

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
TWO WORLD TRADE CENTER  
NEW YORK, NEW YORK 10047

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In the Matter Of : DECISION  
Part 21 of Title 12 of the Official Compilation : AV 64  
of Codes, Rules and Regulations : Dated: May 9, 1978  
of the State of New York :  
(cited as 12NYCRR 21) :  
Code Rule Paragraph 21.9(b) (3) :

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The Industrial Commissioner, pursuant to Section 30 of the Labor Law has reviewed the provisions of Paragraph 21.9(b) (3), of Industrial Code Rule 21; and

In conjunction with this review, the Industrial Commissioner has also reviewed the case history of variance petition File No. 81-78, relative to the aforementioned Industrial Code Rule Paragraph, including the special approvals for Window Cleaning and Light Building Maintenance Scaffolds as issued by the Board of Standards and Appeals as well as the contentions and proposals of the Petitioner in this prior petition; and

Upon these collective records, the Industrial Commissioner finds that the issuance of an applicable variance would not violate the spirit and purpose of Industrial Code Rule Paragraph 21.9(b) (3) and would secure a safe condition as contemplated by said paragraph.

APPLICABLE VARIANCE

A variance from the condition of approval requiring the periodic replacement of suspension wire rope for window cleaning and light building maintenance scaffolds as contained in special approvals previously granted by the former Board of Standards and Appeals; such approvals having been required by Subdivision 21.9(c) 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; is hereby

GRANTED subject to the following Conditions:

THE CONDITIONS

1. The roof garages or other areas used to store the scaffolds shall be used for no other purpose.
2. As part of the program of maintenance procedures, the suspension wire ropes shall be visually inspected at least once a month.  
Records of such inspections shall be maintained.
3. Upon replacement of suspension wire ropes, new metal data tags shall be provided.
4. The suspension wire ropes shall be subject to non-destructive testing at least once a year by an agency or laboratory acceptable to the Industrial Commissioner. The initial test shall be made so reports of test results are available to the Industrial Commissioner on the date which suspension wire rope replacement would be required by the conditions of the special approval. Records of such annual tests shall be available to the Industrial Commissioner upon request.
5. The suspension wire ropes shall be replaced in accordance with recommendations of the testing agency or laboratory. Any indicated loss in breaking strength of any suspension wire rope in excess of ten (10) percent of the breaking strength shall be cause for replacement of that wire rope.

6. The section of each wire rope forming the connection to the scaffold platform shall be removed and a new connection shall be formed annually. Such operation shall be performed immediately following the required non-destructive testing.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which Industrial Code Rule Paragraph 21.9(b)(3) applies, 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 said paragraph.

PHILIP ROSS  
INDUSTRIAL COMMISSIONER

By Carl J. Mattei  
CARL J. MATTEI, DIRECTOR  
Division of Safety and Health

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UNITED STATES  
INDUSTRIAL COMMISSION

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