

May 19th, 2015

Elevator Safety Advisory Committee Meeting Sign-in

Last Name	First Name	Contact Number	Are you the Primary Point of Contact? Y or N	E-Mail Address
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Please Note: This sign-in sheet is a public record, and the information provided is open to public disclosure under the Public Records Act (RCW 42.56).

I met with Tom McBride on Friday afternoon to discuss the new proposal for safety tests/civil penalty enforcement. He had shared the bullet points I sent him with the group and had received a few questions that he wanted to get clear about. He's planning a meeting with the NEII group on Wednesday.

I made it as clear as possible that we need to move forward with this proposal. While we have details to work out, we can't continue delaying the decision. I told him we intended to put the proposal on the table at Tuesday's advisory. He was supportive and understanding of the need to take action.

I told him I would appreciate an indication of support from NEII, and he said he would talk to Amy about the possibility of saying something at the Advisory meeting about NEII appreciating the department's efforts to work with the industry on this issue, etc. I took that as a good sign in terms of being able to tell Joel that we have stayed engaged with the stakeholders every step of the way.

We talked through the proposal and I think I was able to answer most of his questions. There was only one item that I wasn't 100% sure about. Specifically, regarding the 7/1/2015 deadline for updating/highlighting the logs with new dates...Is it fair to say that getting the logs updated with new dates by 7/1/15 is simply in the best interest of the companies so that we won't write a correction for an overdue test?

If I understand it correctly:

- If I, as an elevator company, can't get everything updated by 7/1, then I run the risk of getting a 90 day correction notice¹ for the overdue test.
- If I get everything updated by 7/1, I won't get those corrections.
- After 12/31/15, if I haven't updated the logs with new dates, a \$500 penalty will be issued.

The reason I am asking is because Tom heard from the companies that they may not be able to get all the logs updated by July 1st. So, the question would be whether we would allow more time to get the logs updated done or simply point out that it's in their best interest to get it done as soon as possible before 12/31/15.

I did not commit to him that we would make any changes to the proposal. I said I would discuss it with you to make sure I understood the intent of the 7/1/15 deadline.

We also talked about the quarterly reporting, and he asked about consequences for failing to report. I said it was not our intent to penalize/suspend a company for failing to report IF they were getting all their safety tests done. The quarterly report is a way to demonstrate effort, and a company that doesn't report would get extra scrutiny, but they would not be automatically "penalized." However, if they didn't report AND didn't get safety tests done (as indicated through our inspections) they would likely face consequences.

I think it was a good conversation and that we will get mostly supportive comments from NEII.

¹ I know the elevator company doesn't get the correction notice, but I hope you understand what I'm trying to say.

Elevator Safety Advisory Committee Agenda

May 19, 2015 - 9 to 11 a.m.

Tukwila Service Location

Time	Topic	Facilitator	Comments
9 – 9:10 a.m.	<ul style="list-style-type: none"> • Introductions/Purpose • Comments regarding August minutes 	<ul style="list-style-type: none"> • Keith Becker • Keith Becker 	
9:10 – 9:20 a.m.	<p><u>Chief's Report:</u></p> <ul style="list-style-type: none"> • Scorecard/Accidents • Maintenance/testing 	<ul style="list-style-type: none"> • Jack Day • Jack Day 	
9:20 – 9:30 a.m. 9:30 – 9:40 a.m. 9:40 – 9:50a.m.	<p><u>Old Business:</u></p> <ul style="list-style-type: none"> • Existing machine room enclosure and access to the machine room (See Means of Access Analysis 2014-006) • Overview of Point of Sale Inspections of Residential Elevators. (See Point of Sale Analysis 2014-008)(see CPSC attachment) • MS Lighting (See Analysis 2014-007) Accepted February 17, 2015 	<ul style="list-style-type: none"> • Keith Becker • Swen Larson • Keith Becker 	
9:50 – 10 a.m.	<p><u>New Business:</u> For several committee members, this is their last official meeting.</p>		
May start earlier 11:00 a.m. – Noon	<p><u>Stakeholder meeting:</u> You are encouraged to stay for the meeting. It is an informal “touch base” with stakeholders.</p>		
Future agenda	<p><u>Future Business:</u></p> <ul style="list-style-type: none"> • Residential Maintenance Licensing • Acceptable LULA applications (limits to install) • ANSi A10.4 Maintenance • FAID: Consider re-evaluation • Proposal for Comb Impact Device 		

The purpose of the Elevator Safety Advisory Committee is to advise the department on the adoption of regulations that apply to conveyances; methods of enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the conveyance industry and to the individual installers, owners and users of conveyances. If a member is unable to fulfill his or her obligations, a new member may be appointed. An advisory committee member may appoint an alternate to attend meetings in case of conflict or illness.

- 1) Limit meetings to no more than two hours.
- 2) Please choose an alternate and submit their names and contact information.
- 3) Nominees, merits of why, Vote for the chair position.
- 4) Each of you represent a unique part of the industry, therefore you must be available for concerns and discussion with your represented piers and if necessary bring items forward to the table to be discussed.
- 5) All items to be discussed at the advisory level shall be included within the agenda. You will ensure any item relevant to the committee, be sent to the chair for inclusion into the agenda. Items not on agenda may not be decided at the meeting. This is to ensure public participation of the forum.
- 6) Review RCW and WAC and adopted standards, if there happens to be matters of concern, it is your obligation to bring them forward. Within each and every case decisions must be based upon public, worker and building safety.
- 7) L&I may not be the entity changing Statutes; you may need to become involved with your legislative representative in order to affect change.
- 8) The department thanks you for stepping up and volunteering, with that said the department needs to be assured of your participation. Please keep the meeting dates updated within your calendars. Your input is very important, and the department is at a great loss without your attendance.

Stakeholder meeting: You are encouraged to stay for the meeting. It is an informal touch base with stakeholders.

Chief's Report

FYI- not part of the reporting agenda, left in place for informational purposes:

Draft WAC 296-96 – Jack Day

Located within the elevator advisory section is a copy of our rules in electronic form. Its intended use is to update these draft rules with changes as they are created. Also attachments defining the rational will be captured and posted as well. Strategically the analysis document will more than likely become the attachment. You can find the 296.96 WAC copy by using the following link:
<http://www.lni.wa.gov/TradesLicensing/Elevators/CalNews/AgendaMeeting/Default.asp>.

Scorecard and Accidents – Jack Day- (see attached)

Maintenance/testing- Jack Day – decision regarding overdue testing

Old Business Notes:

Existing machine room access – Keith Becker to report

See Analysis- new note regarding see note 3 on last page

Overview of progress on point of sale inspections of residential elevators – Swen Larson

Elevators, Platform lifts and Stairway Chairlifts located in a private residence, shall be inspected upon completion and at the transfer of title/deed to ensure code compliance.

- See Analysis (Complete analysis to include Addendum A, B and C to be located on the elevator Program website in the very near future).
- Update- SB 5156 was signed into law on 4-25-15. It lumps conveyances into a category on the sellers real estate disclosure list along with 23 other items. This legislation will do little to prevent the next tragedy. All the information in the petition attached speaks to the nature of the problem. It is my hope the United States Consumer Product Safety can succeed in addressing these senseless deaths of children. Nor are the deaths the only measure of the tragedy. Children involved in this type of event that live, suffer catastrophic injuries usually involving the brain. Families are forever altered. Multiple regulatory agencies and Government bodies have failed to protect some of the most vulnerable in our society. As Co-Chair to the sub-committee trying to make a significant change I add my name to the list of "Also Failed". Please attach this to the agenda as my final report on this subject.

Code Adoption Subcommittee and discussion of processes formed around subcommittee activities – ~~Bryan Wheeler~~ by default the co-chair is Max Prinsen

The Elevator Safety Advisory Committee (ESAC) is the statutorily-approved body used to advise the Department of Labor & Industries (L&I) on the adoption of rules, enforcement and administration of authorities and matters of concern to the manufacturers, installers, owners and users of the conveyances in Washington State.

For that reason, on the agenda for consideration at our May 20 ESAC meeting is a proposal to create an ESAC subcommittee (Subcommittee) that would review and advise on matters related to the national standards, Washington Codes, Washington Administrative Codes (WACs), Revised Code of Washington (RCWs) and other policies. For example, the Subcommittee could pick a WAC section to review, analyze and make recommendations about in order to clean up outdated, inconsistent and/or unnecessary rule language. All stakeholders will be encouraged to actively participate in the Subcommittee and it will include L&I involvement. The Subcommittee should meet monthly, work fast and present its first report to the ESAC at its fall meeting.

On behalf of L&I, I believe the proposed Subcommittee will provide to the ESAC needed additional resources and expertise to assist the ESAC's work with the department. Please be prepared to discuss this important matter and opportunity at our May 20 meeting. I encourage you to support this effort.

MS lighting

- Has been authorized for inclusion into next WAC revision

New Business Notes:

Nothing to address.

Future Business Notes:

Licensing criteria

Combining categories:

- Categories 02, 06, 07 combined and remove commercial dumbwaiters (cat 1)
- Combine categories 03 and 04 under industrial
- Combine category 08 with 01
- Incorporate only NEIP, CAT, CET for all categories except material lift
- Remove wording in WAC 296-96-00906:

The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state or as an employee of a public agency;

Proposal for Comb Impact Device – Jack Day

- Not available.

Residential Maintenance Licensing

Only properly licensed individuals can perform maintenance and testing on residential installations.

Acceptable LULA applications (limits to install)

Permit-able applications: Need to define where they can be installed:

- WAC 296-96-02590: (1) LULAs may be permitted in churches, private clubs, and buildings listed on the historical register that are not required to comply with accessibility requirements. (2) Installation of LULAs in existing buildings that are not required to comply with accessibility requirements will be considered on a case-by-case basis by the department.
- The department is seeking advice and instruction of WAC 296-96-02590(2). We want to remove it, at the discretion of the department, and put in its place defined acceptable applications greater than those found in (1).
- Do we have any discussion regarding building occupancies, building type or use and rise limitations?

ANSI A10.4 Maintenance

- We need everyone to be on the same page with the maintenance items in A10.4 and mechanic licensing requirements.

INSPECTIONS SCORECARD

	FY14 Data		1st Quarter 7/1/14 - 9/30/14		2nd Quarter 10/1/14 - 12/31/14		Jan	Feb	Mar	3rd Quarter 1/1/15 - 3/31/15		Apr	May	Jun	4th Quarter 4/1/15 - 6/30/15		Year-to-date FY15		Performance Measures:	Comments:	
	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:	Sched:	Actual:			
Statewide:	% On Time	60%	%	58%	%	69%	39%	38%	31%	%	35%	22%	0%	0%	%	8%	%	37%			
	On Time	3,909	Total	1,035	Total	732	139	130	161	Total	430	193	0	0	Total	193	Total	17,385			6,411
Within 60 days Target 65%	% On Time	40%	Total	46%	Total	34%	26%	32%	Total	28%	42%	Total	42%	Total	Total	42%	Total	9,125			
	Sched:	9,069	Sched:	2,140	Sched:	1,589	747	668	812	Sched:	2,227	1,000	1,106	1,063	Sched:	3,169	Sched:	9,125			
UNIT 1 (Regions 1 & 2)	%	42%	%	27%	%	46%	29%	24%	17%	%	23%	9%	0%	0%	%	3%	%	1,909	1. Number of annual inspections completed and completed on time.	"Sched." = Total annual inspections due in that period. "Actual" = Total completed annual inspections performed in that period. "Actual %" = Percent of scheduled actually completed. The next two measures indicate the timeliness of our annual inspection services. "Within 60 days" = Number of actual annual inspections completed on time in that period. "Within 60 days %" = Percent of actual annual inspections completed on time in that period.	
	On Time	339	Total	41	Total	49	8	3	14	Total	25	11			Total	11	Total				
Within 60 days Target 50%	% On Time	9.4%	Total	7.1%	Total	6.7%	3.7%	1.9%	10.0%	Total	4.9%	12.8%			Total	12.8%	Total	8,260			
	Sched:	7,380	Sched:	1,750	Sched:	1,564	628	646	815	Sched:	2,089	1,097	844	916	Sched:	2,857	Sched:	8,260			
UNIT 2 (Regions 3-6)	%	82%	%	96%	%	91%	51%	52%	44%	%	49%	35%	0%	0%	%	13%	%	4,302			
	On Time	3,550	Total	994	Total	683	131	127	147	Total	405	182			Total	182	Total	4,302			
Target 80%	% On Time	59%	Total	59%	Total	48%	41%	37%	41%	Total	40%	48%			Total	48%	Total				

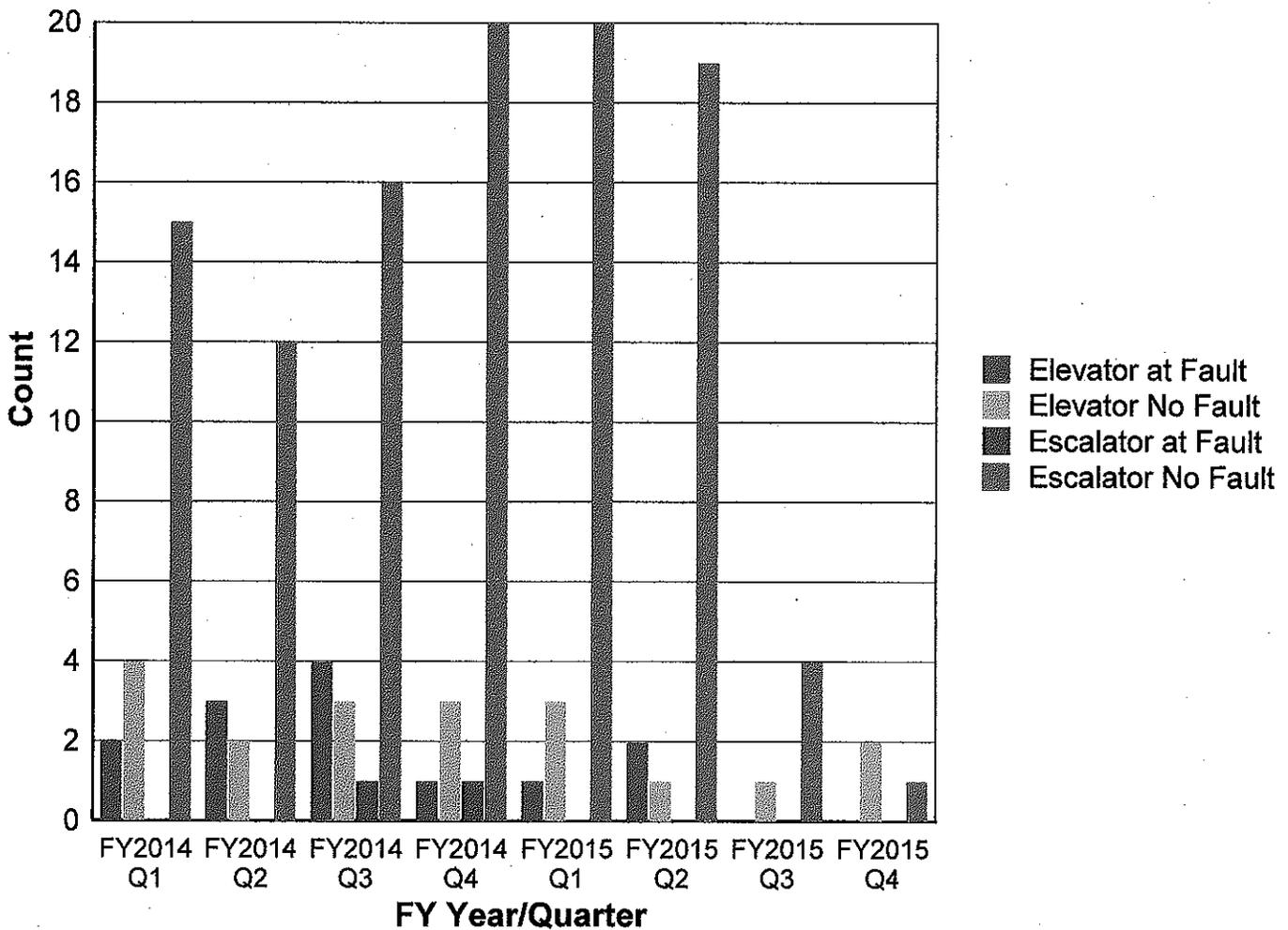
Agency Strategic plan Goal 4: Protect public safety and property; support the economic well-being of individuals and businesses.

NOTES:

FY13 - Unit 1 - 2.5 FTEs used for all other inspections (not including accidents)
 Significant amount of time has been spent on MCP review by all staff. Inspectors are continually learning to audit all authorized MCPs from elevator companies.
 Additional staffing will be in place beginning and November and we expect that the numbers should begin to move towards an upward trend sometime in the April or May 2014 timeframe.
 Significant amount of time has been spent on accident investigations and reporting in King County, SeaTac Airport specifically. Each investigation/report takes an average of about 4 hours a piece.
 2 vacant positions currently in Unit 1 and 2 in April 2014 (Total vacancies = 4 statewide)
 Unit 1 - 4 new FTEs started in the last 12 months.
 Unit 2 - 1 current FTE left the agency and 1 new FTE started in the last 2 weeks of August. 2 vacant positions still remain as of 9/16/14. 1 vacancy currently remaining as of 11/1/14)
 As of 11/1/14 - Unit 1 has a double filling in 1 position. No vacancies currently. One inspector will be moving to Unit 2 (E Watchee) in December.
 As of 11/1/14 - Unit 2 has one vacant position (Turnwater).
 We expect movement in an upward trend once all new FTEs are fully trained and all inspector movement has occurred.

Accident Counts Per FY Quarter

FY Year/Quarter	-----Elevator-----		-----Escalator-----	
	No Fault Cnt	At Fault Cnt	No Fault Cnt	At Fault Cnt
FY2014 Q1	4	2	15	0
FY2014 Q2	2	3	12	0
FY2014 Q3	3	4	16	1
FY2014 Q4	3	1	20	1
FY2015 Q1	3	1	26	0
FY2015 Q2	1	2	19	0
FY2015 Q3	1	0	4	0
FY2015 Q4	2	0	1	0
Totals	19	13	113	2



Elevator Advisory Analysis Form – 2014

PROPOSAL NUMBER:	006-2014	DATE:	April 30, 2015
TITLE OF PROPOSAL:	Means of Access		
PREPARED BY:	Keith Becker		
PHONE NO. & EMAIL:	509-397-4381, keith@pnw.coop		
Brief Summary of what this proposal does and its purpose:			
Develop safe Machine Room/Machine Space access requirements for existing elevators in existing buildings or structures for maintenance, repair, and inspection. Provide instruction and guidelines for proper installation, repair and maintenance of access. Access should be considered fixed, permanent, and non-combustible. Determine if this access is already covered in existing WAC's.			
1. Does the proposal promote Public, Building or Worker Safety?			
<input type="checkbox"/> Public <input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Worker			
2. The effect of this proposal would be:			
<input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor <input type="checkbox"/> None			
If there is no effect or impact, should we continue to propose this change?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
3. If the proposal has an effect on the program (major, minor, uncertain) briefly describe effects below:			
The expected impacts should be low to owners, but increase safety for workers and inspectors. Repairs and "like for like" changes will be allowed, any alterations will require rebuilding of accesses to follow new regulations.			
4. If enacted, what type of fiscal impact would this proposal have on the owners, elevator companies or the agency?			
Agency: Training for inspectors for determining allowable repairs or replacement.			
Owner: In most cases, cost impacts should low. No changes will required if access is currently safe and structurally sound.			
Elevator Companies: ?			
5. If the proposal has a fiscal impact, how much?			
<input checked="" type="checkbox"/> Less than \$50,000 <input type="checkbox"/> More than \$50,000 <input type="checkbox"/> None			
Unknown. Will require further discussion with the industry.			
6. What other stakeholders would be impacted by this proposal? List (if any) and briefly summarize the impact for each affected group and their positions:			
These areas have limited access (non-public/for maintenance, repair and inspection only). No other stakeholders should be affected.			
7. If enacted, would this proposal require a new rule? Or revise an existing rule?			
<input checked="" type="checkbox"/> New Rule <input checked="" type="checkbox"/> Revise Existing Rule <input type="checkbox"/> No Rule Change			
If revises or repeals an existing Rule/Statute, provide WAC/RCW number and title:			
For Electric Manlifts, WAC 296-96-13167(5) would be revised to include proposed language. For Hand-Powered			

Manlifts, a new WAC in 296-96-14000 should added, which define the top sheave area as a machine space and add the proposed language. For Electric Elevators, WAC 296-96-23121 would revised to include the proposed language.

8. Does the rule impact permits, licenses and/or inspections ("licenses" includes both registration and certification)? Identify all that apply.

Permits Licenses Inspections N/A

Comments: Only if alterations are required.

9. If the Rule impacts permits, licenses and/or inspections, could the Rule be amended to improve timeliness or simplify the application, approval or process?

Improve Timeliness Simplify Process Specify Your Own

Comments: unknown

10. Identify the purpose for the proposal based on need, clarity and consistency:

- Need: Does the Rule need to be amended or repealed because the rule is obsolete, duplicative or unnecessary to a degree that warrants repeal or revision?
- Clarity: Does the Rule need to be amended or repealed because the rule is written and/or organized in a manner that is not easily understood by those to whom it applies?
- Consistency: Does the Rule need to be amended or repealed because of any of the following:
- The Rule is inconsistent with the legislative intent of the authorizing statute?
 - There is more specific legislative authority needed in order to protect the health, safety and welfare of Washington State citizens?
 - Laws or other circumstances have changed which requires the Rule to be amended or repealed?

Comments or other issues (if any): This proposal is based on need and consistency. There needs to be a avenue by which there can be a consistent method of maintaining safe access in existing buildings to the machine room/space.

11. General comments on this proposal (please include any additional background that would be helpful or comments on any similar proposals that you are aware of):

The sub-committee was formed at the August, 2012 Elevator Safety Advisory Meeting to address concerns from inspectors about accessing some machine rooms/spaces in existing buildings through what was felt to be unsafe means. After looking through the WAC's it was felt that good direction regarding the construction, repairs and maintenance of safe means of access to these areas doesnot exist. The sub-committee met first on September 20, 2012 and the process has been a "work in progress" since that time.

Sub-committee consists of Keith Becker, Jack Day, David Spafford, Terry Rozell, Scott Cleary, Robert McNeill, Joseph McCann, Amber Quann.

Proposed language (see below) has been formed from modifying the language in ASME A17.1-2010 Sections 2.7 and 2.10 to fit the needs of this proposal.

2.7.3 Access to Machinery Spaces, Machine Rooms, Control Spaces, and Control Rooms

2.7.3.1 General Requirements

2.7.3.1.1 A permanent and unobstructed means of access shall be provided to

(a) machine rooms and control rooms

(b) machinery spaces and control spaces outside the hoistway

(c) machinery spaces and control spaces inside the hoistway that do not have a means of access to the space as specified in 2.7.3.1.2.

2.7.3.1.2 Access to machinery spaces and control spaces inside the hoistway

2.7.3.1.2(b) from the car top shall comply with 2.12.6 and 2.12.7

2.12.6 Hoistway Door Unlocking Devices

2.12.6.1 General. Except in jurisdictions that limit the use of hoistway door unlocking devices, they shall be provided for use by elevator and emergency personnel for each elevator at every landing

where there is an entrance.

2.12.6.2 Location and Design. Hoistway door unlocking devices shall conform to 2.12.6.2.1 through

2.12.6.2.5.

2.12.6.2.1 The device shall unlock and permit the opening of a hoistway door from a landing irrespective of the position of the car.

2.12.6.2.2 The device shall be designed to prevent unlocking the door with common tools.

2.12.6.2.3 Where a hoistway unlocking device consists of an arrangement whereby a releasing chain, permanently attached to a door locking mechanism, is kept under a locked panel adjacent to the landing door, such a panel shall be self-closing and self-locking and shall not have identifying markings on its face.

2.12.6.2.4 The hoistway door unlocking device shall be Group 1 Security (see 8.1). The operating means shall also be made available to emergency personnel during an emergency.

2.12.6.2.5 The unlocking device keyway and locked panel (see 2.12.6.2.3), if provided, shall be located at a height not greater than 2 100 mm (83 in.) above the landing.

2.7.3.2 Passage Across Roofs. The requirements of 2.7.3.2.1 and 2.7.3.2.2 shall be conformed to where passage over roofs is necessary to reach the means of access to machinery spaces, machine rooms, control spaces, and control rooms.

2.7.3.2.1 A stairway with a swinging door and platform at the top level, conforming to 2.7.3.3, shall be provided from the top floor of the building to the roof level. Hatch covers, as a means of access to roofs, shall not be permitted.

2.7.3.2.2 Where the passage is over a roof having a slope exceeding 15 deg from the horizontal, or over a roof where there is no parapet or guardrail at least 1 070 mm (42 in.) high around the roof or passageway, a permanent, unobstructed and substantial walkway not less than 600 mm (24 in.) wide, equipped on the side sloping away from the walk with a railing conforming to 2.10.2.1, 2.10.2.2, and 2.10.2.3,

2.10.2 Standard Railing

2.10.2.1 Top Rail. The top rail shall have a smooth surface, and the upper surface shall be located at a vertical height of 1 070 mm (42 in.) from the working surface.

2.10.2.2 Intermediate Rail, Member, or Panel.

The intermediate rail or equivalent structural member or solid panel shall be located approximately centered between the top rail and the working surface.

2.10.2.3 Toe-Board.

The toe-board shall be securely fastened and have a height not less than 100 mm (4 in.) above the working surface.

shall be provided from the building exit door at the roof level to the means of access.

2.7.3.3 Means of Access. The means of access to the following shall conform to 2.7.3.3.1 through 2.7.3.3.6:

(a) machine rooms, control rooms, and machinery spaces and control spaces outside the hoistway, and machinery spaces and control spaces inside the hoistway that do not have a means of access to the space as specified in 2.7.3.1.2

(b) between different floor levels in machine rooms, in control rooms, and in machinery spaces or control spaces outside the hoistway

(c) from within machine rooms or control rooms to machinery spaces and control spaces

2.7.3.3.1 A permanent, fixed, noncombustible ladder or stair shall be provided where the floor of the room or the space above or below the floor or roof from which the means of access leads, or where the distance between floor levels in the room or space, is more than 200 mm (8 in.).

2.7.3.3.2 A permanent, noncombustible stair shall be provided where the floor of the room or the space above or below the floor or roof from which the means of access leads, or where the distance between floor levels in the room or space, is 900 mm (35 in.) or more. Vertical ladders with handgrips shall be permitted to be used in lieu of stairs for access to overhead machinery spaces, except those containing controllers and motor generators.

2.7.3.3.3 Permanent, fixed, noncombustible ladders shall conform to ANSI A14.3.

2.7.3.3.4 Permanent, noncombustible stairs shall have a maximum angle of 60 deg from the horizontal, and shall be equipped with a noncombustible railing conforming to 2.10.2.1, 2.10.2.2, and 2.10.2.3.

2.10.2 Standard Railing

2.10.2.1 Top Rail. The top rail shall have a smooth surface, and the upper surface shall be located at a vertical height of 1 070 mm (42 in.) from the working surface.

2.10.2.2 Intermediate Rail, Member, or Panel.

The intermediate rail or equivalent structural member or solid panel shall be located approximately centered between the top rail and the working surface.

2.10.2.3 Toe-Board.

The toe-board shall be securely fastened and have a height not less than 100 mm (4 in.) above the working surface.

2.7.3.3.5 A permanent, noncombustible platform or floor shall be provided at the top of the stairs conforming with the following:

(a) Railings conforming to 2.10.2 shall be provided on each open side.

(b) The floor of the platform shall be at the level of not more than 200 mm (8 in.) below the level of the access-door sill.

(c) The depth of the platform shall be not less than 750 mm (29.5 in.), and the width not less than the width of the door.

(d) The size of the platform shall be sufficient to permit the full swing of the door plus 600 mm (24 in.) from the top riser to the swing line of the door.

2.7.3.3.6 Where a ladder is provided, a permanent, noncombustible platform or floor shall be provided at the top of the ladder, conforming with the following:

(a) Railings conforming to 2.10.2 shall be provided on each open side.

(b) The floor of the platform shall be located below the level of the access-door sill by a vertical distance of not more than 200 mm (8 in.) where full bodily entry is required, and by a vertical distance of not more than 900 mm (35 in.) where full bodily entry is not required.

(c) The depth of the platform shall be not less than 915 mm (36 in.) and the width not less than the width of the door or a minimum of 915 mm (36 in.), whichever is greater.

(d) The size of the platform shall be sufficient to permit the full swing of the door plus 600 mm (24 in.) from the standard railing to the swing line of the door.

(e) The ladder or handgrips shall extend a minimum of 1 220 mm (48 in.) above the platform floor level and shall be located on the access door/panel strike jamb side of the platform.

(f) The railing on the access side shall be provided with a hinged section not less than 600 mm (24 in.) wide with a latchable end adjacent to the ladder.

NOTE #1: Any like-for-like repairs will be allowed to combustible ladders, stairs or platforms. If replacement is required due to inadequate structural integrity, then 2.7.3.3 must be followed in its entirety.

2.7.3.4 Access Doors and Openings. If provided.

2.7.3.4.1 Access doors shall be

(a) self-closing and self-locking

UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION

Petitioners:

The Safety Institute

Carol Pollack-Nelson, Ph.D., Independent Safety Consulting

Cash, Krugler & Fredericks, LLC

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PETITION FOR RECALL TO REPAIR/RETROFIT AND RULEMAKING

Petitioners, The Safety Institute, Carol Pollack-Nelson, and Cash, Krugler & Fredericks, LLC (hereinafter "Petitioners"), pursuant to 16 C.F.R. § 1051 Procedure for Petitioning for Rulemaking, request that the U.S. Consumer Product Safety Commission initiate mandatory rulemaking to set safety standards for the design and installation of residential elevators to eliminate excessive space between the elevator car door/gate (interior door) and hoistway or swing door (exterior door).

In many home elevators, and similar versions found in older apartment and commercial buildings, the clearance between the two doors is large enough to allow children as old as 12 years to fit between them. When the elevator is called to another floor, the hoistway door automatically locks, and the child's body is carried along with the elevator car until it meets the obstruction of the sill, where the child's body – usually the head – is crushed. Industry has been aware of these dangers for more than 80 years, but has failed to adopt an appropriate, safe voluntary standard to address this design flaw. At least 55 child deaths have occurred since 1967; the most recent known death occurred in 2009. Since 2010, there have been three serious permanent debilitating injuries resulting from child entrapment.

A mandatory standard is required because the gap between the doors that is permitted by the voluntary standard has caused deaths and serious injuries. Efforts to work through the voluntary standards process, as described in this petition, have not adequately addressed the defect and therefore, have not reduced the risk of harm. In fact, 35 years ago, the voluntary standards committee actually changed the dimensions for residential elevators from a maximum gap of 4 inches between the two doors, to the less-safe 5-inch gap.

The petitioners also request that the U.S. Consumer Product Safety Commission order a recall (to repair) of all residential elevators that allow a gap between the hoistway and swing doors of more than 4 inches. Recalled defective doors should be retrofitted with a device that would either detect the presence of a child or small adult in the door path and prevent the elevator from operating or physically fill the gap to prevent children and small adults from becoming entrapped.

Industry Knowledge of Design Defect

The elevator industry has known about the entrapment hazard in swing door elevators for

at least eight decades. In 1931, Otis Elevator Company obtained a patent for an inexpensive 6-inch space guard to prevent child entrapment. In 1932, Otis sent a letter to its customers warning them about this hazard.¹ In 1943, the company followed up; an Otis General Service Manager sent an inter-office memo reiterating the dangers of excessive space between the hoistway doors and the threshold. The elevator company was concerned that buildings may have changed hands since the original alert went out, leaving the current owners unaware of the threat, or that the original owner ignored the warning or installed a space shield, which fills the gap and makes it impossible for a child to fit in the space, but failed to remove projecting hardware.²

In 1955, the first Residence Elevator Code addressed the entrapment issue. ASME Elevator Safety Code limited distance between the doors to a maximum of 4 inches. (At the time, there were no accordion doors on elevators – this was a flat-to-flat measurement.)³ But, in 1981, for unknown reasons, the ASME changed the rule to widen the gap, allowing a maximum of 5 inches between the doors.

ASME standard A 17.1, Sec. 5.3.1.7.2 states:

Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors or Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 75 mm (3 in). The distance between the hoistway face of the landing door or gate and the car door or gate shall not exceed 125mm (5 in.).⁴

In 1950, Otis General Service Manager again noted “recent occurrence of accidents” caused by excessive space between the hoistway and elevator car doors, suggesting that many elevators remained unremedied.⁵ A 1963 memo noted the rise in liability claims against the company and suggested a survey of all Otis elevators under a service contract with sub-standard safety conditions-- including the condition of too much space between the hoistway and elevator doors.⁶

In the early 1990s, the residential elevator industry introduced accordion doors for home elevators; this only increased the entrapment hazard. The accordion door’s flexibility and its peaks and valleys create excess space, above and beyond the 5-inch gap permitted by

¹ Subject: Automatic Elevator Space conditions Between the Hoistway Doors and the Threshold; H.R. Otto; Otis Elevator Company; September 30, 1943.

² Subject: Automatic Elevator Space conditions Between the Hoistway Doors and the Threshold; H.R. Otto; Otis Elevator Company; September 30, 1943

³ American Standard Safety Code for Elevators; Private Resident Elevators and Inclined Lifts; American Society of Mechanical Engineers; June 15, 1955

⁴ Standard A 17.1, Sec. 5.3.1.7.2; ASME

⁵ Terry Garmey Speaks About Tucker Smith and the Campaign to Repair 4,000 Guards on OTIS Elevators; Smith Elliott Smith & Garmey; <http://www.fairwarning.org/wp-content/uploads/2013/12/TuckerSmithArticle.pdf>

⁶ Terry Garmey Speaks About Tucker Smith and the Campaign to Repair 4,000 Guards on OTIS Elevators; Smith Elliott Smith & Garmey; <http://www.fairwarning.org/wp-content/uploads/2013/12/TuckerSmithArticle.pdf>

the ASME Standard. A child or small adult can fit into those valleys, and when the hoistway (exterior) door is closed and the elevator moves, they can be seriously injured or killed. Some elevator designers, installers and others purportedly following the ASME A 17.1 5-inch rule do not take into account the extra space created by the valleys, which, in effect, can increase the gap by an additional three inches or more.

In 2003, the Otis Elevator Company, as part of a settlement with the family of an eight-year-old boy who died after becoming entrapped between elevator doors, launched a national safety campaign, equipping 4,000 elevators with space guards. Otis also sent letters to other manufacturers urging them to check the size of the gap between elevator doors and offered free space guards for Otis-manufactured elevators.⁷

Over the years, a number of tragic accidents have occurred on elevators with swing-type hoistway doors, including the deaths of numerous children. These accidents have demonstrated the safety risk posed by elevators with swing doors. If the hoistway door and car gate are both closed, the space between them would be wide enough to fit a child or small adult. Should the elevator be called up while the person is in that space, serious injury or death is likely to result. These tragedies can be avoided.⁸

In addition, Otis' Director of Worldwide Standards, Lou Bialy, highlighted the danger posed by this defect in a trade publication, *Elevator World*, entitled *Space Between Swing Doors Collapsible Gates Still A Hazard*.⁹ As recently as March 2014, elevator experts James Filippone and John Koshak reiterated the dangers of child entrapment in another *Elevator World* article entitled *Solutions Needed to Ensure Children's Safety*.

Safer and Feasible Alternative Designs

Safer design options reduce the gap between the hoistway and car doors. Such designs recognize the ergonomic factors that contribute to the hazard. For example, as the CPSC's own anthropometry data show, children's heads are larger than their bodies, and the most vulnerable children, ages 2-3.5 years, have head breadths of less than five inches.¹⁰

The CPSC and others have identified 4 inches as a key element of safe design in other contexts, such as the allowable space between staircase spindles, specifically to prevent head entrapment.¹¹ The CPSC's Public Playground Safety Handbook recommends a more conservative maximum allowable gap of 3.5 inches, specifically to prevent a child's

⁷ Letter to National Wheelovator; Raymond Moncini; Otis Elevator Company; December 8, 2003

⁸ Letter to National Wheelovator; Raymond Moncini; Otis Elevator Company; December 8, 2003

⁹ *Space Between Swing Doors Collapsible Gates Still A Hazard*; Lou Bialy; *Elevator World*; May 2003

¹⁰ *Change in the Physical Dimensions of Children in the United States*; U.S. Consumer Product Safety Commission; April 27, 1998

¹¹ *Ergonomics and Design Review*; Rani Leuder; *Helvey v. ThyssenKrupp Access Corporation*; October 22, 2012

head from entering the space and becoming entrapped.¹²

In addition, history shows that the design alternatives are feasible. From 1955, when ASME's first residential elevator code was published, until 1980, when the dimension was changed, the voluntary industry standard called for a maximum gap of 4 inches between the two doors.

Individual states have more stringent standards than those set by ASME. Massachusetts' elevator code, for example, restricts any gap between the hoistway doors and the car doors or gates to 3 inches.¹³ In the state of Georgia, an effort to follow suit is underway. The amendment to the International Residential Code proposed by the State Fire Marshal's office, which oversees elevator codes, reads:

Passenger elevators, limited-use/limited-application elevators or private residence elevators shall have hoistway landing openings that meet the Georgia amended requirements of ASME A17.1 Sections 5.3.1.1 and 5.3.1.7.2. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 3/4 inch (19 mm). The distance between the hoistway face of the landing door or gate and the car door or gate shall not exceed 3 inches (75 mm).¹⁴

This change is scheduled to be finalized by the Georgia Department of Public Affairs in November and go into effect in January 2015.

A reduction of the clearance is feasible because it does not change the manufacture of the elevator itself; rather it guides the installation of the hoistway door. Currently, in residential settings, the exterior door is typically set flush to the wall, like any other door in a home. This setting typically creates the excessive gap. Installers can exacerbate the gap by misinterpreting the 5" Rule in the voluntary standard as measuring the distance between the *closest* points between the doors, rather than the furthest point. In fact, manufacturers' designs often instruct installers to measure between the hoistway door and the peak of an accordion car door, rather than to the valley. Those who do not take into account the extra space beyond the peak of the accordion door can create up to 8 inches of refuge space, which permits entry by a child.

Voluntary Standards Have Not Prevented Risk of Harm

In 83 years, the industry not only has failed to address the entrapment hazard, it actually increased the potential for injury and death by re-writing the voluntary standard to allow a wider gap between the hoistway and exterior door.

¹² Public Playground Safety Handbook; U.S. Consumer Product Safety Commission; undated

¹³ 5.3.1.7.2 Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors or Gates; 5.3.1.7 Protection of Hoistway Openings.; 524 CMR Board of Elevator Regulations; PDF Pg. 214; September 28, 2012

¹⁴ Georgia State Amendments to the Residential Elevator Codes for One and Two-Family Dwellings; August 13, 2014

The voluntary ASME standard has failed to safeguard children from injuries and deaths. According to CPSC's own figures, there were an estimated 1600 injuries associated with residential elevators in just a two-year period.

The most recent figures from CPSC's NEISS system show that an estimated 1,600 injuries associated with residential elevators and lifts were seen in emergency departments from 2011 through 2012. CPSC only has jurisdiction over elevators customarily used by consumers in a residential setting. Some of those injuries included children becoming entrapped in the gap of residential elevators, tragically leading to fatalities and serious injuries. The agency has an active and ongoing compliance investigation regarding the safety of residential elevators and the entrapment hazard they can present. While CPSC investigates the role and responsibilities of manufacturers and installers when it comes to the safety of residential elevators, owners of residential elevators should take steps to ensure children do not have unsupervised access to in-home elevators.¹⁵

In addition, the entrapment hazard has led to a number of child deaths. In the early 1990s, the Otis Elevator company revealed to the plaintiffs in a New Jersey case the deaths or severe injuries to 34 children from 1983-1993 in the southern New York and New Jersey area alone¹⁶ and an additional 16 deaths from 1947 to 1963.¹⁷ More recently, the petitioners are aware of five more deaths and two catastrophic injuries in which children were entrapped and crushed in residential elevators.¹⁸

The ASME Voluntary Standards Process Has Been a Failure

The ASME standards-setting process has not produced a substantive change to the voluntary residential elevator standard in nine years of committee meetings, despite members repeatedly bringing up the excessive gap issue.

In 2005, the A-17 committee began discussing revisions to the "Clearance" section of the standard. Several members of the A-17 Committee lobbied to change the Clearance dimensions of the standard back to the original dimensions. Minutes of the committee meetings between September 2006 and June 2007 show that some committee members expressed concern about the hazardous gap permitted by the standard. However, the group rejected any proposals for revising the standard to require tighter clearances and more precisely described measuring points to ensure that home elevators would comply.¹⁹

¹⁵ Email to The Safety Record Blog; Scott Wolfson; US Consumer Product Safety Commission ; August 27, 2013

¹⁶ The Elevator Design Hazard That's Been Killing Children for Decades; The Safety Record Blog; July 11, 2013

¹⁷ Elevator Safety Flaws Persist, Despite History of Tragic Accidents; Shawn Hubler; Fair Warning; December 8, 2013

¹⁸ Appendix A; Elevator Entrapment Deaths and Injuries

¹⁹ A17 Residence Elevator Committee; Minutes; September 19, 2006- June 18, 2007

For example, Calvin Rogler, chief of the state of Michigan's Elevator Safety Division, suggested that the language be modified to only allow for a 4-inch clearance, because when accordion doors are used, the clearance from the face of the hoistway door to the furthest part of the accordion door resulted in a clearance of 5.5-inches. At one such meeting, he said "The clearances between the car and the hoistway door must be reduced to provide an acceptable level of safety for the families using this device. Accidents dealing with this area have been deadly."²⁰

Another committee member, Richard Gregory, an elevator consultant, described an incident that occurred in Michigan in which a 10-year-old boy who had slipped between the hoistway door and the accordion door was fatally crushed when the lift was called to a floor below. It would be easy to reduce clearances in elevators with wide gaps with products readily available on the market, he said in an email to the committee chairman.²¹

"It's easy, it saves lives. So it should be done," Gregory wrote.²²

Despite repeated attempts to persuade the majority of members that the excessive gap was a serious safety problem that resulted in a child's death, the committee decided that the status quo should remain: "The committee feels assured that the measurement criteria presented will provide for adequate safety. In addition, the 5-inch dimension has been in the standard for many years."²³

Not only has the subcommittee failed to revise the standard in order to adequately address this hazard, they recently considered making the Clearances section of the standard even more lenient. At the first quarterly meeting of 2013, the committee was poised to codify the latest revisions, which included measuring instructions that would have allowed designers to consider the shortest point when measuring the clearance, instead of the farthest point. Fortunately, a member of the larger standards committee made an impassioned and successful plea to reject the change.

More recently, the committee shelved a proposal to reduce the gap between the doors on existing elevators to a 4-inch maximum, while it awaits the results of an internal hazard analysis. Although the A17 committee had been looking at this issue since 2005, they just voted to perform a hazard analysis last year. The committee also weighed a proposal to clarify the rule and make explicit that the 5-inch maximum dimension/constraint must be measured between the farthest points between the doors – not the closest. Even if the Committee immediately approved both, any rule change is effectively delayed for another three years, when the next edition of the Elevator Safety Code is published.

²⁰ A17 Residence Elevator Committee; Minutes; September 19, 2006- June 18, 2007; Carl Rogler; PDF Pg. 10; Responses to Letter Ballot #05-1123 Comments; November 28, 2005

²¹ Accordion Door Accident; email; Richard Gregory to Al Vershell; June 27, 2006

²² Accordion Door Accident; email; Richard Gregory to Al Vershell; June 27, 2006

²³ A17 Residence Elevator Committee; Minutes; September 19, 2006- June 18, 2007; Carl Rogler; PDF Pg. 10; Responses to Letter Ballot #05-1123 Comments; November 28, 2005

We have no reason to believe that will happen. Nine years have elapsed since the ASME committee first considered modifying requirements for clearances. To date, the standard still has not been revised to effectively address the hazard. Clearly, industry has demonstrated its unwillingness to correct the problem on its own and there is insufficient industry buy-in supporting the change. For example, when one member suggested amending the rule to reflect that the measurements should be taken from the farthest points, it was rejected: "The Committee feels assured that the measurement criteria presented will provide for adequate safety."²⁴ In another instance, a small group within the committee voted against the proposed rule, with one member arguing: "Those clearances between the car and hoistway doors must be reduced to provide an acceptable level of safety for the families using this device. Accidents dealing with this area have been deadly for those involved."²⁵ Even when confronted with the history of child deaths, the response was: "The committee feels assured that the measurement criteria presented will provide for adequate safety. In addition, the 5"inch dimension has been in the standard for many years."²⁶

More importantly, even if ASME A17 amends the rule, its adoption is not automatic. Any jurisdiction (whether city, county or state) may adopt any version of the A17 Elevator Safety Code. Many jurisdictions are decades behind. For example, some states today use the 2004 or older versions, even though there have been many subsequent versions. Other jurisdictions, such as South Carolina, do not have any code for residential elevators and do not require permitting or inspections for single family residential elevators. Children represent a vulnerable population who need the protection of a strong mandatory standard when the voluntary standards process has repeatedly failed to offer reasonable and feasible protections against potentially grievous injury.

The ASME's standard-setting process, unfathomable delays and rationale for rejecting proposed changes is at odds with the purpose of developing a safety standard. Industry's inaction is even more egregious given that methods for addressing the hazard are technologically and economically feasible and have been for many years. Further, to conclude that a standard should not be changed simply because it has existed for many years is not the result of a credible standards-writing process.

Ironically, the elevator industry has launched the homeSAFE (Safety Awareness for Elevators) Campaign, to increase home elevator safety awareness. The campaign is sponsored by Association of Members of the Accessibility Equipment Industry (AEMA), National Association of Elevator Contractors (NAEC), National Association of Elevator Safety Authorities International (NAESA) and ThyssenKrupp Access. The HomeSAFE Campaign recommends that homeowners make sure the gap between the accordion and swing doors be no more than 4 inches, even as the ASME committee refused to codify this advice into its own standards:

²⁴ TN05-803 Residence Elevator Committee; Attachment 8C; Pg. 5

²⁵ TN05-803 Residence Elevator Committee; Attachment 8C; Pg. 6

²⁶ TN05-803 Residence Elevator Committee; Attachment 8C; Pg. 6

Measure the gap between the elevator door and the hoistway door to verify it is not wide enough for a child to become entrapped. ASME Codes require the space be no more than 5 inches; but for additional safety precautions, homeSAFE recommends the space between the hoistway door and cab gate is no more than 4 inches. Features such as space guards or special hoistway doors can help reduce the space between the elevator door and the hoistway door. Other safety devices such as light curtains also may help detect someone in the space between doors.²⁷

Petition Request

The Petitioners hereby formally submit this Petition for Rulemaking under the authority and process set forth in 16 CFR § 1051 Procedure for Petitioning for Rulemaking and request the Commission to promulgate a mandatory standard that constrains the space between residential elevator hoistway doors and car doors/gates to 4 inches when measured from the inside of the hoistway door to the farthest point on the car door/gate (*i.e.*, the valley for an accordion door).

Under Sec. 9 [15 U.S.C. § 2058] Procedure for Consumer Product Safety Rules, the Commission must meet certain criteria to commence a rulemaking: identify the product and the risk of injury associated with that product, ensure a rule is in the public interest, and consider the adequacy of any already existing voluntary standard in eliminating or adequately reducing an unreasonable risk.

The petitioners believe that the record clearly establishes the hazard – the entrapment risk posed by excessive space between the inner and outer elevator doors; the significant risk of injury and fatality; and the failure of the voluntary standard to mitigate or eliminate the hazard despite the feasibility of a technical fix.

To ensure the safety of existing elevators, the Petitioners also request that the Commission commence a recall to repair, requiring all manufacturers to retrofit existing elevators to prevent children and small adults from becoming entrapped. Several technologies exist to eliminate this hazard. For example, light curtains use light beams and sensors to detect a presence between the doors and interrupt the operation of the elevator if something or someone is in this space. This would prevent the scenario of the elevator car being called to another floor while a child is entrapped between the car door/gate and the hoistway door. Door baffles (or space guards) are another potential solution. These after-market space blockers fill the excess clearance space, removing the opportunity for children or small adults to fit themselves in the space between the car and hoistway doors.

The Petitioners appreciate the Commission's consideration of this request. We are available to discuss this petition at your convenience.

²⁷ <http://homesafecampaign.com/safe-home-elevator-installation/>

Respectfully submitted,

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Interest of Petitioners

This petition is brought by three organizations on behalf of all children and their families affected by residential elevators:

The Safety Institute is a 501 (c) 3 non-profit organization whose focus is on injury prevention and product safety. The Safety Institute examines areas of injury prevention and product safety across a broad spectrum. The Institute bases its plans and priorities on issues that require greater study and emphasis, as well as those which may be underserved by other organizations and advocates. The Institute gives special attention to those areas of emerging importance to injury and product safety, including the effects of new and changing technologies.

Independent Safety Consulting (ISC), through its principal, Carol Pollack-Nelson, provides human factors consulting specializing in consumer product safety, by evaluating product designs, warnings and instructions in order to identify hazards and reduce risks to consumers. Ms. Pollack-Nelson was a Human Factors Psychologist at the CPSC from 1988 through 1993.

Cash, Krugler & Fredericks, LLC is a law firm representing victims and their families in cases involving catastrophic injury and death. The firm pursues this petition on behalf of the families with whom they have worked whose children have suffered brain injuries, paralysis and other disabilities due to residential elevator hazards.

Appendix A

Elevator Entrapment Deaths and Injuries

According to CPSC statistics, there were an estimated 1,600 injuries associated with residential elevators in a two-year period. The following incidents are a small sample of the injuries and deaths:

**1958: Three-year-old girl died, caught between the inner grill and outer door
San Francisco, California**

- The three-year-old girl ran ahead to press the button for the automatic elevator as her babysitter prepared to leave;
- The elevator arrived at the fourth-floor and the outside door opened. The girl was caught between the inner grill and outer door, which closed behind her;
- Somebody pressed the button on another floor and the young girl was crushed to death.¹

**1961: Seven-year-old boy died, crushed when he became wedged between the
elevator door and the gate
Red Bank, New Jersey**

- The seven-year-old boy who may have been playing or hiding from a playmate when the incident occurred, became wedged between the elevator door and the gate;
- The boy's body was found wedged in the space between the door and the gate of the elevator, which was stuck between the third and fourth floors of the apartment building.²

**1962: Three-year-old girl died, caught between the wall and the moving elevator
Brooklyn, New York**

- Three-year-old girl was crushed to death between the wall and the moving elevator;
- Police said the victim somehow managed to get the inner door open and took hold the fourth-floor outer door as the self-service elevator descended in a Brooklyn apartment.^{3,4}

¹ Charleston Daily Mail, Thursday, May 8, 1958, Page 1; <http://newspaperarchive.com/us/west-virginia/charleston/charleston-daily-mail/1958/05-08/>

² Red Bank Register, Tuesday September 5, 1961; <http://209.212.22.88/data/rbr/1960-1969/1961/1961.09.05.pdf> (Page 2)

³ Manitowoc Herald Times, Thursday, May 24, 1962, Page 17; <http://newspaperarchive.com/us/wisconsin/manitowoc/manitowoc-herald-times/1962/05-24/page-17>

⁴ Toledo Blade, May 23, 1962; <http://news.google.com/newspapers?nid=1350&dat=19620523&id=RbxOAAAIBAJ&sjid=MgEEAAAAIBAJ&pg=6627,511812>

1976: Seven-year-old boy died, trapped between the outer door and the wall of the elevator shaft

Newark, New Jersey

- The seven-year-old boy became trapped in the building's elevator between its outer door and the wall of the elevator shaft;
- The elevator was activated and the boy was dragged up to the third floor;
- Another child who was racing up a nearby stairway to beat the elevator opened it, saw the victim wedged within it, and ran to seek help;
- Rescue workers worked for four and one-half hours to free the child; he died while still trapped.⁵

1977: Ten-year-old girl; crushed in an elevator between the hoist way door and the gate

Yonkers, New York

- Ten-year-old girl was crushed in an elevator between the hoistway door and the gate.⁶

1980: Seven-year-old boy sustained broken leg, bruising and scarring

Newark, New Jersey

- The seven-year-old boy was getting out of the elevator at a basement landing when he found himself trapped as the car gate closed behind him and the hoistway door was not open;
- Someone else called the car, and it ascended with the young boy stuck between the car gate and hoistway door.⁷

1986: 12-year old boy died, trapped between elevator door and swing gate

Newark, New Jersey

- The 12-year-old boy became wedged between the swing hatch door and the elevator car gate;
- The elevator received an up call and traveled away from the basement landing, crushing the child between the wall immediately above the basement door header and the 2nd landing sill and leading edge of platform with toe guard.⁸

⁵Portee v. Jaffee | Leagle.com;

http://leagle.com/decision/198017284NJ88_1169.xml/PORTEE%20v.%20JAFEE

⁶The Herald Statesman, August 20, 1978;

<http://fultonhistory.com/newspaper%2010/Yonkers%20NY%20Herald%20Statesman/Yonkers%20NY%20Herald%20Statesman%201978%20Grayscale/Yonkers%20NY%20Herald%20Statesman%201978%20Grayscale%20-%206052.pdf>

⁷Liberty Mutual, accident report, December 9, 1980

⁸Otis Elevator company, accident report, April 14, 1987

**1997: Four-year old girl died, caught between floors in a residential elevator
Chicago, Illinois**

- Four-year-old girl was caught between the floors of an elevator in a residential building;
- Her mother had gotten off before her and the other children pressed the call button.⁹

**2001: Eight year-old boy died, entrapped between swing door of residential elevator
Bethel, Maine**

- The 8-year-old boy pushed the call button and opened the swinging door; the door closed behind the boy; before he could open the collapsible gate a maid on the second floor pushed the call button, interlocking the outer door and trapping the child in the gap between the outer swing door and collapsible gate;
- The young boy was nearly decapitated and died in front of his family;
- The distance between the outer swing door and collapsible gate was seven inches.
- Otis settled and sent notices to the elevator industry about the hazard.^{10,11}

**2002: Two sisters, ages six and seven died, heads crushed in residential elevator
Monmouth County, New Jersey**

- Two girls were lying down in the elevator with their heads partly across the threshold as the car rose;
- The safety feature was disabled allowing it to descend while the girls' heads stuck out past the gate;
- They died when their heads were wedged against part of the shaft.¹²

⁹ CPWR Deaths and Injuries Involving Elevators and Escalators, September 2013;
http://www.cpwr.com/sites/default/files/publications/elevator_escalator_BLSapproved_2.pdf (Page 23)

¹⁰ Space Between Swing Doors Collapsible Gates Still A Hazard; Lou Bialy; Elevator World; May 2003

¹¹ Terry Garmey Speaks About Tucker Smith and the Campaign to Repair 4,000 Guards on OTIS Elevators; Smith Elliott Smith & Garmey; <http://www.fairwarning.org/wp-content/uploads/2013/12/TuckerSmithArticle.pdf>

¹² Asbury Park Press, August 2, 2002; <http://house.michigan.gov/sessiondocs/2013-2014/testimony/Committee238-9-24-2013.pdf>

**2003: Ten-year-old boy died, entrapped and crushed in swing door of residential elevator equipped with an accordion door
Mass City, Michigan**

- The ten-year-old boy got caught between the hoistway door and the accordion door;
- The elevator started going down crushing the boy who then suffocated;
- The distance to the peak of the accordion door was approximately 5", but valleys were much deeper;
- The family's expert notified ASME A17 Residence Elevator Committee of this incident in 2006.¹³

**2004: Five-year-old boy died, crushed between elevator door and hoistway door
Dallas, Texas**

- The five-year-old boy entered the elevator with his two-year-old brother in their family's multistory condominium;
- The accordion-style gate was not closed, allowing the boy's body to be extended outside the door as the elevator started moving up;
- As the elevator ascended, his head was crushed by the second floor landing.^{14, 15}

**2006: Eleven-year-old girl died, entrapped between the elevator and shaft walls
Carolina Beach, North Carolina**

- The 11-year-old girl was thought to have entered and exited the elevator with another child;
- The owner of the residence went to use the elevator and was unable to open the door;
- The fire department was notified and upon responding and opening the downstairs elevator found the girl pinned in the elevator shaft between the elevator and shaft walls.¹⁶

¹³ ASME A17 Residence elevator committee 2006 meeting minutes

¹⁴ The Dallas Morning News, Sunday June 20, 2004, Page 3B;

<http://newspaperarchive.com/us/texas/harlingen/valley-morning-star/2004/06-20/page-3>

¹⁵ The Dallas Morning News, Saturday June 19, 2004, Page 2B;

¹⁶ Caroline Beach Police Department, North Carolina, Incident/Investigation report July 23, 2006

2009: Nine-year-old boy died, pinned in an elevator shaft between the wall and the door
Sturgis, Kentucky

- A nine-year-old boy attending his grandmother's wedding ceremony died when he became pinned in a church elevator shaft;
- He wandered off by himself and was riding the elevator in the church sanctuary between the first and second floors;
- He became pinned between the elevator and the wall; there were no witnesses.¹⁷

2010: Three-year-old boy suffered catastrophic brain injury, entrapped between hoistway door and accordion door
Cummings, Georgia

- The three-year-old boy was entrapped between the hoistway (exterior) door and elevator accordion door;
- After child closed the hoistway door, the door automatically locked by way of an interlock;
- When mother hit the call button from the 3rd floor, the child was trapped in this space; the elevator rose toward the third floor and then stopped and re-leveled;
- The child was crushed by the elevator when it re-leveled down to the second floor;
- The distance between the hoistway door to accordion door varied by nearly 3";
- 4.875" to tip of the accordion door / 7.5" to valley of the accordion door;
- Injuries are catastrophic and permanent. Child diagnosed with an anoxic brain injury due to deprivation of oxygen for an extended period of time; he cannot communicate with the outside world or move in any meaningful way;
- This incident was reported to the CPSC on December 7, 2012.¹⁸

¹⁷ Evansville Courier & Press, June 13, 2009; <http://www.courierpress.com/news/local-news/child-crushed-sturgis-ky-church-elevator>

¹⁸ Jacob Helvey, Elevator Incident report date, December 7, 2012; <http://www.saferproducts.gov/ViewIncident/1289132>

**November 2013: Ten-year old boy suffered catastrophic brain injury and quadriplegia, entrapped and pinned under elevator car
Murrells Inlet, South Carolina**

- Ten-year-old boy suffered a catastrophic brain injury when he became trapped in an Elmira residential elevator manufactured by Cambridge Elevating, Inc. out of Cambridge, Canada;
- As the elevator began to rise with the car gate open, the child peered over the edge of the car platform and down into the elevator shaft;
- As the car continued to rise, the child's head came into contact with the doorframe, pinning his head under the elevator car;
- The car continued to rise up to the third floor, where the child was found laying face down on the floor of the elevator car with his head and neck trapped under the car platform;
- The jaws of life were eventually required to rescue the child from the elevator;
- In addition to multiple fractures, he suffered catastrophic brain injury.¹⁹

¹⁹ Jordan Nelson Elevator Incident report date September 5, 2014;
<http://www.saferproducts.gov/ViewIncident/1427183>

Elevator Advisory Analysis Form – 2014

PROPOSAL NUMBER:	007-2014	DATE:	July 1, 2014
TITLE OF PROPOSAL:	Machine Space Lighting 10-30-2014		
PREPARED BY:	Keith Becker		
PHONE NO. & EMAIL:	509-397-4381 keith@pnw.coop		
Brief Summary of what this proposal does and its purpose:			
<p>Regarding Electric Manlifts. WAC 296-96-13167(6) Says; A light with a switch must be located near the elevator driving machine or machine space. I agree that there should be lighting in this area, but I question the need for a switch to located nearby. I would suggest that 80 to 90% of all the existing electric manlifts have a switch for the lighting in the machine space, but it is located downstairs. I do not see a valid reason for asking that the conveyance owners be required to absorb the expense of relocating these switches for no apparent safety benefit. So, I am asking for consideration regarding a Code Change or at the very least a variance for this regulation until a Code Change can be made.</p>			
1. Does the proposal promote Public, Building or Worker Safety?			
<input type="checkbox"/> Public <input type="checkbox"/> Building <input type="checkbox"/> Worker			
2. The effect of this proposal would be:			
<input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor <input type="checkbox"/> None			
If there is no effect or impact, should we continue to propose this change?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
3. If the proposal has an effect on the program (major, minor, uncertain) briefly describe effects below:			
<p>The regulation, as it stands, doesnt promote safety and the proposal will also have no detrimental effect on safety. There is no apparent reason to require for a switch being located nearby and will only require time and expense to the building owners to comply for unknown benefits.</p>			
4. If enacted, what type of fiscal impact would this proposal have on the owners, elevator companies or the agency?			
<p>This proposal could potentially, lessen the financial impact of the regulation to the Grain Industry building owners by \$1,000 or more.</p>			
5. If the proposal has a fiscal impact, how much?			
<input checked="" type="checkbox"/> Less than \$50,000 <input type="checkbox"/> More than \$50,000 <input type="checkbox"/> None			
6. What other stakeholders would be impacted by this proposal? List (if any) and briefly summarize the impact for each affected group and their positions:			
<p>This particular proposal effects the Grain Industry and it is unknown at this time the effects on other Industries.</p>			
7. If enacted, would this proposal require a new rule? Or revise an existing rule?			
<input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Revise Existing Rule <input type="checkbox"/> No Rule Change			
If revises or repeals an existing Rule/Statute, provide WAC/RCW number and title:			
<p>WAC 296-96-13167(6)</p>			
8. Does the rule impact permits, licenses and/or inspections ("licenses" includes both registration and certification)? Identify all that apply.			

Permits Licenses Inspections N/A

Comments:

9. If the Rule impacts permits, licenses and/or inspections, could the Rule be amended to improve timeliness or simplify the application, approval or process?

Improve Timeliness Simplify Process Specify Your Own

Comments: If accepted, the proposal would simplify compliance.

10. Identify the purpose for the proposal based on need, clarity and consistency:

- Need:** Does the Rule need to be amended or repealed because the rule is obsolete, duplicative or unnecessary to a degree that warrants repeal or revision?
- Clarity:** Does the Rule need to be amended or repealed because the rule is written and/or organized in a manner that is not easily understood by those to whom it applies?
- Consistency:** Does the Rule need to be amended or repealed because of any of the following:
- The Rule is inconsistent with the legislative intent of the authorizing statute?
 - There is more specific legislative authority needed in order to protect the health, safety and welfare of Washington State citizens?
 - Laws or other circumstances have changed which requires the Rule to be amended or repealed?

Comments or other issues (if any): A portion of the rule seems unnecessary and doesnot serve an apparent purpose in the Grain Industry.

11. General comments on this proposal (please include any additional background that would be helpful or comments on any similar proposals that you are aware of):

I believe that 80 to 90% of all the existing electric manlifts will require corrections to be made to comply with this regulation and without a known benefit other than possibly convenience, it seems to be unjustifiable.

1 DEPARTMENT OF LABOR AND INDUSTRIES

2 STATE OF WASHINGTON

3
4 _____
5
6 ELEVATOR SAFETY ADVISORY COMMITTEE MEETING

7
8 TRANSCRIPT OF PROCEEDINGS

9
10 Tuesday, May 19, 2015
11 _____

12
13 BE IT REMEMBERED, that an Elevator Safety Advisory
14 Committee Meeting was held at 9:00 a.m. on Tuesday, May
15 19, 2015, at the Department of Labor & Industries, 12806
Gateway Drive South, Tukwila, Washington.

16 Committee members present were: Keith Becker, Swen
17 Larson, Robert McNeill, and David Spafford. The
18 Department of Labor & Industries was represented by Jack
19 Day, Chief Elevator Inspector; and Becky Ernstes, Elevator
20 Technical Specialist.

21 WHEREUPON, the following proceedings were held, to
22 wit:

23 Reported by:
24 H. Milton Vance, CCR, CSR
25 (License #2219)

EXCEL COURT REPORTING
16022-17th Avenue Court East
Tacoma, WA 98445-3310
(253) 536-5824

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PROCEEDINGS

Introductions/Purpose

MR. BECKER: I think we'll go ahead and get started.

The rumor around the building is we're expecting a power outage, anything from 15 minutes to an hour. So -- which is a typical window. Maybe it'll happen. Maybe it won't. Maybe it'll be all day and maybe it'll be five minutes. So if the lights go out, I think we're going to just keep plowing along here trying to get things done. I think we've got enough light in the building other than if we've got to read anything. But I think we're probably going to be okay.

But I'd like to welcome everybody to the May 19th advisory meeting. And we'll start with introductions.

I am Keith Becker, acting Chair. I represent owner-employed mechanics exempt from licensing.

MR. DAY: My name is Jack Day. I run the elevator inspection program, and I'm the Secretary for the Elevator Safety Advisory Committee.

MR. McNEILL: I'm Rob McNeill. I represent licensed elevator contractors.

MR. SPAFFORD: David Spafford, representing City of Seattle.

1 MR. LARSON: Swen Larson, representing licensed
2 mechanics.

3 MR. BECKER: The purpose of the Elevator Safety
4 Advisory Committee is to advise the Department on the
5 adoption of regulations that apply to conveyances, methods
6 of enforcing and administering elevator law.

7 And I think you after this meeting will see a
8 turnover. I'm not exactly sure how many people will be
9 changing seats after this meeting. I know I will be --

10 MR. DAY: Five.

11 MR. BECKER: -- I will be off. So we'll be looking
12 at some new people sitting up-front. I'm not sure how the
13 recruiting process is going at this point. But there will
14 be some new faces.

15

16 Comments Regarding February Minutes

17

18 MR. BECKER: Getting onto the August minutes -- or
19 February minutes I guess, I don't know if everybody looked
20 through them and if there was any questions or additions
21 or changes? If not, we will --

22 MR. DAY: Anybody got any comments regarding the
23 February minutes?

24 MR. BECKER: Can we accept them as published?

25 MR. McNEILL: I second.

1 UNIDENTIFIED: Where can I get of that? Is it over
2 there?

3 MR. BECKER: There is a copy over here on the desk of
4 the agenda.

5 So at this point we will move on to the Chief's
6 report.

7
8 Chief's Report

9 Scorecard/Accidents

10

11 MR. DAY: All right. My favorite part of this
12 meeting, the Chief's Report.

13 If you turn to the third page that's in your handout,
14 it should look like this (showing). Can everybody see
15 that in the dark?

16 It's called the inspection scorecard, and this is
17 basically how well we're doing whenever we're performing
18 on our annual inspections.

19 And basically if you look at January, February,
20 March, April, that's so far this calendar year, we're
21 typically running in the 35-percentile range of getting to
22 our annual inspections on time. I do predict that this
23 will continue for the remainder of this year.

24 Most of the reasons behind this is a shortage of
25 elevator inspectors. Those that we have, we have many

1 that's newly hired, but there's a training process
2 involved with that.

3 Oh, my goodness. The lights are back on.

4 So I'm not looking for this to significantly go up
5 over the rest of this year.

6 Any questions on the inspection scorecard?

7 Turning to the next page, what I'm focusing on is
8 FY2015 third quarter and fourth quarter.

9 One of the questions from the previous advisory
10 meeting, was this a calendar year or a fiscal year? This
11 is a fiscal year, July 1st through June 30th. So this
12 FY2015 fourth quarter is a representation of so far April
13 accidents.

14 One of the significant roles here is we've had a
15 pretty serious downturn in escalator no fault, which is
16 kind of exciting. I would like to kind of look in to see
17 what's the reasons for, what's the cause. But right now
18 it's two quarters in a row with a significant downturn in
19 the accident reporting for no-fault escalators. Mostly
20 escalators that are no fault has to do with trip hazard,
21 falling over luggage or baggage that people are carrying
22 at malls or at the airport.

23 Anybody have any questions on the accident count
24 reporting?

25 Okay. Keith, back to you. Or is it back to me?

1 MR. BECKER: I think we're continuing on with the
2 maintenance and testing.

3

4 Maintenance/Testing

5

6 MR. DAY: Maintenance and testing. There's been a
7 fair degree of discussion regarding testing. I want to
8 focus our attention on testing at this time. And I would
9 like to present an idea and then a discussion to follow.

10 And this is the idea: By 7/1/15 we're suggesting
11 that elevator companies and owners update their
12 maintenance control program logs by highlighting in yellow
13 the date that the safety tests will be performed.
14 Everybody got that note written down?

15 For one year the state will enforce the highlighted
16 yellow MCP if it exists. If it doesn't exist, we will
17 revert at that moment to the safety test data plate last
18 performed.

19 Starting on 12/31/15 we will begin enforcement of a
20 \$500 civil penalty for those that have not updated the MCP
21 log by highlighting them in yellow, or if it had been
22 highlighted in yellow and the date has passed.

23 MS. BREWER: And the test hasn't been performed.

24 MR. DAY: And the test hasn't been performed,
25 correct. Thank you.

1 MS. BREWER: Are these dates in this packet anywhere?

2 MR. DAY: No. I was hoping -- we're going to be
3 discussing this.

4 Starting on 7/1/16 full enforcement of the penalties
5 would begin. We would no longer attribute value to what's
6 been highlighted in yellow or what's on the MCP log for
7 safety test, but instead the data tag -- the safety test
8 data tag last performed.

9 Everybody following me with that?

10 In addition, we would require companies to
11 participate with giving us a quarterly log of their
12 performance for safety test.

13 The purpose behind this idea is elevator companies
14 and owners are talking about level loading their safety
15 test and maintenance, getting things that are completely
16 due in one quarter spread out over a period of 12 months.
17 This would give them the ability to do just that, spread
18 their safety test in equal amounts or as necessary
19 throughout a 12-month period. July 1st this year to July
20 1st next year. They would, again, do this by highlighting
21 it in yellow. If it wasn't highlighted then -- if it
22 hadn't been highlighted, again, going back, hadn't been
23 highlighted or the date has been passed and the safety
24 test not performed, then a civil penalty would be
25 appropriate for this time.

1 So I really want to open this up to first thoughts of
2 the advisory and then thoughts from out in the audience.

3 MR. McNEILL: I think it's a good proposal that is
4 simple and allows the elevator contractors ample time to
5 develop level loading over the course of a year.

6 The only thing I would suggest is that we give
7 companies until September 1st to update their logs.
8 Because large companies wouldn't have the capacity to do
9 that. So I think it's a good compromise from where we've
10 been, and it should allow us to get these tests done and
11 to get our inspections lined up accordingly.

12 MR. BECKER: I have -- of course, I'm strictly
13 dealing with the grain industry, but we have three or four
14 companies that are qualified to do our testing. And it
15 seems more rigid. I guess I would like to see it not as
16 rigid. I mean, that highlighted area I know is our
17 target. And if we put February 15th, then we got 15 days
18 one way or the other. Not 15 days in February, but we've
19 got to little bit of time one way or the other.

20 MR. DAY: Give them March 15th. Did you put February
21 15th?

22 MR. BECKER: So we do have a little bit of wiggle
23 room.

24 So in the highlighted areas, not -- it's not a
25 drop-dead deal.

1 MR. DAY: It's the expected date that you should be
2 performing this on by the law, RCW 70.87. But there -- in
3 WAC give a 30 day. We give a 30-day grace period for that
4 because it's -- day in and day out, it's pretty difficult
5 to hit that right on the nose.

6 MR. BECKER: So 30 days either way.

7 MR. DAY: Not either way. Doing it before doesn't
8 matter. I mean, it's great; you got it done before.

9 MR. BECKER: Before the highlighted -- if I put
10 February 15th, so February 14th?

11 MR. DAY: Great. If you did it February 14th --

12 MR. BECKER: So it's highlighted -- I mean, in the
13 highlighted area. But previous to the highlighted area,
14 it's not going to be --

15 MR. DAY: The law says "at least" is what it says.
16 So meaning you can do it more often or at a sooner
17 frequency. But it says "at least."

18 Just a second, Phil.

19 MR. LARSON: If voluntary compliance would work, we
20 wouldn't need deadlines. It hasn't been working.

21 What -- I don't have a issue with adding a couple
22 months to when they have to have their paperwork finished.
23 I need -- I believe that we're at a situation now where we
24 have to address the problem. And if the companies are
25 moving forward doing that, then we need to give them ample

1 time. Setting arbitrary deadlines that are too strict I
2 don't think will benefit anybody. It's a recipe for
3 failure.

4 So I agree on a deadline, but I don't see an issue
5 with moving it out another couple months so the companies
6 can comply.

7 MR. DAY: Yeah, there was a lot of thought, Swen,
8 into too strict. And there's been some feedback that
9 we're not strict enough. So this was a compromise.

10 Dave.

11 MR. SPAFFORD: At the City, obviously we do not have
12 a penalty thing. But we have been enforcing a 30 day on
13 turning off the elevators because it's a five-year safety
14 test for public safety. And I think if you were going to
15 move it out to September and it helps them comply, then
16 how does it help them help the public service -- public
17 safety?

18 MR. DAY: I think this is just a teaching spot. This
19 allows a step and a step to move forward to be recreated.
20 So the whole intent here is to allow time to create this
21 standard safety test date, to get it created, and then it
22 will be you all's responsibility to maintain it from there
23 moving forward.

24 Swen.

25 MR. LARSON: Yeah. Just so the record's clear, I

1 don't oppose a little delay in marking the -- yellow
2 highlighting the MCP form. That's -- the work needs to
3 get done.

4 MR. DAY: I would like to make a comment because
5 probably better than half of the conveyances out in the
6 state are not under a maintenance contract that includes
7 safety tests. But each one of you have contact with those
8 companies. Now, probably not each and everyone of you
9 have contact with each and every one, but several of you
10 have contact with the one entity. And it is vitally
11 important that they get their proposal as well for when
12 that safety test is due and their MCP get marked up.

13 Part of the reasons for getting this kicked off on
14 July 1st is so that the word to those folks, probably 50
15 percent or better, is acknowledged and that they take care
16 of it as well. Meaning they, those that are not covered
17 under a maintenance permit to perform safety tests.

18 I would want to clarify one thing. From 7/1/15 to
19 the end of the year, the intent if it's not marked up
20 would be to write a 90-day correction, not a civil penalty
21 for that first six-month period, unless it goes beyond 90
22 days. So if it's not marked up, a correction is written
23 so it will be sure to get marked up.

24 Does that help a little bit, Rob, with what you were
25 discussing, not enough time to get it all done?

1 MR. McNEILL: Yes, yeah.

2 MR. DAY: So a correction would go to your customer.
3 Again, we don't know which of your customers are covered
4 under contract or not. But we don't want them left behind
5 and them starting to get fined at the beginning of the
6 year and then hear, "Well, nobody ever told me."

7 MR. McNEILL: Actually Jack, I want to rescind my --
8 so the 90-day correction is great. But it still doesn't
9 give the companies enough time to get that highlight in
10 there and really set up their annualized process.

11 So my concern there -- and maybe I'm misunderstanding
12 it -- is if they don't have it in by 7/1, then they're
13 stuck with the date that they had. And I'd really like
14 all the companies to have the ability to set their dates,
15 have them down and track them and manage them.

16 MS. ERNSTES: It's not 7/1 of this year, though,
17 right?

18 MR. SPAFFORD: 7/1/15.

19 MR. DAY: 7/1 of this year.

20 MS. ERNSTES: That they have to have it marked up
21 by?

22 MR. DAY: Uh-huh.

23 MS. ERNSTES: Okay.

24 MR. McNEILL: That's why I'm recommending until
25 September. Just because if it's quarterly and customers

1 that don't have it in their contract, the elevator
2 companies are going to have to set those dates for them in
3 conjunction with the customers and manage that so the
4 owners that don't have it in their contract get a proposal
5 and they know it's due and it's understood that it's part
6 of the law.

7 MR. DAY: So Rob, I'm sorry, are you okay with the
8 7/1 or not?

9 MR. McNEILL: I'm not.

10 I think the 1st of September gives everybody a little
11 more time to -- hopefully everybody's been working on it
12 already. But if they haven't, just the logistics of
13 getting out to the job sites to highlight it. If you have
14 a large company and you have 8- or 9,000 units, that's a
15 lot of leg work in a month and a half. Actually not even
16 a month and a half now.

17 So I don't think it would be conceivably possible,
18 but ...

19 MR. DAY: So what do we do come September 1st with
20 those that are not marked up that are not highlighted?

21 MR. McNEILL: Then they are -- then they would be
22 required to stick with the date that was there.

23 MR. DAY: So we -- so do we issue a civil penalty
24 right then and there? Or is that the date we start with
25 the 90-day correction notice? And what do we do come 7/1

1 to September 1st with those that -- do we write them up as
2 past due and give them a 90-day correction notice?

3 MR. McNEILL: I would prefer to wait till September
4 1st so people have a chance to get it in if we --

5 MR. DAY: I understand. But we still have this block
6 of inspections that's going to take place between 7/1 --
7 or say even tomorrow between -- let's stick with 7/1 --
8 7/1, inspector is going to walk out on the job site. It
9 ain't marked up, and it's past due. What instruction do
10 you suggest I give the inspector for a safety test that's
11 past due and the MCP is not marked up? Not to write
12 anything?

13 MR. McNEILL: I would write it up, but ...

14 MR. DAY: That's what I'm proposing. By the way,
15 that's what I proposed.

16 MR. McNEILL: I would write it up.

17 MR. DAY: We start 7/1 writing it up with the
18 inclination that as long as somebody's got there within 90
19 days -- now, this gives October 1st from a July 1st. This
20 is October 1st to get it marked. That's past September,
21 right? You see what I'm saying? So it's past September,
22 give 90 day to get that marked up correctly with the
23 correct or with the alternative date put in.

24 See what I mean?

25 MR. McNEILL: I do. I don't -- why don't we open it

1 up and ask some other people here shortly?

2 I don't want us -- you know, I contacted you as --
3 not as in my position, but as a contractor because I was
4 concerned that we weren't getting traction on this
5 subject. And to protect my company and the public, I
6 wanted this to move on and make it simple.

7 If your writeup on July 1st is to have your new date
8 highlighted in 90 days, I don't have a problem --

9 MR. DAY: Exactly.

10 MR. McNEILL: -- with that.

11 MR. DAY: Exactly.

12 MR. McNEILL: So I misinterpreted that as you were
13 going to write that up saying it's overdue and you have 90
14 days where we really need be able to have a full year to
15 manage the test and --

16 MR. DAY: Exactly. So that's what would be expected
17 with a correction written between 7/1 and 12/31 of this
18 year. I'm trying to keep this very simple is they either
19 perform the test -- because the owner may turn around and
20 say, "I don't care. I want my test done" to you. And
21 that's an owner's obligation. I mean, they're the one
22 paying for it. Or they may accept, and we will accept, if
23 you've marked the MCP log with a highlighter of the
24 alternative date that you've chosen. We would accept that
25 as being corrected for that 12-month -- I mean, that --

1 well, that 12-month period of time from 7/1 this year to
2 7/1 next year.

3 And again, this 90-day correction gives longer than
4 what you were asking for, but it puts it on record that it
5 needs to be done because we were there. And it's very
6 difficult for us to be there and not say something needs
7 to happen.

8 MR. McNEILL: Now that I understand your correction,
9 I don't have a problem with the 7/1. I'm just anxious to
10 get everything updated and moving forward so we can get
11 this issue behind us.

12 MR. DAY: So again, a correction that was written in
13 December would be a 90 day. We would hope that we don't
14 see very many come December that's not been updated. I
15 would hope. But there's -- the possibility still exists.
16 But it's still a 90 day.

17 We would stop giving the 90-day extensions three
18 months prior to July 1st of next year because no longer do
19 you get 90 days.

20 You follow me?

21 So in essence, it gives you nine months to get your
22 MCP's highlighted. We would hope that most of you take
23 the initiative and get it done as soon as possible.
24 Realizing that 7/1 may not be the preferred date, but we
25 cannot not write anything when a safety test is past due.

1 MR. LARSON: Jack, to clarify that next sentence, so
2 is my understanding that after 12/31/15, the inspector
3 comes across an MCP that has not been marked up, there
4 will be no 90-day grace period, that the fine will be
5 levied immediately? Is my assumption correct?

6 MR. DAY: Well, that probably needs to be adjusted to
7 3/31/16.

8 Do you want me to expound on that, the reason why?

9 MR. LARSON: Yes, please.

10 MR. DAY: Okay. So if an inspector writes a
11 correction at the end of December for a 90-day correction,
12 December 31st, guess when that 90 days is up?

13 UNIDENTIFIED: March.

14 MR. DAY: Yes, March.

15 So kind of to wrap that up, so March will be the end
16 of us writing up -- what I previously said, March will be
17 the end of us giving this extension kind of thing for the
18 marking up your MCP. Because December 31st you should --
19 it should all be -- we expect it all to be done by then.

20 And then we would start with a \$500 civil penalty for
21 those.

22 So Christine, the question you had posed a little bit
23 earlier -- sorry to throw you into the mix here -- so move
24 it to that date. That way we're encompassing the
25 correction written on the December 31st, giving 90 days,

1 being March 31st, and no longer at March 31st writing any
2 more 90 days because we want it to be over 7/1 of '16.

3 Does that make sense?

4 Probably more of this to be discussed I'm sure.

5 Phil.

6 MR. MARTIN: Thanks, Jack. I think it's a good idea.

7 And I appreciate you working with us on this.

8 I have I guess two main questions.

9 The first one was kind of off of your point, Keith.

10 I feel as though I fully understand the plan, Jack. What
11 prevents -- although it's not the I don't think the intent
12 of what you're doing, but what would prevent -- or am I
13 missing something possibly -- that I go out and date every
14 MCP check chart June 30, 2016?

15 MR. DAY: Nothing.

16 MR. MARTIN: Okay. So --

17 MR. DAY: Your ability to perform it on June 30th.

18 MR. MARTIN: By June 30 basically.

19 MR. DAY: Well, by July 30th.

20 MR. MARTIN: Yeah.

21 MR. DAY: In essence, you know --

22 MR. MARTIN: Okay.

23 MR. DAY: -- legally July 30th.

24 MR. MARTIN: All right, okay.

25 MR. DAY: If you only have 20 like Keith here, that's

1 going to be a pretty difficult task for him to do, but not
2 impossible. If you have 100, you better have 50 employees
3 ready to do it.

4 MR. MARTIN: Well, my point --

5 MR. DAY: But nothing --

6 MR. MARTIN: -- my point --

7 MR. DAY: You can.

8 MR. MARTIN: Okay, all right. That answers that
9 question.

10 The second question I have, is it my understanding
11 with the relationship with Labor and Industry and then
12 with the City of Seattle and the City of Spokane is that
13 their enforcement of the code has to be as stringent or
14 more than what you've put forth? And what you've put
15 forth as Labor and Industry is less stringent than what
16 the City of Seattle currently has in place.

17 And Dave, I'm not looking to put you on the spot
18 here. I don't know who the new chief is or if that's you
19 or not.

20 MR. SPAFFORD: I hear you.

21 MR. MARTIN: But the thing that I would be interested
22 in knowing about the plan is how the City of Seattle is
23 going to -- or if they're going to adopt it, as well as
24 the City of Spokane. Because that's obviously going to
25 affect prioritization of where we move forward.

1 So if it's something that you could broker on behalf
2 of the industry and building owners to have the City of
3 Seattle adopt the plan and the City of Spokane, I think
4 that would help with the implementation.

5 MR. DAY: I can broker it to a degree, but I cannot
6 force them into this plan.

7 MR. MARTIN: Okay.

8 MR. DAY: I can advise -- and I'll probably take a
9 moment to do that currently. Although, I don't believe
10 there's a Spokane person here.

11 The intent of this is we already know safety tests
12 are not being done, and we've known this for quite some
13 time. When we go into an area, we ourselves try to go
14 into an area and get that area done. That's the whole
15 intent of our idea. And not to move an inspector from zip
16 code to zip code zigzagging all over the place because
17 when we do, we waste a lot of time in travel, a huge
18 amount of time in travel.

19 So understanding this and understanding that there's
20 a need to -- if I have 1,200 conveyances to perform a
21 safety test -- and I would encourage everybody to make
22 sure you include your non-contractual clients in as well
23 as your contractual clients in with this criteria. We
24 would be excited to see that the elevator companies and
25 those sites get level loaded so that you can perform these

1 tasks and give you this opportunity to perform these
2 tasks, divided 1,200 by 12 is 100 per -- I'm just simple
3 mathing it -- 100 per month. It gives you the opportunity
4 of doing that rather than where we've come into your area
5 as inspectors and did 600 of yours in the first three
6 months -- 600 of your 1,200. Now you're focusing your
7 attention away from a cycle that you're trying to build --
8 that you're trying to build. We hope you're trying to
9 build it. You should be trying to build it. And now
10 you're pulling your personnel over here to do these
11 because they're going to get a civil penalty in 90 days or
12 maybe they're going to get red tagged in blank amount of
13 days. So it allows you the opportunity to do it.

14 But this is a one time allow you the opportunity to
15 do it. It's not a continuous.

16 So if I was speaking to the other jurisdictions, this
17 is what I would tell them.

18 This opens that opportunity for also our inspectors
19 so that we can give a little bit of time to get -- 12
20 months time to get this accomplished, and then to have
21 hopefully a clear plate moving forward on 7/1 only
22 addressing those folks that don't want to do it, not they
23 can't do it because they're unlevelly loaded.

24 So that would be my encouragement to other -- whether
25 they want to do it that way or not is completely up to

1 them.

2 Skip.

3 MR. BUNTIN: I just wanted to summarize real quick so
4 I completely understand, and then I have a --

5 MR. DAY: Can you hold up a second because --

6 Did that help answer that question, your second
7 question?

8 MR. MARTIN: Yes. I mean, basically it's we don't
9 have a decision yet. So -- I mean, I think one of the
10 things to push, Dave, as you go back to your folks is we
11 do kind of need to have a "yes" or "no" whether the City
12 of Seattle is going to abide by this.

13 MR. SPAFFORD: Abide by the penalties? We don't
14 accept penalties.

15 MR. MARTIN: I know. But the plan that Jack has put
16 forth. Because it's different than how you're currently
17 operating with the 90-day red tag.

18 MR. DAY: This is very new to Dave and the City of
19 Seattle. So they're going to have to absorb it --

20 MR. SPAFFORD: At the present time we'll stick with
21 what we're doing until further discussions. But at the
22 present time, we're sticking with our plan.

23 MR. MARTIN: Okay.

24 MR. BECKER: And this plan isn't adopted either, is
25 it, Jack? It's just floated?

1 MR. DAY: Currently we're floating it right here
2 today. But a decision needs to be made ASAP maybe before
3 we end here today.

4 Okay. Skip.

5 MR. BUNTIN: Okay. So we're going to highlight the
6 MCP.

7 MR. DAY: With a yellow marker. Do not forget. I
8 don't want to see a purple marker.

9 MR. BUNTIN: Yellow marker, okay.

10 The units that we want to keep as is, we will not
11 mark, or we will mark?

12 MR. DAY: Don't mark them. If November is when
13 you're going to do it, don't mark it. But if we're there
14 in December or January, and it's not fulfilled, then
15 you're going to get -- your customer's going to get a
16 civil penalty.

17 MR. BUNTIN: Well, the 90 day. Because you were
18 saying -- right?

19 MR. DAY: Yeah, that's true.

20 MS. ERNSTES: But starting January or whatever date,
21 there won't be any more 90 day. That's a cut-off date.

22 MR. DAY: March 31st.

23 MR. BUNTIN: Well, December 31st.

24 MR. DAY: Your customer's going to get a correction.
25 Excuse me, let me rephrase. Your customer's going to get

1 a correction if we're there in December, and you had it in
2 November. They're going to get a 90-day correction.
3 That's what they're going to get. Until March the 31st of
4 2016. If it's not highlighted, they'll get a 90-day
5 correction until March 31st.

6 MR. BUNTIN: On top of that then is there a length at
7 which we move -- can move out a test date? It's due this
8 month, and we want to move it out six months.

9 MR. DAY: Okay. That's now between you and your
10 customer. We'll accept it as long as you highlight your
11 MCP.

12 MR. BUNTIN: Okay.

13 MR. DAY: We'll no longer accept highlighting MCP
14 come 7/1/16. We're going to -- at that moment we're going
15 to go back to the original test data tag and whatever it
16 says.

17 MS. ERNSTES: If your test isn't done.

18 MR. DAY: If your test isn't done.

19 Whatever it says, period, we'll go back to the way we
20 do it now.

21 MR. BUNTIN: Okay. And this is for --

22 MR. DAY: But it will have a penalty with it.

23 MR. BUNTIN: Right. This is both for category 1 and
24 5.

25 MR. DAY: And 3. There's a few 3's in there.

1 Okay, who was after -- Marius.

2 MR. POP: Well, you've kind of partially answered my
3 question. You partially answered my question. I just
4 want to make sure it doesn't allow somebody that the test
5 is due in February but it's not done yet, you know, to
6 give them an extra six months. Right?

7 MR. DAY: Well, it'll give them an extra four come
8 7/1/16.

9 MR. POP: So you can actually come up with a new --
10 say we make plan, and we come up with a new date and say
11 we're going to do it in September?

12 MR. DAY: Of this year?

13 MR. POP: Yes. If it was due in February and --

14 MR. DAY: Of this year?

15 MR. POP: Yes.

16 MR. DAY: Yes.

17 MR. POP: So you have a little bit of play in there.

18 MR. DAY: Yes.

19 MR. McBRIDE: First, I want to thank you, Jack, and
20 the agency for your creative and -- your efforts to
21 address this issue. We as an association understand the
22 importance of it. We share your concerns to address it
23 quickly, promptly. We understand the importance of it.

24 I will pledge to you to take this issue back. I
25 think it's difficult for -- I don't want to speak on

1 behalf of everyone. We've got some people here. But on
2 behalf of the association, I can't sign off today. But I
3 will pledge to take it back and get some feedback to you
4 to this idea as quickly as possible this week.

5 So I want to thank you. We support the agency's
6 efforts to address the issue, and we'll provide you with
7 any feedback to the proposal as quickly as possible.

8 MR. DAY: You're welcome.

9 This wasn't possible without working with the
10 Elevator Advisory Committee actually. And a significant
11 member on here helped out tremendously in getting us
12 moving along.

13 And so Rob, he deserves a lot of the credit.

14 Bill. Bill Morrell.

15 MR. MORRELL: Does this also apply to commercial 18.1
16 machines?

17 MR. DAY: It does.

18 Todd Baker.

19 MR. BAKER: What about reporting? Is that part of
20 this?

21 MR. DAY: Uh-huh, reporting on a quarterly basis your
22 progress.

23 MR. McNEILL: We don't have a date in there. I
24 thought that was going to be January 1st.

25 MR. DAY: Yes. Sorry. January 1st -- I don't want

1 to see a company's report of their progress for this year.
2 You're going to be spending most of your time getting
3 organized. And I don't need to see that you're only 20,
4 30 percent, something I already know. What I want to be
5 able to see is starting next year on your quarterly report
6 that you have made a significant amount of progress.

7 Skip.

8 MR. BUNTIN: So the first report will be due March
9 31st, the first quarter?

10 MR. DAY: Yes.

11 MR. BECKER: I have one question. One of the goals
12 is to level load the system, and I understand that there
13 is some significant loads out here in some cases. I can
14 see that it might not all get level loaded the first time
15 out. I mean, there could be some changes that workloads
16 that -- even though it looks like there's 100 per month,
17 there's certain months -- maybe December maybe has a
18 holiday in it. Maybe November has some holiday in it.

19 MR. DAY: Maybe October's hunting season.

20 MR. BECKER: Whatever. So if there needs to be some
21 alterations to what we've set up moving out, is that
22 opportunity still ...

23 MR. DAY: That opportunity ...

24 MR. BECKER. I mean, is it every year to that date in
25 the testing? You know, if there needs -- if it's picked

1 at November 15th, and November 15th is just not practical
2 to get -- November, the month, they're not able to get the
3 full hundred done. So they want to load up September, or
4 they want to load up December.

5 MR. DAY: September isn't an issue. Doing a safety
6 test early is not an issue. Doing it past 30 days of its
7 due date becomes the issue. More than 30 days from its
8 due date becomes the issue.

9 MR. BECKER: So if there's a need to reload, it has
10 to be moved forward and not -- I mean, earlier than not in
11 the process of making things work. Because I mean, some
12 of these -- I hear discussions that there's some big
13 loads. So it may not be --

14 MR. DAY: Well, there's over 17,000 conveyances in
15 the state alone, not counting Seattle and Spokane. So
16 yeah, yeah.

17 Rob.

18 MR. McNEILL: I thought about that quite a bit, your
19 question, Keith. We all are getting paid to provide a
20 service and to follow the law. And we should know what
21 manpower we need to accomplish this. So really looking at
22 the level loading, it's just a -- with the example of
23 1,200 units, I have to get 100 units done a month, and I
24 need to have "X" number of bodies to get them done, and we
25 should have time to do that now so we don't have any

1 surprises.

2 One other comment, Jack. And it relates to what Skip
3 asked you. If the date on the MCP is fine, I think we
4 should highlight it anyway when the mechanic goes there so
5 we -- so the inspectors don't have to think about is this
6 the right date or not or did they change it or not. So
7 every MCP should be highlighted regardless if you're
8 keeping that date or not.

9 MR. BECKER: I agree.

10 MR. McNEILL: Then there's no question what's the
11 right date.

12 MR. DAY: From the audience.

13 MR. BUNTIN: My only issue with that is if we
14 identify that we have 1,200 units, but we're only going to
15 change 200 units -- you know. But yet I have to go to all
16 1,200 of them to mark them up, that's a lot of work if I
17 don't have to do that, you know, before the deadline.

18 MS. ERNSTES: Well, the MCP's are already supposed to
19 have this is the date it's going to be due for both the
20 annual and the five year. So if you're not going to
21 change it, I don't see why you have to highlight it. You
22 just got to make sure that the due date's there.

23 MR. DAY: It would probably be easier for our staff
24 if they were highlighted. But I understand Skip's point
25 of view if they're not going -- if they got it scheduled

1 for November, and November's when they're going to do it,
2 do they need to send somebody there? And if we were there
3 in September and wrote it up not highlighted, then he's
4 going to have to send somebody there just to highlight
5 it. Is that -- see what I mean?

6 It would certainly be a lot easier for us if you all
7 did, but I understand that point of view.

8 MR. McNEILL: I think it would be easier for the
9 State to understand what new date has been set regardless.
10 It puts a little more burden on all of the contractors,
11 but we have a window, generally we're going to visit at
12 the very least these contracts quarterly. So there
13 shouldn't be that many that haven't been touched anyway.

14 I just don't want to put the inspectors in a position
15 where they're set up not to succeed.

16 MR. DAY: Well, there's another side to this too.
17 And I'm going to capitalize on Skip because --

18 MR. BECKER: I'm going to interrupt you right now.
19 We'll go for just another minute or so, and then I'd like
20 to move through the rest of the agenda, and then come
21 back. Because this thing can -- it's starting to get a
22 long tail. So if there's anything -- if you could write
23 down questions or anything where we're at in the
24 discussion.

25 I'd like to get through the agenda. And I don't

1 think we -- we don't have a lot of the agenda left.
2 Hopefully we can get through it pretty fast.

3

4 Old Business

5

6 Existing Machine Room Enclosure And Access

7 To The Machine Room

8

9 MR. BECKER: The next item on old business, existing
10 machine room enclosure and access to the machine room,
11 means of access.

12 In the packet on I think it's about the fourth or
13 fifth page.

14 MR. DAY: It would be right after the accident count
15 for quarter.

16 MR. BECKER: The only altera -- the change -- one
17 problem on this is if you look through -- there's five
18 pages, and if you thumb through it, we've got page 4 of 5
19 and no 5 of 5. And the only change in this document was
20 on 5 of 5. So that's interesting.

21 But the only thing that was added to the document as
22 stated -- one of the issues we had in the last meeting --

23 MR. DAY: Do we have 5 of 5?

24 MR. BECKER: There is no 5 of 5 in the packet. It
25 was left off. So you don't have the last -- you don't

1 have the last page. And there was a note 3 right to the
2 end, to the very tail end of the document.

3 And the concern at our last meeting on this proposal
4 was if there's any existing DOSH regulations that address,
5 you know, ladders, platforms, doorways, work areas, that
6 nothing in here was going to supersede an existing
7 regulation. So on this means of access, which we're
8 looking for safe access and a description of -- or
9 guidelines as changes/repairs that would be allowed to the
10 point of rebuilding, nothing is going to supersede any
11 existing regulation. So note 3 that is not here says:
12 "The above proposal shall not supersede any existing
13 Washington State WISHA, DOSH or WAC rules or regulations.
14 The above proposal is meant to give direction for repairs
15 and replacement that are deemed necessary to existing
16 means of access to machine rooms and spaces."

17 So that was one discussion -- one point of discussion
18 on this -- on this proposal was really the one that I
19 noted in our last discussion. And this was meant to give
20 some direction if the existing access is being done safe.
21 We do have DOSH rules that are already in place that
22 regulate ladders, cages, platforms, work areas, traversing
23 areas on the roof. They already exist. And nothing in
24 this will supersede them. And they don't -- what they
25 don't do was specifically address machine room spaces or

1 rooms. They address just ladders in general, a stairway
2 in general.

3 MR. DAY: Ladders, platform, stairs, and rails.

4 MR. BECKER: What we are giving is some direction as
5 to if it's not acceptable and it is not structurally
6 sound, is giving direction as to the methods of replacing
7 it or repairing it. So that's where this proposal is at
8 right now.

9 What is not addressed in our WAC's is specifically
10 access in the machine rooms in our code. There's whether
11 it should be weatherproof, whether it should be -- what's
12 going on once you're in the space but not accessing that
13 space. There is no direction.

14 MR. DAY: This is specifically addressing
15 installations that did not utilize a national standard,
16 most of these pre-1963. There are still others as in
17 Keith's case that came into the state of Washington rules
18 after 1963. So they were installed sometime before
19 recently.

20 For an example, electric man-lifts. We used to
21 define them -- they used to be defined in WISHA actually.
22 And the state of Washington got them sometime the latter
23 part of 1990s or the early part of 2000. And here's these
24 installations that have access problems, for example.
25 Just like the pre-19 -- some of the pre-1963 elevator

1 installations have access problems.

2 And so what we're trying to do is come up with a
3 guide as -- not a guide, but a standard -- a minimum
4 standard for those installations that promote safe access
5 to the machine space or room so the inspectors know, you
6 know, and the owners would know by reading this WAC what
7 they must be doing.

8 So I have a question. Carrying on with this, Keith,
9 you've been the driver for this for the last few years.
10 Moving it forward into a part of a rule to become a rule,
11 will you continue that or --

12 MR. BECKER: Yes. I can keep working on this. I
13 won't have time to participate wholly in the safety
14 committee, but I'd like to see this followed through.

15 MR. DAY: How far do you think it still needs to go?

16 MR. BECKER: I think we're close, unless there's --
17 you know, in my view of it, I think we -- it accomplishes
18 what we're looking for. I wish I could shorten it. Five
19 pages. I'm typically a napkin guy. If you can't write it
20 on a napkin, I don't want to read it. But I don't know
21 how to get that direction in there or we can do some
22 hyperlinks or perhaps shorten it in the rule. But I
23 believe we're set.

24 My question is: Have we covered all the conveyances
25 that needs to go into? I've got electric elevators. I've

1 got electric man-lifts. I've got hand pull. I'm not
2 finding anyplace in material lifts where it's going to fit
3 that it's going to address the machine room. I'm not
4 familiar with hydraulics.

5 MR. DAY: Well, access to the hydraulic wouldn't be
6 any different than electric.

7 MR. BECKER: So my only --

8 MR. DAY: So like the stuff covered in WAC only is
9 what may be the issue.

10 Chair lifts is a subject that's covered in WAC only.
11 But typically do we have a machine room on a material
12 lift?

13 MS. ERNSTES: Sometimes.

14 MR. DAY: Sometimes?

15 MS. ERNSTES: But the bigger issue is we got the
16 machine's sitting above the platform and no way to get to
17 them. So somebody's standing on ladders.

18 MR. DAY: So there's an access problem with material
19 lifts.

20 MS. ERNSTES: (Nodding affirmatively.)

21 MR. BECKER: There's nothing described as a machine
22 space in the WAC.

23 MS. ERNSTES: That's true. Not for material lifts.

24 MR. BECKER: So if it's not described -- you know,
25 that was one of the areas that we ran into on hand-pull

1 man-lifts is the top shiv is not described in the WAC as a
2 machine space at this point.

3 So whether --

4 MS. ERNSTES: Well, we have minimum standards for
5 electric elevators that require access to shivs from the
6 top of the car that is pertinent to those conveyances.

7 MR. BECKER: Because it's a hand pull.

8 MR. DAY: Yeah. You can't get to the top of your
9 car, a hand pull.

10 MR. BECKER: No, but there's no need to be on top of
11 the car in a hand pull. But there is -- the shiv on top
12 of the -- the --

13 MR. DAY: Space.

14 MR. BECKER: Well --

15 MS. ERNSTES: I mean, I think at some point we need
16 to dedicate a time to work on maintenance from the top of
17 an electric man-lift. We have no escape hatches to get up
18 there. We have no run buttons on top of cars. And we
19 have no fall protection. And yet the only way to maintain
20 them is to put somebody on top. So today, all I can
21 imagine is --

22 MR. DAY: We address -- we address it.

23 MR. BECKER: But this one is not -- is not --

24 MS. ERNSTES: No. I'm saying this addresses
25 machines. But at some point we are going to have to

1 address how are we maintaining the hoistway from on top of
2 the electric man-lift when we have no fall protection --

3 MR. BECKER: On top of the car.

4 MS. ERNSTES: -- on top of the car, because there's
5 no other way to get there to do maintenance, and we don't
6 have safe working space on top of electric man-lifts or
7 some special-purpose lifts to do maintenance.

8 MR. BECKER: Well, unless it's not accepted, we have
9 in our MCP a process of doing our examinations and
10 maintenance within -- on top of the car. So if it's not
11 acceptable to the Department, then it needs to be looked
12 at. But we should have in our MCP that we've created
13 those. There is maintenance and examinations that have to
14 be done on top of cars, and so we are supposed to have a
15 procedure in place.

16 Whether you like it or don't like it, I guess that's
17 something you have to review, but ...

18 MR. DAY: It might be something we need to review in
19 the future with the Department, not with the outlying
20 community because that's unique; it's very unique.

21 MR. BECKER: So at this point I don't know if there's
22 any other discussion. I mean, I -- I don't know if
23 there's anything --

24 MR. DAY: I just wish there was a building owner
25 here. So I'd like to get the building owner's perspective

1 of this.

2 MR. BECKER: I'm a building owner, aren't I?

3 MR. DAY: Yes, you are.

4 MR. BECKER: And I got to pony up to do this stuff.

5 MR. DAY: (Addressing court reporter) Did you get
6 that written down?

7 THE COURT REPORTER: (Nodding affirmatively.)

8 MR. DAY: Okay. Then I would like it if -- because
9 Keith is leaving, and our next advisory, Keith will kind
10 of be the wrap-up for this proposal if we can. Okay?
11 Kind of be that finalities. Do we move it into an
12 upcoming rule?

13 MR. BECKER: Okay. Thanks. We will move forward.

14

15 Overview of Point of Sale Inspections of
16 Residential Elevators

17

18 MR. BECKER: Swen Larson, you've got point of sale
19 inspections, overview. Where are we at with that?

20 MR. LARSON: Thank you.

21 My final document is in here. Everything I wished to
22 say on the subject.

23 I would like to talk for a minute, for those of you
24 that knew Charlie Val, he died last Monday. It was fast.
25 And it kind of maybe was a good thing about it. Just a

1 little over 60 years old. Charlie did a lot working
2 towards elevator safety. He was committed. He was a good
3 man.

4 That's my report.

5 MR. DAY: Thanks, Swen. Anything else?

6 I guess Charlie served on the Advisory Committee for
7 several years. And he had been an active participant for
8 the committee before he served on the committee. So a lot
9 of things we can mark and attribute to Charlie and his
10 dedication to public safety.

11 I would want to say that it wasn't just about -- he
12 wasn't here just about the worker -- the category 1
13 worker. That wasn't his prime motive. His prime motive
14 was public safety and looking out for all the public.

15 So we do appreciate what he's done, and he'll be
16 sadly missed.

17 Swen, you're not -- the overview of point of sale?

18 MR. LARSON: What's that?

19 MR. DAY: Do you have anything on the overview of
20 point of sale?

21 MR. LARSON: I would -- I've heard a rumor that West
22 Virginia passed point of sale, which kind of really blows
23 me away. But --

24 MR. DAY: So we didn't?

25 MR. LARSON: What's that?

1 MR. DAY: We didn't?

2 MR. LARSON: No.

3 MR. DAY: It wasn't passed?

4 MR. LARSON: No. What was passed was the inspection
5 at point of sale. What was passed was they added it to
6 the 23 other items on the seller's disclosure list. But
7 they will require no inspection.

8 MR. SPAFFORD: They just have to state whether or not
9 they did an inspection or not.

10 MS. ERNSTES: So basically they're just stating that
11 there's a conveyance there. They don't know the state of
12 it, that it's ever been passed or anything. Right?

13 MR. LARSON: I don't even think they have to
14 acknowledge that there's a conveyance there. It just
15 says, you know, look and see if they got a swing set or a
16 conveyance or a tennis court or a driveway or whatever.

17 MR. DAY: It becomes a similar part of the disclosure
18 if you know -- if you as a seller know you have a problem
19 with your stairs, then you're to disclose it.

20 So it's not like a roof inspection where you have to
21 have a roof inspection or a sewer inspection. It's the
22 seller -- it becomes the burden of the seller to disclose
23 it to the new owner.

24 I'm sorry. Bill Morrell.

25 MR. MORRELL: I recently sold a house. And the

1 purchaser requested an inspection. And this inspection
2 report was 38 pages long. And some of the -- the majority
3 of things that are on that report were really silly. You
4 know, the doorknob in the utility room was loose. On the
5 other hand, he noticed that the breaker switch on the
6 furnace was greater than the wiring going to that, so he
7 called that out. So some things were important. Some
8 things weren't. Numerous times within that report he
9 wrote a disclosure that he wasn't an electrician, that he
10 wasn't a plumber, but he felt that this should be attended
11 to or looked at or whatever.

12 I believe additional work could be done with the
13 inspectors. They have training programs. And when it
14 came to the electrical on the furnace, I contacted our
15 service company and the electrician for the service
16 company for the furnace. He actually presents once a year
17 to the inspectors on, you know, electrical requirements
18 for furnaces. And so it could very well be that we could
19 go back through and enhance what has been, you know,
20 recognized.

21 MR. DAY: Is there a law for that, Bill?

22 MR. MORRELL: There's no law for it.

23 MR. DAY: They're just doing it?

24 MR. MORRELL: They're just doing it.

25 MR. LARSON: There's a specific law that prevents the

1 people doing the inspection from commenting on a
2 conveyance in the building. They cannot comment on it by
3 law.

4 MR. MORRELL: I think we have to go back and look at
5 that language, okay, and make sure that it is what we're
6 saying it to be.

7 If you could provide that to me, Swen, I'd appreciate
8 it.

9 MR. LARSON: If what?

10 MR. MORRELL: If you could provide me with that
11 language ...

12 MR. LARSON: I have -- if you go back -- I'll get it
13 to you again, but I have provided that language.

14 MR. MORRELL: If you would.

15 MR. LARSON: Yeah.

16 MR. MORRELL: Okay. But all conveyances should have
17 a conveyance number on them. And all the -- the inspector
18 doesn't have to do any inspection. He doesn't have to
19 know anything about the elevators or stairway lifts. He
20 just needs to know that it needs to have in plain sight a
21 conveyance number. If it doesn't have a conveyance
22 number, then he could comment on it. He doesn't have to
23 inspect it. He doesn't have to know about it. He just
24 needs to know that there needs to be an inspection, a
25 conveyance number.

1 Aren't the inspectors when they're inspecting
2 requiring a conveyance number on the machine?

3 UNIDENTIFIED FEMALE: Well, they are now.

4 MR. MORRELL: Yeah. The city has a metallic sticker.
5 But the state inspectors require that when -- on
6 inspection, on final inspection that there be a conveyance
7 number on the machine. And so if it doesn't have that,
8 then ...

9 MR. LARSON: A lot of them have been put in without
10 permits, so they're not going to have that.

11 MR. MORRELL: And so, therefore, it should be noted
12 on the inspection report.

13 MR. DAY: That would have to be done by a disclosure
14 of the owner the way the current law reads.

15 UNIDENTIFIED FEMALE: Right.

16 MS. ERNSTES: Swen, who was the major opposition to
17 getting that passed the way it was presented?

18 MR. LARSON: There were a couple of issues. I would
19 say the real estate community was one of them. They
20 didn't want anything to interfere.

21 And the other one is the McCleary decision that's --
22 that I was told early on that anything that had a fiscal
23 note had a -- and this one would've had a fiscal note; it
24 would have required some more inspectors, some more time
25 -- was not going to do well.

1 So really I guess a couple things.

2 MR. DAY: So Bill. Bill Morrell.

3 MR. MORRELL: On the disclosure agreement or on the
4 form 17 you were talking about, as the seller, if I've
5 done any home improvements, I need to note that. And it
6 asks me in a follow-up question: Have they been
7 permitted? Okay?

8 So as a homeowner if I put in a stairway lift, you
9 know, the question is whether or not they consider that to
10 be a home improvement. Okay? But I need to say, "Yes, I
11 put in a stairway lift" and whether it was permitted or
12 not. That's required.

13 MR. DAY: As they would be advised by their real
14 estate people.

15 MR. MORRELL: I don't know if the real estate --
16 (inaudible).

17 MR. DAY: Exactly.

18 Anything else?

19 Do you want to talk about the petition or ...

20 MR. LARSON: About what?

21 MR. DAY: The petition. Do you want to talk about
22 the petition?

23 MR. LARSON: The position?

24 MR. DAY: The petition.

25 MR. SPAFFORD: Petition -- P-E.

1 MR. LARSON: Which one? I haven't signed any
2 petitions; I know that.

3 I will say that there is a safety warning out on
4 Hollister-Whitney governors. If you need the information,
5 get ahold of me, and I'll e-mail it to you.

6 MR. DAY: Is it on Hollister-Whitney's Web site?

7 MR. LARSON: I don't know. I got it through the IEC.
8 The petition -- I would like to say something on the
9 petition. I know which one you're talking about now.

10 MR. DAY: Okay.

11 MR. LARSON: I'm easily confused. I left my bag at
12 the airport in Dallas. So ...

13 Anyway, there's a petition to the Consumer Protection
14 Agency. It's long overdue. The industry has known that
15 there's been a serious problem with these elevators for a
16 long time, and the governing body that takes care of this
17 stuff has failed to address it even though it's come up
18 time after time. I think that that body needs to really
19 go back and do some -- take a long look in the mirror and
20 decide what their purpose is. If you look at their
21 preamble, it says it's to ensure safety. I don't think in
22 this case that happened. Hopefully they'll take a look at
23 it. It's a written document. It lays out pretty well.

24 And then it goes into all the injuries at the back.
25 And you read through them, and I can tell you that is but

1 a fraction of them.

2 No homeowner should buy a house and have their child
3 injured by a conveyance there that they didn't realize had
4 an unsafe condition to it. I rest my case.

5 MR. McNEILL: So this is a petition -- just so I'm
6 clear -- now I understand for the swing doors --

7 MR. LARSON: Yes.

8 MR. McNEILL: -- for the gap between the hoistway and
9 the --

10 MR. LARSON: Yes.

11 MR. DAY: We hopefully haven't allowed any larger
12 than this gap in the state of Washington since 2005. But
13 there probably were some previous to this. So those that
14 are doing specifically accessibility residential elevator,
15 it's something to keep an eye out for.

16 I don't know -- Skip, do you know if Otis is still
17 supplying the sweeps for these?

18 MR. BUNTIN: I don't know. I don't know.

19 MR. DAY: I'm curious to know. I know Otis was in a
20 big move to supply sweeps for when the space is larger
21 than five inches.

22 The subject matter when you look at this, I don't
23 know if those of you have had an opportunity to look at
24 the petition, but it goes into where are you going to
25 measure these -- these bifolding doors -- what are they

1 called? Bifolding accordion doors? Because some people
2 measure it from the furthest away from the face of the
3 hoistway door from the inside -- from the inside of the
4 hoistway from the furthest away. Some measure it from
5 center. And some measure it to the closest to get that
6 five inches.

7 I think the state of Washington came out several
8 years ago with we're to measure it between. Between. So
9 not the farthest, but not the closest. So right in the
10 middle.

11 I'm hoping that this is sufficient for the state of
12 Washington, and that's how we are doing it. I'd really
13 like to know that as well.

14 And the problem being that accordion doors do push.
15 You can apply force, and they will bend one way or
16 another. It depends on which way you're pushing it. So
17 the pounds per square inch over a four-inch square area is
18 much less than, say, your standard passenger elevator out
19 there.

20 But maybe something -- I know other states have
21 addressed this. I think it's Georgia, North Carolina, --

22 MR. LARSON: Massachusetts.

23 MR. DAY: -- Massachusetts. So they've gone in and
24 actually written laws in regards to this and took a step
25 beyond ASME and what ASME actually needs to be doing to

1 protect the innocent people out there.

2 MR. LARSON: Let me close by saying this isn't the
3 only problem with residential elevators. A lot of times
4 they've been modified. They only get one inspection if
5 they've been permitted, and that's when it's turned over.
6 A lot of them get no inspections if they were never
7 permitted. Some of the stuff out there is dangerous.

8 That's all I've got. I'm through. Thank you.

9 MR. BECKER: That takes care of that item.

10

11 MS Lighting

12

13 MR. BECKER: Next on the agenda, we have machine room
14 lighting -- machine space lighting.

15 In your handout, the last two pages has the July 1st
16 version with the January version that was accepted in the
17 packet. There was one change to that July 1st version
18 which stated "to ensure the lighting would not be turned
19 off while work was being performed in the machine space.
20 A tag out procedure would be implemented at the existing
21 switch."

22 With that added in, it was accepted at the last
23 meeting to move forward. And I will hope to be involved
24 as that moves forward too.

25 MR. DAY: So it will probably be the last time on the

1 agenda? It will be moved into a future WAC along with
2 this proposal number.

3 MR. BECKER: So that being said, that's where we're
4 at with that.

5

6 New Business

7

8 MR. BECKER: New business. As we talked about
9 before, there are several of us leaving, ending our duties
10 as sitting on the committee.

11 I'm not sure if we need to -- I want to thank
12 everybody that's participated. And I know for me, it was
13 very educational. And I'm sorry that you all had to put
14 up with my learning curve. It was pretty burdensome. But
15 where I'm at today and where I was when I started, to me
16 is amazing. And I've enjoyed it and hope to continue
17 participating.

18 MR. DAY: Well, thank you. We appreciate you
19 spending the time with us.

20 Keith's position is one that is going to be vacant.
21 And I have not received any applications for replacing his
22 position. His position represents the unlicensed elevator
23 mechanics in the state of Washington such as the grain
24 industry, the dam industry, Longview fiber industry, those
25 industries where through RCW 70.87.270 certain maintenance

1 work is allowed to be performed by the owner's employees.

2 So that's the industry that he represents.

3 If you all know anybody that we haven't reached,
4 please -- well, how would you know if we've reached them
5 or not.

6 We've sent out -- for those of you on the listserv,
7 we sent this out I believe in April for these positions
8 which are going to expire. So I'm going to talk a little
9 bit about these next ones.

10 Rob McNeill. Rob McNeill's position expires. We
11 have two interested parties over that position. Rob
12 representing the licensed elevator companies in the state
13 of Washington.

14 A position that's been vacated for some time is the
15 contractor. We still do not have an applicant for
16 somebody representing the general contractor. In the
17 years past we've always struggled with this, so we've
18 ultimately ended up appointing an elevator company because
19 they are a contractor as well. We'd really rather do a
20 general contractor if we could to get their input.
21 There's been several avenues reaching out to that
22 industry. Some maybes but then ultimately noes.

23 So there, again, if you know a general contractor,
24 please send them our way. We'll send them the notice.

25 The ad hoc you see in front of you now, he hasn't

1 officially been appointed, but more than likely he will.

2 This is Dave Spafford.

3 The position representing architect engineer, we have
4 no applicants for that. I would also like to open that up
5 to an elevator consultant then if we could. That will be
6 a decision Jose Rodriguez, my administrative person -- not
7 administrative, but boss -- my boss. It's called A-D.
8 Sorry. He's right over here. He and I will discuss this
9 and see if we can open it up for a consultant to
10 participate. That way we get somebody that's going to be
11 here on a regular appearance and have input that is
12 valuable to the committee.

13 Let's see, who am I missing? Who am I missing?
14 There was five in total.

15 MS. ERNSTES: Owners.

16 MR. DAY: Building owners. Building owners currently
17 -- currently we have two that say "yes, maybe I might,
18 maybe yes." But nothing down in stone for building owners
19 as well. So I'd like to -- I'll keep pursuing the
20 building owners and see if -- but if any of you have
21 insight or input into that avenue, encourage them to come
22 talk to us.

23 Anybody else?

24 MS. ERNSTES: Swen's staying.

25 MR. DAY: Swen? Swen's staying. Swen's already been

1 appointed.

2 MR. LARSON: For a bit.

3 MR. DAY: I'm encouraging Swen to come up with a
4 alternate. And that way we have somebody to replace him,
5 hence, if he does decide to retire one day during the next
6 four years.

7 MR. LARSON: Or months.

8 MR. DAY: But I do want to thank those that have day
9 in, day out, you know, been very helpful in the advice
10 given to the Department on how to proceed forward.

11 Keith Becker, tremendous.

12 Scott Cleary's not here, but he's been tremendous in
13 the past and very helpful.

14 Rob McNeill, oh my gosh, you know. Truly those of
15 you should look to him in a lot of cases because he
16 definitely comes forward on your behalf for us to hash out
17 the things in a quick manner, to get it done and to move
18 forward. And thank you very much, Rob.

19 Skip, who now works for Otis Elevator, but he's been
20 very helpful. We appreciate that, Skip.

21 And finally, you know, I've already spoken about
22 Charlie, and Swen as well.

23 Swen over the last few years has really been
24 integral. And the really neat thing about Swen is he's
25 not all about category 1 licensed elevator mechanic. He's

1 also a lot about public safety. And I just appreciate the
2 heck out of him and his advice because he brings an
3 atmosphere good for all, not just good for one. So thank
4 you.

5 I wish I had a card and we had dinner afterwards.
6 But the state budget doesn't allow.

7 MR. BECKER: So you want to go back? There's nothing
8 else on here that we want to touch business -- touch on or
9 anything before we move on.

10

11 Future Business

11

12 Residential Maintenance Licensing

12

13

14 MR. DAY: Well, there is some future business. But
15 this really needs to be addressed with the next
16 membership; although, there's still things on the mind,
17 which is residential maintenance licensing.

18

19

Acceptable LULA Applications

20

21 MR. DAY: Acceptable LULA applications. Right now we
22 very significantly limit the use of LULA's in the state of
23 Washington. And a lot of the reasons that we do is
24 because ASME doesn't help us to find where it would be and
25 where it shouldn't be used. So it becomes rather

1 difficult should LULA be used in a bank or where else
2 should it be used and where shouldn't it be used. Because
3 as a general rule, they're not constructed in a manner
4 that a commercial passenger elevator is. And some may be
5 close to it, but most are not. And hence, it's name
6 "limited use." So there are places that it may fit, but
7 where are they? And that's what this discussion once we
8 breach it is about.

9

10 ANSi A10.4 Maintenance

11

12 MR. DAY: ANSi A10.4. These are hoists temporarily
13 erected for the construction or demolition of a building
14 to move people and material from one level to another.
15 And a discussion over the last year has been maintenance
16 with them and who can do it. They have weekly
17 maintenance, monthly maintenance, quarterly maintenance,
18 semi-annual maintenance, and the annual maintenance
19 criteria.

20 And part of the issue here is having enough mechanics
21 -- just like you guys are in -- enough mechanics to do
22 that. But we've had people injured in the last 12 months
23 because they are not licensed to perform that work. They
24 were not licensed and still are not.

25 ///

1 FAID: Consider Re-Evaluation

2

3 MR. DAY: FAID, we will consider re-evaluation. I
4 think it's to see how well -- where we left it was to see
5 how well the current maintenance control log for fire
6 alarm initiation devices handles the problem. And that's
7 where we left it. Will that log address the problem?

8 And the log is integral for both the Department and
9 for the elevator companies because the elevator companies
10 do have an MCP criteria to go look at the log and see how
11 well it's being fulfilled.

12 We've ran into several issues over the past 12 months
13 dealing with initiation devices not operating properly.
14 Significantly we find them during the modernization of the
15 building. When a elevator company comes in and sells
16 modernization, and then here we come back at the end of
17 the project, and guess what we're testing? Fireman
18 service initiation devices. And we're finding them not
19 working. And this is sad because people are signing those
20 logs. In a lot of cases people aren't signing them too.
21 But people are signing the logs saying the smoke detector
22 at the top of the hoistway is going to recall the elevator
23 when it doesn't, or the smoke detector recalls all the
24 elevators in the entire building whenever it's a separate
25 hoistway.

1 So we're finding significant flaws in the current
2 process. And as this is a life safety issue, when we
3 bring this reconsideration evaluation back up, these are
4 subjects that's going to be on the table.

5

6 Proposal for Comb Impact Device

7

8 MR. DAY: Proposed comb impact device. That's --
9 that will be one for the future as well. I think it needs
10 to be addressed, though. It needs to be touched on.

11 Where it was left was it was in the hands of ASME
12 A17.3, code for existing elevators and escalators at the
13 national level. And there was a time here over the last
14 six months that they pushed it off to another committee.
15 So nationally they shoved it over here to somebody else
16 who is going to shove it to somebody else and not address
17 it and keep pushing it off, kind of similar to something
18 else.

19 So if we -- we probably as the Department and as
20 request through the advisory we'll need to be touching
21 this sooner rather than later. I would -- was hoping that
22 the national codes would address this in a straightforward
23 fashion for the entire country instead of Washington.

24 But Washington isn't alone. There is other
25 jurisdictions that have actually enforced this. So we

1 wouldn't be first.

2

3

Maintenance/Testing

4

5 MR. BECKER: Okay. So at this point I'd like to go
6 back to the maintenance and testing discussion that we had
7 and continue on with that. We've got 25 minutes of the
8 record remaining.

9 MR. DAY: Where we left this off was Rob's statement,
10 highlight them all ASAP. A conversation then ensued with
11 Skip saying, "What about the ones that we intend to meet?
12 To date, we intend to meet that. Should we have to go
13 back and highlight them as well?"

14 And my comments were in conjunction with Skip in
15 regards to if you're going to -- if you intend to meet
16 that date and as long as you meet it, okay. But it would
17 be easier for all of our inspectors if everybody went and
18 highlighted it even though it was November.

19 So there I'm half and half with Rob and with Skip's
20 comments. I'd like to hear more.

21 MR. BECKER: A question. To Skip's point, and the
22 other discussion was so many, I would hate to see a
23 correction written for not having them highlighted if
24 everything's happening on the stated date. But how -- if
25 they're revised -- and I don't know how far out into the

1 future you've got your books in place, if revised it would
2 be nice to see them highlighted even if the dates don't
3 change.

4 MR. DAY: You mean --

5 MR. BECKER: So maybe that doesn't make any sense.
6 On my MCP's I've got two years out of my facilities, and
7 then I've got to add some more documentation to my MCP.

8 MR. DAY: So your MCP is two years --

9 MR. BECKER: My -- yes. My examination checklist, my
10 dates, my columns and stuff, I've got two years out there.

11 And then typically we're out in the weather, we're
12 out -- it's not a great environment, and so I don't get
13 too much stuff out in the -- and, of course, I've only got
14 a few. And I don't know how these work if you're just out
15 there forever.

16 MR. BUNTIN: That would be my next question. We're
17 only going to highlight one time. After that, it is what
18 it is.

19 MR. DAY: And you're only highlighting this next 12
20 months. If you have one out there two years, we won't be
21 looking at the highlight anymore.

22 MS. ERNSTES: But we're looking at the future due
23 date. The future due date has to be there.

24 MR. BUNTIN: Correct.

25 MS. ERNSTES: Because most MCP's at the end of the

1 test site, they have a due date for the five year so that
2 you know when it's due because if you put your MCP in last
3 year and you never had one before, you have to tell us
4 when that five-year test is going to be due. So it's just
5 another column at the end that has information. It
6 doesn't mean you have to have all MCP's in place till you
7 get to that fifth year. It means the information has to
8 be on a column on your current MCP.

9 The retention period for MCP's is six years. It
10 doesn't mean they have to be on --

11 MR. DAY: I think we're getting very confused now.
12 Because I'm not following either one of you. Sorry.

13 MS. ERNSTES: Well, I understood Keith to talk about
14 putting future MCP's out there.

15 MR. DAY: Your future out -- oh. If you highlight
16 the future MCP's in yellow for the date due.

17 MR. BECKER: Correct.

18 MR. DAY: That would be really handy.

19 MS. ERNSTES: But we don't typically have future
20 MCP's. We have a due by for that.

21 MR. DAY: For five year, let's kind of get that two
22 subjects separated and not together here.

23 For five year, yes, you mark the year that it's due.
24 Or you write in the year that it's due. It's due in 2019,
25 you know. And it's due when your annual's due, just when

1 it's due, you know, because it's your fifth annual plus
2 one is what it is. You're not doing an annual and then
3 coming back two months later and dragging in -- it's due
4 when your annual's due of whatever year. I don't expect
5 to see too many five-year test dates really change. Why
6 would they change? The month might change and maybe a
7 six-month period of time may have to be adjusted. This
8 is one-fifth of the conveyances in the state of Washington
9 supposedly.

10 MS. ERNSTES: Well, the intent is you can't change
11 that due date except to adjust it within a year. I mean,
12 we're not giving you three years out to do your five-year
13 safety test. You have this window of time to adjust it
14 within 12 months.

15 MR. DAY: Yes, yes.

16 MR. BECKER: I think my confusion or my discussion
17 revolves around I am a building owner with unlicensed
18 mechanics doing examinations. I own my own MCP. I manage
19 my own MCP. And so I've got the whole program not on-site
20 but in my operation. And we have just -- as our
21 examination dates come around, we -- I've got them
22 highlighted each where the examinations -- where the test
23 is expected, just -- and I put them out. I put a couple
24 years out there. And then we refresh that a little bit.
25 And I don't have a problem because I've got basically very

1 few compared to what you guys have got, very few
2 conveyances. So that's --

3 MR. DAY: He has 20.

4 MR. BECKER: Yeah. 20 is nothing. That's -- you can
5 do that before break time in the morning.

6 MR. DAY: So what's your question?

7 MR. BECKER: No question. I'm good.

8 MR. DAY: Okay. Swen.

9 MR. LARSON: Let me give you an elevator mechanic's
10 perspective. Please don't add any more work to me. It's
11 busy work because I'm overworked already. If I'm in the
12 building, I'm going to mark the log book. If I'm already
13 going there -- because that shows I've been there. That's
14 another way I can prove I'm doing my job. But to send the
15 mechanic around to mark all these things really is -- it
16 helps you, but it's busy work for him, and it does -- it
17 takes him away from what he's -- what he's supposed to be
18 doing is maintaining that elevator.

19 MR. DAY: So what you're saying is if it doesn't need
20 to be marked, don't send me there to mark it. Or if we
21 intend to do it in November, I don't need to go there
22 tomorrow and highlight it in yellow as long as we intend
23 to do it in November. And we do it in November, right.

24 MR. LARSON: But if I'm on that job, --

25 MR. DAY: Is that what you're saying?

1 MR. LARSON: -- I am going to mark it. That shows
2 that you've at least looked at it. But I don't think I'd
3 want to have to make a special trip and find parking and
4 fight traffic to mark something off on a form.

5 MS. ERNSTES: I don't necessarily think that's
6 mechanic's work that somebody has to go in there and
7 highlight it. If the management decides we're going to
8 change everything in this area and we're going to now do
9 everything on Fifth Street in the fifth month, and
10 everything on Third Street in the third month, you can
11 send your salesman around to mark MCP's. Because your
12 mechanic may not even know that the date changed until he
13 sees the highlighter.

14 MS. BUNTIN: So to answer that, Becky, the problem
15 with that is a lot of the sales guys don't even know how
16 to get into the machine room. That's the truth. They
17 don't know where the keys are at. They don't -- you know,
18 does management keep them? And the mechanic knows that
19 already.

20 MR. DAY: But I think it's still a solution for some
21 of you. Although, we might want to see -- maybe we want
22 to see a mechanic's initial on the highlighted who changed
23 this. Who changed this? I don't know.

24 What do you guys think? Do we need to see who
25 changed this highlighted thing, this highlighted MCP

1 category 1 or 3 or 5?

2 MR. BUNTIN: I don't -- I don't think so. I -- just
3 as long as it has the yellow that you guys are looking
4 for, I don't see that -- because -- I mean, just what
5 Becky said, it could be a supervisor going around marking
6 them or -- I mean, if you decided to have a sales guy go
7 out there and mark it.

8 MR. DAY: Well, there's a value to the sales people
9 because there needs to be some dialogue with the owner,
10 "Hey, I'm moving this." And the owner -- because talking
11 to the owners here -- and I have. Well, then the elevator
12 company owes me blank. And some of the owners think just
13 that. They're thinking just that way. They've already
14 paid for it. And now you're not going to do it for six or
15 eight more months? Yet monthly I'm paying for it? And
16 that is something that you're going to have to address
17 with your owners, and who best to do that? Your mechanic
18 or your salesperson?

19 MS. ERNSTES: I talk to owners pretty much daily who
20 have never had a MCP conversation with their salesperson.

21 I ask them, "Do you know what this document's for?
22 Have you seen it? Have you been talked to by anybody from
23 your company?"

24 And the answer's, "No" every day. Every day I talk
25 to owners like that. Every day.

1 They don't have a clue what MCP means. Nobody's ever
2 explained it. Nobody's sat down with them and talked to
3 them about it. And they don't even know they have a MCP
4 document. They don't know what that means.

5 MR. DAY: Well, they probably -- you know -- no, I'm
6 not going to say that. Never mind.

7 Anyway, it's a need to converse with your owners.
8 How you do that and how you change it, it's up to you and
9 your company. The point here is get it happening.

10 Do we need to see it highlighted? Currently I think
11 this would be a big burden. And I think to simplify it
12 for my staff, to make it simple for my staff, we're going
13 to be looking for it to be either highlighted or done.
14 And that's a is it highlighted, yes or no? Then it's not
15 a correction. Is it done? Not highlighted, but done?
16 Not a correction. If it's not highlighted and not done,
17 it's a correction. That makes it very simple for my
18 staff.

19 What might your -- our communicator here, what do you
20 think?

21 UNIDENTIFIED MALE: I see -- what I see is if you say
22 you don't require the highlight, we write a correction
23 that your test is past due, I can see the company going,
24 "Oh, we just haven't been to that job yet."

25 MR. DAY: That bad L & I. They know.

1 UNIDENTIFIED MALE: Yeah.

2 MR. DAY: Yeah, I can see that too.

3 MR. SPAFFORD: Just recently I had to deal with this
4 with Seattle University. And what they had is they had,
5 oh, 42 different conveyances scattered throughout the year
6 when testing was due. Well, what we did is we ended up
7 working with them. And it hey had to be a request from
8 the Seattle University and not the company, but Seattle
9 University of when would be a good time and if they were
10 interested in having all the tests performed one -- you
11 know, at a certain month a year during the slow period
12 instead of during throughout the year interrupting school
13 classes and that kind of thing.

14 And that seemed to work very well dealing with the
15 owner half, being that -- have the company interfere with
16 -- you know, have correspondence with the owner and coming
17 up to a date that was acceptable to them as kind of like a
18 one-time reset of all their conveyances as far as when
19 testing is due.

20 MR. DAY: That's what we're doing. Without the
21 ladder.

22 UNIDENTIFIED MALE: But we requested it from the
23 owner because it's the owner, it's their hardship is what
24 is not being done. It wasn't so much the company; it was
25 the owner.

1 MR. DAY: For the owners, I'm not in a position to be
2 able to address this with 10,000, 12,000, how many owners
3 that I have out there in regards to this. So that's the
4 highlighted in yellow and direction.

5 But there becomes the value in what Dave is saying
6 and what Becky was saying earlier, and Skip, to your
7 point, is that communication between company and owner is
8 not taking place. Who's the best one for your company to
9 make this happen? Mechanic, sales or combination thereof?

10 And I see a bunch of wheels turning. But knowing
11 this and knowing what's about to happen, what's your -- do
12 you have any thoughts for us and how to enforce this?

13 The highlight in yellow if it's -- unless you're
14 going to do it in November, per se, as long as you do it
15 in November and no correction, so to speak. How do we
16 communicate this to your mechanics and your sales staff is
17 what's on my mind right at this moment. That's what's on
18 my mind. It needs to be on yours.

19 MR. LARSON: So how about after 12/31/15 they go on
20 to a job. Say the test is not due, but there's a date
21 there, that the inspector highlights it.

22 MR. DAY: No.

23 MR. LARSON: That locks it in.

24 MR. DAY: No. The inspector's not going to -- the
25 inspector's not going to change that.

1 MR. LARSON: Not changing the date, just highlighting
2 it. It locks the date in there. That way somebody can't
3 come and say, "I just haven't been to town" when you have
4 to move the date out later.

5 MR. McNEILL: It's got to be the --

6 MR. DAY: No.

7 MR. McNEILL: -- responsibility of the elevator
8 company.

9 MR. DAY: These things are the owner's responsibility
10 and --

11 MR. McNEILL: Or the owner.

12 MR. DAY: -- you as the owner's agent, it becomes
13 your responsibility, not ours. I'm -- we're not going to
14 do that. We're not going to accept the responsibility or
15 the liability of that.

16 MR. McNEILL: So a question. So if we don't
17 highlight and it gets written up, then the elevator
18 company either says, "Yes, this is the correct date" on
19 the response or --

20 MR. DAY: With a correction notice sent back to us.

21 MR. McNEILL: Right, or with a correction notice say,
22 "We have updated this," you know.

23 MR. DAY: That works.

24 UNIDENTIFIED MALE: I like that.

25 MR. McNEILL: I was just trying to put a little more

1 responsibility on the elevator companies to get it done so
2 the inspectors didn't have to figure out did they do it or
3 didn't they do it.

4 MR. BUNTIN: I'm just looking at the logistics of
5 timing, you know, and getting it all done and trying to it
6 in this time frame. It's easier for me to go to the ones
7 I'm going to change than make all these trips to the ones
8 I'm not going to change.

9 MR. DAY: And I agree with that. No sense in sending
10 somebody to -- yeah.

11 MR. BECKER: A question --

12 MR. DAY: Think about that --

13 MR. BECKER: Sorry.

14 MR. DAY: Think about, there are a few companies that
15 are and a few locations that are up-to-date, you know.
16 They're not behind, you know. Their complaint to me is,
17 "Hey, I've done the manpower, and you're not enforcing
18 what you said." So that's their complaint to me. But
19 they're not behind it. Why should they even give me a
20 log? Why do I care? They're not behind. And I don't. I
21 don't care. And so I'm not going to make them go
22 highlight it. They're not behind.

23 A question in the back?

24 MS. FILLIPS: Is it feasible for L & I, do you have
25 posting on its Web site where the buildings could be

1 posted and the owners could go in and set the maintenance
2 dates, the inspection dates? And then --

3 MR. DAY: It's not possible at this time, Judy. We
4 don't have the capabilities electronically to do that.
5 We're very '80s in our technology.

6 It sounds like a great idea. I would love it. But
7 I'm just afraid we couldn't do it.

8 MR. McNEILL: I'd be concerned that that information
9 may be different than the MCP. We have it in one spot.
10 It's there. It's managed. The inspector gets to see what
11 the date is. And it's either a "yes" or the "no" and we
12 move on and get it done.

13 MR. DAY: Kind of to Judy's point, and I don't want
14 to stick with it very long, but there are at least one and
15 I think two organizations/businesses that have a stable
16 MCP log such as Praitis (phonetic) where the organization
17 would sign into that log, and that log is viewable by the
18 owner of the company and the authority having
19 jurisdiction. It's the "duh" (phonetic) log. It's the
20 log that is used. And then you can go in at any given
21 moment and see what's in there.

22 There's a couple of organizations/businesses that do
23 that. I believe New York City is using that at this
24 current time. And therefore, it becomes the log. And no
25 matter which company you are, it doesn't matter. Here's

1 the log. You populated it along with the owner. It's
2 populated. And now it becomes fulfilled throughout the
3 given visits.

4 It's an interesting concept. And it may go a long,
5 long, long way to simplifying things.

6 MR. McBRIDE: So I told you before I'd take this back
7 to the association to get some feedback for you. Should I
8 be taking our discussion topics -- I'm not missing
9 anything in writing, am I? We don't have anything yet in
10 writing as your concepts that you're talking about? I
11 just want to make sure I deliver the most precise
12 information.

13 MR. DAY: I don't have anything that we've shared in
14 writing.

15 MR. McBRIDE: Okay. That's no problem. I just want
16 to make sure I didn't miss it. I'll take these points
17 back.

18 Thank you.

19 MR. DAY: I can give you some bullet points.

20 MR. McBRIDE: Okay.

21 MR. DAY: I just want to reiterate, we don't have a
22 lot of time to mess around. We're already close to a year
23 and a half into this, into a law that became in existence
24 in 1963. We should have never got here in the first
25 place. So we don't have time to mess with it. We need to

1 get it and get going with it and get some expectations out
2 there.

3 MR. BECKER: So at this point in time moving forward,
4 the timeline for really ironing this -- I mean, Tom's
5 going to go back and getting some feedback -- where do you
6 think you're at?

7 MR. DAY: Well, where I'm at is feedback from
8 building owners, feedback from the other elevator
9 companies. Because there's many of them not here. And
10 I'd like to get some feedback from them as well.

11 And so the idea being sending this out to those folks
12 that can give us some comments as soon as possible so that
13 we don't move forward to the end of the month, you know.
14 That gives you a month to prepare and a month to start
15 populating your MCP's. You know, a month to start
16 populating your MCP's. Start thinking about the dialogue
17 with your mechanics and with your sales staff and your
18 supervision staff. You know, what are you going to say?
19 How are you going to say it, you know? And hopefully it's
20 not a negative to L & I. Because my opinion here is
21 we've really stretched it out as far as it should be
22 stretched out.

23 So I'd like to hear back from owners and the other
24 elevator companies too.

25 MR. BECKER: So you really need a drop-dead date,

1 though. I mean, if you're going to --

2 MR. DAY: Well, the longer --

3 MR. BECKER: Till the 1st of June or -- and then --

4 MR. DAY: You know, the longer we wait, the longer
5 it's going to be before it gets started, honestly.

6 MS. ERNSTES: So you want this in writing by July
7 1st?

8 MR. DAY: I'd like it before July 1st. Because July
9 1st we start doing this. And I would love it if folks had
10 a month to prepare, you know, think about what are they
11 going to say and have these dialogues with their staff
12 about what they're going to say and what they're going to
13 tell the owner, even to the point of everybody that does
14 it needs two highlighters because they dry up, you know,
15 all the logistics around it.

16 If you say, "Oh, start" -- if we wait till July 1st,
17 then yeah, we're going to have to move everything down,
18 and we have to keep moving it down the longer it waits,
19 moving it down. Now it's not July 1, 2016; it's August 1,
20 2016, you know. Keep waiting, and the longer the time to
21 get it done is.

22 MR. BUNTIN: So moving forward, if Tom came to you
23 with a proposal outlining exactly what we just said, what
24 would need to happen --

25 MR. DAY: A dialogue with owner, a dialogue with

1 owner, and a dialogue with other elevator companies that
2 aren't here.

3 I need the major building owners.

4 (Addressing Mr. Becker) I know you got 20 of them,
5 but I need somebody that's got more.

6 MR. BECKER: Do we got any other questions/comments?

7 MR. MILLER: This -- from the very beginning, Keith
8 mentioned something about doing, you know, the annual test
9 early like -- you know. Keith mentioned doing the annual
10 test early on an elevator versus 30 days past. Say you do
11 it like two months early. When's the next time it would
12 be due?

13 MR. DAY: Anniversary date of it last being
14 performed.

15 MR. MILLER: Okay.

16 MR. DAY: This is in the WAC 23603 I think, maybe 4.

17 MR. MILLER: Okay. That's all.

18 MR. DAY: There is -- there was and there is a lot of
19 interest to making zip codes the due date. You know --
20 and have it this zip code is due in this month, period.
21 And it never changes. It'll always be -- you know, there
22 is some thought to that. That would keep things from
23 floating around so much.

24 MR. McNEILL: You wouldn't be able to level it out,
25 though.

1 MR. BECKER: So 11:00. I'd like to close again by
2 thanking everybody that participated on the committee the
3 last four years. Thank you very much.

4 I encourage people to get involved. It really is a
5 great experience.

6 And again, thank you to everybody that's coming back.

7 And we'll adjourn.

8 (Whereupon, at 11:00 a.m.,
9 proceedings adjourned.)

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