



Competency 4.4 Industrial hygiene personnel shall demonstrate an expert level knowledge of the requirements and process for determining the appropriateness of variance requests and equivalencies relating to Department of Energy prescribed industrial hygiene requirements or standards.

1. Supporting Knowledge and/or Skills

- a. Given a variance request, or an alternate compliance approach (equivalency), review, evaluate, and make recommendations for granting the request or, a judgement on the appropriateness of the equivalency.
- b. Describe the factors that must be considered before recommending the granting of a variance or in judging the appropriateness of an equivalency.
- c. Describe the Department's approval process for industrial hygiene variances.

2. Recommended Reading

Review

- DOE Order 440.1, *Worker Protection Management for DOE Federal and Contractor Employees.*
- DOE Order 5483.1A, *Occupational Safety and Health Program for DOE Contractor Employees at Government-Owned, Contractor-Operated Facilities.*
- DOE Order 5480.4, *Environmental Protection, Safety, and Health Protection Standards.*

3. Summary

DOE has created a variance process that allows deviation from a requirement so long as worker protection is not compromised.



Variations from applicable requirements will generally be very difficult to justify and, therefore, to support or approve. Justifiable variations will generally be from requirements for a type of corrective measure, i.e., engineering control, where such control either is not possible or feasible, but when safety can be achieved by other means. These requests for variations will often be temporary. Also justifiable and supportable may be variations from requirements that, though applicable, serve no real industrial hygiene purpose. Variance from a requirement to control exposure cannot be justified.

The DOE process is as follows:

The contractor:

- Specifies the standard for which a variance is requested.
- Provides a representation of being unable to comply with the standard and a detailed statement explaining why.
- Describes the steps that have been taken and will be taken to protect employees from the hazard covered by the standard.
- Certifies that employees have been informed of the application.
- Specifies a date when compliance to the standard is anticipated and the steps that will be taken to achieve compliance.

The Contracting Officer (CO) or CO representative, the safety and health manager, and other field organization elements:

- Review the contractor's request and employees' comments.
- Submit the field organization's recommendation, the contractor's request, and employees' comments to EH-1 within 30 days of receipt of request.

DOE-EH-1:

- Reviews and evaluates the request.
- Approves or disapproves the variance.
- Notifies the field organization of the results of the evaluation of the request.

4. Suggested Exercises

There are currently no scenarios that support this competency.