

they use them, then it would apply to all people in this location, and they are good for the public protection. This is another point that can be argued.

Mr. SISK. I appreciate that statement.

Now let me ask this. In view of the fact that this question has been raised as to just how far this would go, Mrs. Newman, with reference to your Board and its actions in this field, let's say that a situation arises where substantial changes or alterations are required, or what a person might consider to be substantial alterations are required. What type of an appeal or what type of hearing does the employer or the owner of the building or the user of the building have with reference to your Board? They have certain rights, do they not?

Mrs. NEWMAN. They can request a hearing before the Board, and they can request an exemption, and there have been times when we have granted exemptions. I think just recently we granted an exemption.

Mr. SISK. Where it can be justified.

Mrs. NEWMAN. Yes, of course. Otherwise, we wouldn't grant it.

Mr. DOWDY. Will the gentleman yield? You said persons can request a hearing before the Board. Is that a matter of right, or can you say "Well, we don't want it, we are not going to listen to you, we are not going to give you a hearing"?

Mrs. NEWMAN. It is a very reasonable Board.

Mr. DOWDY. This is the point I am making. You might not have a hearing as a matter of right.

Mrs. NEWMAN. I would have to refer to Mr. Greene.

Mr. GREENE. The hearing is granted on the basis of a variation. If you are requesting a variation of a particular regulation, because of a hardship involved or practical difficulty, and this is the right of everybody, to appeal to the Board for consideration of a variation.

But there are cases when the request has been presented to the Board, and the request is so out of line with what the regulation states, and the facts that are involved here, that the Board has a time, it is such a clearcut case that it isn't a problem of a variation. The Board has written back to the person that their request for variation was denied—

Mr. DOWDY. I am not talking about a request for variation. I am talking about a request for a hearing.

Mr. GREENE. No, there is no provision in the law for a request for hearing. There is a provision in the law for application for a variation of the regulations.

Dr. DOWDY. A hearing was mentioned.

Mr. SISK. I actually brought this up, if I might interrupt, to try to be sure that in the case of questions arising where a difference of opinion exists, I mean for example, Mr. Greene, as a result of your inspection or upon a matter being called to your attention, a situation exists in which you feel that the workers are being endangered, and you may outline a certain procedure that should be followed or a certain type of alteration to correct that.

Now let's assume that the individual who is responsible, the owner of the building or the operator of the building, questions the work. In other words, let's say this is going to cost a substantial amount of money, and he raises the question as to whether or not there is an