

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

In the Matter of

Part 4 of Title 12 of the Official Compilation
Of Codes, Rules and Regulations
Of The State of New York

(Cited as 12 NYCRR 4)
(As Amended November 29, 2006)

Cases: ICR 4-6.8(a,b)

COMMISSIONER'S
DECISION

APPLICABLE
VARIANCE-B-2
(AV-B-2)

Requirement for Boiler
Room Exits – Boilers
Installed After March 31,
1965

DATED: October 3, 2007

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the provisions of Industrial Code Rule 4, as they relate to the requirement for boiler room exits – for boilers installed after March 31, 1965.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to such boilers and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an Applicable Variance from the above-cited provisions of Industrial Code Rule 4, as such pertain to the requirement for boiler room exits – for boilers installed after March 31, 1965, 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 4 is hereby GRANTED subject to the following conditions:

THE CONDITIONS

1. The boiler rooms shall be unmanned and whenever it is occupied for maintenance, repair, and inspection purposes, the door/doors shall be fastened open to the full opening of the exit. Boiler rooms with an area of less than 500 square feet shall be provided with at least one exit not less than 36 inches wide. If such room has an area of 500 square feet or more, two exits remote from each other must be provided. These exits must be at least 36 inches wide. If required, the access to the remote exit may be a permanent vertical or inclined metal ladder not less than 18 inches wide.
2. A copy of this Applicable Variance shall be conspicuously posted at the entrance to the Boiler Room.
3. All other applicable provisions of Industrial Code Rule 4 shall be complied with.

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 4 apply to the requirement for boiler room exits for boilers installed after March 31, 1965 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 4.

Date: October 3, 2007

M. PATRICIA SMITH
COMMISSIONER OF LABOR

By

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