Employment and Training Administration, Labor § 654.403

set forth at 29 CFR 1910.142 or the full
set of standards set forth in this sub-
part. Whichever is applicable under the
criteria set forth in §654.401; except
that for mobile range housing for
sheepherders, the housing shall meet
existing Departmental guidelines.
[45 FR 14182, Mar. 4, 1980; 45 FR 22901, Apr. 4,
1980]

§ 654.401 Applicability; transitional
provisions.

(a) Employers whose housing was
constructed in accordance with the
ETA housing standards may continue
to follow the full set of ETA standards
set forth in this subpart only where
prior to April 3, 1980 the housing was
completed or under construction, or
where prior to March 4, 1980 a contract
for the construction of the specific
housing was signed.

(b) To effectuate these transitional
provisions, agricultural housing to
which this subpart applies and which
complies with the full set of standards
set forth in this subpart shall be con-
sidered to be in compliance with the
Occupational Safety and Health Ad-
ministration temporary labor camp

§ 654.402 Variances.

(a) An employer may apply for a per-
manent, structural variance from a
specific standard(s) in this subpart by
filing a written application for such a
variance with the local Job Service of-
office serving the area in which the hous-
ing is located. This application must be
filed by June 2, 1980 and must:
(1) Clearly specify the standard(s)
from which the variance is desired;
(2) Provide adequate justification
that the variance is necessary to ob-
tain a beneficial use of an existing fa-
cility, and to prevent a practical dif-
ficulty or unnecessary hardship; and
(3) Clearly set forth the specific al-
ternative measures which the employer
has taken to protect the health and
safety of workers and adequately show
that such alternative measures have
achieved the same result as the stand-
ard(s) from which the employer desires
the variance.

(b) Upon receipt of a written request
for a variance under paragraph (a) of
this section, the local Job Service of-