

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

----- X DECISION  
In the Matter Of : AV 72  
Part 36 of Title 12 of the Official Compilation :  
of Codes, Rules and Regulations :  
of the State of New York : DATED: APRIL 6, 1981  
(cited as 12NYCRR 36) :  
Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i) :  
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I, the Industrial Commissioner, pursuant to Section 30 of the Labor Law, have reviewed the provisions of Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i) of Industrial Code Rule 36; relative to the specific sizes and the required swing of exit doors in places of public assembly, insofar as they apply to existing places of public assembly at agricultural fairs; and

In conjunction with this review, I have also reviewed the comments received from parties of interest relative to the specific sizes and swing of exit doors cited above; and

Upon these collective records, I, the Industrial Commissioner, find that the issuance of an applicable variance would not violate the spirit and purpose of Industrial Code Rule Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i).

APPLICABLE VARIANCE

A variance from Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i) of Part 36




of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as 12NYCRR 36), as amended, effective July 1, 1967, is hereby GRANTED, permitting the use of overhead doors (garage type), sliding doors, and hinged doors over 44 inches wide as primary or secondary means of exits from existing places of public assembly at agricultural fairs, in lieu of compliance with the provisions of Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i) of Industrial Code Rule 36; subject to the following:

All overhead doors (garage type), sliding doors, and hinged doors over 44 inches wide, which are used as primary or secondary means of exit from existing places of public assembly at agricultural fairs, shall be secured in the fully open position by locks that will prevent them from closing or being closed during the entire period that the public is permitted in the places of public assembly.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all existing places of public assembly at agricultural fairs to which Industrial Code Rule Subparagraphs 36-2.3(h)(1)(i) and 36-2.3(h)(2)(i) 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 and in all existing places of public assembly at agricultural fairs affected by said Subparagraphs.



WILLIAM L. O'TOOLE  
EXECUTIVE DEPUTY INDUSTRIAL COMMISSIONER

By   
Carl J. Mattei, Director  
Division of Safety and Health

DJS/hmcg



EXECUTIVE REPORT NUMBER 100-10000  
WITH A LIST OF REFERENCES

BY  
CAROL M. HARRIS, Director  
Division of Safety and Health