

(D) THE COMMISSIONER IS AUTHORIZED TO GRANT A VARIANCE FROM ANY RULE, REGULATION OR STANDARD OR PORTION THEREOF WHENEVER HE DETERMINES THAT SUCH VARIANCE IS NECESSARY TO PERMIT AN EMPLOYER TO PARTICIPATE IN AN EXPERIMENT APPROVED BY HIM DESIGNATED TO DEMONSTRATE OR VALIDATE NEW AND IMPROVED TECHNIQUES TO SAFEGUARD THE HEALTH OR SAFETY OF WORKERS.

35. INSPECTIONS AND INVESTIGATIONS.

(A) THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE IS AUTHORIZED TO ENTER WITHOUT DELAY AND AT REASONABLE TIMES ANY FACTORY, PLANT, ESTABLISHMENT, CONSTRUCTION SITE OR OTHER AREA, WORK PLACE, PLACE OF EMPLOYMENT, OR ENVIRONMENT WHERE WORK IS PERFORMED BY AN EMPLOYEE OF AN EMPLOYER, TO INSPECT AND INVESTIGATE ANY SUCH PLACE OF EMPLOYMENT AND ALL PERTINENT CONDITIONS, STRUCTURES, MACHINES, APPARATUS, DEVICES, EQUIPMENT, AND MATERIALS THEREIN, AND TO QUESTION PRIVATELY ANY SUCH EMPLOYER, AGENT OR EMPLOYEE.

(B) SUBJECT TO REGULATIONS ISSUED BY THE COMMISSIONER, A REPRESENTATIVE OF THE EMPLOYER AND AN AUTHORIZED REPRESENTATIVE OF HIS EMPLOYEES SELECTED BY THE EMPLOYEES, SHALL BE GIVEN AN OPPORTUNITY TO ACCOMPANY THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE DURING ANY INSPECTION OF ANY PLACE OF EMPLOYMENT. WHERE THERE IS NO AUTHORIZED EMPLOYEE REPRESENTATIVE, THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE SHALL CONSULT WITH A REASONABLE NUMBER OF EMPLOYEES CONCERNING MATTERS OF SAFETY AND HEALTH IN THE PLACE OF EMPLOYMENT.

(C) ANY EMPLOYEE OR REPRESENTATIVE OF EMPLOYEES WHO IN GOOD FAITH BELIEVES THAT A VIOLATION OF A SAFETY OR HEALTH STANDARD PROMULGATED UNDER THIS SUBTITLE EXISTS THAT THREATENS PHYSICAL HARM TO EMPLOYEES OR THAT IMMINENT DANGER TO SUCH EMPLOYEES EXISTS, MAY REQUEST AN INSPECTION OF SAID PLACE OF EMPLOYMENT BY GIVING NOTICE TO THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE OF SUCH VIOLATION OR DANGER. ANY SUCH NOTICE SHALL BE IN WRITING, SHALL SET FORTH WITH REASONABLE PARTICULARITY THE GROUNDS FOR THE NOTICE, AND SHALL BE SIGNED BY THE EMPLOYEE OR REPRESENTATIVE OF EMPLOYEES, AND A COPY SHALL BE PROVIDED THE EMPLOYER OR HIS AGENT NO LATER THAN AT THE TIME OF INSPECTION, EXCEPT THAT, UPON THE REQUEST OF THE PERSON GIVING SUCH NOTICE, HIS NAME AND THE NAMES OF INDIVIDUAL EMPLOYEES REFERRED TO THEREIN SHALL NOT APPEAR IN SUCH COPY OR ANY RECORD PUBLISHED, RELEASED, OR MADE AVAILABLE PURSUANT TO ANY PROVISION OF THIS SUBTITLE. IF UPON RECEIPT OF SUCH NOTIFICATION THE COMMISSIONER DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT SUCH VIOLATION OR DANGER EXISTS, HE SHALL MAKE A SPECIAL INVESTIGATION AS SOON AS PRACTICABLE, TO DETERMINE IF SUCH VIOLATION OR DANGER EXISTS. IF THE COMMISSIONER DETERMINES THERE ARE NO REASONABLE