

ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
GRANT OF PERMANENT VARIANCE
VAR 25-01 – VAR 25-05

1. BACKGROUND

Silver Bay Seafoods LLC has made multiple applications under AS 18.60.077 for a variance from the safety and health standard prescribed in 8AAC 61.1040(a), 29 C.F.R. 1910.142(b)(2) and 29 C.F.R. 1910.142(b)(7). 8 AAC 61.1040(a) and C.F.R. 1910.142(b)(2) has to do with the size of the room as sleeping quarters for employees. 29 C.F.R. 1910.142(b)(7) has to do with the number of windows in a room in living quarters for employees.

2. FACTS

A variance is requested by Silver Bay Seafoods LLC in Craig, Petersburg, Sitka, False Pass, and Ketchikan that would allow them to house employees in: “Plant Bunkhouse” or “Bunkhouses” for Craig, “Mountain View Bunkhouse”, “Seaside Bunkhouse”, “Beach Front Bunkhouse” and “South Plant Bunkhouse” for False Pass, “Big Blue Bunkhouse” and “Galley Bunkhouse” for Ketchikan, “Petersburg Thorstenson Bunkhouse”, “Kuskokwim Bunkhouse”, “Tanana Bunkhouse” and “OB Bunkhouse” for Petersburg, and “Bunkhouse 1”, “Bunkhouse 2” and “Tents” for Sitka due to high cost of living, seasonal nature of salmon processing and housing options for employees.

8 AAC 61.1040(a) - Each room used for sleeping purposes shall contain at least 60 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided."

29 CFR 1910.142(b)(2) - Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.

29 CFR 1910.142(b)(7) - Window space requirement: all living quarters shall be provided with windows totaling not less than one-tenth of the floor area, with at least one-half of each window constructed to open for ventilation.

The applicant certifies that all affected employees have been informed of this application and have been advised of their right to request a hearing and that copies of the application have been posted at five locations: 111 J T Brown Street, Craig, Alaska 99921, 100 Beach Front, False Pass, Alaska 99583, 208 Lake Street, Suite 2E, Sitka, Alaska 99835, 411 North Nordic Drive Petersburg, AK 99833, and 720 Stedman Street, Ketchikan, Alaska 99901.

The Department of Labor and Workforce Development initiated a public comment period on September 8th, 2025, which ended at close of business on October 15th, 2025. The "Application for Permanent Variance" was published in the Anchorage Daily News on September 10th, 2025, and the State of Alaska's On-line Public Notice website from September 10th through October 15th, 2025. No comments were received, and no requests were made for public hearings.

The Department of Labor and Workforce Development reviewed the application and is satisfied that Silver Bay Seafoods, Inc. has proposed alternative procedures to ensure worker protection that are at least as safe and healthful as those required by the standard.

3. ORDER

It is ordered under the authority of AS 18.60.077 that Silver Bay Seafoods, Inc. is granted a permanent variance to company living quarters, internally referred to as their respective names listed in the facts. The time period for this variance will begin on the day the commissioner signs the order. This permanent variance is granted under the current layout provided by Silver Bay Seafoods. If they have any remodels to the living quarters, the permanent variance becomes void and they will need to adhere to the statutory requirements.

An employer, employee or an employee's authorized representative may apply in writing to the Commissioner of the Department of Labor and Workforce Development, P. O. Box 21149, Juneau, AK 99802-1149, for modification or revocation of a permanent variance issued pursuant to AS 18.60.077. Such an application may be considered after the variance has been in effect for at least six months.

4. EFFECTIVE DATE

The order is signed and effective on this 24th day of February 2026.

A handwritten signature in cursive script, reading "Cathy Munoz", is written over a horizontal line.

Cathy Munoz, Commissioner

Department of Labor and Workforce Development