

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

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In the Matter of	COMMISSIONER'S DECISION
Part 21 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York	APPLICABLE VARIANCE (AV 111)
(Cited as 12NYCRR 21) (As Amended Effective October 1, 1966)	PROTECTION OF PERSONS EMPLOYED AT WINDOW CLEANING
Code Rule Section 21.9 Subdivision (a)	WORKING FROM ELEVATING WORK PLATFORMS
	<u>DATED</u>
	DECEMBER 18, 1998

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Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provision of Industrial Code Rule 21 as it relates to the use of self propelled and boom supported elevating work platforms for window cleaning purposes and,

Has also reviewed numerous petitions for variance or other relief and the decision rendered relative to the petitions.

The Commissioner finds that the issuance of an applicable variance from the aforementioned provision of Industrial Code Rule 21, pertaining to the use of elevating work platforms for window cleaning, would not violate the spirit and purpose of the said rule and would secure the public safety as contemplated by the said rule.

## AV 111

### APPLICABLE VARIANCE

A variance from the aforementioned provision of Industrial Code Rule 21 is hereby **GRANTED**, relative to the use of elevating work platforms for window cleaning, subject to the following conditions:

### CONDITIONS

1. Elevating work platforms, both self propelled and boom supported, may be used for window cleaning purposes. Such platforms shall be manufactured and operated in accordance with the latest published ANSI (American National Standards Institute) Standards A92.2, A92.3, A92.5, and A92.6.
2. Aerial platforms requiring the use of outriggers, stabilizers, extendible axles, or other stability enhancing means to meet the stability requirements of these standards shall be provided with interlocks to ensure that the platform cannot be positioned beyond the maximum travel configuration (s) unless the outriggers, stabilizers, extendible axles or other stability enhancing means are properly positioned. Interlocks shall also prevent the improper retraction of these devices while the platform is beyond the maximum travel configuration (s).
3. Under all travel conditions, the operator shall limit travel speed according to conditions of ground surface, congestion, visibility, slope, location of personnel, and other factors causing hazards of collision or injury to personnel.
4. Before and during driving while the platform is elevated, the operator shall:
  - (1) maintain a clear view of path of travel
  - (2) maintain a safe distance from obstacles, debris, drop-offs, holes, depressions, ramps and other hazards to ensure safe elevated travel
  - (3) maintain a safe distance from overhead obstacles
5. Altering or disabling of interlocks or other safety devices shall be prohibited.

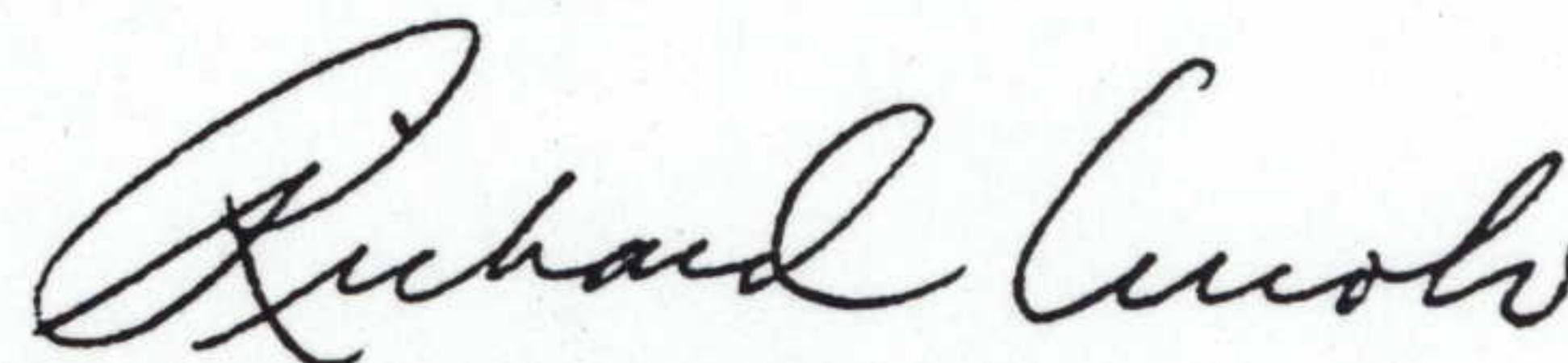
The elevating work platform shall be used in accordance with this variance. The operator shall ensure the following before each elevation of the platform:

- (a) ensure the platform is operated on a surface within the limits specified by the manufacturer.
  - (b) ensure the outriggers, stabilizers, extendible axles, or other stability enhancing means are used as required by the manufacturer.
  - (c) ensure that guardrails are installed and access gates or openings are closed per manufacturer's instructions.
  - (d) ensure the load and its distribution on the platform and any platform extension (s) are in accordance with the manufacturer's rated capacity for that specific configuration.
  - (e) ensure there is adequate clearance from overhead obstructions.
  - (f) ensure that the minimum safe approach distances (M.S.A.D.) to energized power lines and parts are maintained. M.S.A.D. is defined in the referenced ANSI Standards.
7. When an elevating work platform is used in an area, either interior or exterior, which is traversed by pedestrian or vehicular traffic, the area, which encompasses the work zone, shall be effectively blocked by barricade, or an attendant shall be stationed to keep the area clear.
  8. Each person working from an elevating work platform shall be provided with and shall use an approved safety body harness. This harness shall be attached to the guardrail of the platform by a tail line. The tail line shall not exceed four feet in length and shall have a minimum breaking strength of 4000 pounds.
  9. The Petitioner shall comply with all applicable provisions of Industrial Code Rule 21.

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 ladders 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: December 18, 1998

James J. McGowan  
Commissioner of Labor



BY: Richard Cucolo  
Director  
Division of Safety and Health