**Permanent Variance Request**

**Mail to: For Internal Use Only:**

*Commissioner of the Department of Labor* Date Application Received:

*N.C. Department of Labor*

*1101 Mail Service Center \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Raleigh, NC 27699-1101*

**(Optional) Email:** askosh@labor.nc.gov

**Permanent Variance Application**

***Instructions:*** *In accordance with 13 NCAC 07A 0706- Form of Documents: Subscription: Copies, “no particular form is prescribed for applications and other papers which may be filed in proceedings under this part.” However, this application form is provided as a courtesy if an applicant chooses to use it to ensure all required information is provided.**All information required by*[*1905.11*](https://www.osha.gov/laws-regs/regulations/standardnumber/1905/1905.11) ***-*** *Variances and other relief under section 6(d), must be completed in detail below. Please attach any additional supporting documentation at the end of the application. For additional information on North Carolina OSH Division requirements for variances, reference* [*OSH Variance Requests.*](https://www.labor.nc.gov/osh-variance-requests)

**1905.11(b)(1)** - Applicant Name and Address:

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**1905.11(b)(2)** - Address of the place or places of employment involved (If various locations, please describe):

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**1905.11(b)(3)** - Provide a description of the conditions, practices, means, methods, operations, or processes used, or proposed to be used, by the applicant:

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**1905.11(b)(4)** - Provide a statement regarding how the conditions, practices, means, methods, operations, or processes used, or proposed to be used, would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**1905.11(b)(5)** - Provide a certification that you have informed your employees of the application (Initial each statement below and then sign the certification statement):

\_\_\_\_\_\_ **1905.11(b)(1)(i)** - A copy provided to employees’ authorized representative;

\_\_\_\_\_\_ **1905.11(b)(1)(ii)** - Posted a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted *(****Note:*** *In lieu of the summary, the application can also be posted);* ***and***

\_\_\_\_\_\_ **1905.11(b)(1)(iii)** - By other appropriate means that you informed employees of the variance application (i.e., email, meetings).

Describe how you complied with (b)(1)(i) – (iii) above:

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I certify that I have informed employees of the variance application as described.

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**Print Name Signature**

**1905.11(b)(6)** - Have you requested a hearing (as provided in [13 NCAC 07A .0711](http://reports.oah.state.nc.us/ncac/title%2013%20-%20labor/chapter%2007%20-%20office%20of%20occupational%20safety%20and%20health/subchapter%20a/13%20ncac%2007a%20.0711.html)– Requests for hearing on applications)?

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**1905.11(b)(7)** - Describe how you informed the employees of the application and of their right to petition the NC Commissioner of Labor (Assistant Secretary) for a hearing (i.e., email, posting, meetings).

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**1905.11(b)(8)** - Is this variance being requested for other State(s) in addition to North Carolina?

\_\_\_\_\_\_\_ If no, you may skip this question.

\_\_\_\_\_\_\_ If yes, if the requested variance would be applicable to employment or places of employment in more than one State, including at least one State with a State plan approved under section 18 of the Act, and involves a standard (or portion thereof), identical to a State standard effective under such plan, then provide (or attach) the following:

* **1905.11(b)(8)(i)** - A side-by-side comparison of the Federal standard, or portion thereof, involved with the State standard, or portion thereof, identical in substance and requirements.

**SIDE-BY-SIDE COMPARISON**

|  |  |
| --- | --- |
| **Federal Standard** | **State Standard** |
|  |  |
|  |  |
|  |  |
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* **1905.11(b)(8)(ii)** - A certification that the employer, or employers, have not filed for such variance on the same material facts for the same employment, or place of employment, with any State authority having jurisdiction under an approved plan over any employment or place of employment covered in the application; *and*

I certify that I have not filed for such variance on the same material facts for the same employment, or place of employment, with any State authority having jurisdiction under an approved plan over any employment or place of employment covered in the application.

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**Print Name Signature**

* **1905.11(b)(8)(iii)** - A statement as to whether, with an identification of, any citations for violations of the State standard, or portion thereof, involved have been issued to the employer or employers by any of the State authorities enforcing the standard under a plan, and are pending.

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**Additional Comments (Optional)**

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**Variance Application completed by:**

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