

- **Remember:**

A variance is not an exemption

[How to apply? States with State Plans]

- State-plan States operate their own variance programs
- If the application...
 - *Involves more than one State AND one or more States has its own State Plan*
- Then the application must include...
 - *Side-by-side comparisons of OSHA & State standards*
 - *Certification that a State variance hasn't been filed*
 - *A statement identifying any State citations regarding the standards in the variance application*

[State Plan States]

- Alaska
- Arizona
- California
- Hawaii
- Indiana
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- Nevada
- New Mexico
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virginia
- Washington
- Wyoming

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<http://www.osha.gov/dts/otpca/variances/index.html>