

DEPARTMENT OF INDUSTRIAL RELATIONS

Division of Occupational Safety & Health

ELEVATOR UNIT - HEADQUARTERS

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**April 16, 2012****CIRCULAR LETTER E-12-02****TO: Persons having Short or Long Term Custody or Control of a Conveyance****SUBJECT: Disabling of Conveyance Safety Devices**

It has become apparent to the Division, in light of recent serious accidents and incidences, that it is necessary to refocus the attention of Certified Qualified Conveyance Companies (CQCC's) and their work force on maintaining safe work practices.

The public who ride conveyances and the professionals who maintain, service, repair and inspect conveyances have relied on the safety of electrical and mechanical protective devices that are required by the Elevator Safety Orders with great success for many years. It is imperative that the regulations and safe work practices which have been so successful at keeping Californians safe while utilizing or working around conveyances are not diminished in any way.

The Division is determined to maintain the highest standards possible in certifying conveyance companies, mechanics and others who seek to make their living in an industry that the public relies heavily on for safe transportation.

The Division is concerned about the increasing frequency of CCCMs disabling conveyance safety devices during normal elevator operations. This practice has resulted in a worker death in another state, and serious injuries and major risks to the public in California who count on these devices operating. This practice is clearly prohibited under several code sections. Below are code references which govern the disabling of Group II and III safety devices:

Title 8, Cal. Code Regs., section 3000. Application

(h) Alterations, Repairs, Replacements, and Maintenance of Devices.

(1) Alterations, repairs, replacements, and maintenance of devices listed in section 3000(c) shall comply with Part XII of ASME A17.1-1996; except for Rule 1200.1, Rule 1206.10, section 1214, section 1215, section 1216, and section 1217; which is hereby incorporated by reference.

(2) Alterations made after May 1, 2008 on Group II and Group III devices listed in section 3000(c) shall comply with the applicable provisions of section 3141.2 in Group IV.

ASME A17.1-1996, Part XII, Rule 1206.4. Making Safety Devices Inoperative.

No person shall at any time make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections, and maintenance. Such devices shall be restored to their normal operating condition in conformity with the applicable requirements immediately after the test.

Below are code references which govern the disabling of Group IV safety devices:

Title 8, Cal. Code Regs., section 3141.1. Maintenance, Repair, and Replacement.

Maintenance, repairs, and replacements of conveyances shall comply with ASME A17.1-2004, section 8.6.

ASME A17.1-2004, section 8.6.1.6.1. Making Safety Devices Inoperative or Ineffective.

No person shall at any time make inoperative or ineffective any device on which safety of users is dependent, including any electrical protective device, except where necessary during tests, inspections (see 8.10 and 8.11), maintenance, repair, and replacement, provided that the installation is first removed from normal operation. Such devices shall be restored to their normal operating condition in conformity with the applicable requirements prior to returning the equipment to service (see 2.26.7 and 8.6.1.6).

These regulations clearly preclude the practice of disabling conveyance safety devices during normal operation.

Below are California Labor Code references which address the penalties which may be imposed on anyone who violates 1206.4 or 8.6.1.6.1 of ASME A17.1 as referenced by the Elevator Safety Orders.

Labor Code 7305. If inspection shows that a conveyance is in an unsafe condition, the division may issue a preliminary order requiring repairs or alterations to be made to the conveyance that are necessary to render it safe, and may prohibit its operation or use until the repairs or alterations are made or the unsafe conditions are removed.

Labor Code 7321. (a) The division may assess a civil penalty not to exceed seventy thousand dollars (\$70,000) against any person owning or having custody, management, or control of the operation of a conveyance, who operates or permits the operation of the conveyance in a condition that is dangerous to the life or safety of any person, or who operates or permits the operation of the conveyance in violation of an order prohibiting use issued pursuant to Section 7301, 7305, or 7314.

Labor Code 7324.1. This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, testing, or repairing any conveyance or other related mechanisms covered by this chapter for damages to any person or property caused by any defect therein.

As it is the responsibility of all parties engaged in the conveyance industry in the State of California who are certified or non-certified to promote and maintain safe work practices, this document shall serve as notice to all conveyance professionals and companies that any unsafe work practice, unsafe business practice or negligent act on their part which results in or is found to have potentially resulted in the loss of life or limb of any person will result in the most serious and immediate enforcement actions by the Division, including decertification, serious and/or willful citations and/or referral to District Attorneys for prosecution.

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