
MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Licensing and Regulatory Affairs (LARA)

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:
MIOSHA-STD-19-1

DATE: May 7, 2019

SUBJECT: Variances – Procedures for Processing

- I. Purpose. This instruction provides guidance for processing variances.
- II. Scope. This instruction applies to staff in the Construction Safety and Health Division (CSHD) and General Industry Safety and Health Division (GISHD).
- III. References.
 - A. Administrative Rules for MIOSHA Safety and Health Standards Part 12. R408.22201 et seq., [Variances](#).
 - B. Michigan Occupational Safety and Health Act, R408.1001 et seq., [P.A. 154](#) of 1974, as amended.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. This agency instruction cancels all division policies on this subject.
- VI. Next Review Date. This instruction will be reviewed in five years from date of issuance.
- VII. Contact. [Lawrence Hidalgo](#), Jr., Director, CSHD and [Adrian Rocskay](#), Director, GISHD.
- VIII. Originator. Barton G. Pickelman, Director
- IX. Background. The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended, was enacted to provide every Michigan employee with a safe and healthful workplace. Section 27 of the Act and Part 12, Variances, allows employers to request permission from MIOSHA to vary from a MIOSHA rule provided the proposed method provides an environment that is at least as safe and healthful as those required by MIOSHA rules. This instruction will assist staff in processing requests for variances.
- X. Application for Permanent Variance. An employer requesting a permanent variance must file a written application in accordance with Part 12, Variances, Rule 1221 and Rule 1223. This information is provided in the Procedure for Applying for a Permanent Variance letter. (See [Appendix A](#)).
- XI. Application for Temporary Variance. An employer requesting a temporary variance must file a written application in accordance with Part 12, Variances, Rule 1221 and Rule 1222. This information is provided in the Procedure for Applying for a Temporary Variance letter. (See [Appendix B](#)).
- XII. Application for Experimental Variance. An employer requesting an experimental variance must file a written application. The rules of Part 12, Variances do not apply to experimental variances which may be granted pursuant to section 27(3) of the act. Whenever experimental variances are sought or requested, the procedures for granting the

variances shall be in accordance with the intent of the procedures of Part 12. [Variances](#), but shall be adapted to the circumstances of the request.

XIII. Procedures.

A. Initial Receipt of a Variance Application.

1. Variance correspondence received in the division is forwarded to the division analyst.
2. The division analyst assigns a variance number using Var-(part #)-(month)- Year (variance total for the calendar year), e.g., Var-19-5-02-10 which is part 19, received May of 2002 -and the 10th variance requested for this year.
3. Variance requests are entered by the division analyst in the division variance log.
4. If the variance request is related to a citation, the division analyst retrieves the case file, attaches the variance request, and forwards it to division director or designee for review.
5. Division director or designee reviews the request and determines whether to:
 - a) Call the company for additional information,
 - b) Send the Additional Information Necessary to Complete a Permanent Variance Application letter requesting additional information (See [Appendix C](#)), or
 - c) Assign a safety officer/industrial hygienist (SO/IH) to evaluate the variance request,
 - d) If needed, one of the above should be completed or assigned within thirty (30) days of receiving the variance request. If the company fails to submit or provide the requested additional information within ten (10) working days, the director will deny the variance. If an acceptable response is received, for sections a – c above, the thirty-day process will begin again once requested information has been received from the company or SO/IH.
 - e) The division director or designee will approve or deny the variance request.
6. If a request for a hearing is received, the request will be forwarded to the division designee who will then forward the request along with the variance file to the Board of Health and Safety Compliance and Appeals clerk for processing.

- B. Interim Order. Interim orders (See [Appendix D](#)) may be issued to allow the company to operate under the proposed conditions while the variance is pending final determination.

1. Division director or designee writes stipulations, including the specific rule from which the request is applied. A variance request summary (See [Appendix E](#), Sample Summaries for Requested Variations) is prepared for publication on the MIOSHA website. Both are forwarded to the division analyst for processing.
2. The division analyst prepares the interim order and forwards it to the division director or designee for review and signature.
3. The division analyst creates the variance folder which includes the company name and variance number. A copy of the interim order and the Interim Order Variance Requirements (See [Appendix F](#)) are placed in the folder. Originals are mailed to the company. The variance request summary is e-mailed to the division website liaison for publication on the MIOSHA website.

Before MIOSHA can formally grant a permanent variance, the variance summary must be published on the MIOSHA website at www.michigan.gov/mioshavariations and published in the MIOSHA News. As a result of publication in the MIOSHA News, any employer, employee or other person may request an informal hearing concerning the variance up to 30 calendar days after the MIOSHA News is published. If a hearing is requested, MIOSHA will hold an informal hearing as directed in Part 12, [Variations](#) Rule 1227. If an informal hearing is not requested, the variance may be granted.

C. Permanent Variations.

1. The division analyst prepares the draft Order Granting a Permanent Variance (See [Appendix G](#)) and summary for publication and forwards them to the division director or designee for review and signature. The division director or designee completes review and returns the file to the division analyst.
2. The division analyst places a copy of the permanent order and the Granted Permanent Variance Requirements (See [Appendix H](#)) in the folder. Originals are mailed through certified mail to the company. The permanent variance summary is e-mailed to the division website liaison for publication on the MIOSHA website.
3. The division analyst gives the variance file to the division director or designee to review the status of permanent variations, as needed. If necessary, the division director or designee assigns SO/IH to check the variance for compliance.

D. Denial of Variance Request.

1. Division director or designee provides instructions to division analyst to deny variance request with explanation as to why the request is being denied.
2. The division analyst updates the variance log, prepares the Notification of Denial of a Permanent Variance letter (See [Appendix I](#)) for signature, and forwards it to the division director or designee for review and signature.
3. The division analyst mails the letter through certified mail to the company and makes one copy for the variance file. The request is closed.

E. Modification of a Permanent Variance.

1. Upon receipt of a request to modify a permanent variance, the division analyst retrieves the permanent variance file, attaches the modification request, and forwards the documents to the division director or designee.
2. The division director or designee reviews the request to modify and determines if the request offers a variance that is "as safe and healthful" as the original permanent variance. If necessary, division director or designee assigns SO/IH to evaluate the need for the modification of the variance.
3. The division analyst prepares a Notice of Intent to Modify Permanent Variance letter (See [Appendix J](#)), using original dates and variance number and forwards the file to the division director or designee to review and sign.
4. The division analyst mails the letter through certified mail to the company, makes a copy for the file, e-mails the summary of the modification for publication on the MIOSHA website.

F. Revocation.

1. The division analyst retrieves the variance file, prepares the Notice of Intent to Revoke Permanent Variance letter (See [Appendix K](#)), and forwards the file to the division director or designee for signature.
2. The division analyst mails the letter through certified mail to the company, makes a copy for the file, e-mails the summary of the revocation (See [Appendix L](#), Sample Summaries for Revoked Variations) for publication on the MIOSHA website.

G. Temporary Variations.

1. The division analyst prepares the draft Order Granting a Temporary Variance (See [Appendix M](#)) and summary for publication and forwards them to the division director or designee for review and signature. The division director or designee completes review and returns the file to the division analyst.

2. The division analyst places a copy of the temporary order and the Granted Temporary Variance Requirements (See [Appendix N](#)) in the folder. Originals are mailed through certified mail to the company. The temporary variance summary is e-mailed to the division website liaison for publication on the MIOSHA website.
3. The division analyst gives the variance file to the division director or designee to assign follow up on temporary variances, as needed. If necessary, division director or designee assigns SO/IH to check the variance for compliance.
4. A temporary order may not be in effect for longer than the period needed by the employer to achieve compliance with the standard or 1 year, whichever is lesser, except that the order may be renewed not more than twice so long as the requirements of Act 154, R408.1027 are met and if an application for renewal is filed not less than 90 days before the expiration date of the order. An interim renewal of an order may not remain in effect for longer than 180 days.

H. Experimental Variations.

1. The division analyst prepares the draft Order Granting an Experimental Variance (See [Appendix O](#)) and summary for publication and forwards them to the division director or designee for review and signature. The division director or designee completes review and returns the file to the division analyst.
2. The division analyst places a copy of the experimental variance order and the Experimental Variance Requirements (See [Appendix P](#)) in the folder. Originals are mailed through certified mail to the company. The experimental variance summary is e-mailed to the division website liaison for publication on the MIOSHA website.
3. The division analyst gives the variance file to the division director or designee to review the status of the experimental variance, as needed. If necessary, division director or designee assigns SO/IH to check the variance for compliance.

Appendix A

Procedure for Applying for a Permanent Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

PROCEDURE FOR APPLYING FOR A PERMANENT VARIANCE

The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended, was enacted to provide every Michigan employee with a safe and healthful workplace. Section 27 of the Act and Part 12, Variances, allows employers to request permission from the Michigan Occupational Safety and Health Administration (MIOSHA) to vary from a MIOSHA rule provided the proposed method provides an environment that is at least as safe and healthful as those required by MIOSHA rules. The following information is provided to help you prepare an application for a variance.

An employer desiring a permanent variance from a rule(s) of an occupational safety and/or health standard must file a written application with this Department containing the following information.

1. The name and address of the firm, the name and title of the person filing the application and the address of the place of employment involved.
2. A specification of the rule(s) of the standard from which a variance is desired.
3. Certification of whether a variance has been requested from the U.S. Department of Labor on the same set of facts. If so, was the variance granted, denied, or pending?
4. A description of the conditions, practices, means, methods, operations, and processes used or proposed to be used.
5. How the conditions, practices, means, methods, operations, and processes used or proposed to be used would provide employment to employees which is as safe and healthful as those required by the rule(s) of the standard from which a variance is desired.
6. Language which informs the employees of their right to appeal the application for a variance and petition the Department for a hearing, within 10 days of notification of the filing of the application.
7. A statement that the employer has informed the employees of the application for a variance, by giving a copy thereof to their authorized representative, if any, and posting the application or a summary of the application at the area in which the affected employees work. If a summary is posted, the summary shall specify where the complete application may be examined.

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An application for a variance will not be processed until all of the above information has been filed with the Department.

Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with MIOSHA.

Sincerely,

(Name)

(Title)

(INITIALS:initials)

Appendix B

Procedure for Applying for a Temporary Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

PROCEDURE FOR APPLYING FOR A TEMPORARY VARIANCE

The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended, was enacted to provide every Michigan employee with a safe and healthful workplace. Section 27 of the Act and Part 12, Variances, allows employers to request permission from the Michigan Occupational Safety and Health Administration (MIOSHA) to vary from a MIOSHA rule provided the proposed method provides an environment that is at least as safe and healthful as those required by MIOSHA rules. The following information is provided to help you prepare an application for a variance.

An employer desiring a temporary variance from a rule(s) of an occupational safety and/or health standard must file a written application with this Department containing the following information.

1. The name and address of the firm, the name and title of the person filing the application and the address of the place of employment involved.
2. A specification of the rule(s) of the standard from which a variance is desired.
3. Certification of whether a variance has been requested from the U.S. Department of Labor on the same set of facts. If so, was the variance granted, denied, or pending?
4. A description of the conditions, practices, means, methods, operations, and processes used or proposed to be used.
5. How the conditions, practices, means, methods, operations, and processes used or proposed to be used would provide employment to employees which is as safe and healthful as those required by the rule(s) of the standard from which a variance is desired.
6. Language which informs the employees of their right to appeal the application for a variance and petition the Department for a hearing, within 10 days of notification of the filing of the application.
7. A statement that the employer has informed the employees of the application for a variance, by giving a copy thereof to their authorized representative, if any, and posting the application or a summary of the application at the area in which the affected employees work. If

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a summary is posted, the summary shall specify where the complete application may be examined.

8. A statement that the applicant is unable to comply with the standard, or portion thereof, and a detailed explanation of the reason why.

9. A statement of the steps the applicant has taken and shall take, with specific dates where appropriate, to protect employees against the hazard covered by the standard.

10. A statement indicating when the applicant shall comply with the standard, and what steps the applicant has taken and shall take, with specific dates where appropriate, to comply with the standard.

11. A statement of the facts establishing that the applicant is unable to comply with a standard by its effective date because of the unavailability of professional or technical personnel, because of the unavailability of materials needed to come into compliance with the standard, or because necessary construction or alteration of facilities cannot be completed by the effective date.

An application for a variance will not be processed until all of the above information has been filed with the Department.

Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with MIOSHA.

Sincerely,

(Name)

(Title)

(INITIALS:initials)

Appendix C

Additional Information Necessary to Complete a Permanent Variance Application

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

ADDITIONAL INFORMATION NECESSARY TO COMPLETE YOUR PERMANENT VARIANCE APPLICATION

On (date), the Department received your application for a permanent variance (copy attached). The following checked information is needed to complete your application for processing.

1. The name and address of the firm, the name and title of person filing the application, and the address of the place of employment involved.
2. A specification of the rule(s) of the standard from which you seek a variance.
3. Certification of whether you have applied for a variance with the U.S. Department of Labor on the same set of facts. If so, was the variance granted, denied, or is it pending?
4. A description of the conditions, practices, means, methods, operations, and processes used or proposed to be used.
5. How the conditions, practices, means, methods, operations, and processes used or proposed to be used would provide employment to employees which is as safe and healthful as those required by the rule(s) of the standard from which a variance is desired.
6. A dated amendment to your application which informs the employees of their right to appeal the application for a variance and to petition the Department for a hearing within 15 days of the filing of the application or supplemental information.
7. A statement that you have informed the employees of the application by giving a copy thereof to their authorized representative, if any, and posting the application or a summary of the application at the area in which the affected employees work. If a summary is posted, the summary shall specify where the complete application may be examined.
8. A statement that the additional required information has been posted with the original application.

If the checked information is not received by the Department within 10 working days of the date of this letter, your variance application will be considered defective and the file is closed.

The determination that your variance application is defective does not prejudice your right to submit a complete application to the Department regarding the same subject. None of the

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information submitted in the defective application for a variance will be considered, until this additional information is received.

Sincerely,

(Name)

(Title)

(INITIALS:initials)

Appendix D

Interim Order

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

INTERIM ORDER (variance number), FROM RULE (rule number) OF PART (part number) (standard name)

Your application for a variance from the occupational safety and/or health standard referenced above was submitted in accordance with Section 27 of the Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended (Act 154), and procedural regulation Part 12 governing variances.

Based on our preliminary decision and in accordance with the provisions of Act 154 and Part 12, Variances, we are issuing this interim order.

This variance may be applied to (equipment & location)

Rule (rule number) reads:
(rule text)

In lieu of (variation from standard) you may (variance stipulations)

The employer must ensure that the provisions of this variance are adhered to at all times.

You are required to notify affected employees and employee representative, if any, of this interim order and its terms by the method used to file the written application.

Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with MIOSHA. If I can be of any assistance, please let me know.

Sincerely,

(Name)
(Title)

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(INITIALS:initials)

Enclosure: Interim Order Variance Requirements

Appendix E

Sample Summaries for Requested Variances

Variance Requested

Variance Type:	Experimental	Expiration Date:	10/4/2019
Employer Name and Address:	ABC Company, 123 Main St., Perry MI		
Location Variance Applies:	456 Bridge St., Owosso MI		
Standard and Rule:	Part 17, Refuse Packer Units, Rule 1732(1)		
Variance Summary:	The employer has requested to utilize wheeled carts, a hoist, and a chute arrangement in lieu of the required standard barrier to protect employees from falling into the trash compactor.		

Appendix F

Interim Order Variance Requirements

DEPARTMENT

Before MIOSHA can formally grant a permanent variance, the variance and conditions thereof, must be published in the MIOSHA News via the MIOSHA variance page www.michigan.gov/mioshavariiances. The MIOSHA News is the official quarterly publication of MIOSHA.

As a result of publication in the MIOSHA News, any employer, employee or other person may request an informal hearing concerning the variance or the Department's intent to grant the variance.

If a hearing is requested, the Department of Licensing and Regulatory Affairs will consider relevant information and reserves the right to modify or deny the terms of the variance.

You will be notified if a hearing is requested on the variance application.

EMPLOYER

Granting of this interim order does not void any proposed penalty related to a pre-existing citation pertaining to the rule involved in the interim order.

Compliance with the terms of this interim order will be considered as meeting the requirements of the standard while the interim order is in effect.

This interim order is in effect until either the request for a variance is granted or denied by this Division.

A copy of this interim order letter must be posted with the notice of your variance application while this interim order is in effect.

EMPLOYEE

A variance may be modified or revoked upon application by an employer, employees, their representatives, or by the department at any time after 6 months from the date the variance is issued.

Appendix G

Order Granting a Permanent Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

ORDER GRANTING A PERMANENT VARIANCE (variance number) FROM RULE (rule number) OF PART (part number), (name of standard)

By the authority given the Department by Section 27 of the Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended (Act 154), and procedural regulation Part 12 governing variances, this variance is hereby granted with the following terms:

This variance may be applied to (equipment & location)

Rule (rule number) reads:
(rule text)

In lieu of (variation from standard) you may (variance stipulations)

The employer must ensure that the provisions of this variance are adhered to at all times.

The employer shall notify the affected employees by providing them with a copy of this variance and posting a statement containing a summary of the variance. The summary shall specify where a copy of the variance may be examined. The posting shall be at the area where affected employees work.

Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with MIOSHA. If I can be of any assistance, please let me know.

Sincerely,

(Name)
(Title)

(INITIALS:initials)
Enclosure: Granted Permanent Variance Requirements

Appendix H

Granted Permanent Variance Requirements

EMPLOYER

The employer shall assure that the provisions of this variance are adhered to at all times.

Compliance with the requirements of this variance will be considered as abatement of the requirement of the standard. Citations may be issued for violations of the terms of this variance.

Granting of this variance does not void any proposed penalty related to a citation, pertaining to the rule involved in the variance.

A copy of this letter must be given to your affected employees and posted for your affected employees' information beside the notice of your variance request for a period of 10 working days after receipt by your firm.

The letter granting a variance shall be kept on file and made available upon request to the Department representative during an inspection or investigation.

EMPLOYEE

A variance may be modified or revoked upon application by an employer, employees, their representatives, or by the department at any time after 6 months from the date the variance is issued.

Appendix I

Notification of Denial of a Permanent Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

**NOTIFICATION OF DENIAL OF A PERMANENT VARIANCE (variance number),
FROM RULE (rule number) OF PART (part number) (standard name)**

The Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended, was enacted to provide every Michigan employee with a safe and healthful workplace. Section 27 of the Act and Part 12, Variances, allows employers to request permission from the Michigan Occupational Safety and Health Administration (MIOSHA) to vary from a MIOSHA rule provided the proposed method provides an environment that is at least as safe and healthful as those required by MIOSHA rules. After due consideration of your variance application, along with relevant information, a decision has been made to deny your application for the following reasons:

(reason for denial)

You may request a hearing on this decision to deny your variance within 10 working days of the date on this notice. If a request for a hearing is not received within this designated time period, the decision to deny your variance shall become final and not subject to further departmental review. Compliance with the specific requirements of the standard is necessary.

A copy of this letter must be posted with the notice of your variance application for 10 working days.

Sincerely,

(Name)
(Title)

(INITIALS:initials)

Appendix J

Notice of Intent to Modify Permanent Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

NOTICE OF INTENT TO MODIFY PERMANENT VARIANCE (VARIANCE #) DATED (DATE)

By the authority given the Department by Section 27 of the Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended (Act 154), and procedural regulation Part 12 governing variances, your firm requested a variance from Rule(s) (rule number) of the (standard name) Standard.

This agency via a document headed "ORDER GRANTING PERMANENT VARIANCE" dated (date) granted your firm's request.

(modification)

Please be advised that it is the intent of this agency to grant the requested modification. The provisions of this notice of modification supersede all those provisions in the variance issued on (date).

Upon receipt, a copy of this notice, and a copy of the variance document dated (date), must be posted and copies transmitted to the employee representative. Posting shall be at the area in which the affected employees work. The documents shall remain posted for a period of not less than 10 working days after receipt.

Rule 1224(4) allows affected employees the right to request a hearing on the proposed modification. A request for hearing must be forwarded to this office in writing and be postmarked no later than 10 days after the date of posting.

In the absence of a timely request for hearing, this modification will take effect on (date).

Sincerely,

(Name)
(Title)

(INITIALS:initials)

Appendix K

Notice of Intent to Revoke Permanent Variance Granted

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

NOTICE OF INTENT TO REVOKE PERMANENT VARIANCE GRANTED
Variance from Rule (Rule) Standard (Standard Part and Title)

By the authority granted the Michigan Department of Licensing and Regulatory Affairs in Section 27 of Act 154 and Part 12. Variances, Rule (rule number), the subject variance is revoked effective [date (immediate, 10 days, or 30 days)].

For the reasons below, this action is being taken:

You may request a hearing on this decision to revoke your variance within 10 working days of the date of this notice. If a request for a hearing is not received within this designated time period, the decision to revoke your variance shall become final on the date specified above and is not subject to further departmental review.

A copy of this letter must be posted for 10 working days.

Sincerely,

(Name)
(Title)

(INITIALS:initials)

Appendix L
Sample Summaries for Revoked Variances

Published: July 24, 2009

The following variances are being revoked (insert reason for revoking the variance).

Part 17. Refuse Packer Units; rule 1732(1)

ABC Company, Haslett

Published: July 31, 2008

The variances for the establishments below were revoked because (insert reason for revoking the variance).

Part 1, General Provisions; rule 34 (3)

DEF Enterprises, Benton Harbor

XYZ Corporation, Marquette

Appendix M

Order Granting a Temporary Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

ORDER GRANTING A TEMPORARY VARIANCE (variance number) FROM RULE (rule number) OF PART (part number), (name of standard)

By the authority given the Department by Section 27 of the Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended (Act 154), and procedural regulation Part 12 governing variances, this variance is hereby granted with the following terms:

This temporary variance may be applied to (equipment & location).

Rule (rule number) reads:
(rule text)

In lieu of (variation from standard) you may (variance stipulations).

The employer must ensure that the provisions of this variance are adhered to at all times.

The employer shall notify the affected employees by providing them with a copy of this variance and posting a statement containing a summary of the variance. The summary shall specify where a copy of the variance may be examined. The posting shall be at the area where affected employees work.

This temporary variance shall be in effect for the period of (insert number of months up to one year or to 180 days for a renewal) from its date of issuance, unless revoked, modified, or withdrawn sooner. The Department may revoke this variance at any time by providing written notice of its intent, stating its reasons therefore, and giving (insert name of company) not less than 30 days' notice. At any time while this variance is in effect, either party may request to modify its terms if necessary or appropriate. (Insert name of company) may withdraw from this variance at any time by providing written notice of its intent. Not less than 60 days before its expiration, (insert name of company) may apply for an extension of up to 180 days, and no more than two extensions may be granted. A statement reaffirming the commitments contained in the original application and a summary of the exposure and outcome to date must accompany the request.

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Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with the MIOSH Act. If I can be of any assistance, please let me know.

Sincerely,

(Name)

(Title)

(INITIALS:initials)

Enclosure: Granted Temporary Variance Requirements

Appendix N

Granted Temporary Variance Requirements

EMPLOYER

The employer shall assure that the provisions of this variance are adhered to at all times.

Compliance with the requirements of this variance will be considered as abatement of the requirement of the standard. Citations may be issued for violations of the terms of this variance.

Granting of this variance does not void any proposed penalty related to a citation, pertaining to the rule involved in the variance.

A copy of this letter must be given to your affected employees and posted for your affected employees' information beside the notice of your variance request for a period of 10 working days after receipt by your firm.

The letter granting a variance shall be kept on file and made available upon request to the Department representative during an inspection or investigation.

EMPLOYEE

A variance may be modified or revoked upon application by an employer, employees, their representatives, or by the department at any time after 6 months from the date the variance is issued.

Appendix O

Order Granting an Experimental Variance

(Date)

(Name), (Title)
(Company Name)
(Street)
(City, State, Zip)

ORDER GRANTING AN EXPERIMENTAL VARIANCE (variance number) FROM RULE (rule number) OF PART (part number), (name of standard)

By the authority given the Department by Section 27 of the Michigan Occupational Safety and Health Act, Act 154 of the Public Acts of 1974, as amended (Act 154), and procedural regulation Part 12 governing variances, this variance is hereby granted with the following terms:

This experimental variance may be applied to (equipment and location).

Rule (rule number) reads:
(rule text)

In lieu of (variation from standard) you may (variance stipulations).

The employer must ensure that the provisions of this variance are adhered to at all times.

The employer shall notify the affected employees by providing them with a copy of this variance and posting a statement containing a summary of the variance. The summary shall specify where a copy of the variance may be examined. The posting shall be at the area where affected employees work.

This experimental variance shall be in effect for the period of (insert number of years) from its date of issuance, unless revoked, modified, or withdrawn sooner. The Department may revoke this variance at any time by providing written notice of its intent, stating its reasons therefore, and giving (insert name of company) not less than 30 days' notice. At any time while this variance is in effect, either party may request to modify its terms if necessary or appropriate. (Insert name of company) may withdraw from this variance at any time by providing written notice of its intent. Not less than 60 days before its expiration, (insert name of company) may apply for an extension of up to one additional year. A statement reaffirming the commitments contained in the original application and a summary of the exposure and outcome to date must accompany the request.

MIOSHA-STD-19-1

May 7, 2019

Variances - Procedures for Issuing

Thank you for your attention to this matter and your interest in improving your employees' working conditions. We greatly appreciate your efforts to comply with the MIOSH Act. If I can be of any assistance, please let me know.

Sincerely,

(Name)

(Title)

(INITIALS:initials)

Enclosure: Experimental Variance Requirements

Appendix P

Experimental Variance Requirements

EMPLOYER

The employer shall assure that the provisions of this variance are adhered to at all times.

Compliance with the requirements of this variance will be considered as abatement of the requirement of the standard. Citations may be issued for violations of the terms of this variance.

Granting of this variance does not void any proposed penalty related to a citation, pertaining to the rule involved in the variance.

A copy of this letter must be given to your affected employees and posted for your affected employees' information beside the notice of your variance request for a period of 10 working days after receipt by your firm.

The letter granting a variance shall be kept on file and made available upon request to the Department representative during an inspection or investigation.

EMPLOYEE

A variance may be modified or revoked upon application by an employer, employees, their representatives, or by the department at any time after 6 months from the date the variance is issued.