

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

In the Matter of

Part 21 of Title 12 of the Official Compilation
of Codes, Rules and Regulations
of the State of New York

(Cited as 12NYCRR 21)
(As Amended Effective October 1, 1966)

Code Rule Section 21.9
Subdivision (c)

COMMISSIONER'S
DECISION

APPLICABLE
VARIANCE
(AV 110)

PROTECTION OF
PERSONS EMPLOYED
AT WINDOW CLEANING

WORKING FROM
POWERED PLATFORMS

DATED
JANUARY 27, 1999

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provision of the Industrial Code Rule 21 as it relates to the use of powered platforms for window cleaning on more than one building each of which has suspension points of 75 feet or more above the nearest street or ground surface, and,

The Commissioner finds that the issuance of an Applicable Variance from the aforementioned provision of Industrial Code Rule 21, pertaining to the use of powered platforms for window cleaning on more than one building, would not violate the spirit and purpose of the said rule and would secure the public safety as contemplated by said rule.

APPLICABLE VARIANCE

A variance from the aforementioned provision of Industrial Code Rule 21 is hereby **GRANTED**, and relative to the use of powered platforms for window cleaning on more than one building, subject to the following conditions:

CONDITIONS

1. A powered platform which is proposed for window cleaning operations on more than one building shall be approved by the New York State Department of Labor for compliance with Industrial Code Rule 21, New York State Advisory Standard 101, Advisory Standards for Construction Operation and Maintenance of Suspended Scaffolds used for Window Cleaning and Light Maintenance, and New York State Advisory Standard 111, Advisory Standards for Hoisting Machines used for Suspended Scaffolds.
2. The powered platforms intended for multiple site use shall be a model already approved by the State of New York for window cleaning operations.
3. Application for a powered platform to be used on multiple sites shall be submitted to the Engineering Services Unit, of the New York State Department of Labor, for approval via the standard approval process as governed by Industrial Code Rule 21. The application shall list all proposed sites for which the platform shall be used. Upon Approval the platform shall be authorized for use on only the listed sites.
4. All installations shall be designed and certified by an independent Registered Professional Engineer and shall have the equipment (each combination of building and powered platform) inspected by a New York State Department of Labor Professional Engineer prior to approval.
5. An approved multiple site powered platform may be approved for use on a building which previously had or currently has an approved site specific installation by amendment to the multiple use platform Approval. The building and platform shall be inspected by New York State Department of Labor personnel prior to approval.
6. More than one powered platform may be used on the same building provided it has been approved for use on that building and has been inspected as provided herein.
7. A New York State Department of Labor inspector shall inspect all window washing equipment installations annually, without regard to whether the powered platform is site-specific or multiple use. Multiple use platforms shall be inspected on each building for which they are approved within 12 months of their last use on each building. Failure to comply will invalidate the approval for that combination of building and platform. Maintenance logs for each building platform combination shall be maintained on each site and available for review at the time of inspection.

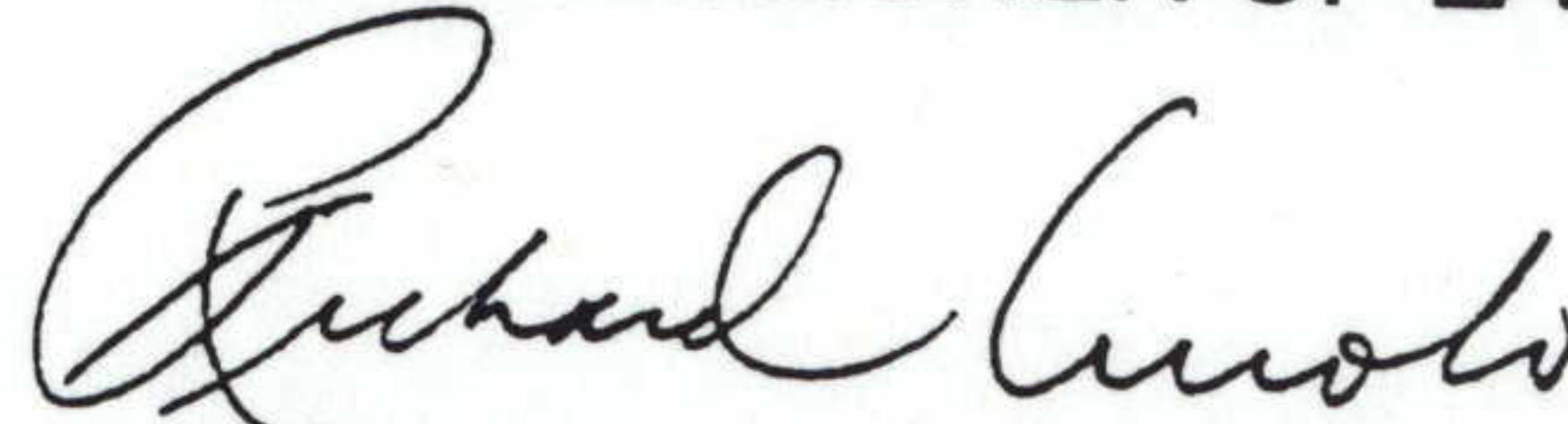
The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 21 and Advisory Standards 101 and 111 and with the latest edition of ANSI A120.1 STANDARD SAFETY REQUIREMENTS FOR POWERED PLATFORMS FOR BUILDING MAINTENANCE.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 21 apply to the use of powered platforms for window cleaning, with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 21.

DATED: JANUARY 27, 1999

JAMES J. MCGOWAN
COMMISSIONER OF LABOR

BY:



RICHARD CUCOLO, DIRECTOR
DIVISION OF SAFETY AND HEALTH