

The Electronic Code of Federal Regulations

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ECFR CONTENT

§ 1905.12 Limitations, variations, tolerances, or exemptions under section 16.

- (a) *Application.* Any person, or class of persons, desiring a limitation, variation, tolerance, or exemption authorized by section 16 of the Act may file an application containing the information specified in [paragraph \(b\)](#) of this section, with the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210.
- (b) *Contents.* An application filed pursuant to [paragraph \(a\)](#) of this section shall include:
 - (1) The name and address of the applicant;
 - (2) The address of the place or places of employment involved;
 - (3) A specification of the provision of the Act to or from which the applicant seeks a limitation, variation, tolerance, or exemption;
 - (4) A representation showing that the limitation, variation, tolerance, or exemption sought is necessary and proper to avoid serious impairment of the national defense;
 - (5) Any request for a hearing, as provided in this part; and
 - (6) A description of how employees have been informed of the application and of their right to petition the Assistant Secretary for a hearing.
- (c) *Interim order -*
 - (1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the limitation, variation, tolerance, or exemption filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The Assistant Secretary may rule *ex parte* upon the application.

- (2) *Notice of denial of application.* If an application filed pursuant to [paragraph \(c\)\(1\)](#) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied, by a brief statement of the grounds therefor.
- (3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties, and the terms of the order shall be published in the FEDERAL REGISTER. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

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