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DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELEVATOR SAFETY ADVISORY COMMITTEE MEETING

TRANSCRIPT OF PROCEEDINGS

Wednesday, May 22, 2019

BE IT REMEMBERED, that an Elevator Safety Advisory Committee Meeting was held at 2:00 p.m. on Wednesday, May 22, 2019, at the Department of Labor & Industries, 12806 Gateway Drive South, Tukwila, Washington.

Committee members present were: Robert McNeill, Scott Cleary and Brian Thompson. The Department of Labor & Industries was represented by Dotty Stanlaske, Chief Elevator Inspector.

WHEREUPON, the following proceedings were held, to wit:

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

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

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PROCEEDINGS

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Introductions/Purpose/Future Meeting Commitments

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CHAIRPERSON McNEILL: Welcome back. Let's formally begin the May 22nd Elevator Safety Advisory Committee meeting. We'll start with introductions.

8

9

10

11

MR. CLEARY: Scott Cleary, Mobility Concepts. I represent the exemption from licensure stakeholders under 70.87.270, residential and commercial accessibility stakeholders.

12

13

14

CHAIRPERSON McNEILL: Rob McNeill. I represent licensed elevator contractors, presently the Chairman of the Committee.

15

16

SECRETARY STANLASKE: Dotty Stanlaske, Chief Elevator Inspector.

17

18

MR. THOMPSON: Brian Thompson, Aegis Engineering, representing registered architects and engineers.

19

20

21

22

CHAIRPERSON McNEILL: Thank you.

So we have a quorum. So this meeting will continue.

Labor is in Baltimore. And the Committee member

representing general contractors is on vacation.

23

24

25

There's an opening at large that is close to being filled. We're waiting for that recommendation to complete. As well as one other open slot on the Committee

1 at this time.

2 We generally don't do this, but we'll go around the
3 room just for introductions.

4 (Introductions made around the room.)

5 Welcome everyone. If you haven't signed in, there's
6 a sign-in log at the back, and please do so when you
7 leave.

8

9 Comments Regarding February Minutes

10

11 CHAIRPERSON McNEILL: The first order of business are
12 the minutes from the previous meeting.

13 Are there any additions or corrections to the meeting
14 minutes?

15 MR. CLEARY: I just -- Rob, you brought up a good
16 point of them not being on-line. But just to let
17 everybody know that we all received on the Committee hard
18 copies. So we've had access to the minutes.

19 And I have no comment.

20 CHAIRPERSON McNEILL: The minutes stand approved.

21

22 Chief's Report

23

24 CHAIRPERSON McNEILL: So we will start with the
25 Chief's Report. Dotty, would you be kind enough to give

1 us an update.

2 SECRETARY STANLASKE: So I'm going to skip around a
3 little bit here. For those of you that didn't get them,
4 there's agendas in the back.

5

6 Update on "Leg" Items

7

8 SECRETARY STANLASKE: Update on "leg" items. The
9 agency-request legislative items were passed. And those
10 included the temporary mechanics license being extended
11 for one year. So now there will only be one temporary
12 mechanics license that an individual will be able to get,
13 and it will be good for one year. They will -- the
14 individual will be able to place that license in abeyance
15 if they become ill or if they're laid off from work or
16 something to that extent.

17 The second agency request for the elevator program
18 was to enlarge the ESAC Committee to include another AHJ,
19 and that would have been -- or that -- it's our intent
20 that that be the City of Spokane so that the City of
21 Spokane, City of Seattle and the State all have positions
22 on the Safety Advisory Committee. Along with that, there
23 will be one additional position, and that can be filled by
24 any of the other categories.

25 The last item is to allow homeowners to remove stair

1 chairlifts or wheelchair lifts themselves or by hiring a
2 licensed general contractor. And the reason for that is
3 we know that this is happening anyway, so we made it so
4 that it would not be a misdemeanor for folks. Because
5 otherwise, if we had caught them doing that, they could
6 face a \$500 penalty.

7 So those are the three items that passed the "leg"
8 and that the Governor signed into law. And those will
9 become effective I believe July 29th. So --

10 MS. CURRY: 28th.

11 SECRETARY STANLASKE: Is it July 29th?

12 MS. CURRY: 28th.

13 SECRETARY STANLASKE: 28th. And so we will have to
14 develop some language around those items, some WAC rules.
15 So we will most likely have public hearings again based on
16 that language.

17

18 (Delay) New Website to Come

19

20 SECRETARY STANLASKE: In addition, the Website -- one
21 of the issues with the link being broken on our Website,
22 those types of things, unfortunately is because we're in
23 the midst of a Website rewrite, and sometimes when pages
24 get rewritten, inadvertently the links no longer work. So
25 I suspect that is probably what happened. So we'll try to

1 be a little more cognizant about that.

2 I believe the delay now is -- is it till the end of
3 the year, Alicia, do you know?

4 MS. CURRY: For ...

5 SECRETARY STANLASKE: The Website rewrite.

6 MS. CURRY: I thought it was supposed -- you know
7 what? I'm not sure. I haven't really been involved in
8 that. I want to say --

9 SECRETARY STANLASKE: Because initially it was
10 supposed to be June 30th, and they never --

11 MS. CURRY: I was thinking July, but --

12 SECRETARY STANLASKE: -- because it became evident
13 that not everyone would be able to perform the work that's
14 needed to be performed.

15

16 Update on "Leg" Items (Continued)

17

18 SECRETARY STANLASKE: We had really good news during
19 this legislative session. We were approved -- the "leg"
20 approved the money for the elevator program to purchase
21 an off-the-shelf program and modify it, customize it to
22 replace our old CMS program. And we have been requesting
23 inspectors and other folks, and we'll be involving NEII
24 and some other folks in developing that new computer
25 system. So we want to make sure this is our opportunity

1 to be able to get what our customers need, what our
2 inspectors need, what building owners need, what elevator
3 companies need, and we want to make sure we can do this
4 right.

5 So that money will be available July 1st. But we
6 already have someone that has been assigned to this
7 project to start the sort of the background into the
8 rewrite. And we're very excited and pleased about that.
9 So we finally got the monies for that, and that should
10 make life a lot easier for elevator companies, building
11 owners, inspectors, everybody. So we're really pleased
12 about that.

13

14 New Forms Online

15

16 SECRETARY STANLASKE: We do have some new forms on
17 site -- I'm sorry -- on-line. They have been updated.
18 There are a few that we really sort of jumped the gun as
19 far as applications for new installations and alterations.
20 We're going to have to pull them back and reformat them a
21 little bit ... only until we can get the new elevator
22 database up and going.

23 So the old forms were pretty simple in some of the
24 information because of the way front counter enters it.
25 It was -- some of the information didn't make sense and

1 didn't flow, the same way that front counter enters it.

2 So we're looking at that.

3 And some of the forms are already on-line. You'll be
4 able to tell because they'll have revision dates, and it
5 will give 2019 as the revision date. So you'll be able to
6 see that on elevator forms and publications.

7

8 Review on Inspections (Annual)

9

10 SECRETARY STANLASKE: Annual inspections. We're not
11 -- obviously we'd like to see that we're at 100 percent
12 performing annual inspections. That is not the case.
13 However, we recently hired -- was that last week or two
14 weeks ago, Rich, that we hired our 27th inspector?

15 "RICH": That was -- he started the -- last week.

16 SECRETARY STANLASKE: So all of the inspector
17 positions are filled now. We have no vacancies.

18 And with some of our changes in processes, we have
19 been able to complete more annual inspections. And, of
20 course, the additional -- having the additional inspectors
21 on board has helped as well.

22 So I believe we're at about 49 percent of our annual
23 inspections being completed. However, that figure is ever
24 changing as you know. And part of that has to do with
25 some changes to our policy regarding inspections having to

1 do with accidents.

2 So -- and a lot of other small things that we've put
3 in place that have enabled us to become more efficient and
4 have enabled our inspectors to become more efficient. So
5 we're very pleased with that as well.

6 It's hard to believe but we are going to start
7 looking at -- in the next month or so we're going to start
8 looking at the items that we want to see on the "leg"
9 agenda that we want to propose to our folks upstairs, and
10 hopefully they'll agree and propose it to the "leg" as
11 well for the next session.

12 Those items that we are considering have to do with
13 risk-based inspections. And Rob's been working on a
14 subgroup, and he'll speak to that about what they've
15 determined at their subgroup regarding risk-based
16 inspections.

17 The other has to do with risk-based penalties. So if
18 it is a minor penalty, for lack of a better word, which
19 minor would entail those items that are noncompliant but
20 will not affect the life safety of riders or workers, then
21 those could potentially be left to the following year, not
22 -- not -- building owners would not be penalized for them
23 immediately; they would have till the next inspection to
24 correct those items. So we're looking at risk-based
25 penalties as well.

1 And the third one -- and I keep thinking there's
2 another one even after this, but I can't remember; it
3 escapes me. But the last one that I can think of right
4 off the top of my head is having qualified individuals,
5 those -- for lack of better terminology, but terminology
6 that people here understand -- third-party inspectors to
7 be able to contract with them for a short time to be able
8 to catch up to all of our inspections and start clean
9 again with annuals.

10 But those are just thoughts right now. And lots more
11 discussion has to be had with folks internally to see if
12 they'll agree to moving forward with that.

13 And I believe that is pretty much all that I have.

14 If you do find a broken link on our Website, please
15 let us know, and we will fix it; we'll get it taken care
16 of immediately.

17 CHAIRPERSON McNEILL: Thank you.

18

19 Rulemaking/Public Hearings

20

21 CHAIRPERSON McNEILL: Next item on the agenda is
22 Rulemaking and Public Hearings. Alicia, would you ...

23 MS. CURRY: Sure.

24 Good afternoon again, everyone. I know we talked a
25 little bit about rulemaking earlier, but just to give

1 everyone an update for the official record, the elevator
2 program has two rulemakings in progress right now.

3 The first rulemaking is to adopt safety codes from
4 ASME A17.3. We have two public hearings scheduled next
5 week. On May 30th we have a public hearing scheduled for
6 here at the L & I Tukwila office. It's scheduled to begin
7 at 9 a.m. And then we have a second public hearing
8 scheduled at the Davenport Grand Hotel in Spokane which is
9 also supposed to begin at 9 a.m., and that is on May 31st.
10 And we will be accepting public comment. Written comments
11 will be accepted for this rulemaking through May 31st. So
12 if anybody has any written comments, you want to make sure
13 you get those in to me before 5 p.m. on May 31st.

14 We are scheduled to -- if the proposed rules are
15 adopted, we're scheduled to file what we call a CR103.
16 That is to adopt the proposed rules. And that is
17 scheduled for July 23rd. And then the rules -- the new
18 rules would take effect on September 1, 2019.

19 And we also have the second rulemaking in progress
20 which we have titled, you know, as a rule review. Those
21 are the rules that have gone through the Technical
22 Advisory Committee. And then also the ESAC reviewed those
23 rules -- was it last week or --

24 MR. CLEARY: Yesterday.

25 MS. CURRY: I'm sorry. Yesterday. -- that they

1 reviewed yesterday. And that rulemaking we are scheduled
2 to file what we call the CR102 which is the proposed
3 rules. That is the language that we will be taking
4 public comment on. And that's scheduled to begin July
5 23rd.

6 As I mentioned earlier, we do not have the public
7 hearing dates scheduled yet, but we will be doing that in
8 the next couple of weeks. And we'll make sure to get
9 those dates on the Website for everybody. Of course, we
10 will send out notice when we file the CR102 of those dates
11 giving everybody formal notice, but if you want to know in
12 advance, please check the Website in a couple of weeks and
13 we'll have those dates on there for everybody.

14 And those -- the hearings right now, we're looking at
15 potentially the end of August or the first part of
16 September for those hearings. We're planning on right now
17 probably holding four public hearings like we did before
18 for the code adoption rulemaking, and those will be
19 throughout the state, probably likely Tukwila again,
20 Spokane, Vancouver, possibly Yakima. But we'll also have
21 those locations on there.

22 And then we are scheduled to file -- to adopt the
23 rules on October 22nd. And then the rules would become
24 effective December 1st.

25 So that's what we're looking at right now for

1 rulemaking.

2 CHAIRPERSON McNEILL: Could you -- for the 17.3, the
3 filing was 7/23; was that correct?

4 MS. CURRY: Correct. They're both scheduled. Both
5 rule makings are scheduled for a filing date of July 23rd.
6 The CR102 for the rule review and then the CR103 to adopt
7 the rules for the ASME A17.3.

8 CHAIRPERSON McNEILL: 17.3 would be effective --
9 active when?

10 MS. CURRY: September 1st.

11 CHAIRPERSON McNEILL: September 1st, okay.

12 MS. CURRY: Yep.

13 And you can also go to the elevator program's
14 rulemaking page, and all of the information is on here as
15 well as there is an information packet about the public
16 hearings for ASME A17.3. That's a PDF document that you
17 can either print or take a look at that has the addresses
18 of the public hearings, dates, times and other information
19 on there, and also more background about the changes that
20 are being made.

21 CHAIRPERSON McNEILL: Any questions? Any comments?

22 Thank you.

23 MS. CURRY: You're welcome.

24 ///

25 ///

1 Update Subcommittees Status

2

3 CHAIRPERSON McNEILL: The next item of business are
4 the subcommittee updates.

5

6 MCP's

7

8 CHAIRPERSON McNEILL: The first update will be from
9 the MCP subcommittee.

10 And Leonard, I believe you're chairing that.

11 MR. FLEMING: The MCP project, the test logs are part
12 of that. And they've been on-line for a period of time
13 now. We're still lacking in getting instructions out on
14 their use. But for hydraulic, electric and escalators/
15 moving walks, the test logs are on-line available for use.

16 The actual MCP for hydraulic, electric and escalator/
17 moving walks has been completed. It's been presented to
18 the ESAC for review, which I believe they did yesterday
19 possibly. No?

20 SECRETARY STANLASKE: No.

21 CHAIRPERSON McNEILL: No.

22 MR. FLEMING: Oh, okay. So the format is complete.
23 And so that's been passed on.

24 At this point, the MCP subcommittee's work is
25 substantially completed.

1 So ... the end.

2 CHAIRPERSON McNEILL: Scott.

3 MR. CLEARY: You didn't look at hand pull elevators
4 then under the MCP? There's no formats for those?

5 MR. FLEMING: We pulled everything out of the 8.6
6 portion of the MCP's that were of the 17.1. And we've --
7 (inaudible) -- special section in 8.6.

8 MR. CLEARY: Hand elevators are in 4.3, but the ones
9 that we have in the state don't follow 4.3; they follow
10 the WAC. So ...

11 MR. FLEMING: The portion of the MCP that we
12 basically pulled out of 17.1 is sections A1 through A3,
13 and almost all elevators say that they use whatever
14 portion of that is applicable.

15 MR. CLEARY: All right. Thank you.

16 MR. FLEMING: So it's fully understood that half of
17 the stuff will not apply to some -- what do they call it
18 -- elevators with other driving machines? -- because
19 you're expected to pull out what does apply to it.

20 MR. CLEARY: Thank you.

21 SECRETARY STANLASKE: So I would just like to say
22 thank you to you and Leon for all the hard work that you
23 did on that and to let you know that the reason why the
24 forms -- the test forms haven't been mandated for use, so
25 to speak, is because we're waiting for the entire MCP to

1 come on. But I would like to take a moment and recognize
2 the hard work that you and Leon did on that and let you
3 know how much we appreciate that because that will assist,
4 as Becky mentioned earlier, that will assist the building
5 owners and mechanics having a standardized document to
6 look at. So thank you.

7 CHAIRPERSON McNEILL: Do we have a motion from this
8 Committee to act on these documents?

9 MR. CLEARY: We haven't reviewed them.

10 CHAIRPERSON McNEILL: You haven't reviewed them?

11 Well, I'm calling for a motion. So if there's a
12 motion to either approve or disapprove or amend.

13 MR. CLEARY: I second.

14 CHAIRPERSON McNEILL: No, I can't make it. I'm --

15 MR. CLEARY: Why not?

16 CHAIRPERSON McNEILL: Because I'm the Chair.

17 SECRETARY STANLASKE: He's the Chair.

18 MR. CLEARY: Well, I'm the Vice Chair. I'll make a
19 motion to adopt what's come out of the MCP subcommittee.

20 MR. THOMPSON: I second.

21 CHAIRPERSON McNEILL: It's been moved and seconded.

22 If there's any discussion, you made the motion,

23 Mr. Cleary, so you can ...

24 MR. CLEARY: The only discussion that I have -- and I
25 guess you can help me on this, Leonard -- is test tags are

1 no longer going to be required as long as the test forms
2 are in the machine room?

3 MR. FLEMING: Right.

4 MR. CLEARY: Certain areas -- and I'm speaking
5 towards my stakeholders. We don't have machine rooms
6 usually. So tags still will be okay if we tag them and
7 not have test forms on site?

8 MR. FLEMING: I'm sure that the code would allow for
9 that. Because it says "or a method approved by the AHJ."
10 So we're approving using paper logs in lieu of.

11 And I'm a little off guard, but I don't believe you
12 couldn't use metal tags.

13 MR. CLEARY: Just envision a whole new building in a
14 beautiful field of wheat in the middle of nowhere, and
15 I've shown pictures where mice eat everything including
16 paper. So we use metal tags.

17 So that would be my only comment on this is that I
18 would hope the AHJ would approve metal tags at least under
19 these circumstances.

20 MR. FLEMING: Right. And I'm sure the language said
21 "or method approved," which we are going to approve using
22 our paper logs, which financially is a boon for all
23 elevator companies buying metal tags. But if you have to
24 use metal tags to keep the documentation alive, that's the
25 cost of doing business.

1 MR. CLEARY: Okay. That's my only ...

2 CHAIRPERSON McNEILL: Any other discussion?

3 I'll call for the question. All in favor?

4 MR. CLEARY: Aye.

5 MR. THOMPSON: Aye.

6 CHAIRPERSON McNEILL: The motion passes. Two in
7 favor. No opposed. No abstentions. No "no" votes.

8

9 Risk Assessment for Inspections

10

11 CHAIRPERSON McNEILL: This next item of subcommittees
12 is a risk assessment for inspections. All of the risk
13 assessments for inspections with the exception of
14 commercial chairlifts were approved last year in the
15 December meeting. The only one outstanding was commercial
16 chairlifts in buildings and exposed to the environment.

17 So the subcommittee met on that last -- a couple
18 weeks ago and has provided their recommendations to the
19 ESAC.

20 Is there a motion to approve? not approve? Is there
21 a motion on the recommendations from the subcommittee?

22 MR. CLEARY: I motion that we accept the
23 recommendations from the subcommittee.

24 CHAIRPERSON McNEILL: Is there a second?

25 MR. THOMPSON: I second.

1 CHAIRPERSON McNEILL: It's been moved and seconded.

2 Mr. Cleary, you have the floor since you moved.

3 MR. CLEARY: One of the things that came out of that
4 was the risk assessment for outdoor stair chairs. And by
5 definition, there are -- that I know, there are no outdoor
6 stair chairs because there's no overspeed governor that is
7 UL approved for outdoor use. So I think the closest thing
8 that would come to that would be something in a pool area
9 like a YMCA or YWCA. So we talked about that issue there.
10 But everything else, I was content with how we did the
11 assessments.

12 CHAIRPERSON McNEILL: So just so the stakeholders
13 understand, so the -- let me find my place here -- the
14 recommendation was that chairlifts exposed to the
15 environment must have an overspeed governor switch per
16 ASME 18.1. If an approved governor is not found on the
17 unit, meaning a UL-listed governor, then the unit must be
18 shut down. The findings were that according to our risk
19 assessment using ISO elevator risk assessment tools that
20 the inspections could -- by the State could be extended.

21 So it was moved and seconded. Any other discussion?
22 All in favor?

23 MR. CLEARY: Aye.

24 MR. THOMPSON: Aye.

25 CHAIRPERSON McNEILL: Two ayes. The motion passes.

1 Risk Assessment for Penalties

2

3 CHAIRPERSON McNEILL: The next item was risk
4 assessment for penalties. And that was provided to us
5 by L & I.

6 Dotty, do you want to speak to that?

7 SECRETARY STANLASKE: So what we did was we had an
8 exercise where we took every paragraph for corrections and
9 we looked at them. When I say "we," the inspectors looked
10 at them as well and determined that if they were -- if
11 that particular correction was the only item that was
12 written up and it was all by itself, would that be
13 considered a minor, a severe or a red tagable item. So
14 the inspectors went through and gave their feedback. And
15 I took all that feedback and compiled it and presented
16 that to the -- if there were items that were on the cusp
17 and, say, you know, half of the inspectors thought it was
18 severe and half thought it was red tagable, it went to red
19 tagable.

20 So we then presented that to the Safety Advisory
21 Committee for their review.

22 And the definition that I gave for "minor" is: "A
23 noncompliant issue that will not cause any injury or harm
24 to an individual riding or working on a conveyance or the
25 equipment. Minor issues will need to be addressed prior

1 to the next inspection. If the issue is noted as
2 corrected during the next inspection, no penalty will be
3 incurred. If not, the inspector will note the correction,
4 and the penalty will automatically be incurred."

5 "Serious." "A noncompliant issue that has the
6 potential if left unchecked to cause any injury or harm to
7 an individual riding or working on a conveyance or the
8 equipment. Serious issues must be corrected within 90
9 days or a penalty may be incurred."

10 "Red tag." "A noncompliant issue that has the
11 imminent potential to cause any injury or harm to an
12 individual riding or working on a conveyance or the
13 equipment. Red tag issues must be corrected within the
14 time specified by the inspector. A conveyance shall not
15 be allowed to be operated until the conveyance is
16 reinspected and the issue has been corrected."

17 CHAIRPERSON McNEILL: Is that the end of your report
18 on that?

19 SECRETARY STANLASKE: Yes.

20 CHAIRPERSON McNEILL: So this was sent out by L & I
21 to all the Committee members last week. And I had one
22 comment, which was for the criteria so we can understand
23 it, and that was given to us on the 15th for review.

24 Is there a motion on the risk assessment for
25 penalties by the Committee?

1 MR. THOMPSON: I move to approve.

2 CHAIRPERSON McNEILL: Is there a second?

3 MR. CLEARY: I second that motion.

4 CHAIRPERSON McNEILL: It's been moved and seconded.

5 You have the floor. Do you -- if you have any
6 comments?

7 MR. THOMPSON: Yeah, I have -- some of the
8 categories, there are options as to the severity that
9 might be assigned, and some categories there's only a
10 single severity identified. What flexibility or
11 subjectivity does the inspector have to select a severity
12 that's noted or to identify a different severity than is
13 noted?

14 SECRETARY STANLASKE: Can you show me an example?

15 MR. THOMPSON: So one example: With regard to a
16 malfunctioning car-door device, the noted severity is only
17 serious; length of potential exists for it to meet the
18 criteria of a red tag.

19 SECRETARY STANLASKE: And there is that potential.
20 And that would be at the inspector's discretion.

21 MR. THOMPSON: Okay. So the inspectors are not bound
22 by the severity.

23 SECRETARY STANLASKE: No.

24 CHAIRPERSON McNEILL: Any other discussion? Seeing
25 none, we'll call the question. All in favor of approving

1 the recommendations, signify by saying "aye."

2 MR. CLEARY: Aye.

3 MR. THOMPSON: Aye.

4 CHAIRPERSON McNEILL: It passes two-zero-zero.

5

6 Alterations WAC ASME

7

8 CHAIRPERSON McNEILL: The last item on subcommittees
9 reports is -- it says Alterations WAC and ASME.

10 What the subcommittee was tasked to do was to review
11 the code in respect to -- bear with me; I need to find it
12 -- in respect to code compliance or testing and
13 inspection. And that is right after the -- for you to
14 find it right now it's right after the definitions that
15 Dotty sent out on her risk assessment.

16 So subcommittee sent this -- do you have it there?
17 It's right there (indicating).

18 SECRETARY STANLASKE: Oh, this is it?

19 CHAIRPERSON McNEILL: Yeah.

20 So the subcommittee was developed from the prior Type
21 B permit subcommittee. So members on that were contacted
22 to meet. We had a quorum to meet on this and reviewed WAC
23 rule 296-96-0700 to determine if the ASME 17.1 2016 rules
24 and WAC 296-96-0700 requires inspectors to witness the
25 testing of components of repair or replacement devices

1 during an associated test required.

2 So we reviewed all the codes. The subcommittee
3 determined that it's the responsibility of the licensed
4 elevator contractor performing the repair or replacement
5 to provide the proper testing and record such testing in
6 the conveyance maintenance control program records. This
7 requirement is noted in ASME 2016 17.1, section 8.6.1.4.1
8 (b). Therefore, the State inspectors do not have to be
9 present for the testing and will check the maintenance
10 control program record when performing their annual
11 inspection.

12 The subcommittee recommends to the ESAC that
13 inspectors need not be present for repair and replacement
14 testing, and that the licensed elevator contractor
15 performing the work is responsible for the proper testing
16 and recording of the work performed.

17 So do we have a motion on this?

18 MR. THOMPSON: I move to accept the subcommittee
19 recommendation.

20 MR. CLEARY: I second.

21 CHAIRPERSON McNEILL: It's been moved and seconded.
22 Any discussion? Seeing none, all in favor?

23 MR. CLEARY: Aye.

24 MR. THOMPSON: Aye.

25 CHAIRPERSON McNEILL: Motion passes to recommend --

1 move these recommendations to the Department.

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New Business

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5 CHAIRPERSON McNEILL: The next item is one new
6 business that you have regarding ...

7 SECRETARY STANLASKE: CPH's.

8 CHAIRPERSON McNEILL: CPH's. And that's the only
9 other business I have noted here. So we'll give you the
10 floor.

11 SECRETARY STANLASKE: Okay. So I was asked to share
12 this announcement on behalf of the Department of Labor and
13 Industries ... if I can open it.

14 (As read) "L & I announces changes in permitting and
15 licensing requirements for construction personnel hoists."

16 Let me make this a little bigger so I can read it
17 better. Okay.

18 (As read) "The Washington State Department of Labor
19 and Industries Elevator Program is reviewing and modifying
20 how it handles Construction Personnel Hoists (CPH's). The
21 department has determined that CPH's when operated by a
22 worker stationed at the hoist are exempted from the
23 requirements of Chapter 70.87 Revised Code of Washington
24 (RCW). This includes requirements under Chapter 70.87 RCW
25 and Chapter 296-96 Washington Administrative Code (WAC)

1 for permits and inspections for installation and licensing
2 to work on CPH's. However, employers are still required
3 to ensure the safe installation and the operation of CPH's
4 under the department's workplace safety and health rules
5 as administered by the Division of Occupational Safety and
6 Health (DOSH).

7 "As a result, the department is making the following
8 changes:

9 "The Elevator Program will not enforce the
10 requirements for permits and licensing including issuing
11 penalties for noncompliance for exempt CPH's.

12 "The Elevator Program will conduct voluntary
13 inspections upon request; however, new applications for
14 installation permits are no longer accepted. There are no
15 penalties issued as a result of the voluntary inspection
16 (WAC 296-96-01035). Employers may also request a free
17 confidential consultation from DOSH.

18 "The Elevator Program will work with those who have
19 permit applications in process to close them out and
20 refund any fees for services that have not been provided.

21 "Upon request, the Elevator Program will close out
22 and refund fees for individuals with open applications for
23 Category (04) elevator mechanics and Category (09)
24 temporary elevator mechanics when the individuals were
25 only getting the license in order to work on CPH's and no

1 longer want to be licensed. Otherwise, Category (04) and
2 Category (09) license applications will still be accepted
3 and issued at this time.

4 "If you have questions or would like to request a
5 voluntary CPH inspection, contact the Elevator Program at
6 ElevatorSect@lni.wa.gov or 1-800-705-1411. To request a
7 DOSH consultation, contact DOSH at 1-800-423-7233 or
8 <http://www.lni.wa.gov/Safety/Consultation/request.asp>.

9 "Why this is happening now.

10 "As part of an ongoing review, the program determined
11 that RCW 70.87.200(2) exempts hoists erected temporarily
12 for use during construction work when operated by a worker
13 stationed at the hoist from the requirements under Chapter
14 70.87 RCW and Chapter 296-96 of WAC. We recognize this is
15 a change and that prior to now the department has
16 regulated CPH's under the Elevator Program. However, this
17 change is necessary to ensure the department's operations
18 are consistent with this statute.

19 "Both L & I and AGC agree that safety is still the
20 number one goal and a joint effort. AGC has stated that
21 it stands ready to assist their members, L & I and the
22 industry through this transition.

23 "Employers are still required to install and operate
24 construction personnel hoists safely.

25 "As stated above, DOSH rules apply to CPH's. WAC

1 296-155-77105 requires that after assembly and erection of
2 hoists and before being put into service, an inspection
3 and test of all functions and safety devices must be
4 performed under the supervision of a competent person. A
5 similar inspection and test is required following major
6 alterations of an existing installation. Inspections and
7 tests of hoists must be performed at not more than
8 three-month intervals. Records must be maintained and
9 kept on file for the duration of the job.

10 "DOSH enforces safety and health rules by inspecting
11 work sites for unsafe conditions. Those inspections may
12 include construction personnel hoists. Violations of DOSH
13 requirements identified during DOSH enforcement
14 inspections could result in penalties to the employer.

15 "If someone sees something that they think isn't
16 safe, they should contact the work site manager to shut
17 down the hoist or file a workplace safety and health
18 complaint with DOSH by contacting your local L & I office
19 or 1-800-423-7233."

20 And that is the end of the announcement.

21 CHAIRPERSON McNEILL: Thank you.

22 That is the last thing we have under any new
23 business. Does the Committee have any other business
24 they'd like to entertain at this time?

25 ///

1 Seeing none, is there any opposition to adjourn?

2 Therefore, we're adjourned.

3 (Whereupon, at 2::50 p.m.,
4 proceedings adjourned.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
 County of Pierce)

I, the undersigned, a Certified Court Reporter in and for the State of Washington, do hereby certify:

That the foregoing transcript of proceedings was taken stenographically before me and transcribed under my direction; that the transcript is an accurate transcript of the proceedings insofar as proceedings were audible, clear and intelligible; that the proceedings and resultant foregoing transcript were done and completed to the best of my abilities for the conditions present at the time of the proceedings;

That I am not a relative, employee, attorney or counsel of any party in this matter, and that I am not financially interested in said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand on this 11th day of June , 2019, at Tacoma, Washington.

H. Milton Vance, CCR, CSR
 Excel Court Reporting
 (CCR License #2219)