

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NEW YORK 12240-0100

In the Matter of

Part 61 of Title 12 of the Official Compilation  
Of Codes, Rules and Regulations  
Of The State of New York

(Cited as 12 NYCRR 61)

Cases: ICR 61-4.3 (b), 61-4.4 (c)

COMMISSIONER'S  
DECISION

APPLICABLE  
VARIANCE  
AV-122

Occupational Licensing and  
Certification

Special Provisions for  
Blasters

DATED:  
July 19, 2010

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the above cited provisions of Industrial Code Rule 61, as they relate to Blaster certifications.

The Commissioner of Labor finds that the issuance of an Applicable Variance from the above cited provisions of Industrial Code Rule 61, as such pertain to Blasters, would not violate the spirit and purpose of said rules and would secure the public safety as contemplated by said rules.

**APPLICABLE VARIANCE**

A variance from the cited provisions of Industrial Code Rule 61 is hereby GRANTED subject to the following conditions:

**THE CONDITIONS**

1. With regards to Section 61-4.4 (c) renewal requirements, for a period of two years from the date of this Applicable Variance, applicants are exempt from the requirement to submit proof of training.

2. For a period of 90 days from the date of this Applicable Variance, applicants may request to exchange their current certificate for one in one of the new classifications. This will be done at no charge and the new certificate will expire on the same date as the original one. During this period, applicants may continue to work using their current certificate.

This APPLICABLE VARIANCE shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforementioned provisions of Industrial Code Rule 61 apply to Blasters with the same force and effect as if this APPLICABLE VARIANCE were duly granted upon separate petition for the use and benefit of every person affected by the cited provisions of Industrial Code Rule 61.

Date: July 19, 2010

COLLEEN C. GARDNER  
COMMISSIONER OF LABOR

By

Blaise Thomas, P.E.  
Associate Safety and Health Engineer  
Division of Safety and Health  
Engineering Services Unit