

DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELEVATOR SAFETY ADVISORY COMMITTEE MEETING

TRANSCRIPT OF PROCEEDINGS

May 18, 2021

9:00 a.m.

Reported By:

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of

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A G E N D A

May 18, 2021 - via videoconferencing

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1 BE IT REMEMBERED that an Elevator Safety
2 Advisory Committee Meeting was held at 9:00 a.m. on
3 Tuesday, May 18, 2021, via videoconferencing.

4

5 COMMITTEE MEMBERS present were: Scott
6 Cleary, Ricky Henderson, Gerald Brown, Jan Gould,
7 Duane Leopard, Garry Wood, Jim Norris, Ed Frysinger,
8 Carl Cary, John Carini, Lyall Wohlschlager, and Matt
9 Kowalski.

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11 WHEREUPON, the following proceedings were
12 held, to wit:

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PROCEEDINGS

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ESAC Welcome, Introductions

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CHAIRPERSON CLEARY: Welcome, everybody. I
think we have 39 participants. That's really good.
The good thing good thing I think we're going to talk
about and I just want to bring up right now is that it
looks like we're going to be able to meet in person

1 for our third quarter meeting in August, which is
2 fantastic. This being sequestered for this long I'll
3 actually have to shave and look presentable; so,
4 that'll be good. That'll make everybody happy.

5 So, with that, we're going to go through
6 introductions and everything else. I'm Scott Cleary.
7 I'm the chair. I represent the -- the two seven
8 exemption from licensure residential elevators and
9 commercial accessibility. And then we're going to go
10 around -- Melissa, if you just want to go ahead and
11 just call everybody out by name... So, we'll start
12 next with Ricky. You're muted Rick.

13 MR. HENDERSON: Sorry about that. Ricky
14 Henderson, Vice Chair, ad hoc member.

15 MS. ERIKSEN: Carl.

16 MR. CARY: Carl Cary, representing owners
17 and building managers.

18 CHAIRPERSON CLEARY: Go ahead, John.

19 MR. CARINI: I'm sorry, I didn't hear you.
20 Good morning. John Carini, representing owners and
21 building, building managers.

22 CHAIRPERSON CLEARY: Patrick, are on here or
23 Jim?

24 MR. NORRIS: Sorry. Jim Norris, Local 19,
25 representing licensed mechanics.

1 CHAIRPERSON CLEARY: Outstanding. Go ahead,
2 Ed.

3 MR. FRYSSINGER: Edward Frysinger with
4 Schindler Elevator representing elevator contactors.

5 CHAIRPERSON CLEARY: Jan. So, this is going
6 to be the nice thing about meeting in person. Go
7 ahead, Jan. Jan, are you there? Okay, let's move on.
8 Duane.

9 MR. LEOPARD: Good morning, everybody, from
10 Spokane. Duane Leopard from Spokane. I'm the
11 alternate representing the City of Spokane.

12 CHAIRPERSON CLEARY: Garry, Garry Wood.

13 MR. WOOD: Good morning, everyone. Garry
14 Wood, Exxel Pacific, representing general contractors.

15 CHAIRPERSON CLEARY: Lyall, are you here?

16 LYALL WOHLSCHLAGER: Yeah. Lyall
17 Wohlschlager representing exempt from licensure and
18 residential and accessibility equipment.

19 CHAIRPERSON CLEARY: Matt... Are you on,
20 Matt? Okay.

21 MS. ERIKSEN: He'll be arriving later,
22 sorry.

23 CHAIRPERSON CLEARY: All right, go ahead,
24 Jan, you're up.

25 MS. ERIKSEN: Matt will be arriving later,

1 Matt Kowalski.

2 CHAIRPERSON CLEARY: Go ahead and introduce
3 yourself, Jan, please.

4 MS. GOULD: Jan Gould, City of Seattle,
5 strategic advisor for the elevator program.

6 CHAIRPERSON CLEARY: Gerald.

7 MR. BROWN: Gerald Brown, chief elevator
8 inspector, and secretary and state government
9 representative.

10 CHAIRPERSON CLEARY: Duke, are you on?
11 Okay, have I left anybody out? Okay, so, everybody,
12 please make sure everybody's got their -- their mic
13 off.

14 Okay, so introductions, we've already been
15 through the introductions and let's -- is there any
16 comments or feedback on the minutes from the February
17 meeting? Hearing none, do I have a motion to accept?

18 UNIDENTIFIED SPEAKER: Motion to accept.

19 CHAIRPERSON CLEARY: Any second?

20 UNIDENTIFIED SPEAKER: Second it.

21 THE COURT REPORTER: This is the court
22 reporter. Like I say, I need you to identify
23 yourself. I'm not sure who motioned and who seconded
24 it. I need to identify the speakers in the
25 transcript.

1 CHAIRPERSON CLEARY: So, who made the
2 motion?

3 MR. WOOD: Garry Wood.

4 CHAIRPERSON CLEARY: Who seconded it?

5 MR. CARINI: John Carini seconded it.

6 CHAIRPERSON CLEARY: This is Scott Cleary.
7 Any discussion on it at all whatsoever? All in favor
8 say aye.

9 (Ayes)

10 CHAIRPERSON CLEARY: Any nays? Okay,
11 fantastic. The minutes for February have been
12 accepted and let's go ahead and move on. We're going
13 to -- next is going to be the Chief's Report,
14 scorecard & accident review from Gerald Brown.

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17 Chief's Report

18 Scorecard & Accident Report Review

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21 MR. BROWN: Okay. Our scorecard,
22 everybody should have gotten a copy of this. I'll
23 have you go head and review that. Basically what
24 we're looking at is the number of completed
25 inspections and it's for this fiscal year starting in

1 July, ending in June. It looks like we're still doing
2 a great job. We have a good number our state annuals
3 completed, state --

4 CHAIRPERSON CLEARY: Gerald, can I stop you
5 for a second?

6 MR. BROWN: Sure.

7 CHAIRPERSON CLEARY: Melissa, can you put
8 that up on the screen so everybody can see it because
9 that's something we could do and make it much easier
10 for everybody.

11 MR. BROWN: Why don't I go ahead.

12 CHAIRPERSON CLEARY: Sorry about that,
13 Gerald. Thanks, Melissa.

14 MR. BROWN: Okay, I just want to make sure.
15 Sometimes it takes a minute for that to show up.

16 CHAIRPERSON CLEARY: No, that's good.

17 MR. BROWN: Okay, good. All right. So, on
18 here it shows some of the baselines, some state-wide
19 inspections completed, the state-wide annuals
20 completed. Let's just take April. For instance, in
21 April it looks like we went out and did 975 annuals
22 and we did 585 other inspections. This would be
23 IVIPs, this would be any type of permitted inspection
24 and turn-ons, and alterations, re-inspections other
25 than annual inspections, and we can look along that

1 slide to see the number is still very strong. State-
2 wide and other inspections is constantly increasing.
3 We're doing good on our staffing. I think this is a
4 reflection of the good numbers from the last annual
5 scheduled inspection numbers. It has -- We can see
6 that there's a huge increase; so, we're getting more
7 and more things done. Next year will reflect the
8 numbers on the second line for annuals we inspected
9 this year. And, so, we are definitely improving
10 overall. We've got a good team. We've got a few
11 openings still, but we still have really good, really
12 good results from our standardized inspections that
13 we're doing, and this is the fruit of that.

14 Is there any questions on the state-wide
15 inspection scorecard from anyone?

16 CHAIRPERSON CLEARY: Gerald, is there a
17 matrix or a metric you can show us that -- do you guys
18 keep track of what annuals and that stuff that are way
19 overdue, like three, four, five years out? Is there
20 anything on bringing them current? I'm still finding
21 stuff in the grain industry that hasn't been inspected
22 for a while. So, is that something you look at or
23 keep track of?

24 MR. BROWN: I would defer that, getting that
25 information. Melissa can generate that report to get

1 that. This is basically the scorecard, the
2 information that we normally present, but we can get
3 that additional information. Why don't you shoot her
4 an e-mail and I'm sure she can get that breakdown to
5 you so you can review that.

6 CHAIRPERSON CLEARY: All right. And that
7 would be really helpful for some of the small little
8 subgroups of conveyances that are kind of the
9 outliers. It would be really, really helpful to see
10 where we are with ones that are way behind and what
11 priority do they get. So, that would be helpful.
12 Thank you.

13 MR. BROWN: All right. Thank you. Okay,
14 any other questions on the inspection scorecard?
15 Okay. Moving on. Is that somebody speaking?

16 CHAIRPERSON CLEARY: I don't see anybody's
17 hand up; so, go ahead, Gerald. Move on to state
18 inspector update.

19 MR. BROWN: Okay. Up on the top of your
20 screen there's a place to raise your hand if you have
21 a comment and that will help us identify if you have
22 any questions. Okay, the next chart that we have is
23 talking about accidents, counts for fiscal quarter.
24 This is just elevators talking about in the three
25 quarters we've been through so far, no-fault count,

1 at-fault count, meaning something going wrong with
2 equipment and somebody was injured. We have the chart
3 showing first quarter, second quarter, and third
4 quarter. This is a combination of elevators and
5 escalators, and it shows, you know, one, two, three or
6 four events during the quarter. Down here is the
7 escalator breakdown individually. But like I said,
8 the colored chart shows both, but you have to kind of
9 pay attention to that legend that talks about
10 escalators. So much of that, of course, is not really
11 equipment. It's because it's the type of the
12 conveyance we have more accidents on them inherently.
13 Especially the numbers are down because fewer people
14 have been traveling and that's where we see -- and
15 fewer people are at the malls and stuff, so that's
16 probably one of the reasons the accidents are down,
17 which is great, we love down as far as accidents go.
18 So, that's pretty much what I have for you on the
19 number of accidents, and reporting, and things like
20 that. Is there any questions?

21 CHAIRPERSON CLEARY: Gerald, quick question.
22 Escalators have always been the problem child for any
23 of the accidents that we're seeing statistically. Is
24 there -- is there something the State can do as an
25 educational thing, a PSA, or something to help, or

1 signage, or some sort of public -- especially, like
2 you said, malls and airports are usually the biggest
3 ones that have the problems, so is there something
4 that the State can be proactive in doing to help
5 isolate that being a problem and do some education or
6 do you think it's to the point where that wouldn't be
7 helpful?

8 MR. BROWN: We've always -- we've always
9 encouraged the elevator/escalator safety programs that
10 are available. I think that's one of the few things
11 on our website that is still there. We encourage
12 people to use that. We would also fully endorse when
13 we see things what they consider to be like
14 advertisements about handrails, which sounds crazy,
15 but with the handrails moving all the time people
16 can't see it because they're just black, and they have
17 found when they put advertisements or, you know,
18 something on the handrails to indicate that there's
19 something moving there that people aren't used to to
20 get your attention and they tend to hold the handrails
21 better now that -- They've got UV sanitizers on the
22 majority of them. You'll see decals on the units that
23 have had the UV sanitizers put on them. There's
24 distance -- social distancing dots that they put on
25 escalators to have people not be terribly right on top

1 of each other. Those also get people's attention.
2 Escalators are just inherently problem issues.
3 Unfortunately, it's the devastating parts of the very
4 old and very young. Escalator clearances are such
5 that, you know, they're not getting large portions
6 sucked into them anymore like they did back in the
7 60s, but because everything is tighter tolerances now
8 everything is sharp. The next time you ride a set of
9 escalators gently reach forward and hit the nose of
10 the step and just imagine somebody on blood thinners
11 hitting that if they tumbled and fell. That should
12 have your full attention. And the number one thing
13 you can do, all of you, please, please hear me on
14 this, if you are with your family, especially
15 children, grandchildren, your children, anybody's
16 children that you're with, teach them, show them how
17 to hold the handrail, keeping their feet in the middle
18 of the escalator, don't let them rub them on the
19 sides, that's where the majority of devastating
20 accidents happen is on the sides going up and down on
21 an escalator, not so much at the bottom where you step
22 off and on. If you teach them, and that's something
23 that they would remember the next time they ride when
24 you're not there, you have done them a great service
25 for escalator and elevator safety. They're not toys.

1 Don't tell your kids to go play on them. And try to
2 discourage others. I know I used to be the escalator
3 cop when I had them on my service route and I just --
4 it's just really sad when you -- One of my earliest
5 recollections, I'm a third generation elevator
6 constructor, and one of my earliest recollections I
7 remember is we were late going on vacation because dad
8 had to go by the department store and dig some kid's
9 toes out of an escalator truss so they could try to
10 re-attach them, and that's how bad things were then
11 and how much better they are now. But still pay
12 attention, teach them, train them, love them, make
13 sure that you -- You can make a difference here.
14 There's signage on them. There are stand-up signs
15 directing where the elevators are. Encourage people
16 with strollers or wheelchairs, believe it or not, to
17 go use the elevator and not the escalator. And just
18 do what you can. You can make a difference in safety.

19 CHAIRPERSON CLEARY: Gerald, I know there's
20 been discussions in the past about having your
21 inspectors witness some of the annual testing. Is
22 that something that you have been thinking about or is
23 that something that you just don't have the resources
24 for?

25 MR. BROWN: Right now we don't have the

1 resources for it. We really would love it to be
2 considered if you're doing your annual testing. We've
3 got -- we've got seven or eight new inspectors that --
4 Not all elevator guys are escalator guys. It's
5 usually not a big man's sport. And now that we have
6 to inspect them, we need to know and be able to have
7 some more hands on; so, we appreciate that. You'll
8 see several inspectors show up to new escalator
9 turn-ons for training, and, so, yes, we appreciate the
10 invitations. We wish that we had enough staff to be
11 able to witness our annuals testing, but I know that
12 right now we cannot do that.

13 CHAIRPERSON CLEARY: Well, it just stands
14 like that, you know, everybody has -- this has always
15 been the one that's been on the radar for the most
16 accidents; so, it's good to have -- you know, talk
17 about it publicly, and, you know, if the State can be
18 helpful with that, that would be really good.

19 MR. BROWN: Thank you.

20 CHAIRPERSON CLEARY: Okay, so we -- Gerald,
21 you're next up to talk about the state inspection
22 update, the state inspector, I guess.

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State Inspector Update

MR. BROWN: Yeah. We have a -- I believe that Melissa attached an updated list of phone numbers and stuff talking -- Actually, I made the list here. Look, I'm the chief now. We have our tech specialists. We have our IVIP inspectors. This is our virtual inspection program that we have. We have two Inspector 1s and an Inspector 2 that are assigned to this. They're doing a great job. We've expanded that to include platform lifts. We're doing a pilot program on that now and as soon as we get the rest of it hammered out on testing forms and things like that we will -- we will present that to the ESAC for review and consideration so you understand how we're doing it. So far its had a great success and it's helping expedite our inspection process like we're doing with stair chairs, and most of the people that do those type of conveyances are already doing -- they do VPLs also, so there's very little transition from knowing how to do a virtual inspection on a stair chair as opposed to a vertical platform lift or wheelchair lift. We have our inspectors listed by region, supervisors and our inspectors with a list of e-mails and phone numbers, so, for the different regions, and

1 for your review that's attached to the minutes. I'd
2 encourage you to do that. Let me get back to the
3 agenda.

4 Okay, state inspector update. We have --
5 Potentially we have five openings for inspectors that
6 we're moving forward to get those -- to get those
7 filled. We've had -- The Governor's hiring freeze has
8 been lifted and slackening; so, we're working through
9 the process of how to get those positions filled. We
10 didn't get the total green light, but it's a good
11 yellow light. We like that. It's moving forward.
12 We're having great success with our training program,
13 our standardized inspection for the inspectors we
14 hired last go round. We're seeing wonderful results.
15 That's kind of where we're at on our inspectors. We
16 have -- Oh, let's see, our code adoption update, we're
17 moving right along.

18 CHAIRPERSON CLEARY: Gerald, can I ask one
19 question on the inspectors real quick before you move
20 on?

21 MR. BROWN: Yes.

22 CHAIRPERSON CLEARY: Scott Cleary. The
23 count -- What calculus are you using? Are you trying
24 to bring on enough inspectors so each will have
25 it so you can get your annuals done like the RCW says

1 per year? Is that what you're basing your FTE
2 requirements on is having a workload that can get
3 through all of them in a year?

4 MR. BROWN: That is correct. We're
5 simultaneously trying to keep up enough FTEs to move
6 the work forward to get our annuals accomplished
7 because that's the mandate that we're going to meet,
8 and, then, also simultaneously pulling away as many
9 inspections to our IVIP department to free up our
10 Inspector 2s to have more time to do the annual
11 inspections. And both of those together is having
12 some great results and we are seeing, as you saw, a
13 phenomenal number of inspections done now as opposed
14 to last year for as far as annuals go, and so we're
15 starting to reap the benefit of our FTEs. We will
16 probably in the next go around in the legislature
17 get -- hopefully get some more FTEs. We're talking
18 about that now, what that looks like. So, that's --
19 that's where this is at.

20 We're having great results even with the COVID
21 restrictions. The COVID restrictions are double-fold.
22 It's being able to get into buildings and then also
23 getting inspectors there to do those inspections
24 because this opening up, the state now going to -- I
25 think today everything is set at a three now,

1 hopefully we'll be able to get into even more and more
2 facilities. A lot of things are still closed down.
3 A lot of big businesses still have closed buildings.
4 They don't want to have somebody come in and have to
5 clean the building after they're done, things like
6 that, if it's just for these type of inspections. So,
7 we don't have a total green light to get in to do all
8 of our buildings, so that doesn't help, but now that
9 things are loosening up we're going to see more --
10 more inspections done without quite so much footwork
11 to get in.

12 CHAIRPERSON CLEARY: Well, and the feedback
13 on the IVIPs, you know, Dylan, James, Sergey have done
14 a really good job and I think that's shown that
15 putting that together, and getting a good team and a
16 good process in place is really paying dividends and
17 making things go much quicker, especially it shows you
18 when we've got problems like with COVID and other
19 things that if you have the ability to be flexible
20 like this it doesn't slow anything up. Actually, it
21 accelerates it. So, that's one thing I can really --
22 I'll testify to that its been very successful,
23 especially on the west side. So, thank you for that.

24 MR. BROWN: Thank you. So, and I already
25 discussed about the piloting of the vertical platform

1 lifts and we're having great success there. We
2 haven't -- It's actually components are bigger; so,
3 they're easier to see. They're not stair chairs. So,
4 that's a good point. So, we are able to have some
5 great success there.

6 So, that's pretty much what we have on our -- on
7 the Chief's Report. Does anybody have any questions I
8 can answer?

9 CHAIRPERSON CLEARY: Do you want to talk a
10 little bit about code adoption updates?

11

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14 Code Adoption Update

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16 MR. BROWN: Oh, absolutely. Code
17 adoptions, we are still moving forward. We're just
18 about done with our 2019 review. We're going to get
19 that out to the TAC. I believe we have -- I don't
20 know if we have some people -- You have to tell me if
21 you've got some people identified as far as our TAC
22 for 2019 code identified yet for committee members.

23 CHAIRPERSON CLEARY: You know, Melissa, we
24 need to get that out pretty quick, right? We need to
25 go through the process. One thing about this go

1 round -- This is Scott Cleary. One thing about this
2 go round, we've been through this process, so a lot of
3 the speed bumps we've had in the past I think are
4 going to go away. And I really think, you know,
5 Melissa, getting that going sooner than later is going
6 to be really important to get everybody on board
7 because it's going to be really important and I'm
8 really excited about being able to go through this
9 process, and whatever is agreed upon by not only the
10 TAC, but the ESAC, the State is going to have the
11 ability to adopt without doing a lot of wordsmithing
12 and changing, and so I think that might help and not
13 get us in the same problem that we have now as we
14 still don't have a WAC that's completely done from the
15 2018 TAC. So, I'm really looking forward to that, but
16 let's -- let's get going on it. And, Gerald, that's
17 going to be really important. So, Melissa, if you can
18 get it on the website or figure out the right
19 representatives, that would be fantastic.

20 MS. CURRY: Hi, Scott. This is Alicia
21 Curry.

22 CHAIRPERSON CLEARY: Hi, Alicia.

23 MS. CURRY: Typically we don't start the
24 TAC process until we file the CR 101 that notifies
25 people that we're soliciting folks, volunteers for the

1 TAC, and with the current rule-making the rules are
2 tentatively scheduled to be effective October 1st.
3 So, typically, that's kind of the rule-making process
4 for the program is we would start the TAC solicitation
5 after October 1st.

6 CHAIRPERSON CLEARY: Okay. Well, can we --
7 can we put a schedule out so every -- on the website
8 so we all know kind of what to look forward to because
9 cramming it towards the end of the year creates some
10 problems, too, for getting everybody together, but I
11 understand you've got the 101 and 102 that needs to be
12 done. So, I just think we need -- whatever we need to
13 do, we need to vet it through the ESAC and make sure
14 it's on the website. So, I appreciate that, Alicia.

15 MS. CURRY: Yeah, definitely. And I was
16 going to wait until I kind of gave my rule-making
17 updates, but the website will be updated soon to
18 reflect the dates of the current rule-making because I
19 know there needs to be some adjustments made on there,
20 so...

21 CHAIRPERSON CLEARY: Okay. Very good. All
22 right. Okay, I think -- Gerald, I think we can go
23 ahead and move on to -- Alicia, you kind of worked
24 right into the legislative updates, so stay on. There
25 you go.

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Legislative Updates

2021 Legislation Specific to Elevators

MS. CURRY: So, for the 2021 legislative updates we didn't really -- we didn't have any bills that passed that directly affected the elevator program; so, there's nothing really to report there. However, we did get some funding for the conveyance management system project and I was going to let Annette or Gerald speak to that since I wasn't directly involved with that to kind of a give an update on the status of that.

CHAIRPERSON CLEARY: So, you're talking CMS?

MS. CURRY: For the budget piece, yes.

CHAIRPERSON CLEARY: Yep, okay.

UNIDENTIFIED SPEAKER: So, as far as the update goes, the increased --

THE COURT REPORTER: This is the court reporter. Excuse me, can you please identify yourself.

MS. TAYLOR: I apologize. Annette Taylor.

THE COURT REPORTER: Thank you.

MS. TAYLOR: Sorry about that. So, Right now we're working with our budget office and

1 determining the route in which we will pay for the
2 costs of the new technology solution for the elevator
3 program and so we're in the middle of those
4 conversations right now. There's going to be -- we
5 call them counter measures to address the cost to
6 develop a new IT technology solution for the elevator
7 program and we're in those conversations right now
8 with the budget. The legislature in the last
9 legislative session approved the agency to use the
10 funds within the elevator program fund to pay for
11 these solutions; so, we're working through what does
12 that look like right now as we're continuing to move
13 down the path to identify what a new solution would
14 look like for the elevator program. So, that's kind
15 of where we're at with that.

16 MS. CURRY: Thanks, Annette. I appreciate
17 that.

18 CHAIRPERSON CLEARY: Gerald, do you have
19 anything to add on that?

20 MR. BROWN: No. I'm good. Go ahead. This
21 is Gerald Brown.

22 CHAIRPERSON CLEARY: Okay. We're going to
23 talk about Rules Update.

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Rules Update

MS. CURRY: Yes. Good news on the rule-making. We are scheduled to file the proposed rules today; so, I'm just waiting for confirmation for when that's going to be filed, but they're expected to be filed today. So, good news on that piece. The proposed rules starts the official public comment period. We have two public hearings scheduled for this rule-making. The first one is on June 29th and the second one will be on June 30. So, you guys can expect to see a notice of that filing coming through gov delivery here shortly, as well as we'll be putting that information on the program's rule development page. It just takes us a couple -- it takes us, you know, several days to be able to accurately file to get the website updated. So, I'm just recommending, you know, for everybody to, you know, check the website probably next week. Early next week we'll have the proposed rules on there, and all the public hearing information, as well.

CHAIRPERSON CLEARY: Any questions for Alicia on process? Gerald.

MR. BROWN: Gerald Brown. Alicia, did you mention that those would be virtual meetings?

1 MS. CURRY: Oh, yes. I forgot to mention
2 that. Yes, the public hearings are still virtual, so
3 June 29th and June 30th, so it's going to be through
4 Microsoft teams. You know, we're still encouraging
5 written comments, you know, if possible, but both
6 hearings will be virtual. So, people can either call
7 in or they can click on the link, just like for this
8 meeting, for the public hearings. And if we --

9 CHAIRPERSON CLEARY: Scott Cleary.

10 MS. CURRY: Oh, sorry. Go ahead, Scott.

11 CHAIRPERSON CLEARY: No, go ahead. I just
12 have a question after you're done.

13 MS. CURRY: Oh. And if we do, you know,
14 adopt the rules as expected, we're expecting to adopt
15 the rules towards the end of August, and then the new
16 rules would be effective October 1st.

17 CHAIRPERSON CLEARY: Okay. Scott Cleary.
18 I've got some questions on process when it comes to
19 written feedback from the public, the public hearings.
20 How does that integrate -- I was very confused last
21 time we went through this that the process went along
22 and I'm not really sure how or when the public
23 comments were either addressed, integrated, or a lot
24 of them came in after we had already gone down the
25 road a little bit. So, can you talk about when you go

1 to -- there's a public meeting, you get public
2 comment, how is it addressed, how is it integrated,
3 how it affects the process, and how is it resolved?

4 MS. CURRY: Sure. So, we have the public
5 comment period scheduled through June 30, so that's
6 the deadline for when folks need to get in their
7 written comments, as well as, you know, the public
8 hearings will be over. The last hearing is on June
9 30th. And, then, once the public comment period ends,
10 you know, we take a look at all the comments we
11 receive. We may make possible changes, you know,
12 based upon those comments, to the language, you know,
13 just depending, and all of the comments that we
14 receive go into what's called a concise explanatory
15 statement document, as well as the department's formal
16 responses to those comments go into the concise
17 explanatory statement. And, then, after we, you know,
18 make the decisions and adopt the rules, that concise
19 explanatory statement is available on the agency's
20 website, on the agency's rule-making activity website.
21 I suppose we could probably post it on the program's
22 website, as well, their rule development page, so
23 that, you know, the public can see what the comments
24 were and what the responses were.

25 CHAIRPERSON CLEARY: Is there an appeal?

1 If somebody is very passionate about one of the
2 comments and it's not addressed in a manner they feel
3 is appropriate, does that -- what's the appeal process
4 or does the process just keep going? Is it final what
5 the State decides?

6 MS. CURRY: Well, typically, you know we
7 make the determinations about the rules, you know, as
8 an agency, and, then, you know, that concise
9 explanatory statement is, you know, released after we
10 adopt -- we officially adopt the rules. So, as far as
11 not liking a response to a comment --

12 CHAIRPERSON CLEARY: Well, you know, last
13 time we had some comment back. We had --

14 MS. CURRY: Right.

15 CHAIRPERSON CLEARY: -- a couple
16 individuals that were very unhappy with the process,
17 and, you know, to their credit I think -- I don't -- I
18 wasn't very happy with how the process went either for
19 just knowing -- getting feedback and making sure
20 people, they spent time in public comment, they spent
21 time going came through everything, they came out with
22 comments, and they feel, and I can't speak to if it's
23 true or not, felt that they weren't given a lot of
24 representation on what their feedback was. So, just
25 kind of -- I just want the State to be cognizant that

1 some of the stakeholders want to understand that the
2 time they spend and there's a fair process on
3 reviewing their comments and how they're integrated or
4 not.

5 MS. CURRY: And I mean we do. We do
6 consider all comments when making, you know, final
7 determinations about, you know, whether we're going to
8 be adopting the rules, or making changes, or whatever.

9 CHAIRPERSON CLEARY: Any other questions
10 for Alicia on this?

11 MS. CURRY: And I'll send a link in the
12 chat, too, to the program's rule development page; so,
13 you can go there and see all of the rule-making
14 information. The cost benefit analysis will also be
15 available on there, you know, as well as the CR 102,
16 the proposed rule language. So, if you go to the rule
17 development page all that information will be there,
18 as well as you're going to receive notice from us that
19 will have, you know, links to where all the
20 information is, as well as, you know, information
21 about the filing, the dates, and all that good stuff.

22 CHAIRPERSON CLEARY: Okay. Thank you. Any
23 quick questions? Okay, let's go ahead and move on to
24 we're going to talk about CPH, Category 4 Industry
25 with Mandi.

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NEEDED POINTS OF DISCUSSION

CPH (Category 4) Industry

MS. KIME: So, I'm not sure what you have slated on the agenda as far as what kind of update you'd like me to do.

CHAIRPERSON CLEARY: We've talked about this. Gerald, maybe you can set the foundation on this. You know, are we regulating, not regulating? Where are we in that process? I think that's the conversations that we've had, some of the previous acts, and kind of give a status of where we are. And, Mandi, basically I would like you to talk about what the industry would like to see and kind of go forward a little bit with that. But this is, you know, a topic that, you know, we've been talking about for a while and we've got to figure out, you know, what the State's position of where we're going to go with this. Maybe, Annette, you can help us on this one, too.

MS. KIME: Yeah, I think if Gerald and Annette want to weigh in as to where the Department is at in navigating the regulation of Cat 4 right now, I will happily chime in with where we're headed or at least, you know, what our suggestions are for a Cat 4.

1 But we definitely need Gerald and Annette to weigh in
2 on just where we're at with regulating Cat 4. And
3 just remember that those of us that perform the Cat 4
4 work, the folks that I represent, we want the
5 Department to regulate this work and we want to
6 partner with the Department to make sure that this
7 work is regulated, that they are inspected, and that
8 we have licensed mechanics performing that work. So,
9 I just want to be on the record that that's what our
10 intention is. And then I'll let Gerald and Annette
11 fill in some of the gaps on where we're at right now.

12 CHAIRPERSON CLEARY: Thank you.

13 MS. TAYLOR: Gerald, I'll let you go ahead
14 and kick it off, and then I'll fill in anything that
15 you would want me to fill in on the construction
16 personnel hoists.

17 MR. BROWN: Okay. Thank you. Basically
18 we're talking about construction personnel hoists that
19 are put up on job sites that are covered under an
20 adopted code A10.4 that we have that are it's designed
21 for construction personnel hoists. For years we have
22 cited that code. There has been licensing, and
23 permits, and inspections, and things like that that
24 took place. There's a review of the code before I
25 came, a review of the RCW that showed that there was a

1 clause in there that we don't actually inspect
2 temporary hoists, and typically these are temporary
3 hoists because eventually they do finish the building
4 and take them down. And, so, then there was a -- they
5 stopped inspecting them rather suddenly, and now
6 because of the safety concerns and the fact that
7 people are compelled to ride them they should be
8 inspected, and so we're working on the changes to
9 bring those back into the fold for inspections, and
10 it's going to take -- it looks like it's going to take
11 a legislative change, but I'll let Annette speak to
12 that.

13 MS. TAYLOR: Great, Gerald, thank you.
14 Annette Taylor. And so we've been working with Mandi
15 Kime, and AGC, and other stakeholders to address the
16 reinstatement of inspection of construction personnel
17 hoists as authorized -- as an authorizing environment.
18 And moving forward with legislative to update the RCWs
19 Gerald spoke about, there were a couple directions we
20 were thinking about going and the direction that is
21 the best direction to move forward is to propose the
22 updated change in the 2022 legislative session. So,
23 we're already preparing that legislative concept to
24 move forward for review by our leadership team so that
25 we can move that forward for the 2022 session. That's

1 in partnership with AGC and other stakeholders, and I
2 think that's the direction that is the best direction
3 to move forward so that it's clear in the RCW that we
4 do have authorization to regulate those and move that
5 forward. So, that's sort of the path we're going
6 down. And the reason why we've had a lot of
7 conversations around this is to make sure that one of
8 the concerns that rightfully stakeholders had was, you
9 know, if and when Gerald and I leave, Gerald can't
10 leave before I do, but if and when Gerald and I leave
11 this work we want to make sure that the next
12 individual stepping into our roles understands that
13 this is our responsibility, the agency's
14 responsibility to regulate these, and that there isn't
15 a different decision to de-regulate them. So, we're
16 moving down the path to make it very clear through the
17 legislative process.

18 CHAIRPERSON CLEARY: So, basically is not
19 much going to change until the legislative change
20 happens next year, is that what I'm hearing.

21 MS. TAYLOR: Well, we're working through --
22 right now we're working through it with Mandi and
23 stakeholders on what the best path forward is because,
24 you know, now that we haven't been regulating them and
25 its been on a voluntary basis, you know, the industry

1 has to now work through a process for themselves and
2 the industry businesses on how to re-implement these
3 as a mandatory inspection. So, we just don't -- you
4 know, we can't just turn the faucet back on, right?
5 We need to go through a methodical process
6 communication plan to give everybody time to
7 understand that they're going to have to purchase
8 these permits again and that we're going to have to do
9 inspections again. So, you know, we're trying to go
10 about it -- rather than just turning the faucet back
11 on, we're trying to go about it in a perspective where
12 it gives everybody time to stop and pivot again, and
13 be able to understand the process, and expectations,
14 and responsibilities moving forward. So, we believe
15 that as we're taking -- working this through the 2022
16 legislative session we also are giving our
17 stakeholders time to understand the new responsibility
18 and working with our communication consultant in
19 addition to that to start planning the communication.

20 CHAIRPERSON CLEARY: Mandi, go ahead. You
21 had your hand up.

22 MS. KIME: Yeah. I just wanted to add
23 that, while they're not being regulated, the folks
24 that I represent that do Cat 4 work are still doing
25 voluntary inspections. They're still doing what they

1 need to do to maintain their licensure. They're still
2 following everything that we had up until that
3 exemption was announced, and we've been doing that
4 intentionally with our eyes on the concept that we are
5 going to be regulated and we are going to work with
6 the Department to make sure that this work is
7 regulated. So, our concern and our frustration is
8 that without the regulation there may be folks coming
9 in trying to do, you know, maybe sketchy conveyances
10 or, you know, cut corners and those kinds of things,
11 and so we're doing our level best to make sure that we
12 are setting a good example and also communicating with
13 Gerald when we find out about conveyances that are
14 troubling or maybe aren't meeting the intention.

15 So, I just, again, want to be on the record that
16 we're fully on board with these conveyances being
17 regulated, and we're willing to work with the
18 Department to get it through legislature. We have a
19 great task force at AGC that represents business and
20 labor so that when we come to the table for
21 legislative action to make this fix permanently we
22 have the trifecta. We've got business, labor, and
23 government all saying the same thing, that it needs to
24 be regulated, that we need to have -- you know, we
25 need to have some rigor here, and that way we can push

1 it through. AGC has lobbyists, labor has lobbyists,
2 so it's not just going to be an agency request, it's
3 going to be kind of a triple threat of us all coming
4 to the table saying the same thing so that hopefully
5 there's absolutely no doubt in the legislature's mind
6 that this is the right thing to do and we can just get
7 it done, get it fixed, and to Annette's point, get it
8 permanently fixed so that we can't ever get in a
9 position where somebody -- you know, after Gerald
10 retires or what have you, that somebody can't just
11 have a whim and say, "Oh, we shouldn't be regulating
12 these anymore", and it's as simple as literally
13 removing a line from the RCW.

14 CHAIRPERSON CLEARY: So, that's admirable.
15 I think that's going to be a really powerful way to go
16 forward on that. So, I really appreciate that.
17 Duane, you've got your hand up?

18 MR. LEOPARD: Yeah. I wanted to sound off
19 a little bit for the City of Spokane. You know,
20 several years ago this was in controversy and I got to
21 reviewing our local ordinances and whatnot. Our
22 permitting system as far as the temporary hoist went
23 was kind of weird, but a few years back we set in
24 motion ordinances for the City of Spokane. It doesn't
25 apply to the rest of the state at this point, but we

1 do regulate those lifts here now. We regularly run
2 into A10.4. We do inspect them. They inspect them or
3 ending a permit, and the permits are good for six
4 months. Just recently I had a crane company come to
5 town wanting to put one of these in and they were --
6 the reason we need the state to regulate these things
7 is because the crane company was getting ready to put
8 it in without any kind of permits, or inspections, or
9 anything else. So, if you want to come to the City of
10 Spokane you're welcome, but you got to pull a permit
11 and they must be inspected by our standards.

12 CHAIRPERSON CLEARY: Yeah, and that's been
13 consistent. It also puts us in a position, too, for
14 later this year when we start adopting codes that we
15 make sure that we review and codify 10.4, right? So,
16 that's -- we got to make sure that we don't let that
17 fall out of the loop before the legislative changes.
18 Can we -- Can the State adopt a code that they don't
19 enforce? Gerald, Annette, somebody, Alicia?

20 MR. BROWN: Yeah, its been -- its been in
21 the statute as far back as I can see in records for
22 the WAC as an adopted A10.4 and A10.5 for material
23 hoists. They've been in there and they're referenced,
24 and hopefully once this gets re-instituted back to the
25 inspection program there will only be personnel hoists

1 that meet these -- those code criteria so we don't get
2 the non-code compliant stuff from overseas that
3 they're bringing in. And there are indeed been
4 instances where they brought personnel hoists in that
5 are considered to be unsafe that don't -- they don't
6 meet that code in any shape or form, it seems like,
7 and so that's why it's so important that we get these
8 back -- back inspected again. It's people who give
9 me -- Part of your job you're compelled to ride these
10 things, and you can see across the street the building
11 that they know gets inspected every year, and here
12 they are riding a conveyance that, if you haven't
13 ridden one before, they're kind of interesting, that
14 you are hoping and praying the whole time you're in it
15 that its been inspected. So, hats off to the people
16 that install those that did the voluntary inspections
17 that are working really, really closely with this to
18 get the hours and education stuff fixed. This is hats
19 off to this industry. They want to do and are doing
20 the right thing every time.

21 CHAIRPERSON CLEARY: Jan and Matt, how does
22 the City of Seattle handle it? Do they handle it like
23 Spokane or like the State?

24 MS. GOULD: No. It's the State has always
25 done those inspections within the city limits of

1 Seattle until recently.

2 CHAIRPERSON CLEARY: So, there's nothing in
3 chapter -- So, you are not inspecting anything in
4 Seattle then --

5 MS. GOULD: No --

6 CHAIRPERSON CLEARY: -- because the State's
7 not --

8 MS. GOULD: -- we never have.

9 CHAIRPERSON CLEARY: Okay. Well, that's
10 something to think about, Gerald and Annette. That's
11 pretty important. So, any questions at all on this
12 until we move on to vetting new products? All right.
13 Fantastic. All right, so one of the things that come
14 up numerously and a lot in the past as technology
15 changes -- I've got somebody's hand up. Go ahead.

16 MR. RUNYAN: Scott, this is Jim Runyan,
17 Tech Specialists. I just wanted to point out that
18 during the issues of these CPHs that have come up
19 there have been a number of them that have come
20 through that don't meet 10.4, don't meet 10.5, but
21 they meet some other standard, standards that we have
22 not traditionally adopted, and, unfortunately, and I
23 think there's a couple other standards in there, the
24 nomenclature escapes me at this point in time, but we
25 need to consider that because these are going to be

1 standards that are unfamiliar to our inspectors and
2 that could create some training issues down the road.
3 So, it's something to keep in mind.

4 CHAIRPERSON CLEARY: No, that's a good point
5 and that's -- when we start going through code
6 adoption, and modifying, and going through the WAC,
7 that's good a point that if there's new standards that
8 are coming that are -- you know, they're ASME
9 standards that are national codes, we need to look at
10 everything, and I think that's a good time when we
11 open up the WAC to look at that to make sure that, you
12 know, we have every standard in there that's
13 applicable to that industry. So, that's a very good
14 point.

15 UNIDENTIFIED SPEAKER: These are not
16 necessarily ASME standards, though, just to let you
17 know.

18 CHAIRPERSON CLEARY: Okay. Well, then, I
19 guess I'm not really sure. Gerald, maybe you can help
20 me. What is the State's process for bringing in other
21 codes that, you know, that aren't on the -- they
22 aren't ASME? So, is there a process for that? I'm
23 not familiar with it.

24 MR. BROWN: We do already have adopted
25 codes that meet ANSI, ASME, and we have codes that are

1 codes of reference in our main elevator code, so to
2 speak, that are, you know, the NFPA, and NFPA 70,
3 national electrical code that are codes of reference
4 and we already comply with. So, yes, we do have
5 standards in there. There are some standards that we
6 have that recently have been discovered for like
7 parking garage mechanical lifts, things like that.
8 ASME has actually dropped that code. And there's no
9 standard in there to inspect to in that respect.
10 There's people that have been asking us about some
11 other parking garage parking elevator conveyances.
12 They're not elevators. They are following a material
13 scissor lift code that we don't recognize. And, so,
14 there's no mechanized parking structure elevators that
15 have a recognized code right now by the State. I
16 don't think the City of Seattle or Spokane recognized
17 those old codes, but just curious if they have
18 inquiries on them, but we've had three inquiries in
19 the last three months about mechanized parking
20 structure conveyances.

21 CHAIRPERSON CLEARY: Okay, good. Jim, you
22 have one?

23 MR. RUNYAN: Yes. Jim Runyan again, Tech
24 Specialist. Just to give you some enlightenment, 10.4
25 and 10.5 are not ASME. They're ASSE documents,

1 America Society of Safety Engineers. And, as far as
2 the parking garage lifts, that's a 1964 code which has
3 been basically abandoned by ASME. However, the last
4 time that we were confronted with parking garage
5 stuff, when we looked it all over and studied what
6 they had presented to us, we determined it was a
7 conveyor system and belonged to B20.1. And I had that
8 conversation with Seattle, your predecessor there,
9 Jan. I had a conversation there and we decided that
10 it was a conveyor system, it was not a parking garage,
11 per se, and we put that under B20.1, which is
12 something we do not regulate, so...

13 CHAIRPERSON CLEARY: All right, go ahead,
14 Jan.

15 MS. GOULD: Yeah. Several years ago the
16 determination was made that we would not be inspecting
17 automated parking elevators and so we eliminated that
18 definition in our 2018 chapter 30 for building code,
19 and so we made the determination we're not going to be
20 inspecting those. We don't -- We only once in 1971
21 did we adopt the 1964 code for automated parking
22 elevators, so...

23 CHAIRPERSON CLEARY: Thank you. Any other
24 questions on that? Well, okay, let's move on to
25 vetting of new products.

1 Vetting of New Products

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4 CHAIRPERSON CLEARY: This is something that
5 we're going to -- I'm going to open up to all the
6 committee members, but, you know, one of the things
7 that I've seen in the past is I think it's untenable,
8 unfair, and not really very realistic to allow this to
9 be equipment vetted in the field after its been given
10 a permit and in a customer's home. There's got to be
11 a better process in place. And I'd really like to
12 bring the tech specialists in for this discussion
13 because in the past, years ago, with another regime,
14 and I won't say Jack and Becky, you know, when new
15 products were brought in we gave them a big binder.
16 It had all the engineering and it had all the
17 certificates in it. It had finite element analysis.
18 It had everything that it needed to have to meet the
19 current code. And before we could even pull a permit
20 for that product it will be sat down, spent time with
21 the tech specialists and whoever was in charge of
22 permits at the time, and we got all that stuff worked
23 out and made sure that they could pass the acceptance
24 test, that it met the current code, met, you know,
25 17.5 and met everything else like it is before it was

1 ever installed. But to allow it to be installed in
2 somebody's home and vetted in the field I don't think
3 it's fair to the inspectors. I don't think it's fair
4 to the company who's installing it. I don't really
5 think it's fair to the customers who have a product
6 and they're way out of the loop. So, I would
7 recommend, and this is where I want to hear from the
8 State, especially the tech specialists, that we've got
9 to come up -- I think the State has an obligation to
10 come up with a better way of vetting new products. I
11 don't know if we do it a couple times a year or how we
12 do it, but there should be a list that the state
13 keeps, and I've always been told there's a list of
14 approved products, and as we adopt new codes, and as
15 products change and develop over time, that list needs
16 to be kept really current. And this affects
17 everybody, not just, you know 18-1 equipment and
18 residential, but for commercial. You know, technology
19 changes, and we're also seeing that addressed with the
20 subcommittee or the committee on electric, and
21 permitting, and all the other things that we'll talk
22 about in a little bit, but I'd really like to bring
23 the State and the tech specialists in on this here
24 because I think it's pretty important running -- You
25 know, there's new products coming in every day. We've

1 got to make sure they're code compliant. I think it's
2 the obligation of whoever is requiring the permits to
3 make sure that we give all the information. But I
4 think the State needs to come with a minimum
5 checklist, this is what we have to see before we're
6 going to allow this to be permitted, you need to
7 provide this, this, and this, and, then, you know, go
8 forward. And, then, the permit shouldn't be issued
9 until the State has approved the product. And that's
10 coming from me. So, I'd like to open this up and have
11 some, you know, some feedback from the State from all
12 the tech specialists. Jan, how do you guys handle it?
13 You know, Duane, how does Spokane handle it? And I
14 just think it's unrealistic to have your inspectors do
15 that code compliant vetting of new equipment after its
16 already been installed at the time of inspection.

17 So, with that, I'll open it up. I know I'm
18 probably not very popular right now. Candace, or
19 Scott, Lyall, anybody? Lyall, you've got your hand
20 up, go ahead.

21 MR. WOHLSCHLAGER: Well, I just want to
22 reiterate -- Can you hear me there? This is Lyall
23 Wohlschlager.

24 CHAIRPERSON CLEARY: Yes.

25 MR. WOHLSCHLAGER: Yeah, I just want to

1 reiterate that, yes, I think also it's extremely
2 important to have a proper vetting outside of the
3 field before it's permitted. We went through this
4 process in a couple of regimes ago and it used to take
5 two or three months for the State to review a product
6 and approve it because it was extensive, but we knew
7 that when the product came in the field it was, in
8 fact, code compliant as best they could from the paper
9 documents. I, too, have seen a lot of problems in the
10 field with product that was not properly vetted, and
11 we've been asked to work on it, and I wonder how in
12 the world it ever got through inspection. So, I do
13 agree that we need to have a proper vetting process
14 that's not done all in the field.

15 CHAIRPERSON CLEARY: Duane, go ahead.

16 MR. LEOPARD: I was trying to get myself
17 unmuted here. The City of Spokane stands for the
18 State. We basically leave it up to the State, to be
19 quite honest with you, because there's been a couple
20 of occasions where I would vet something and then it
21 wouldn't be approved by the State later on. Given
22 that, I know what Scott's talking about. There's a
23 home elevator that I approved the permit on because
24 the State had already approved the installation of a
25 couple of them, but, then, as the inspector, I go in

1 there with my checklist and figure out that there's a
2 couple things that weren't code compliant on these
3 items. You know, I had a little bit of egg on my
4 face. But everybody in the end had to fix everything
5 in order to -- it was just a couple minor codes, but
6 they still had to fix it in order to, you know, come
7 up to speed. So, you know, Spokane basically leaves
8 it up to the State now to vet this equipment, and it's
9 not just home lifts, it's all elevator equipment.

10 CHAIRPERSON CLEARY: Well, and that --

11 MR. WOHLISCHLAGER: Tom and I don't have the
12 time to really sit down and review these step-by-step,
13 and the plans, and everything. And, then, like I
14 said, a lot of times we might approve something that
15 the State doesn't because, you know, different eyes on
16 a different subject and they don't approve it. So,
17 Spokane stands with the State. If the State approves
18 it, then Spokane will approve it.

19 CHAIRPERSON CLEARY: And I think -- Jan, I
20 think you're the same, you're in the same thing, the
21 City of Seattle, if its been approved by the State,
22 but that makes it even more important that the
23 State -- that you have a good process to vet this,
24 that the other municipalities, the AHJs are depending
25 on the State to vet these. Jan.

1 MS. GOULD: Yes, Jan Gould here, and the
2 city would be happy to be part of that process, if
3 that's something the State wishes. I think it would
4 be a good process.

5 CHAIRPERSON CLEARY: And I think, Duane,
6 getting Spokane into it, too, would be really good.
7 Candace and Scott, what do you guys, what do you think
8 about this since it kind of lays on your shoulders?

9 MS. LAU: This is Candace Lau. I want to
10 comment about Spokane. I had a question, I guess, for
11 the City of Spokane and the City of Seattle in that if
12 you leave it up -- so far, if you left it up to us,
13 how do you know we have approved and not approved I
14 guess is one of the questions.

15 MS. GOULD: I relied -- Oh, sorry, Jan Gould
16 here. We relied on making a phone call to the State.
17 But like I said, we'd be more than happy to be
18 involved in that process.

19 MS. LAU: I -- I don't -- We don't -- This
20 has been an issue -- I've been in this position for
21 almost four years now, and since I got here, you know,
22 all the -- Becky, and Jack, and everybody was gone at
23 that time, so we were left with -- and I think Scott
24 Rudder and I started at the same time. Jim Runyan was
25 here a few months before us in this position anyway,

1 and we were left with very little information, and so
2 we were left with a partial list. I just relied on
3 what I had seen out in the field, and so it was all
4 over the place. What makes it very difficult is that
5 contractors they would just apply for a permit for
6 something we've never seen before, and we only rely --
7 We rely on what we've seen out in the field. So,
8 that's not a good way to do business, but that's all
9 we were given. That's the only tools we were given
10 besides that partial list. So, we would just kind of
11 question as we went. And what makes it difficult is
12 when we do question whether something has been vetted
13 or not in the past all of a sudden it's like, well,
14 no, but here you go, here's all this document, all
15 these documents for you to look at, and we just --
16 while we were moving -- you know, while we're doing
17 our -- It takes a long time to vet something. It
18 takes sometimes months because we can't get
19 information from the manufacturer, back and forth
20 e-mails. It takes so much work to vet something that
21 I've been -- you know, I've been saying that there's
22 got to be a better way. Its been ever changing for
23 the last four years. So, yes, I agree there has not
24 been a good way to vet equipment, and we try to do it
25 as a group, and we welcome the City of Seattle and the

1 City of Spokane. I mean, you know, the more eyes on
2 it the better. Sometimes when we've vetted something
3 on paper and we go out in the field it doesn't work
4 the way the paper says it works. So, the vetting
5 process is not to make sure that everything is code
6 compliant, just we have the basics. It's almost like
7 a plan review. We have the basics here. We still
8 need a field vetting inspection. So, I -- I think
9 that dropping everything at once to vet equipment is
10 very, very difficult. I've done it. The last four
11 years we've done it so many times. It takes so much
12 work. We can't possibly spend -- I can't spend 100%
13 on vetting this because I've got a million other
14 things I'm doing and people are rushing me through,
15 these people need the stair chair or whatever it is,
16 and you're holding us up. It's very difficult to work
17 under those conditions, and mistakes are made, and
18 things are overlooked. So, I -- I think that a good
19 process, and I'm an advocate of this, somebody brought
20 this up, and I thought it was a great idea that we
21 should start with maybe saying twice a year we're
22 going to vet. You know, for example, we'll say in
23 January and July, every January and July we're going
24 to vet whatever new equipment you want to bring to us
25 and at that time we'll sit together as a group, vet

1 this equipment, and then put it on a list and move on,
2 but in order to do something like that you have to
3 have a ground zero, you know, let's start fresh. We
4 have to have a current list before we even begin
5 something like this. And, so, my suggestion was to
6 maybe ask the industry what are you guys installing
7 today, take a good look at that, put it on a list,
8 give them -- you know, give a month or so for us to
9 compile this list and get all the information we need,
10 and then maybe start a process like that in January
11 and July or something like that. Every twice a year
12 give us what you guys are -- what you guys want to
13 install in the future and we'll review it. I think
14 that that would be a proactive way to deal with these
15 things because dealing with it on a reactive basis is
16 so difficult, like I said. What we do is we're doing
17 a million different things and then all of a sudden we
18 get a permit and we're like, "Huh, have we ever seen
19 this before?" And, then, all of a sudden it's like we
20 need it tomorrow because grandma is coming home and
21 she needs this chair, and then all of a sudden it's
22 we've got to drop everything to do it. So, that's
23 my -- that's my suggestion. You know, again, I don't
24 know how everybody else feels, but that's my comment
25 on the situation.

1 CHAIRPERSON CLEARY: Jan, do you think it
2 would be helpful for the State to have a standing
3 committee of stakeholders on every different thing
4 from 18-1, 17-1, residential, commercial, that helps
5 put this together to figure out because we need to
6 have a standardized process because we don't know
7 what's been approved, what hasn't been approved. New
8 products are coming out all the time. I think it's
9 fair to those company to give them the opportunity to
10 show that, hey, this is compliant, it's new
11 technology, but it is compliant to whatever reg. that
12 the State has adopted. But I think how we're doing it
13 now is creating problems and I think would be very
14 beneficial, you know, to come up with something.

15 Duane, you got a comment? You had your hand up.

16 MR. LEOPARD: Yeah. Duane, City of
17 Spokane. Just to answer Candace's question, just like
18 the City of Seattle, I would call the State to see if
19 any particular pieces of equipment was approved or
20 not. As far as getting involved, yes, I would like to
21 get involved. I would, you know, take you up on your
22 invitation to review some of the equipment.

23 CHAIRPERSON CLEARY: But the question I
24 have to the State, and, Candace, and I'd like to hear
25 Scott and Jim, your comments, is that there is no --

1 Am I correct or am I incorrect, there is no list that
2 the State has? Somebody calls you and says, "Is this
3 model number from this manufacturer, has it been
4 approved?", you have no reference to go back and check
5 on it, correct? Candace? Scott?

6 CANDACE LAU: Well, we sort of do, but
7 there -- In recent times, the last fours, we do --
8 everything that we've done we do have records of.
9 Everything that is in the past prior to me coming on
10 board in this position is very hazy. I mean it'll --
11 for instance, it'll say Savaria, and, you know, stair
12 chair, something like that, and then -- so, it's very
13 difficult to figure out which model of Savaria and
14 things like that. So, the list is incomplete and the
15 list is only for our use because -- and I've never had
16 anybody call me to say, "Hey, is the Savaria 2500",
17 I'm just making this up, "been vetted in the State?"
18 I've never had anybody ever call me to say, "Hey, the
19 Handicare...", but I'm only one person. You know,
20 maybe Scott's had phone calls on that, or maybe Jim
21 has had phone calls on that, I don't know. I've
22 never -- I mean when you guys do plan review in the
23 City of Seattle and the City of Spokane, I mean when
24 you see a Handicare how do you know that that
25 Handicare 1100 has been vetted? How do you know -- I

1 mean I have not been -- maybe Gerald has been giving
2 out this information. I have never once given out any
3 information on that. So, I am kind of unclear. Maybe
4 you guys have your own lists after you guys have
5 called us. I don't know. I've never been involved in
6 that. So, again, it's not -- It's what I've done.
7 It's what Scott's done, what Jim has done. I don't
8 know who Jim talks to. I don't know who Scott talks
9 to. But everything that I do I try to share with the
10 group, and, when I say the group, I apologize, I did
11 not include the City, the city of Seattle and Spokane
12 in on that, but that's -- that's all I know on that.

13 CHAIRPERSON CLEARY: Well (audio/technical
14 difficulty) came up with a really good point. If we
15 have this -- If the State has these adopted or has a
16 list of approved products it also helps the customer.
17 And, Annette, you really need to hear this, that the
18 customer for consumer protection should have the
19 ability to make sure what is being sold to them can be
20 put in in the State with a permit and go through
21 inspection. And having it vetted and approved, and
22 then on the list on the State really helps. And
23 this -- this shouldn't be a problem this day and age.
24 I mean we should have a process in place. Scott, what
25 are you thinking? Mr. Rudder?

1 MR. RUDDER: I like the same thing. You
2 know, we're -- They don't realize how much time and
3 effort it takes. This is Scott Rudder, sorry about
4 that, State of Washington. Anyhow, the time to find
5 out what a NRTL is and what is certified, I mean it
6 could be a relay in the thing and that's what they
7 list on there, they're certifying this whole lift on a
8 relay that we've got a NRTL on it. It's not -- It's
9 not -- you know, by the time you research all this
10 stuff and then the customer is screaming because they
11 broke their hip and they can't use it or whatever. I
12 mean it puts a lot of pressure on us and time frame to
13 where we do make mistakes, too, just because there is
14 no model on the chart, it says Savaria and you go with
15 it, you know, because it's there. But I'm 100%
16 thinking that, like Candace, meet twice a year, and,
17 if it isn't there and we have the time to do it, then
18 that's what we should be doing because we're -- and
19 I'd love to have the committee where other people look
20 at this, too. It involves them also. You know, we're
21 here to protect the people, and a lot of times we're
22 vetting this stuff in the field, and we find out that
23 they never pre-tested this, you know, because it
24 failed immediately, and then we got to come back
25 again, another inspection, another time. We don't

1 have the time. We're trying to get our annuals caught
2 up and things, and here we're getting bombarded and
3 there's no reason for it, and we just need to -- and I
4 mean (audio/technical difficulty) these new products
5 like for the COVID, you know, the thing that just came
6 up they just threw it at us and then they
7 (audio/technical difficulty) and so we have them
8 vetted.

9 CHAIRPERSON CLEARY: That's a good point,
10 and Mr. Metcalf brought up the same thing, if they've
11 got to do multiple vetting in the field, multiple
12 inspections, that takes away from annuals and
13 everything else. What is the IVIP group, James,
14 Dylan, and Sergey, you guys have the responsibility
15 for looking at permits for this type of equipment,
16 having a list would that be helpful for you guys to
17 get through things quicker?

18 MR. DOLGIKH: I actually had my hand up to
19 chat a little bit about that. This is Sergey Dolgikh,
20 Inspector II, and kind of been at the roots of IVIPs,
21 and let me turn my camera on.

22 CHAIRPERSON CLEARY: Yes, there you go.

23 MR. DOLGIKH: Hi, everybody. So, there's a
24 few things to be said to what I heard. First of all,
25 we firsthand experienced the shortfalls of the vetting

1 process as a systemic process this past summer, and I
2 think it takes collaborative effort as everybody
3 reflected. I think it takes communication and
4 networking between the state and the stakeholders
5 and/or manufacturers, or, you know, installers, and
6 city to come up with a sound process that puts it in a
7 systemic approach. The list is there, but its been
8 under-maintained and kind of hodge-podged and put
9 together in so many different time frames. The
10 suggestion would be -- well, once again, cooperation
11 is a good thing. Also, when the installers want to
12 install a new product, a certain model, they have to
13 submit all documents pertaining to that model. We
14 encountered that with one of the manufacturers.

15 Going to in-person inspection revealed
16 differences between model A and model B, per se, just
17 for sake of argument, and, so, based on the model B
18 inspection the code compliance was questioned of that
19 particular conveyance, and on the model A example and
20 in-person inspection we couldn't really see that. So,
21 like Rich Metcalf said, it takes a few inspections to
22 be involved sometimes on a certain product and it does
23 take away from annual inspections. So, I think it's
24 an all-around process that needs to be built around
25 this vetting and that will definitely be helpful for

1 us to move forward and to make more it streamlined and
2 to just suffice all the communication channels for
3 doing that. So, that's just my two cents in.

4 CHAIRPERSON CLEARY: Thanks. And I think
5 it's really important with the IVIP to be able to vet
6 these things, though, because you're not getting your
7 eyes on them physically in the field. So, I think
8 that's really good feedback. John Forshaw, you got
9 your hand up? You're muted.

10 MR. FORSHAW: Yes. Thank you.
11 John Forshaw for Cascade Elevators. Should I turn my
12 camera on, as well. Good morning, everybody. I just
13 had a quick -- We had a quick experience with that, as
14 well, and Gerald and Scott helped me through that, and
15 I appreciate all that. One quick comment on that is I
16 think we should be careful about the problem with the
17 lifts that apparently is a couple of three or four
18 years old right now is that we do inhibit competition
19 amongst all the parties that are out here doing this.
20 We will be getting a home lifts market for this,
21 amongst other reasons. We're not really a home lift
22 company. But what you run into is you've got only a
23 certain amount of vetted companies at the moment.
24 They have their distributors here now. They don't
25 want to add to their distributor list. So, you've

1 inhibited competition by virtue of not allowing more
2 distributors in the area for your set number of vetted
3 companies. So, that is not in the public's best
4 interest either. If you've got other vendors that
5 have -- maybe the State hasn't seen or they don't
6 realize they've seen that have been in business for
7 over 20 some odd years and would have you -- I have
8 suppliers I'm talking about, you know, it should be
9 easy to vet those companies. They've been around,
10 and, as well, their products change with the codes, as
11 well as every other company's products have changed as
12 often and frequently as the codes do. It should be
13 very easy to vet those companies. I don't know if the
14 State has engineers. I'm not familiar with the
15 process of vetting these companies. I'm sure you'll
16 look at the engineering and all that. But I mean
17 that's ultimately the purpose of an on-site inspection
18 anyway, right? I could buy something that is vetted
19 and then omit half a dozen switches and it wouldn't
20 comply to begin with. So, that's the purpose of the
21 on-site inspection. To -- to discourage, or inhibit,
22 or disallow proper competition is not in the public's
23 best interest either. So, that's just my --

24 CHAIRPERSON CLEARY: I just want to
25 clarify, I don't think the State is vetting companies,

1 we're vetting products, right? So, I don't think
2 they've ever stopped companies from coming in. It's
3 the products they vet, the new products, making sure
4 that they meet the compliancy or whatever code has
5 been adopted. So, I agree with you, you never want
6 to -- Competition is always good, but it's the
7 products, not the company, that the State needs to get
8 their handle on vetting products.

9 MR. FORSHAW: Sure, but we're not doing it
10 at a fast enough rate to be competent at that, or
11 fair, or whatever. So, until that process improves
12 it's -- we have to be careful going forward, and
13 that's all I'm suggesting, so...

14 CHAIRPERSON CLEARY: Okay. Very good.

15 MR. FORSHAW: Thank you.

16 CHAIRPERSON CLEARY: Norm, did you have
17 your hand up? Thank you, John.

18 MR. MARTIN: I do. Thank you so much. I
19 appreciate hearing all the great progress that's going
20 on with Seattle, and the State of Washington, and
21 Spokane of how you're attempting to be proactive in
22 regulating, and having been a regulator at one time in
23 my life I know how difficult that can be in trying to
24 plan resources, but now I'm wearing this capitalist
25 hat of Schindler Elevator and so now all I do is

1 seek -- seek fairness, right? So, some of those ways
2 of -- that I see getting that accomplished in other
3 parts of the country that it might be a benefit to.
4 Like in the State of Wisconsin, you know they face the
5 same issues that you face, as well, and one method
6 they use for the approval process is to remove the
7 subjectivity of these reviews and not allowing an
8 inspector to make this decision in one part of the
9 state which might be different in another part of the
10 state, and that is to provide an engineering letter to
11 help with that, and also allowing the A17.7 process
12 and the AECO process, at least for elevator equipment
13 anyway, to be that documentation and the methodology
14 of having an arm's length third party support in order
15 to be able to create a list of equipment that's
16 approved in your locality.

17 I hate to use this word in a sentence, but
18 California, you know, well to the south of you, as we
19 all know can be a very complex location. One thing
20 they do well there is that they do provide lists of
21 every individual component and every controller, every
22 type of device that's readily available to the public
23 on the website. You know, rarely do we have the
24 resources like the Province of Ontario where they
25 actually have electrical engineers and mechanical

1 engineers on staff to be able to do these types of
2 vetting. But other locations with that engineering
3 letter, it was stamped, you know, with -- that puts
4 their license on the line can be real helpful to
5 remove the subjectivity, but also to provide
6 confidence in ensuring that you have items to come
7 through. So, anyway, just speaking from an elevator
8 perspective, you know, not the accessible lift
9 community approach. But, anyway, thanks.

10 CHAIRPERSON CLEARY: Thanks, Norm. That's
11 good feedback, and I hope the State is listening, and
12 I think they are. Go ahead, Candace, you're next, and
13 then Dylan, then Gerald.

14 MS. LAU: I just want to reiterate that if
15 we do nothing to change our vetting process, at the
16 very least we really do need to start from ground zero
17 and have the current list, and, like I said, we do not
18 have a current list. The only thing that's current is
19 the stuff that we've been doing the last four years.
20 That's it. The stuff prior to that, which is the
21 majority of what we inspect every day, what we get
22 permits for every day, that is so incomplete that --
23 it's so hazy we really -- I can't stress this enough,
24 we need -- moving forward we really need to start from
25 ground zero. There's -- I just want to reiterate

1 that, that's all.

2 CHAIRPERSON CLEARY: Okay. That's really
3 good. Dylan, go ahead.

4 MR. LATHE: Hi. Dylan Lathe, state elevator
5 inspector. I had an idea. Instead of -- I understand
6 the frustration where a home gets either a vertical
7 platform lift or a stair chair installed in their home
8 and we go out to do a first inspection and it's not
9 code compliant, so they can't have the lift. I
10 understand that frustration. I was wondering if it
11 would be possible, if it would be at all possible if
12 the manufacturer, either in a show room floor or in
13 the actual testing facility, if they could facilitate
14 a virtual inspection that all states wanting to be
15 involved in this product could be involved in a
16 virtual inspection of this product. That way the lift
17 is not installed in a home. That way everybody can
18 inspect this lift while its either in the -- you know,
19 in front of the engineers when they're actually
20 testing it in the facilities or in a show room floor.
21 That would be an idea.

22 CHAIRPERSON CLEARY: Well, like I said,
23 that's why putting -- the state putting together some
24 parameters with the committee would helpful. I think
25 these are all really good ideas. So, you know,

1 getting something done so the acceptance test is the
2 easiest part of the whole process for new equipment,
3 it shouldn't be the toughest, right? These things
4 should have already been worked out up front. So,
5 really good feedback. Thanks Dylan. Gerald.

6 MR. BROWN: Thank you. This whole vetting
7 thing is kind of a -- kind of a sore subject because
8 we have elevator companies that want to sell a
9 product. They send in information to us. It's huge.
10 It's real time consuming. It would be nice to have a
11 vetting team or a vetting committee set up that have
12 engineers that know how to vet this product. We were
13 leaning toward not vetting anymore, just letting the
14 companies do their own vetting. You go through it,
15 you take all the responsibility that this thing will
16 meet code, and they point at the, "Look, I got a NRTL
17 here that says this thing complies, so go put it in."
18 And so we get the permit. They send all this stuff.
19 We go out in the field. We open up the code book and
20 we go through item by item, and the darn thing
21 wouldn't pass. I get ahold of the manufacturer. "You
22 know what, your state has here A18.1, 20.17. You
23 know, this is a global market. We have no inclination
24 to change our product to meet your standard. We just
25 got a NRTL that says, look, it passes 2017, and as

1 long as our NRTL says that, we're not going to make
2 any changes to our product." You know, you need to
3 disregard the fact that limits don't work, or the
4 final doesn't work, or it doesn't track properly, or a
5 million other things, that they say, "Oh, yeah, it's
6 good." So, here we have a Washington company that
7 took these people at their word, they're looking at
8 the certifications that say, yes, it works, and then
9 we get out in the field to put in this yes-it-works
10 product and it doesn't pass and it's dangerous, and so
11 we won't let anything dangerous go, and so we're the
12 bad guys, okay.

13 I'm trying to push it back toward let's try to
14 do more show room inspections in a residential market.
15 If you have it, we should be able to go there and pick
16 through it and send a couple inspectors over to do a
17 vetting inspection at the show room before it makes it
18 to a customers' home. It's horribly unfair to have
19 this product actually make it to the customer's home,
20 but when the people you're buying it from, pardon my
21 French, are freaking lying to you that it passes,
22 which it does not pass, and they have no intention of
23 meeting the code, it blows it right back on my lap,
24 which is very frustrating because I'm all about the
25 customer. I'm all about the end product consumer.

1 You know, we all were told that this thing will pass.
2 They're all standing on their NRTLs, on these
3 Nationally Approved Testing Labs, NRTL, anyway, and
4 everybody is, you know standing on that, "Oh, no, it
5 says it passes right here," and we get out there and
6 it doesn't. Well, is it the elevator company's fault
7 that they got told it did and it doesn't? You know,
8 hey, this things passes", but the goat says you can't
9 take it apart from the inside. And here they got all
10 these mounting screws, "Oh. Oh, that's right." And,
11 so, you call them up and they go, "You know what,
12 we've designed these for a global standard and we have
13 addressed all those issues", you know. And so here in
14 their information they submitted it says, "Look, we
15 got this bulletin that tells how we're going to talk
16 about how we're going to address testing this thing
17 with full speed." And you say, you know, "That's a
18 European bulletin. Can you give me a copy of it?"
19 And two months later they send us the bulletin that
20 says, "We are disregarding the ASME requirements for
21 that safety procedure because it's inconvenient and
22 too much money for us to do. So, we're just going to
23 discard that." And that's what the bulletin said.
24 Now, how am I supposed to know European standard of
25 bulletins and take up our tech specialists' times

1 trying to read these people's minds, that they had no
2 intention at all of ever complying to this. And, so,
3 now I've got to -- I've got an honest business owner
4 that got sold a bill of goods. It came to us. We
5 looked at it, look, it's got NRTLs, let's get it out
6 there and get it inspected, and when it comes down to
7 doing it I'd much rather do it in the show room. I'd
8 much rather vet it at the factory and be able to open
9 up a code book and say, "Okay, boys, let's go right
10 down it item by item by item. You show me how it
11 complies to code. Welcome to Washington State". That
12 what would be great. That's the best world scenario
13 if we had a certified engineer that headed an ESAC
14 committee that could go through and hit every bulletin
15 item in the code and vet it that way, so by the time
16 we're writing permits for it it's quick, fast, you get
17 the product in, you get it inspected, but the
18 facility, the mechanism that we have right now it
19 falls back to our tech specialists. It falls back on
20 trying to get a good faith -- something from the
21 manufacturer that says, yes, this product works. I
22 know I sound frustrated. I've got to slow down. But
23 it is very frustrating because I am right there with
24 you. I hate the fact that people end up with product
25 in their home that we were told complies that they had

1 no intention of complying with. You know, we don't
2 have this as much in the commercial side of the house
3 because they have test towers. They do all this
4 testing. They do all this AECO certifications. They
5 do all this stuff where they -- You know, the proof is
6 in the pudding. We've got a video that shows you
7 about that. And, you know, we've got this AECO
8 certification that stands up and it actually works.
9 But in the residential side of the house it's like all
10 of those people quit picking when they went to the
11 residential part. They're saying, "Oh, yeah, it
12 complies."

13 CHAIRPERSON CLEARY: So, we're out of time.
14 From what -- This is Scott. From what I'm hearing is
15 that I think the State needs an organized process with
16 a database. And I think there's multiple layers to
17 this onion. The bottom line is is that we have an
18 obligation as to who are applying for the permits, the
19 State has an obligation to have a process in place
20 that will make sure it's fair a process, and it's a
21 reliable process, and protects the end users, right?
22 That's -- that's the main goal that you have.

23 So, really good conversation. Annette, I think
24 you're hearing from everybody, Gerald, you are, too,
25 that the process that we have right now is not working

1 for the industry no matter if it's residential,
2 commercial accessibility, or any of the new products.
3 We're coming -- We're going to be looking at MRLs
4 soon, right, and so there's a lot of new products that
5 are going to be coming into the state. We've got to
6 get a handle on it now because it's going to be very
7 problematic.

8 So, I'm running late on time; so, we're going to
9 need to move on. Does everybody want a five minute
10 break before we hit subcommittee status updates, or
11 do we want to go through?

12 UNIDENTIFIED SPEAKER: Five.

13 CHAIRPERSON CLEARY: Okay, why don't we
14 all -- Melissa, why don't we take a five minute break
15 and we'll come back at twenty to eleven, is that good?

16 MS. ERIKSEN: Sounds good.

17 CHAIRPERSON CLEARY: Thanks.

18 MS. ERIKSEN: Okay.

19 (Recess taken)

20 CHAIRPERSON CLEARY: Okay, it looks like
21 everyone is back.

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23 ///

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1 ESAC Subcommittee Status Updates
2 Elevator/Electrical Stakeholder Group

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5 CHAIRPERSON CLEARY: Let's move on. I'm
6 going to give a brief overview of the committee that
7 was put together. As people are probably aware,
8 there's been a conflict between the electrical
9 department and the elevator department on where
10 permits start, who is responsible for different parts
11 of electrical, and then where does the elevator
12 permits take place. We've had what I call the E-5
13 meeting, which was all the principals. That was
14 myself as a chair; Jason from the electrical part
15 who's a chair; Wayne Molesworth, who is the electrical
16 chief; Annette, who is a deputy director; Corky who
17 really helped out a lot; and also Gerald. The status
18 I can give you right now is that there's been some
19 fundamental questions asked of the AAGs and of L & I,
20 one being there was a problem statement that was put
21 out by the electrical department that said based on
22 the advice from the AAGs that RCW 19.28 is the primary
23 code, and I guess the question was -- the question
24 that was asked back is, "Why is that? Where does that
25 come from? How do you know? How does the AAG make a

1 decision and what RCW takes precedent over the one and
2 what makes the other one subordinate?" So, Annette
3 has been very helpful on trying to get these questions
4 answered. It's always touchy when you're talking
5 about legal advice when we're not represented by the
6 AAGs. The client is L & I. So, I understand that.
7 So, Annette has been very gracious to allow me to have
8 a meeting with her and with Steve to kind of discuss
9 this to see where are with getting some of these
10 fundamental questions answered because until we get
11 that there's no way that we can go forward if both
12 divisions aren't co-equal. I'm not sure how to remedy
13 this and that stuff. So, Annette, you know, you and I
14 have had conversations; so, if you want to add to
15 that, I'd be very grateful.

16 MS. TAYLOR: Yeah. Thanks, Scott. I
17 appreciate it. And the first thing I want to say is
18 you guys have the right person from the elevator
19 industry heading up this conversation with Scott
20 because no stone is left unturned. He calls it like
21 it is. He's going to ask the hard questions and he's
22 going to -- He has put me in a place where I will be
23 making a tough decision and he's reminded me that it's
24 my job to do that, so, you know, and those are the
25 reasons why I appreciate Scott, all my conversations

1 with him, and then that he sort of agreed to take on
2 this difficult conversation.

3 I just want to say that I know Gerald is right
4 smack dab in the middle of this as chief elevator
5 inspector and third generation elevator inspector
6 himself, and is looking to get this resolved as
7 quickly as possible, as well, with minimal to no
8 impact to the industry, which is where I want to be in
9 addition to it.

10 And this has gone on far too long. I will -- I
11 will own this right now. Its gone on far too long and
12 I'm getting to the point where there needs to be a
13 decision made quickly, and so Scott and I are going to
14 spend some time with Steve Reinmuth who is the
15 assistant director of the division on Thursday and
16 sort of have this discussion that Scott and I had
17 yesterday over the lunch hour and just setting the
18 expectation forward, and the place where we're going
19 to be is we're going to make a tough decision and
20 we're going to move this forward, and we will continue
21 to work through the individuals that Scott has asked
22 to work with him on his advisory committee, and Jason
23 Jacobs who is the head of the electrical board who is
24 heading up the electrical portion of the advisory
25 committee. But you all should be thankful that Scott

1 is the one heading this. I don't know if he's
2 thankful because its been a lot of extra work on his
3 shoulders in addition to trying to run his business
4 and do everything that he's doing. But there is some
5 tough decisions we're going to be making. We're
6 moving this forward and Scott is asking all of the
7 right questions to make sure this goes forward, and
8 one of the questions is, and I won't kid you, is
9 what's the problem with the way we've been doing it
10 when there's been no safety concerns, no safety issues
11 going on, and that's -- there's been agreement from
12 former staff and former AGs of the Department of Labor
13 and Industries. Those are the right questions. Those
14 are the right questions, and that's some of the
15 conversation I want to have with Steve Reinmuth on
16 Thursday, and the reasons why is Steve was the
17 division chief at the Attorney General's office, and
18 he's also a former Assistant Attorney General, and he
19 brings a perspective to this that will help us to push
20 back in the areas that we need to push back on with
21 our legal advisors.

22 Scott, is there anything more you --

23 CHAIRPERSON CLEARY: Hold on --

24 MS. TAYLOR: Go ahead.

25 CHAIRPERSON CLEARY: Well, yeah, a couple

1 things. One is I want to say we've been quality time,
2 not just time, quality time.

3 MS. TAYLOR: Absolutely.

4 CHAIRPERSON CLEARY: And I can't do this
5 alone. I mean Ricky and everybody on my committee
6 side from organized labor to NEII and everybody in
7 between has been so helpful, and what's really
8 powerful is this is the first time I've ever known
9 everybody on both sides of the fence and everybody in
10 between to be in unity. You know, Carl spent a lot of
11 time. We've discussed things up for buildings. You
12 know, Carl spent a lot of time. We've discussed
13 things up for building owners. And we're completely
14 on board, and I've never seen that before. So, that
15 tells you how powerful and how much everybody believes
16 we're doing it the right way.

17 So, I've not done this alone. Ricky has been
18 really, really helpful, and everybody that I have
19 reached out to has been really good from NEII to Jim,
20 and Patrick, and Jim Bender. So, I just want to put
21 this to bed. This is way too long. And there's some
22 fundamental questions. If we get them answered on
23 Thursday I think we can go ahead and go forward
24 because I know Gerald has been taking kind of a
25 beating on this, and I don't mind being the -- you

1 know, what the -- you know, I don't mind being the
2 whipping boy on this. So, we just need it to move
3 forward. Jan has been really helpful. So, everybody
4 on my side has been really helpful. And you know
5 Melissa has helped facilitate, and Corky, and
6 everything, too. So, I look forward to having our
7 meeting on Thursday and hopefully we'll be able to
8 figure out what we're going do and without spending
9 anymore of anybody's time in committees. And I agree
10 with you, you know, committees are great, but if they
11 don't come out with anything in a timely manner
12 they're a waste of time.

13 MS. TAYLOR: Thanks, Scott. I appreciate
14 you recognizing everybody that you've been working
15 with because I absolutely-- you've been very open
16 about all of the people you've been working with
17 behind the scenes on this. So, thank you for you
18 calling that out because it's everybody taking their
19 time away from their day job or the business that
20 they're trying to run and customers they're trying to
21 serve. So, I appreciate you making sure that
22 everybody knows that.

23 CHAIRPERSON CLEARY: Well, that's really
24 good. And, so, I will give -- I will do a read-out
25 probably on Friday, whatever comes out of our

1 meetings. And, Annette, you know, one thing I'll say,
2 you take the tough questions. I feel like anybody
3 that runs an organization or has managerial
4 responsibilities you got to make tough decisions.
5 Some people are going to like them, some people
6 aren't, but you got to do it for the best of the
7 industry. We don't want to blow things up. We don't
8 want to look like we're doing stuff despite ourselves.
9 And we don't want to look foolish, right? And I think
10 there's enough really good industry people on this,
11 state people, that we can come to a reasonable, safe
12 and logical conclusion to this, and it's tough enough
13 to do business with the State at any level, especially
14 at this level. So, I'm hoping for a really quick
15 conclusion.

16 Ricky, you've been really, really helpful in
17 this whole process, as everybody has been, but I
18 really appreciate everybody. So, with that, we can
19 move on. If anybody has got any questions we can talk
20 about this towards the end.

21 So, Ricky, do you want to talk about the MCP
22 subcommittee?

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MCP

MR. HENDERSON: I guess we're just looking on moving forward with it. Melissa, I guess we need to set up a schedule for a time to do this. Are we going to be able to meet in person if we do or because I think that's kind of what we're waiting on is when we can meet in person and start it back up again. And this going to be an MCP for logs for the State, which is it shouldn't be too big a deal, but I definitely need to get with the committee members and stuff, run them down. I think everybody's -- We've got volunteers. Melissa, have we reached out to them already? I think we did.

MS. ERIKSEN: If we have, its been a while ago, and, as always, if there is a committee that you want to be on, please, you can put it in chat, you can e-mail me. Let us know that -- And you can e-mail the ESAC members. Let us know that you want to participate. As far setting the schedule with this one, you and I can talk outside of this meeting and we'll get all the information set up and sent out.

CHAIRPERSON CLEARY: Ricky and the State, can we make a commitment that from here on out we're

1 going to meet in person as much we can on these
2 subcommittees and get things forward. I think
3 that's -- especially for the curriculum subcommittee
4 it's so important to be in person. We've lost so much
5 time. I think it's so valuable to be able to meet.
6 Is that something you -- Obviously, we've talked about
7 it, but, Melissa, you'll help facilitate? Go ahead,
8 Ricky. Sorry.

9 MR. HENDERSON: That was right along the
10 lines of what we're going to be doing because it's --
11 it's -- to me, it's critical that we can meet in
12 person and do some of these work groups because it's
13 going to be very difficult. It's difficult to do in
14 person. It becomes even more worse when we're trying
15 to do it teleconferencing. So, if we can sort of
16 facilitate, or, Melissa, if you can help out with sort
17 of an idea of a time frame on when we can get a
18 meeting place to do that, I'm ready to move forward on
19 that and reaching that back out to the members who
20 have volunteered and see if they're still available,
21 and get this moving forward.

22 Unless I'm missing something on this one, and I
23 don't want to jinx myself on this, but this should be
24 a pretty straight forward move on this one unless I'm
25 missing something on it. Probably the biggest thing

1 on it might be the fade testing. That might be --
2 want to be expanded on that a little bit, but that'll
3 be discussed in the meeting.

4 CHAIRPERSON CLEARY: Are you going to
5 address -- I think we talked about it a little bit
6 earlier about making sure that we have our test forms
7 either for annuals and that stuff that's going to be
8 reviewed in part of all this; is that correct?

9 MR. HENDERSON: Yeah, that's pretty much
10 going to be it just for the big broad scope on things,
11 from what I'm understanding right here. And, Gerald,
12 please speak up if I'm speaking incorrectly here, but
13 what we're wanting to do is move away from a state log
14 that covers both maintenance procedures, as well as
15 category testing. But new state logs that's going to
16 come out of this is just going to be logs that cover
17 category testing, no maintenance items.

18 MR. BROWN: That is correct. This is
19 Gerald Brown.

20 CHAIRPERSON CLEARY: So, how much time do
21 you think you have left on this? I know we've lost a
22 year or so. What are you thinking time lines on this,
23 Ricky?

24 MR. HENDERSON: A lot of it is going to
25 depend on what discussions come up about the fade.

1 That's probably going to be biggest topic of
2 discussion. I mean in reality from I'm looking at on
3 it it's going to delete about five sheets and add a
4 couple of line items to the category testing that's
5 come up for the 2019. And then let's discuss the
6 fade. I would hope that it wouldn't take more than
7 two meetings to get this resolved.

8 CHAIRPERSON CLEARY: So, once that's done,
9 obviously you're piggy backing on what was done by
10 Leonard and that in the past, how -- The State is
11 going to be part -- You have representatives on the
12 subcommittee. How much time is the State going to
13 take to review this and be able to either agree upon
14 the recommendations coming out of the subcommittee or
15 modifying them? What is your thought on that, Gerald?

16 MR. BROWN: I don't anticipate re-inventing
17 the wheel. I think the big -- I think the big
18 elephant in the room is the metal tags, the paper
19 sheet. There was a decision that we would just do the
20 paper sheet, but nothing was talked about on how to
21 protect it and how to keep it available so it's not
22 lost, or any of that, and so that's why I've had
23 several contractors come to me that says, "Hey, is it
24 okay if we just go ahead and put the metal tag up
25 also? You know, we'll keep the sheet updated, but we

1 really want to start putting metal tags on a
2 controller to show that testing because, you know, we
3 don't have much confidence in that paper staying in
4 the room, or staying viable, or somebody takes it out
5 to go copy it and it never makes it back", etc., etc.
6 I think that was one of the big questions is, you
7 know, if we should go ahead and just say do both so
8 you have it. It's easier for our inspectors to look
9 at a single sheet, but the equipment companies really
10 want to have both on the few that I've talked to.
11 They said, "It's not really that much more time to
12 just do both. We'd rather have both than not have
13 anything with that white sheet disappearing." So,
14 that's something that committee -- that'll probably be
15 the biggest, longest decision in the committee, but I
16 don't anticipate on my end or our end that taking very
17 much time at all because I respect the time and effort
18 that have been put into this. I don't have to second
19 guess a lot of that stuff because I'm fortunate enough
20 to have been able to attend some of those or answer
21 questions along the way, so it's not an issue
22 afterwards. Thank you.

23 CHAIRPERSON CLEARY: Ricky, what's been
24 your position with the metal test tags? Have you --
25 you've had a lot of discussion or is that something

1 you need to revisit?

2 MR. HENDERSON: Well, it's -- per the code
3 it's totally in L & I's purview. The code requires
4 the metal tag in the letter of the code or, but it has
5 the exception there that says or something other
6 acceptable to the jurisdiction having authority. So,
7 if Gerald says the paper isn't -- the jurisdiction
8 says paper is not viable anymore, we -- in my opinion,
9 we revert to the letter of the code, which is metal
10 tags.

11 CHAIRPERSON CLEARY: Well, and I know for
12 the grain industry being out in the middle of nowhere
13 with -- metal tags are preferred because little
14 vermins love to eat paper no matter what you cover it
15 with. So, to me, I like the metal tags. Carl, go
16 ahead.

17 MR. CARY: One of the other things I heard
18 that this committee or I thought I heard this
19 committee was going to talk about is potentially
20 fines -- I'm sorry, Carl Cary, Mary Jo, sorry,
21 representing owners and building managers -- that they
22 were going to discuss potentially the State imposing
23 fines on missed Category 1 and Category 5 testing, is
24 that true or not? I thought I heard that from an old
25 meeting.

1 UNIDENTIFIED SPEAKER: Not that I'm aware
2 of. Gerald, do you remember anything about that? I
3 thought it was just the form is all that we were
4 discussing in this subcommittee. You're muted,
5 Gerald. Gerald, you're muted.

6 MR. BROWN: I'm going to mouth my words when
7 we get back in person just to see if people keep
8 telling me that. No, I really and truly lost my train
9 of thought here, but it -- basically it's a write-up,
10 and the write-up, if they handle it, there is no fine.
11 You know, if they're behind and we write it up, they
12 get caught up and they send in the paperwork like they
13 should, there is no penalty -- penalty, not fine --
14 there is no penalty involved, but it's not a, "Oh, if
15 I see this, you've got to pay \$500.00." We're not
16 doing that. But, anyway, does that answer your
17 question, Carl?

18 MR. CARY: Yeah. Carl again. I just wanted
19 clarity on whether that was part of this or not. I
20 appreciate that.

21 CHAIRPERSON CLEARY: Well, Gerald and Ricky,
22 it's really important I think we try to harmonize
23 between all the AHJs, right? You know, Jan, I
24 understand that you still require metal tags. What
25 are you guys doing out in Spokane, Duane? Let's try

1 to get harmony. So, let's hear from AHJs that have
2 jurisdiction there isn't a drastic difference in what
3 we have to do. Go ahead, Duane.

4 MR. LEOPARD: Oh, I'm going to let Jan go
5 first.

6 CHAIRPERSON CLEARY: Okay. Go ahead, Jan.

7 MS. GOULD: Yes, the city has never changed
8 their position on that. ASME has required the tag on
9 the controller. The disconnect is quite some time and
10 that is still a requirement.

11 CHAIRPERSON CLEARY: Duane.

12 MR. LEOPARD: Spokane is the same way. We
13 want the tag and the piece of paper. But I know in
14 that latest sheet that came out from the State, the
15 first line on it says: "May be used in lieu of the
16 tag" and that's not been the case. But I had two
17 inspections that I did yesterday and neither one of
18 them were done. I have a hunch the annuals were
19 completed, but I couldn't find the form anywhere in
20 our books. It wasn't posted on the wall or anything
21 else; so, I wound up having to write them up for not
22 doing annual testing. We need to get a handle on this
23 as quickly as we can because I'm finding that, you
24 know, my jobs are not consistent anymore. People are
25 using the tags, other companies are using the forms.

1 And, like I said yesterday, this happened to be the
2 same guy and the same company, I couldn't find his
3 paperwork anywhere, in his logs books, or on the wall,
4 or anything, and it was since 2019 that I saw any
5 annuals completed. So, we need to really push for it.

6 CHAIRPERSON CLEARY: Ricky, that should be
7 a goal I think of your subcommittee is to try to get
8 harmonization with all the AHJs. Is that something
9 you've looked at?

10 MR. HENDERSON: It hasn't been, but it
11 definitely will be after this discussion and it's a
12 good one. And we are looking at some things here, you
13 know, just looking at it from what the code aspect of
14 it is. You know, there's -- And like Duane was
15 saying, there's two requirements right now if we're
16 just looking at the ASME. There is the requirement
17 for the category test tag on the controller for the
18 last five years worth of testing, which on a lot of
19 controllers it fills up a lot of real estate on that
20 controller since you got to have the history of five
21 years of the metal tag. The other thing is for the
22 MCP we're required to have that documentation within
23 the log. So, we got to have category testing within
24 their maintenance control program. Are we also going
25 to be adding another third page, third piece of

1 documentation that we have to have the state category
2 test log, as well? Now we're triple redundancy on
3 this scenario, if so, which seems excessive to me.

4 CHAIRPERSON CLEARY: Well, I think the goal
5 of anything we do on the ESAC level and the State is
6 to have harmony across all the different
7 jurisdictions, the different AHJs. There's only three
8 of them when it comes to regulating conveyances. We
9 should be able to get everybody aboard and we should
10 have consistency across the board, right.

11 MR. HENDERSON: Absolutely. I'm totally
12 with that. And whenever we're talking about this, I
13 initially knee jerk toward the national standard,
14 which the national standard right now is the metal
15 category test tag at the controller, and the log, and
16 the MCP. What we're looking at here, and, Gerald,
17 correct me if I'm wrong here, what we're talking about
18 here now is adding -- if we're keeping this paper copy
19 of the test log from the State, we're adding a third,
20 an additional requirement for this paper log from the
21 State, in addition to the MCP category test log
22 provided by the company and in addition to the metal
23 test tag.

24 CHAIRPERSON CLEARY: Norm, you had your
25 hand up. Norm, do you want to go ahead, and then Jan.

1 MR. MARTIN: Yeah, I'm sorry, just real
2 quick, and I may have lost track of the conversation,
3 but 8.13 and the new 2019 standard talks about all
4 tags that need to be metal or not metal and how
5 they're being approached, if that is of any help.

6 CHAIRPERSON CLEARY: Well, I think we want
7 to stay with the national standards that we adopt,
8 so, and it does. Go ahead, Jan.

9 MS. GOULD: Yeah, I just wanted to
10 reiterate that let's stay with what's adopted.

11 CHAIRPERSON CLEARY: It makes it easier to
12 remember. Ricky, anything else on that?

13 MR. HENDERSON: No, I don't think so. I
14 think there is just going to be a discussion on what
15 all is going to be required from -- because if I'm
16 understanding the code correctly right now, and if
17 we're going to continue with the State paper log,
18 there's going to be two paper copies and one metal
19 test tag.

20 MS. GOULD: Yeah, that's kind of nuts. Jan
21 Gould.

22 MR. HENDERSON: If I'm understanding it
23 correctly, and then that will be something for
24 discussion.

25 CHAIRPERSON CLEARY: Well, what I'm saying,

1 but basically what I'm hearing from Gerald and the
2 State is what comes out of the subcommittee should be
3 able to be adopted, what comes out of the
4 subcommittee. If we have redundancy we don't need,
5 then that should be put aside, so... Duane and then
6 Mr. Runyan.

7 MR. LEOPARD: Yeah. I -- Part of the
8 reason for these third (audio/technical difficulty)
9 will make it easier for everybody to be on the same
10 page, especially inspectors. They can walk into a
11 machine room and find these tests quickly, and I've
12 heard that they're done and everything else, and, you
13 know, I got to stand by that, and if they've got to
14 list it three times, then that's what they need to do.
15 I, as an inspector, don't want to try to dig through
16 five companies' different logs and other paperwork.
17 They are all different and it's hard to find all the
18 different tests in the Category 1's and the Category
19 5's with multiple testing, but I prefer just to have,
20 even if it is a third page, a third page posted on the
21 wall showing that this stuff is done. That's where we
22 stand with it.

23 MR. HENDERSON: And that was -- I'm sorry,
24 Rick Henderson. That was the original intent of all
25 of this, Duane, and I think that's definitely the same

1 path we're going to be trying to go through with all
2 this is keeping it simple and trying to keep a
3 standard for everybody that's the same so it's easy
4 for the inspectors. Easier. I know it's not easy,
5 but easier.

6 CHAIRPERSON CLEARY: Hey, Ricky, I think it
7 would be really important to make sure Jan and Duane
8 are represented on your subcommittee that make sure
9 that we can harmonize.

10 MR. HENDERSON: I agree.

11 CHAIRPERSON CLEARY: Mr. Runyan.

12 MR. RUNYAN: Yeah, Jim Runyan, Tech
13 Specialist. Maybe I missed something in the
14 conversation, but when you read 86172 it gives the
15 maintenance company the choice whether they want to
16 use the metal tag or if there's another format that's
17 designated by the AHJ. And we've never said you have
18 to use the form that the State developed; you had a
19 choice, you can use your metal tag or you can use the
20 paper ones that State created. There's never been
21 anything -- It's not an either/or situation. I guess
22 I'm not really understanding why you need 1,500 pieces
23 of paper to track a set of tests. They should be on a
24 document that shows, "we did the test. Here's the
25 month and year we did them", and what goes on the

1 controller is the most current tests. You wouldn't
2 necessarily have five years of worth of tests
3 plastered on the front of the controller, but the most
4 current. Everything else is going to be in the log.
5 It's going to be kept in your maintenance records that
6 you did tests two years ago, three years ago, four
7 years, five years ago. I just -- I guess I just don't
8 see the complexity that's coming into this
9 conversation, and maybe I'm missing something, but I
10 just read the code and to me it's pretty
11 straightforward. So, that's my two cents worth
12 anyway.

13 MR. HENDERSON: This is Rick Henderson.
14 You're exactly right, Jim, on that. We're just
15 looking at that and it was definitely an either/or.
16 We had the -- With the metal tag we could either put
17 the metal tag or the piece of paper on the controller.
18 There was -- is an additional requirement for the
19 maintenance control program that we have to have our
20 testing in there, as well, and that's one that maybe
21 where I might be convoluting this discussion here.
22 But, no, this has always been an either/or. It's
23 either a metal tag or the State's alternative form,
24 which is what's up on the screen right now. But, in
25 addition to this, the service providers have to have

1 it within their MCP and other category test log for
2 the code book for NEC, or, I'm sorry, for A17.1.

3 MR. RUNYAN: You look at this test log, for
4 example, this goes through 2023. Once you -- And this
5 went for five years. So, let's assume you fill in all
6 five columns, you've maintained a single record for
7 all five years you're required to keep the test.

8 MR. HENDERSON: Correct.

9 MR. RUNYAN: You could take this sheet out,
10 put it in your records inside of the notebook, so to
11 speak, put a new sheet on for the next five years. I
12 mean you're not -- I guess should I stop, Rick, but...

13 MR. HENDERSON: This is Rick Henderson
14 again. From my understanding right here, Jim, is what
15 Gerald is saying we can no longer put this document
16 that's up on the screen on the controller.

17 MR. RUNYAN: Why?

18 MR. HENDERSON: In place of the metal test
19 tag.

20 MR. RUNYAN: Why?

21 MR. HENDERSON: The paper can be lost is
22 the main thing and possibly destroyed where the metal
23 test tag --

24 MR. RUNYAN: Put your metal test tag up
25 there, too. I mean this -- You know, we've got a --

1 we've got a controlled space here. There shouldn't be
2 a whole raft of people wandering through a machine
3 room taking test logs out of things. These test logs
4 are maintained by the maintenance company. If they
5 show up on job and their logs are missing who's taking
6 them? I'd go and find out. But this is not something
7 that is -- that I know is really a big, big problem in
8 the industry of test logs are missing.

9 MR. HENDERSON: Well -- Yeah, this is Rick
10 Henderson again. My personal opinion is I prefer the
11 paper log over the metal test tag. That's my personal
12 opinion for all the examples, reasons you just gave,
13 Gerald, Jim. That's my personal opinion on it. But,
14 Gerald has voiced some concerns and examples where
15 these have been disappearing. That's why we're here
16 where we are.

17 MR. RUNYAN: I think what this appears is
18 where the maintenance company loses the contract and
19 then just decide they got to take everything with
20 them, and these are permanent records that need to be
21 on the job even if you're not maintaining it.

22 MR. HENDERSON: Absolutely.

23 MR. RUNYAN: -- take something out of there.

24 MS. GOULD: Jan Gould.

25 CHAIRPERSON CLEARY: Yeah, I'll get to you,

1 Jan. Jan, then Candace, then Carl.

2 MS. GOULD: Jan Gould. I can't tell you how
3 many times in this city we will write up to remove
4 non-elevator items stored in a machine room, and we
5 come back and all the MCPs have disappeared. Nobody
6 knows nothing about nothing. So, that's why I like
7 the metal tag, that's pretty hard to peel off, or the
8 permanent tag, it's pretty hard to peel off, and we've
9 had that happen a lot.

10 CHAIRPERSON CLEARY: Carl.

11 MR. CARY: Candace was before me. Candace,
12 do you want to go or --

13 CHAIRPERSON CLEARY: Go ahead, Candace, go
14 ahead.

15 MS. LAU: Yeah, Candace. I just wanted to
16 reiterate what Jan was saying. In the field it's a
17 lot different than just what you think sitting behind
18 a table, behind a chair. When I was out there, I
19 can't describe to you how many things were missing,
20 how many records were missing, and like you guys were
21 saying earlier it -- a lot of times it's when you
22 change companies, but that's not even the case.
23 Sometimes you have engineers, building engineers
24 sometimes you have people just looking through it
25 sometimes, and we may be kind of a paranoid industry,

1 but I've had mechanics swear to me that, you know,
2 this other company is doing things to them and they
3 have access to the machine room through the key box,
4 all this stuff. There's all kinds of things going on
5 out there. To me, I think that the metal tags need to
6 be on there. That's just my opinion.

7 CHAIRPERSON CLEARY: And I want to reiterate
8 that not all commercial applications have a secured
9 mechanical room, machine room, grain industry 5.2, 5.7
10 equipment don't have it. So, that's another good
11 reason. Go ahead Carl.

12 MR. CARY: Yeah, I guess I just want to
13 interject, you know, as a representative of owners and
14 building managers I guess I just want to make sure
15 that we keep in sight that I mean really this
16 equipment is owned by the building owner, right? So,
17 we're never going to -- Really the only way that an
18 owner can walk into a machine room and check that
19 their elevator has repeated -- has the completed
20 Category 1, Category 5 tests via that an MCP because
21 they can take that out of the room, right? Everything
22 else is attached to the controller. So, I just say
23 that because ultimately they're the one that has to
24 pay the fine or the penalty if the elevator company is
25 not doing what they're supposed to. But just say that

1 there seems to be this drive to kind of boil this down
2 to one. I don't think we can ever get away from
3 filling it out in the MCP manual because that's the
4 mobile part of this whole thing. Now, whether there's
5 a tag and another thing, or three things, or two
6 things, that MCP portion has to stay there because
7 that's really their property, for lack of a better
8 explanation in my mind.

9 CHAIRPERSON CLEARY: Okay. Duane, your
10 hand is up? Do you have a question or did you just
11 now put it down?

12 MR. LEOPARD: No, I put it down. I'm
13 sorry.

14 CHAIRPERSON CLEARY: Okay. All right,
15 we're running close on time. So, good conversation.
16 Ricky, do you have anything to close out on before we
17 move on?

18 MR. HENDERSON: No. Good conversations,
19 and looking forward to moving forward and getting all
20 this dialed in.

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1 Licensing Category, Education & Curriculum

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4 CHAIRPERSON CLEARY: Okay. I'll be quick
5 on the licensing category, and education, and
6 curriculum subcommittee. Melissa, please help me and
7 we'll get things sent out and we'll get a meeting
8 scheduled soon in person, and we'll pick things back
9 up. If everybody that was in that subcommittee
10 remembers, we had big sheets of paper everywhere going
11 through all the different categories. So, I think the
12 first meeting is going to get back up to speed, and
13 hopefully we can make sure we come to some conclusion
14 that we can make recommendations to the State
15 expeditiously.

16 I know that I've had some feedback, and Marius
17 one of them was, you know, when are we going to get
18 back on it. So, there is -- There's still a lot of
19 interest in it; so, it would be really good to meet
20 back in person and I look forward to doing that. So,
21 any questions on curriculum subcommittee?
22 Outstanding.

23 Okay, let's -- Brian, is Brian here, Thompson?
24 Okay, so we're going to move on from fire rate door
25 assembly. We're going to go back -- Ricky, you're

1 back on with alterations.

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Alterations

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7 MR. HENDERSON: This has been something
8 that's sort of -- and Gerald can speak up on this one,
9 too, alterations is always sort of a gray area, and I
10 think there's still a lot of misunderstanding on
11 alterations, especially with a lot of the changes that
12 we've had within the WAC and the RCWs since I think
13 2018, but it's still a question that comes up all the
14 time, and we wanted to talk about this, and let's get
15 a subcommittee of -- you know, let's get this
16 clarified for alterations for the State, what is and
17 is not considered alterations within the state. And
18 at this point in time I guess is there any support for
19 this subcommittee moving forward to talk about
20 alterations within the state?

21 CHAIRPERSON CLEARY: Ricky, can you just
22 kind of go over really quick what you think the
23 concern or issues are with the way we are now?

24 MR. HENDERSON: Well, the previous WAC rule
25 we had I think is 1004. It had a requirement in there

1 that if you did anything in repair or replacement of
2 the conveyance that required you to test to verify
3 that that repair or replacement was within code it was
4 considered an alteration, and that expanded it to, you
5 know, you ask a mechanic out in the field it's like,
6 well, what do you repair or replace that you don't
7 test and verify as functional when you get done, and
8 it's everything. We never don't do that. So, right
9 now that has gone away. The 1006 requirement is no
10 longer within the WAC, but that -- if you must test
11 it, you must be an alteration. It's still something
12 that that thought is still lingering within the state.
13 There is within A17.1 a list of things what you must
14 do when you perform an alteration of bringing it up to
15 current code. But, then, it refers to if it's not a
16 repair or a replacement. If it's considered to be a
17 repair or replacement it's not an alteration. There's
18 items, things that -- and I guess that's really where
19 I wanted to try to have a discussion about this and
20 get clarity on what is considered an alteration by the
21 code. I don't know if that clarified anything or just
22 made it more muddy because alterations is a muddy
23 area.

24 CHAIRPERSON CLEARY: Well, and that comes
25 back to fit, form, and function, and, you know, having

1 a test be the litmus is like everything that you do
2 you to have test and make sure that it works. So, Mr.
3 Runyan, go ahead.

4 MR. RUNYAN: Well, to touch base on that,
5 Rick, when you said that you know if it's a repair or
6 replacement a permit and an inspection is not required
7 by statute. Repairs and replacements are considered
8 part of maintenance by 70.87 and you do not need a
9 permit to do maintenance, there go you don't need a
10 permit to do repairs and replacements. The
11 definitions for repairs and replacements are found in
12 the WAC rules in an attempt to make sure that we
13 understood the difference. An alteration is an
14 elective change to what's there. I took out some old
15 brass UV2 valves and put in a UC4 Maxton valve,
16 that's an alteration. If I just repaired the UV2
17 valves, then I don't need -- I don't need an
18 alteration permit. I don't need an inspection. But,
19 yes, if I do make changes to those valves or rebuild
20 those valves, they should be tested to make sure that
21 they still function properly, and all of that needs to
22 be recorded. Repairs and replacements need to be
23 recorded according to 86.1.

24 The problem that I see is we're trying to get
25 in. We're out in the weeds here and we're looking at

1 a couple of weeds and we want to fix the whole code by
2 looking at a couple of weeds. We have to look at the
3 whole code as a picture and say, "How do I enforce
4 this MCP?" Its been much maligned, especially in the
5 State of Washington over the years, but, actually,
6 it's not that difficult. Once they re-wrote some of
7 the things in the 13 code and fixed some of the gray
8 areas, not all of them, but some of them, when it came
9 to the MCP, and the documentation, and who provides
10 what, a lot of those questions went away. But we
11 still seem to be lingering, and I grant you sometimes
12 the inspectors are a day behind the issue, but we
13 really need to make sure that we understand what the
14 MCP is, what -- would we recognize it if we saw it,
15 what our documentation is as far as maintenance,
16 repairs, and replacements, and, then, when we get into
17 8.7 we're looking at alterations, things that weren't
18 there before.

19 MR. HENDERSON: I'm totally agreeing with
20 what you're saying there, Jim. Maybe -- I guess more
21 clarifying what I'm saying that I want to talk about
22 or what I'm trying to address here is, is what I'm
23 seeing a lot is we're being asked to pull alteration
24 permits for things that are replacements defined by
25 the code, not alterations, because the AHJ is wanting

1 to watch the test being performed or that repair or
2 replacement.

3 MR. RUNYAN: That's a Gerald call, I'll
4 grant you, but we -- there's -- we don't have the
5 resources to go witness all these tests, all right.
6 Otherwise, we'd be out there witnessing all the
7 periodic tests for all of this equipment out there,
8 and we don't have those resources. What we have to
9 rely on is if the MCP is being employed properly the
10 elevator company goes out, they make an adjustment, or
11 a change, or a repair, replace a valve for like kind
12 for like kind, they adjust that valve, and they
13 document that procedure and their findings in the
14 records. That's their attestation that they did this.

15 MR. HENDERSON: I totally agree.

16 MR. RUNYAN: It's not so much that we have
17 to go see it because we don't have the resources to do
18 that. I don't know of too many jurisdictions that
19 ever had the resources to go out and look at all this
20 stuff.

21 MR. HENDERSON: This is Rick Henderson,
22 again. Jim, what you're just saying is exactly what
23 saying what I'd like to get clarified with everybody.

24 MR. RUNYAN: Well, it would be nice if we
25 knew exactly what they're writing you up on, I've got

1 to get a permit to do what, because if they are and
2 you're doing a repair or replacement I mean that's
3 what definitions are for is to define what a repair
4 is, what a replacement is, and what an alteration is,
5 and you can compare those.

6 MR. HENDERSON: The biggest example I have
7 for you right now that's come up lately is replacing a
8 CPU board and being asked to pull an alteration permit
9 for replacing a microprocessor board. The original
10 one, the same exact part number is not available due
11 to obsolescence, but there's one that plugs in
12 directly in its place.

13 MR. RUNYAN: But it's a replacement. It's a
14 replacement due to obsolescence of the original --

15 MR. HENDERSON: But it --

16 MR. RUNYAN: It doesn't change the operation
17 of the elevator, correct?

18 MR. HENDERSON: No, sir, it doesn't, but I'm
19 being asked to pull alteration permits to install it.

20 MR. RUNYAN: Well, my personal observation
21 would be I disagree with that particular issue.
22 You're not changing the board just to be changing the
23 board and upgrading a bunch of things, your old board
24 is obsolete and now you've got a new model that's come
25 out, and those are replacements due to obsolescence.

1 That does not con-- in my mind anyway, Gerald, you may
2 have another idea, but in my mind that's a replacement
3 due to obsolescence. That's not an alteration, per
4 se.

5 MR. HENDERSON: And, again, that's where
6 getting down to is, yeah, it's not an alteration, but
7 it's the only way I can do something that requires me
8 to go out and do an inspection before we turn it back
9 over to service.

10 MR. RUNYAN: But there's no requirement for
11 the inspection in that case. That's my point. No
12 permit, no inspection is needed.

13 MR. HENDERSON: You are -- You are
14 describing my reasoning for I think that there needs
15 to be a subcommittee to address this.

16 MR. RUNYAN: Well, possibly. I don't know.
17 I'm trying the KISS principle here; so, we'll see what
18 happens.

19 CHAIRPERSON CLEARY: Scott Rudder.

20 MR. RUDDER: Hi, Scott Rudder, State of
21 Washington. Hey, I give you guys credit and saying,
22 you know, like Rick you needed some clarification, you
23 know, I have been having this issue with some
24 companies like replacing fire rated belts, how do we
25 follow up if they put on a fire rated belt when one

1 (audio/technical difficulty) there's some -- because
2 some companies get it, and then they realize, holy
3 cow, that's so much money to do it to get these
4 cheaper belt, we might not catch it until we check
5 the, you know, the tag or something put on it.
6 There's, you know, the same thing with, you know,
7 valves. They're coming to a change a valve
8 (audio/technical difficulty) they have to set the
9 retro valve and things that they needed to do. I know
10 there's -- but there's some things like you were just
11 saying it that does not need this, but there is some
12 clarification that needs to go out for these permits
13 that I think do need testing or looked at just to keep
14 everybody above board. Not everybody is truthful on
15 knowing of what they're thinking. That's my opinion
16 on that anyhow.

17 CHAIRPERSON CLEARY: All right. Thanks.
18 Okay, we can -- you know, we can talk a little bit
19 more about this in the open session, but we're kind of
20 running really quick. And, then, Garry, I'll get your
21 questions. And, Leonard, your hand is still up, so
22 I'll get to you in a second. But the next thing is do
23 we need a subcommittee for the WAC/ASME question?
24 Melissa, can you help me out with what precipitated
25 that. I'm at a loss right now.

1 MS. ERIKSEN: This is Melissa. I have no
2 idea.

3 CHAIRPERSON CLEARY: Okay. So, let's move
4 on then. That'll make it quite easy. All right,
5 Perry, go ahead and -- Go ahead.

6 MR. MCKENZIE: I just need somebody to
7 verify the difference between a new turn-on valve and
8 a replaced valve when you're -- If you say, "All I got
9 to do is take the word of the mechanic who writes on a
10 form that he's a changed a valve and here's my
11 findings, why don't I do that on a new turn-on
12 inspection? That's my question. We're asking to take
13 the word of a mechanic, which is fine, if that's how
14 you want to go down that road, when we do a new
15 turn-on I'm going to take the word of the mechanic.
16 Tell me the difference.

17 CHAIRPERSON CLEARY: All right, would
18 somebody like to answer that? Gerald, Jim, any of the
19 tech specialists? Nobody.

20 MR. LEONARD: I'll chime in.

21 CHAIRPERSON CLEARY: All right, go ahead.

22 MR. LEOPARD: This is Duane, City of
23 Spokane. In answering your question I just heard,
24 the stuff always need to be tested and we don't
25 accept a mechanic's word that everything is proper.

1 On a repair, the valve replacement, I guess there is a
2 certain amount of trust that involves that he has done
3 the proper testing to set the pressure release and
4 whatnot. Giving you a little bit of back history,
5 though, there was time when if a company needed to
6 replace the UC4 valve and put in a UC4 valve it was
7 considered an alteration by WAC. Some of that stuff
8 has changed with the last WAC proposals. Permits may
9 not be required anymore for a simple valve
10 replacement. That was changed I want to say two
11 cycles ago, but we're still -- we still got some
12 inspectors that are requiring permits to replace a
13 valve. But as far as the old alteration, the valve
14 replacement was considered an alteration and it was
15 required to put in a seismic valve, retro valve,
16 whatever we'd like to call it today, and that also
17 required the testing. So, a lot of this stuff has
18 changed, but, you know, I'm picking up, and seeing,
19 and hearing that our procedures haven't changed.

20 CHAIRPERSON CLEARY: Don, do you got some
21 feedback? Then Jim.

22 MR. PYNE: You know, Don Pyne, now Labor and
23 Industries. Yeah, I received some correspondence
24 recently, withing the last week, regarding it looks
25 like an obsolete Dover CLC board and they were

1 inquiring about replacement with the different product
2 and they were saying that it was like for like, it's
3 even the same color, but it's not like for like, and
4 the CLC board is still available, so I don't know if
5 this has anything do with that conversation or not,
6 but, yeah, what they were replacing the CLC board with
7 has a user interface tool on it, it's not the same
8 configuration, it's the same color maybe, but it's not
9 like for like, in my opinion. So, if this has
10 anything to do with that, I disagree that it's like
11 for like, and maybe Dover doesn't supply the CLC board
12 anymore, and Dover is no longer a company, the parts
13 are available on this particular case. So, that's all
14 I have to say.

15 CHAIRPERSON CLEARY: That is good. Go
16 ahead, Jim.

17 MR. RUNYAN: Well, I -- This is Jim Runyan,
18 tech specialist. I agree with Don in that particular
19 case. There's some question as to whether this board
20 they're putting on basically has the same function as
21 the old board. Now, if its got added features and
22 others things that could impact the operation of the
23 elevator that would be considered an alteration in my
24 mind, but I need a little more detail on the
25 comparison of those boards. But I understand what

1 you're saying. A lot of people say, "Well, you can't
2 get that anymore", and I know for a fact that if the
3 manufacturer is no longer in business sometimes they
4 bought their stuff from other manufacturers and it's
5 still available. It really comes down to looking at
6 am I repairing, am I replacing? If I'm take off a UC4
7 and putting on a UC4, or I'm rebuilding a UC4, that's
8 a repair, and if I'm taking a UC4 off and putting on a
9 new UC4, that's a replacement. It's like for like.
10 I'm not changing the overall operation of this
11 elevator. In those cases they need to document what
12 they've done and to accept that.

13 To answer Perry's issue of when we just do
14 something new we're required to commission that
15 elevator; so, that means we need to see all of it when
16 it goes into it's acceptance inspection. But if we
17 had the resources it would be nice to go out and
18 witness all of these periodic tests, and all these
19 changes, and all this equipment. But unless they
20 change the statute, we can't really force them to get
21 a permit on something that's classified and defined as
22 a replacement or repair. We've got to abide by the
23 statutes. Whether we like them or not it is another
24 issue. If we don't like it, we need to go to the
25 legislature and get it changed. But that's kind of a

1 box we're in any way.

2 CHAIRPERSON CLEARY: All right, good. Mr.
3 Rudder, then Candace.

4 MR. RUDDER: I was going to reply to that.
5 You know, I was a repair guy for years. I used to go
6 out after doing a valve and, you know, we do my five
7 year test and stuff, I've learned to back off my
8 relief because it would bend my needle sometimes, and,
9 you know, here it had been marked off every year as
10 doing a test on the valve, being new and adjusted,
11 they need to know the rate. You know, like, again, I
12 get it, but just like your CLC board you were talking
13 about, you got your door parameters, your floor
14 height, and all that stuff is going to -- could
15 change. So, that would be, to me, some might want to
16 witness, and I would think the company would want us
17 to verify that with them to, make sure.

18 CHAIRPERSON CLEARY: Good point. Candace.

19 MS. LAU: Hello. I don't know if you can
20 hear me. I've got a lot of background noise right
21 now. Can you guys hear me?

22 CHAIRPERSON CLEARY: Yes.

23 MS. LAU: I just wanted to comment on or
24 answer Perry's question. I guess I'm not answering
25 his question. I wanted to comment on what he was

1 saying. Previous to the change in 2018 -- well,
2 previous to the 2014 code when all of the new
3 requirements for the -- were you have to take out a
4 permit to change out valves and things like that, um,
5 in 2014, before that, way before that, we were not
6 requiring permits to do like-for-like control valves,
7 but we were requiring the companies to send in the
8 tests so that we can review them to make sure that
9 everything is good to go or to just file it away, but
10 we've totally gone away from that process of either
11 requiring tests to be sent in. So, in 2014 when the
12 codes changed where everybody has to take out permits
13 for all this stuff, the practice of turning in forms,
14 sending in forms, have dissipated, and then now fast
15 forward to 2018 when we got rid of all the 2014 codes,
16 now we're not requiring forms to be sent in and we're
17 not requiring tests, alteration permits. So, its been
18 a very difficult transition throughout the years.
19 Perhaps we can have a policy of the companies sending
20 in the tests for certain things like -- like the surge
21 valve, or the control valve, or maybe the safety test
22 if they change out certain parts that are not
23 considered alterations currently. Perhaps we can
24 still have them send in the test forms, which is kind
25 of what we're doing for five year safety tests anyway.

1 We're not witnessing them. We're just -- We're just
2 requiring them to document it, and currently it's
3 being left on site. But at least a policy or
4 something like that the way we were doing it back in
5 the day would be helpful to kind of get through this,
6 you know, this whole argument of whether or not a
7 permit needs to be done, whether it needs to be
8 witnessed and so on. It's just a comment.

9 CHAIRPERSON CLEARY: Okay, really good.
10 Then I'll get to Ricky in a second. But, Mary Jo, I
11 want to thank you. I know that this has not been
12 easy. Our next meeting face-to-face will probably be
13 much easier. So, thanks for sticking in there with
14 us.

15 THE COURT REPORTER: Thank you.

16 CHAIRPERSON CLEARY: Go ahead, Rick.

17 MR. HENDERSON: I was just want to follow-up
18 with sort of what Candace was saying, and, again, more
19 of a comment is that from where we were to now, and I
20 think what Jim was sort of talking about is we've --
21 the code has added I think a lot of requirements for
22 logging just exactly this type of thing within the
23 maintenance control log, and the repair and
24 replacement section. If there was something to be
25 done, I think that is where the code, I believe, is

1 directing the mechanics to put -- to log all of that
2 rather than sending a form in to the State. That was
3 it, just a quick comment.

4 CHAIRPERSON CLEARY: Candace, one more time
5 and then we're going to need to move on pretty quick
6 to get finished up by 12:00.

7 MS. LAU: Okay, I want to comment on that,
8 Ricky, because right now it's just sign your company's
9 name on the log, that's what we're talking about, as
10 opposed to what were the results of the control valve,
11 for example, what are the results of the tests. That
12 part of it is not clear. Just checking a box saying,
13 yeah, this company did it just doesn't -- it's not --
14 it doesn't give us enough information, that's all.

15 CHAIRPERSON CLEARY: Okay, great. So,
16 let's move on now to what's left on the agenda, and
17 that's basically talking about flooring, then
18 inspections on sovereign land, then if we have any
19 time left we can have some more conversations with
20 everybody. But really good meeting everybody. This
21 conversation has really been helpful. I can't wait to
22 meet face to face; so, I think it's even a little bit
23 better.

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Continued Business

Flooring

CHAIRPERSON CLEARY: Gerald, that's been on there. Do we have an idea of why we want to talk about flooring? I think the question came up in the last meeting that we had.

MR. BROWN: I'm kind of drawing blanks. I know this was some -- there was some generic questions and answers on who is allowed to go in and do flooring, they needed to be licensed, they need to pull a permit, and typically, yes, people need to be licensed to do the work, you know, who's pulling the permit, the dilemma that we've come up with is XYZ company with an apartment and an elevator edge and flooring, they know that that job has to be put in according to code, and so they would deal with a separate company to put in the flooring, or the general contractor would come in and say he wants to put his special flooring in, and typically we would ask that they have to submit information to us probably in the form of a permit to submit what type of material they were putting in, that it was code compliant so they could get -- the companies would be

1 able to get back a, yes, the material they put in met
2 the code, that kind of thing. And there was some
3 question about how to administer that or how to follow
4 that paper trail from the original permit, did it
5 indeed cover flooring. Well, when we review the set
6 of plans and we approve a conveyance to be installed,
7 that's the whole conveyance. If it's not, oh, by the
8 way, it's not the flooring or it's not, you know, not
9 the interior or it's not this or not that, when we
10 approve a conveyance it's the entire conveyance that
11 they submitted to us. And, so, there was some
12 question about the use of flooring companies to come
13 in after the fact to put in flooring when we had no
14 documentation of if what they were putting in was
15 compliant, and I think that's where that question was
16 on the agenda was how did -- what was the committee's
17 view on how we needed to address that flooring issue
18 and as it related to permits and approved materials.

19 CHAIRPERSON CLEARY: And there's also two
20 different -- you know, residential has a different
21 requirement for flooring than commercial. So,
22 basically there's no fire spread or any type of
23 requirement in 5.3 that kicks you back into two for
24 flooring. So, that's an issue, too, that I think has
25 always been kind of out there, who can put residential

1 flooring in and does that have to be permitted when we
2 permit the product. So, what's the -- what's your
3 answer on that one?

4 MR. BROWN: Residential, which is talking
5 about a lot of times the code, we'll go back to the
6 building code where it's a residential building code
7 and what are the parameters built to the residential
8 code, is it a same standard as commercial code as far
9 as materials used. I guess I would have to reach back
10 to our tech specialists if they know of anything
11 different, but when you're dealing with the
12 residential code they have a lot -- it's a different
13 world when it comes to construction techniques, and
14 materials, and things like that. For residential code
15 they don't follow the same like rating of doors,
16 hoistway swing doors, things like that. You know,
17 there's no fire rating on those doors, etc., because
18 the residential code doesn't address that.

19 CHAIRPERSON CLEARY: Well, it does if
20 you're going from a garage up to an (audio/technical
21 difficulty) area they got to be -- that's got to be
22 done, but I agree with you. Candace, you got your
23 hand up?

24 MS. LAU: Yeah. How this transpired, I
25 guess, is it's -- it's more of a bigger picture than

1 just the flooring. How this transpired is who can do
2 work on elevators basically and what I said was like
3 the two most -- the two major things that are not
4 typically these days installed by elevator mechanics
5 are the flooring on a new turn-on and the -- and for
6 residential elevators, the hoistway doors or the
7 material lift doors. Those are like real major things
8 that in the past they're provided by the building and
9 so they're just not installed by elevator mechanics,
10 and what we've made it a practice is, okay, so the
11 licensed elevator company who is in charge of that
12 installation has to be there to guide them through the
13 process, and that's what was always told to us. I --
14 When I was an inspector out there that's what I was
15 told. When I didn't work for the Department I started
16 digging into what the code actually says and there's
17 nothing that actually says anything like that. So, I
18 knew -- I know that there's some issues in respect to
19 the WAC codes, and the licensing, and who can do work.
20 So, what transpired in one of our conversations is
21 that really licensed elevator mechanics have to
22 perform elevator work. So, if this flooring is
23 considered elevator work, which it is because it's
24 in -- our codes cover it, the hoistway doors are
25 elevator work because it's covered under our codes.

1 By -- by code and by law it really should not be
2 installed by non-licensed elevator mechanics, by
3 everything that I've read, unless somebody can tell me
4 different. I know that its been a practice, and how
5 do we move forward on this because this is what we're
6 doing out there today. I know this is what we're
7 doing. But people call up all the time and I have
8 no -- I don't know how to address it because the codes
9 say elevator mechanics are licensed to do elevator
10 work. That's how this whole conversation got to be.

11 CHAIRPERSON CLEARY: That's really a good
12 question that needs to be answered by L & I and how
13 they interpret what the adopted codes are. So, real
14 good question. Glenn, you had a question?

15 MR. WELLS: Yeah, I just wanted to respond
16 to Candace's comments. In practice I don't believe the
17 elevator mechanics have ever installed flooring in
18 elevators. Typically in commercial buildings the
19 elevator code book for (audio/technical difficulty)
20 spread and is typical to the building code and so the
21 same carpet that is, you know, if you're providing
22 carpet, for example, if it's tile or some other
23 non-combustible product that's less volatile, I guess
24 you'd say, but the reality is is that the same vendor
25 that provides the carpeting installs the carpeting. I

1 don't know of an instance in my 40 years of business
2 that ever -- that a mechanic has installed the
3 carpeting in the elevator. So, I'm just -- I'm not
4 making a commentary on what's right or wrong. I'm not
5 sure that they're honestly qualified to install
6 carpeting. So, it seems like, you know, that some
7 further discussion needs to happen on that.

8 CHAIRPERSON CLEARY: Jim, go ahead.

9 MR. NORRIS: The IUEC would take exception
10 to anybody telling us what we are qualified or not
11 qualified to do, and we certainly do do floors in cabs
12 and we claim it as our work.

13 UNIDENTIFIED SPEAKER: I agree.

14 CHAIRPERSON CLEARY: Yeah, so that -- You
15 know, again, I understand where you're coming from.
16 That question kind of comes up a lot, and I guess
17 elevator work is elevator work. If we have to put --
18 It's a hoistway door is a hoistway door no matter if
19 it's residential or commercial. The carpeting is
20 something that is always been kind of out there. So,
21 good discussion. We probably need to -- you know, the
22 State is going to have to make a decision. That could
23 be a policy, Gerald, that we look at and then kind of
24 figure that what do we do with the TAC going into the
25 WAC to kind of get some clarification. There are some

1 other things in the WAC we really need to look at. I
2 think the clearance issues in like 2605 talks about
3 the 17 inch and the two inch, which is not anywhere
4 else in the country, that I think we need to look at.
5 But this is what's really good to get this
6 conversation out during the ESAC and then work towards
7 coming to a resolution I think is really what the ESAC
8 is all about. So, its been a very, very good
9 conversation.

10 We've got nine more minutes. We can open is up
11 for anybody and any comments, any questions. Jim, you
12 got your hand still up?

13 UNIDENTIFIED SPEAKER: We haven't talked
14 about the sovereign land thing yet.

15 CHAIRPERSON CLEARY: Okay, let's talk
16 about -- You're right. Sovereign land, let's talk
17 about that real quick. Go ahead, Carl.

18 MR. CARY: Okay.

19

20

21 Inspections on Sovereign Land

22

23 MR. CARY: Yeah, I mean, Gerald, I guess you
24 can kind of take the reigns on it. I'm sorry, this is
25 Carl, Mary Jo.

1 THE COURT REPORTER: Thank you.

2 MR. CARY: Head of steam. -- that the State
3 is no longer going to inspect elevator conveyances or
4 any conveyance on sovereign land, and so I guess that
5 was my understanding, and you can it take from there,
6 Gerald.

7 MR. BROWN: Okay. We've -- we've had
8 discussions in the past with several of the tribes
9 that were very adamant they did not want us on their
10 property. We just had somebody try to submit plans
11 for review here this last week that were sent back
12 with comment about, "Do you really want us on your
13 property?", and they said, "Absolutely not", because
14 elevator companies have the habit of, "Hey, I'm going
15 to put an elevator in Washington State, and I'm not in
16 Seattle or Spokane, so all the plans have to go to --
17 have to go to state." No, they did not. We don't
18 have any authority on sovereign land. We've had
19 discussions with a few of the tribes. We were trying
20 to develop a policy that I would like the State to
21 review as far as our official stance. The resolution
22 at the meeting was that we would no longer submit
23 plans or encroach on sovereign land. There are some
24 of the tribes that have leased property, like in
25 Vancouver they have a clinic that they run that they

1 lease the space in an office building that has an
2 elevator, and they've got the whole building. Yes, we
3 do that one. It's just a regular property because
4 it's not actually on the sovereign land. But it's the
5 sovereign -- the sovereign land, or trust land as they
6 refer to it sometimes, from moving forward when you
7 have permits and work that needed to be done in those
8 areas you need to submit to them to find out who they
9 would like to review the permits for installs or
10 alteration work on sovereign land. A lot of them are
11 already tied into nationally recognized third party
12 inspections services that offer plans reviews, annual
13 inspections, certificates in the elevators and stuff.
14 We have no jurisdiction over sovereign land; so, the
15 third parties can step in and do that. The elevator
16 companies would actually appeal to them for their
17 plans reviews and site inspections.

18 The problem that we had was in our system, the
19 way that CMS is set up, you submit a set of plans, we
20 go out and review, it passes inspection and now all of
21 a sudden it's in this annual inspection cycle, and
22 here we are back on that sovereign land, and writing
23 things up that are wrong, and they don't have to do
24 it, and I'm not paying any bills, and why are you
25 people here, and so it just came to the point that I

1 have to write something up, submit it through our DAD,
2 have it go through our liaison, have them approve it
3 to say this is officially what we're doing from, you
4 know, this point forward with all of the tribes.

5 Now, we do have what was considered to be a
6 tribal grouping form where they agreed to do regular
7 inspections, do the corrections, pay their bills, you
8 know, they agreed to it. We have tribe that are doing
9 that and they're very happy with that because, let's
10 face it, the State is a bargain when it comes to
11 dollars for an inspection. We're the best deal in
12 town, okay. We always will be. And I can see why
13 they want to do that to save money and take advantage
14 of the State program, and some of these smaller -- I
15 don't know, the smaller tribes, they've been doing
16 that for years, and they have a great track record,
17 and I hate to shut the door on them, but we have to
18 have a sovereign land acknowledgment on the books that
19 says this is what we're doing moving forward, and then
20 we have to have a discussion about the few tribes,
21 very few tribes, and to sign this tribal agreement,
22 and they're very happy with it, to see moving forward
23 what we will do on those.

24 But just so everybody as a whole understands
25 that the reflexion of you put in like a high speed

1 elevators in casinos, right, normally you'd send that
2 to the State. Don't send it to the State, coordinate
3 through the tribe who they have subscribed to to do
4 those reviews and inspections. So, that's kind of the
5 word going out in committee, but I still have to come
6 up with something that the State we can have a
7 discussion on and get that put together, work with
8 Matt Erlich of the writing on it and stuff, and get
9 that moving forward, and so that's what we're going to
10 have to do. And, unfortunately, the few tribes that
11 are complying to the tribal agreement may be out in
12 the cold, but we have to have a policy, we have to
13 have a plan, we have to have a standard for everybody
14 to follow, and so I have a feeling that's what it's
15 going to end up being. But I would really like our
16 tribal liaison involved with this. I'd like to have
17 upper management on this, and like to work with
18 Matthew on the wording so it's you, know, copacetic
19 that, you know we recognize all the points in the RCW
20 and the WAC.

21 CHAIRPERSON CLEARY: Gerald, how does an
22 accident investigation go forward on tribal land with
23 the general public? You're not involved? It's all
24 handled --

25 MR. BROWN: We're not invited on their

1 property. Some of them got to the point they see us
2 in the parking lot and they'll escort us from the
3 site. They -- We do not have jurisdiction for
4 fatalities or anything else.

5 CHAIRPERSON CLEARY: Carl, do you got
6 anything?

7 MR. BROWN: The State has other -- like
8 DOSH, or OSHA, or whoever has ability to do that, go
9 forward. We'd be happy to consult with them. But I
10 don't know where their stand is on their programs, to
11 be honest with you. Annette, can you help me on that?

12 MS. TAYLOR: Yeah. So, I appreciate your
13 points, Gerald. So, we're working with -- I'm on the
14 tribal advisory committee and we are working through
15 MOUs with the different tribes that want to allow us
16 onto their property because they're a sovereign
17 nation.

18 CHAIRPERSON CLEARY: Annette, what's an MOU?

19 MS. TAYLOR: A Memorandum of Understanding.

20 CHAIRPERSON: Okay. Very good. Thanks.

21 MS. TAYLOR: And thank you, Scott, for
22 clarifying that for the record. And so what we're
23 working through now with the Tribal Advisory Committee
24 is which tribes actually want us to come onto their
25 land and do inspections, and those tribes that invite

1 us onto their lands to do inspections we want have a
2 Memorandum of Understanding in place so that they are
3 clear about our expectations.

4 Gerald hit on a couple things. If they pull a
5 permit for a conveyance and then pulling a permit
6 instigates us doing an inspection, and, then, when we
7 get on site to do an inspection they conveniently
8 invite us off of their property. So, the Memorandum
9 of Understanding is to be clear about if you want us
10 on your property we will come, we will do the
11 inspections, but we have expectations of you. If we
12 have to issue a citation or a correction, we expect
13 you to do that work, and so on and so forth. But
14 because we don't have authorization, we have to wait
15 to be invited. So, we -- The Tribal Advisory
16 Committee for the agency is reaching out to the
17 different tribes across the state and working with
18 them to say, "Do you want to invite us onto your
19 property? If yes, we'll do a Memorandum of
20 Understanding. You have to agree to this Memorandum
21 of Understanding. If you don't, then that's fine,
22 don't pull a permit, you know, don't invite us onto
23 your property because you don't want us there." So,
24 there's some work for us to do. I -- The only thing
25 is we won't do it across the board. We won't go onto

1 any tribal property. If we have a Memorandum of
2 Understanding with that tribe, we will work with them.
3 Now, it may be different depending on what inspection
4 program we're utilizing out there. But for now that's
5 sort of where we're at, and Gerald pretty much hit on
6 most of that, yeah.

7 (People speaking at the same time)

8 MR. CARY: So, I get what -- That makes
9 sense for new stuff. And, Carl, Mary Jo, sorry. But
10 what I'm trying to understand is for existing
11 installations that the State has been inspecting, and
12 I have tribes that -- elevators on tribes where the
13 State is inspecting 8 of the 20 elevators because they
14 went through the system somehow, what are doing on
15 that? Is the spigot off, meaning you guys aren't
16 coming, the State's not coming anymore, or is that
17 going to be that we wait for the Memorandum of
18 Understanding? What are we doing right now on those
19 projects?

20 MS. TAYLOR: Well, right now -- Two things.
21 Right now if they invite us to do an inspection on
22 those, we will step in and do the inspection, if
23 invited to do so. If they ask us they don't us on
24 their land any longer, we have to comply with that and
25 step off of their property. So, if, in fact, those --

1 they say we would like you to come back out and do an
2 inspection, then Gerald gets involved and has a
3 conversation with them that says, "Fine, we'll come do
4 the inspection, but there are expectations attached to
5 that inspection." If, in fact, we were doing --

6 MR. CARY: Real quick, how would they know
7 that, right? If you guys just show up yearly because
8 it shows up in your system, how would they know, "Oh,
9 I have to call the State to now invite them to come
10 out", when you've just been showing up?

11 MS. TAYLOR: Well, but we haven't just been
12 showing up because if we just show up on their
13 property they're not going to let us go in and do an
14 inspection without asking who we are and where we're
15 from. And its been my experience, and Gerald can talk
16 about his experience, its been my experience that if
17 we are from the state and we show up to do an
18 inspection because we have to contact somebody when we
19 show up on site to do an inspection. We have that
20 conversation with them, "Hey, we're from the State
21 inspection", and they say, "Oh, we're a sovereign
22 nation. We don't want you on our site doing the
23 inspection", we step away from that. But if we step
24 on site, somebody -- you know, that inspector is
25 reaching out to somebody to do that inspection on site

1 and that conversation takes place, and if they agree
2 to let us continue with the inspection we will
3 continue with the inspection.

4 MR. CARY: Yeah, I mean I guess I don't know
5 how it -- All I can tell you is that the State is
6 showing up on some groups, they're not showing up on
7 others, and what I'm hearing is you're not -- you're
8 no longer going to be moving forward. So, last
9 questions. When is the memorandum or when is the
10 letter going to have -- When is there going to be some
11 documentation that can be provided to stakeholders
12 that have property, elevators on sovereign land that
13 they -- okay, here's the way this works now, when is
14 that documentation, or procedure, or whatever going to
15 be provided?

16 MS. TAYLOR: Well, that's -- I guess that's
17 a question for Gerald. He's the one referring to that
18 document, but it'll have to go through the Tribal
19 Advisory Committee, as well, prior to that being
20 provided. So, that would be an answer for Gerald.

21 CHAIRPERSON CLEARY: All right. I think
22 we're done everybody. These are, Carl, good
23 questions. I think you want to submit some. And then
24 obviously we'll need to re-talk about this on the next
25 meeting. But thanks to everybody. Make sure that you

1 get to your representatives on the ESAC for questions.
2 I really appreciate everybody's participation and I
3 really look forward to face-to-face next quarter.
4 Thanks everybody.

5

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(Concluded at 12:05 p.m.)

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C E R T I F I C A T E

I, Mary Jo Fratella, a Certified Court Reporter in and for the State of Washington, residing at Covington, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

That the foregoing proceeding occurred before me at the time and place stated therein and that this meeting was by me stenographically reported and later transcribed by means of computer-aided transcription;

That the foregoing transcript contains a full, true, and accurate record of the proceedings given and occurring at the time and place of said meeting.

I do further certify that I am in no way related to any party in the matter, nor do I have a financial interest in this matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of June, 2021.

Mary Jo Fratella



Mary Jo Fratella, CCR, RPR
Certified Court Reporter, CCR No. 2083

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