

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 21.7
Subdivision (a)

COMMISSIONER'S
DECISION

APPLICABLE
VARIANCE
(AV 112)

PROTECTION OF
PERSONS EMPLOYED
AT WINDOW CLEANING

WORKING FROM
LADDERS

DATED

DECEMBER 18, 1998

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provision of Industrial Code Rule 21 as it relates to the removal of above ground insulated piping from buildings to be demolished; 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 aforesaid provision of Industrial Code Rule 21, pertaining to the use of ladders 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.

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The following terms as defined in Occupational Safety and Health Administration Standards shall be applicable in this applicable variance:

Ladder – an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs or cleats, on which a person may step in ascending or descending.

Stepladder – a self supporting portable ladder, non-adjustable in length having flat steps and a hinged back.

Single ladder – a non-self supporting portable ladder, nonadjustable in length, consisting of but one section.

Extension ladder – a non self supporting portable ladder, adjustable in length, consisting of two or more sections traveling in guides or brackets so arranged to permit length adjustment.

Sectional ladder – a non self supporting portable ladder, non adjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder.

APPLICABLE VARIANCE

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

CONDITIONS

1. Ladders may be used for window cleaning. Ladders shall not be used to clean a window whose top is more than 35 ft above the floor, adjoining ground, or flat roof, or which is so placed or obstructed as to make the method unsafe. Sectional ladders shall not be erected to an assembled length of ladder more than is allowable in accordance with the latest published ANSI (American National Standards Institute) Standards A14.1, A14.2 and A14.5.

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2. All ladders shall be used at such pitch that the horizontal distance from the building or wall to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The maximum length permitted for a ladder used in window washing operations shall be 36 feet.
3. Ladders may not be used on an elevated surface where the width of the surface is less than one-half the length of the ladder.
4. In order for a ladder to be used on an elevated surface, the building or structure on which such ladder is proposed to be used shall have a substantial parapet or a substantial guard railing and midrail constructed of metal. Such parapet or guardrail shall not be less than 42 inches in height from the roof surface. The guard railing shall be installed at the perimeter of the roof not more than one foot back from the roof edge. The parapet or guard railing shall be designed to resist a lateral force at the top equivalent to a minimum linear load of 50 pounds per foot.
5. 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 aforementioned 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 aforementioned 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