

## APPENDIX N

# USACE PROCESS FOR REQUESTING WAIVERS/VARIANCES

The following process shall be used when requesting a waiver or a variance from a requirement contained in this manual. Other DOD Components must submit their requests through their chain of command.

1. Requester shall work the action with the local USACE Command Safety and Occupational Health Office. Waiver/variance request package shall include:

- a. Specification of exact requirement from which relief is being sought, providing the exact citation and quoting the requirement in question. A separate request must be made for each requirement;
- b. Statement as to whether a waiver (total elimination of the requirement) or a variance (retaining the basic requirement, but doing it differently) is being sought;
- c. Details as to why it is not possible or practical to comply with the requirement;
- d. All the information (maps, drawings, references, calculations, change analysis or impact, etc.) necessary to make an informed decision. The burden of proof rests with the requester. Failure to provide the necessary information may be justification for denial of the request. It is not up to the evaluator to defend the requirement being questioned. It is up to the requester to make the case as to why the requirement should be waived or varied;
- e. Identification of specific time period and operation for which the request is being made. A waiver/variance will be granted for specific time periods and operations and may not be used as a

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defense for failure to comply with a requirement at another time or on another project;

f. Explanation of method they plan to use in lieu of the requirement and how it provides protection equal to or greater than the requirement being challenged. Again, the burden of proof rests with the requester;

g. A detailed AHA addressing the alternate procedure. Risk assessment should be a part of the AHA process;

h. Provision of any other requirements or standards addressing the requirement in question. It is incumbent upon the requester to research the literature to determine if any other requirement or standard exists addressing the requirement from which relief is being sought. If there is another standard(s), the requester must identify it and provide a copy. Requests for waivers/variances will not be processed until this requirement has been met; and

i. A cover letter.

2. Local SOHO shall cover package with their official signed memorandum requesting consideration and including their concurrence or non-concurrence with the request. Package is then sent via mail in hard copy or via e-mail with attached PDF file to HQ USACE-SO with a copy furnished to Division SOH Manager.

3. HQ USACE-SO will then coordinate with Division SOH Manager to evaluate the request. USACE-SO shall have at least 10 working days from date of receipt to consider the request and to render a written decision.

4. A waiver or variance will not be carried over to other operations unless the evaluator extends the scope to include other times and operations. If warranted, HQ USACE-SO may issue a global variance based on an individual request.