

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

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In the Matter of :
Part 23 of Title 12 of the Official Compilation :
of Codes, Rules and Regulations :
of the State of New York :
(Cited as 12NYCRR 23) :
(As Amended Effective February 1, 1975) :
Code Rule Paragraph 23-5.1(c) :
Manually Propelled Elevating Work Platform :
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DECISION
AV 82
DATED: JUNE 6, 1986

The Commissioner of Labor has reviewed the provisions of Paragraph 21.9(a) of Industrial Code Rule 21 and of Subdivision 23-5.1(c) of Industrial Code Rule 23; and

In conjunction with this review, the Commissioner of Labor has also reviewed ANSI A92.3 - 1980 "American National Standard for Manually Propelled Elevating Work Platforms" and has reviewed previous approvals as issued by the former Board of Standards and Appeals for elevating; or telescoping; work platforms; and

In conjunction with this review, the Commissioner of Labor has also reviewed established requirements for electrical interlocks in Approvals issued by the former Board of Standards and Appeals to insure that outriggers are in place prior to use of and elevating; or telescoping; work platform; and

Upon these collective records, the Commissioner of Labor finds that the issuance of an applicable variance from the requirements of Industrial Code Rule Subdivision 21.9(a) and Paragraph 23-5.1(c) would not violate the spirit and purpose of said rules and would insure proper design and thereby enhance the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from Subdivision 21.9(a) of Part 21 and Paragraph 23-5.1(c) of Part 23 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as 12NYCRR 21 and 12NYCRR 23) as amended effective October 1, 1966 and February 1, 1975 respectively, is hereby GRANTED permitting Manually Propelled Elevating Work Platforms to be considered for approval without being able to bear four times the maximum weight required to be dependent therefrom or placed thereon when in use subject to the following Conditions:

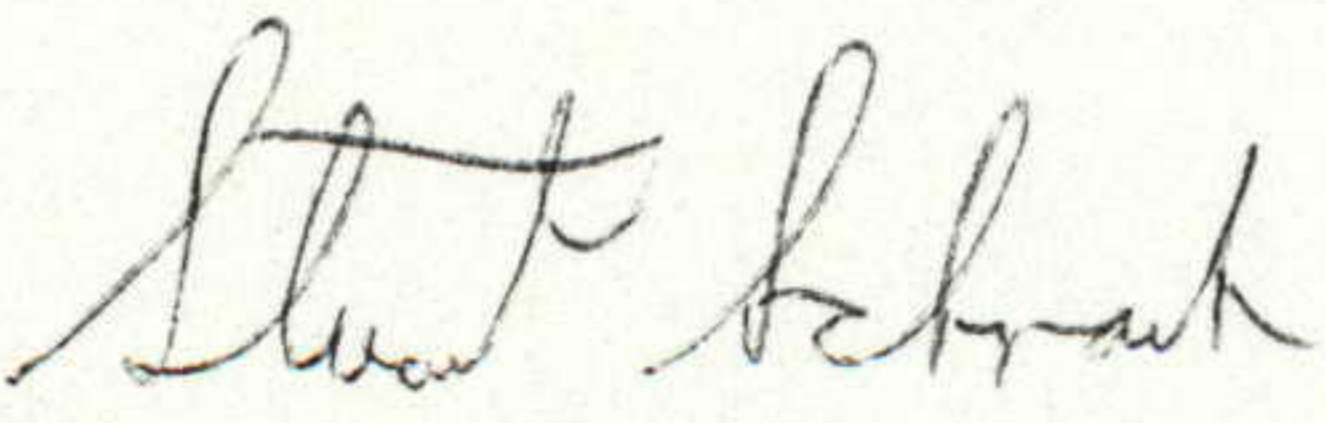
CONDITIONS

1. Each manufacturer of Manually Propelled Elevating Work Platforms shall secure approval of such devices as required by Code Rule Subdivision 23-5.2.
2. In application for approval of such devices, the manufacturer shall submit certification by a Professional Engineer licensed to practice in the State of New York to the effect that the following sections and subdivisions of ANSI A92.3 - 1980 are complied with and the design of the equipment provides for the indicated safety factors:
 - a. Section 4 - Subdivision 4.2.2 - Structural Safety Factor
 - b. Section 5 - Subdivision 5.1 - Stability on Level Surfaces
 - c. Section 5 - Subdivision 5.2.2 - Stability on Inclined Surfaces
 - d. Section 7 - Subdivision 7.1 - Safety Factors in Design of Elevating Assembly.

3. In application for approval of such devices, where such devices are to be used on the exterior of buildings or where subject to wind load, the manufacturer shall submit certification by a Professional Engineer licensed to practice in the State of New York to the effect that the platform is stable against overturning in a 25 mile per hour wind with the platform in its most elevated position and with the live load located in its most adverse position. In any mathematical calculation of stability, the applied wind load shall be considered as acting on the projected area of both windward and leeward frames of the structures as well as any additional surfaces subject to wind load.
4. Where stability of a power elevated platform under wind load is dependent upon outriggers, such outriggers shall be interlocked to assure that they are properly positioned prior to elevating the platform.
5. For elevating; or telescoping; work platforms presently bearing New York State Approval, such approval will be amended by the Commissioner of Labor upon receipt of data by a Professional Engineer licensed to practice in the State of New York confirming compliance with the conditions above.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which Industrial Code Rule Subdivision 21.9(a) and Paragraph 23-5.1(c) apply to Manually Propelled Elevating Work Platforms 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.

LILLIAN ROBERTS
COMMISSIONER OF LABOR

BY 
STUART SCHRANK, DIRECTOR
DIVISION OF SAFETY AND HEALTH

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