

alternative way of doing this. I think that this is the point I was getting at.

Here again, my own personal opinion is to not modify Section 2, because I feel that it is necessary for proper enforcement and protection of the workers. I don't wish to get into a defense of the bill just because it happens to have my name on it.

What I was seeking with reference to this hearing, is that in the event this situation develops, where there is a difference of opinion, and there might be an alternate way to do it, let's say a less expensive way, because I think most employers want to comply and they want to have safe working conditions, I thought possibly that you might already have a procedure set up, Mrs. Newman, by which the Board would automatically hear a complaint of this kind.

Mrs. NEWMAN. Mr. Chairman, if the request for a hearing comes to the Board, and it seems reasonable that we ought to listen to the proposal being made by the employer, I doubt very much if we would turn down that request for a hearing.

Mr. SISK. I think Mr. Dowdy's question went to the actual right.

Mr. GREENE. No, there is no right as written into the original law, other than through variation, and every action that we take, 90 percent of the time, if it is a mandatory problem, is based on a regulation which was passed at a public hearing, at which everyone has a right to appear, where they have a right to appear and discuss these regulations.

So when the variation comes in, there is a type of variation that the Board sometimes doesn't get involved with until after the fact, and that is a variation in construction.

There are certain practices and ways of working in construction that a request comes in for permission to work in a certain way. It may be an emergency set up for certain reasons.

The Board has given me authority, if the worker, the person can guarantee to our satisfaction that they are providing equal protection under the regulations for the worker, then I can issue you a variation at that time by letter to these people, so as not to delay their operation.

The point here is that the Board only meets about every two weeks. It is a volunteer board. So therefore, in order to keep people from waiting this period of time, or having to call the Board away from their other jobs for a special meeting on a variation, this is why this permission authority was granted to me, and I always report back to the Board on such grantings.

All variations are kept in our office on file, in writing. Later, we may have to rescind them because the person did not follow through as they indicated, by letter or by drawings or whatever they submit.

Mr. SISK. Fine. Thank you, Mr. Greene.

The gentleman from Texas has some questions now.

Mr. DOWDY. First, Mr. Kneipp, I believe without exception, you have objected to having a minimum fine on anything. Did you object to it in this particular instance?

Mr. KNEIPP. The Commissioners didn't specifically object, no, sir, in this report.

Mr. DOWDY. Do you know why they made an exception in this case?

Mr. KNEIPP. I just don't know, Mr. Chairman.

Mr. DOWDY. I think you are well aware of the fact that I am in favor of minimum fines.