

# Occupational Safety and Health Standards Board

Public Meeting and Business Meeting

**November 18, 2021**

Via teleconference / videoconference

Board Meeting Packet

# Occupational Safety and Health Standards Board

## Meeting Agenda

DEPARTMENT OF INDUSTRIAL RELATIONS  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
Tel: (916) 274-5721 Fax: (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



MISSION STATEMENT

*The mission of the Occupational Safety and Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.*

**November 18, 2021 at 10:00 a.m.**

**TELECONFERENCE AGENDA**

PUBLIC MEETING AND BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

**PLEASE NOTE:** In accordance with [section 11133 of the Government Code](#), this Board Meeting will be conducted via teleconference.

**Attend the meeting via Video-conference:**

1. Go to [www.webex.com](http://www.webex.com)
2. Select "Join"
3. Enter the meeting information: **268 984 996**
4. Enter your name and email address then click "Join Meeting"
5. Video-conference will be opened to the public at 9:50 a.m.

**Attend the meeting via Teleconference:**

1. Dial (844) 992-4726
2. When prompted, enter **268-984-996**
3. When prompted for an Attendee ID, press #
4. Teleconference will be opened to the public at 9:50 a.m.

**Live video stream and audio stream (English and Spanish):**

1. Go to <https://videobookcase.com/california/oshsb/>
2. Video stream and audio stream will launch as the meeting starts at 10:00 a.m.

**Public Comment Queue – NEW PROCESS:**

Those who wish to comment on agenda items may submit a request to be added to the public comment queue either in advance of or during the meeting through one of the following methods:

**ONLINE:** Provide your information through the online comment queue portal at <https://videobookcase.org/oshsb/public-comment-queue-form/>

**PHONE:** Call **510-868-2730** to access the automated comment queue voicemail and provide\*:  
1) your name as you would like it listed; 2) your affiliation or organization; and 3) the topic you would like to comment on.

*\*Information requested is voluntary and not required to address the Board.*

**NOTE: In accordance with [section 11133 of the Government Code](#), Board Members will participate via video-conference and/or teleconference.**

- I. **CALL TO ORDER AND INTRODUCTIONS**
- II. **PUBLIC MEETING (Open for Public Comment)**

This portion of the Public Meeting is open to any interested person to propose new or revised standards to the Board or to make any comment concerning occupational safety and health (Labor Code Section 142.2). *The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration.*

This portion of the meeting is also open to any person who wishes to address the Board on any item on today's Business Meeting Agenda (Government Code Section 11125.7).

Any individual or group planning to make a presentation during the Public Meeting is requested to contact Sarah Money, Executive Assistant, or Christina Shupe, Executive Officer, at (916) 274-5721 in advance of the meeting so that any logistical concerns can be addressed.

- A. PUBLIC COMMENT
- B. ADJOURNMENT OF THE PUBLIC MEETING

- III. **BUSINESS MEETING – All matters on this Business Meeting agenda are subject to such discussion and action as the Board determines to be appropriate.**

The purpose of the Business Meeting is for the Board to conduct its monthly business.

- A. PROPOSED EMERGENCY SAFETY ORDER FOR ADOPTION (GOV. CODE SEC. 11346.1, LAB. CODE SEC. 142.3(a) and 142.4(b), and 29 CFR 1953.5(b))

- 1. **TITLE 8:**           **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, new sections 3205.5, 3205.6, 3205.7 and 3205.8  
**COVID-19: Vaccination, Testing, and Face Coverings.**  
**[HORCHER – EMERGENCY TEMPORARY STANDARD]**

\*The draft regulations will be posted on our website as soon as feasible at: <https://www.dir.ca.gov/oshsb/mtgsch.html>

- B. PROPOSED VARIANCE DECISIONS FOR ADOPTION
  - 1. **Consent Calendar**

## C. REPORTS

1. Division Update
2. Legislative Update
3. Executive Officer's Report

## D. NEW BUSINESS

1. Future Agenda Items

Although any Board Member may identify a topic of interest, the Board may not substantially discuss or take action on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (Government Code sections 11125 & 11125.7(a).).

## E. CLOSED SESSION

1. Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
2. WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210
3. Western Growers Association, California Farm Bureau Federation, et. al. v OSHSB, et al., County of San Francisco, CA Superior Court Case No. CPF-21-517344
4. Personnel

## F. RETURN TO OPEN SESSION

1. Report from Closed Session

## G. ADJOURNMENT OF THE BUSINESS MEETING

**Next Meeting:** December 16, 2021  
Teleconference and Video-conference  
**(In accordance with [section 11133 of the Government Code](#))**  
10:00 a.m.

**CLOSED SESSION**

1. If necessary, consideration of personnel matters. (Government Code section 11126(a)(1)).
2. If necessary, consideration of pending litigation pursuant to Government Code section 11126(e)(1).

**PUBLIC COMMENT**

Efforts will be made to accommodate each individual who has signed up to speak. However, given time constraints, there is no guarantee that all who have signed up will be able to address the State body.

Each speaker is invited to speak for up to two minutes. The Board Chair may extend the speaking time allotted where practicable.

The total time for public comment is 120 minutes, unless extended by the Board Chair.

The public can speak/participate at the meetings before items that involve decisions.

In addition to public comment during Public Hearings, the Occupational Safety and Health Standards Board (Board) affords an opportunity to members of the public to address the Board on items of interest that are either on the Business Meeting agenda, or within the Board's jurisdiction but are not on the noticed agenda, during the Public Meeting. The Board is not permitted to take action on items that are not on the noticed agenda, but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers

**DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the meeting.

**TRANSLATION**

Requests for translation services should be made no later than five (5) days before the meeting.

NOTE: Written comments may be emailed directly to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) no later than 5:00 p.m. on the Tuesday prior to a scheduled Board Meeting.

Under Government Code section 11123, subdivision (a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. The Board Chair may adopt reasonable time limits for public comments in order to ensure that the purpose of public discussion is carried out. (Gov. Code, §11125.7, subd. (b).)

Pursuant to section 11133 of the Government Code, certain provisions of the Bagley-Keene Open Meeting Act are suspended until January 31, 2022. This meeting of the Occupational Safety and Health Standards Board will be conducted remotely via video/teleconference only. None of the locations from which the Board Members will participate will be open to the public. Members of the public who wish to participate in the meeting may do so via livestream on our website at <https://videobookcase.com/california/oshsb/>. The video recording and transcript of this meeting will be posted on our website as soon as practicable.

For questions regarding this meeting, please call (916) 274-5721.

# Occupational Safety and Health Standards Board

## Meeting Notice



DEPARTMENT OF INDUSTRIAL RELATIONS  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
Tel: (916) 274-5721 Fax: (916) 274-5743  
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NOTICE OF PUBLIC MEETING AND BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

**PUBLIC MEETING:** On **November 18, 2021**, at 10:00 a.m. via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**BUSINESS MEETING:** On **November 18, 2021**, at 10:00 a.m. via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

A handwritten signature in black ink, appearing to read "Dave Thomas".

DAVE THOMAS, Chairman

# Occupational Safety and Health Standards Board

## Business Meeting

# Occupational Safety and Health Standards Board

**Business Meeting**

**Proposed Variance Decisions**

**CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS  
NOVEMBER 18, 2021, MONTHLY BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**A. BALDWIN NEW HOMES, INC. — HEARD OCTOBER 27, 2021**

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
19-V-189M1	Baldwin New Homes, Inc.	Elevator	GRANT

**B. BALDWIN NEW HOMES, INC. — HEARD OCTOBER 27, 2021**

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
19-V-190M1	Baldwin New Homes, Inc.	Elevator	GRANT

**C. BALDWIN NEW HOMES, INC. — HEARD OCTOBER 27, 2021**

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
19-V-191M2	Baldwin New Homes, Inc.	Elevator	GRANT

**D. BALDWIN NEW HOMES, INC. — HEARD OCTOBER 27, 2021**

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
19-V-192M1	Baldwin New Homes, Inc.	Elevator	GRANT

**E. COUNTY OF SAN DIEGO — HEARD NOVEMBER 2, 2021**

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-169	County of San Diego	Elevator	GRANT

**F. SUNRISE OF REDWOOD CITY PROPCO LLC — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
20-V-200M1	Sunrise of Redwood City PropCO LLC	Elevator	GRANT

**G. HIRO APARTMENTS, LP — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
20-V-237M1	Hiro Apartments, LP	Elevator	GRANT

**H. GGP NORTHRIDGE FASHION CENTER, LP — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
20-V-244M1	GGP Northridge Fashion Center, LP	Elevator	GRANT

**I. CITY OF BURLINGAME — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
20-V-471M1	City of Burlingame	Elevator	GRANT

**J. FAIRFAX CAP INVESTMENTS, LLC — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-022M1	Fairfax Cap Investments, LLC	Elevator	GRANT

**K. KONE MONOSPACE 500 ELEVATORS (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-391	The Sherman Clay Building, LLC	Elevator	GRANT
21-V-392	Pulte Home Company, LLC	Elevator	GRANT
21-V-393	Pulte Home Company, LLC	Elevator	GRANT

21-V-394	Pulte Home Company, LLC	Elevator	GRANT
21-V-395	Pulte Home Company, LLC	Elevator	GRANT
21-V-396	Pulte Home Company, LLC	Elevator	GRANT
21-V-397	Pulte Home Company, LLC	Elevator	GRANT
21-V-398	Pulte Home Company, LLC	Elevator	GRANT
21-V-415	701 Gateway Center, LLC	Elevator	GRANT
21-V-416	City of Hayward	Elevator	GRANT
21-V-417	Ruegg & Ellsworth LLC	Elevator	GRANT
21-V-432	WeHo Investors, LLC	Elevator	GRANT

**L. SCHINDLER MODEL 3300 ELEVATORS WITH VARIANT GOV. ROPES & SHEAVES (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-399	Restoration Hardware, Inc	Elevator	GRANT
21-V-422	Warner Bros. Studio Operations, a division of WB Studio Enterprises Inc.	Elevator	GRANT
21-V-431	260 BB Way Development, LLC	Elevator	GRANT

**M. OTIS GEN2S ELEVATORS (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-400	California Science Center	Elevator	GRANT
21-V-401	BWF Forge TL Properties Owner LLC	Elevator	GRANT
21-V-402	Fairfield Kittridge LLC	Elevator	GRANT
21-V-403	Grand and Linden Family Apartments, LP.	Elevator	GRANT
21-V-404	Grand and Linden Family Apartments, LP.	Elevator	GRANT

21-V-405	Rancho El Camino LP	Elevator	GRANT
21-V-426	TPG 2020-1 (LN-Crown valley) Owner, LLC, A Delaware Limited Liability Company	Elevator	GRANT
21-V-427	Arcata 7th Street LP	Elevator	GRANT
21-V-428	LH Shoreline Apartments LP, A Delaware Limited Liability Partnership	Elevator	GRANT
21-V-429	689 Catalina LP	Elevator	GRANT
21-V-433	1775 Beloit LLC	Elevator	GRANT
21-V-434	MRAD Investment LLC	Elevator	GRANT
21-V-436	10x Genomics, Inc.	Elevator	GRANT
21-V-437	99 Ocean Avenue LLC	Elevator	GRANT
21-V-438	828 Brannan Partners, LLC	Elevator	GRANT
21-V-439	1005-1013 Everett LLC	Elevator	GRANT
21-V-440	10609 Inglewood LLC	Elevator	GRANT
21-V-441	Basin Street Properties	Elevator	GRANT
21-V-442	City of Palo Alto	Elevator	GRANT
21-V-443	CV Bonnie Brae, LLC	Elevator	GRANT
21-V-444	Haroni Investments LLC	Elevator	GRANT
21-V-446	MA Lennox LLC	Elevator	GRANT
21-V-447	Paradise Senior Apartments Complex LLC	Elevator	GRANT
21-V-448	Sharp Grossmont Hospital	Elevator	GRANT
21-V-449	Sunnyvale Block 15 Housing Partners, L.P.	Elevator	GRANT
21-V-451	1318 Flower Street, LLC	Elevator	GRANT

**N. OTIS ELEVATOR (GROUP IV) GEN2(O) AND/OR GEN2L WITH VARIANT GOV. ROPE/SHEAVE — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-407	Los Angeles World Airports	Elevator	GRANT
21-V-408	The Regents of the University of California	Elevator	GRANT
21-V-445	Los Angeles World Airports	Elevator	GRANT
21-V-450	5th and Howard Associates, L.P.	Elevator	GRANT

**O. SCHINDLER MODEL 3300 WITH SIL-RATED DRIVE TO DE-ENERGIZE DRIVE MOTOR (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-409	Toll West Coast LLC	Elevator	GRANT
21-V-410	Toll West Coast LLC	Elevator	GRANT
21-V-411	Toll West Coast LLC	Elevator	GRANT
21-V-412	Toll West Coast LLC	Elevator	GRANT
21-V-413	Toll West Coast LLC	Elevator	GRANT
21-V-414	Toll West Coast LLC	Elevator	GRANT
21-V-419	VSF School Facilities #1, LLC	Elevator	GRANT
21-V-421	CS Lakeside Santa Clara LLC	Elevator	GRANT
21-V-423	North Laurel Q0231, LLC	Elevator	GRANT
21-V-424	John Muhawieh	Elevator	GRANT
21-V-430	2 SIOF 685 W Fourth St, LLC	Elevator	GRANT
21-V-435	Ivy Valley Housing Partners, LP	Elevator	GRANT



**P. KERN HIGH SCHOOL DISTRICT — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-418	Kern High School District	Elevator	GRANT

**Q. MITSUBISHI ELEVATORS (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-420	Volar Gardens 1 LLC	Elevator	GRANT

**R. OTIS GEN2(O) AND/OR GEN2L ELEVATORS (GROUP IV) — HEARD OCTOBER 27, 2021**

<b>OSHSB FILE NUMBER</b>	<b>APPLICANT NAME</b>	<b>SAFETY ORDERS</b>	<b>PROPOSED DECISION</b>
21-V-425	County of San Diego General Services	Elevator	GRANT

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Baldwin New Homes, Inc.

OSHSB File No.: 19-V-189M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

\_\_\_\_\_  
KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application to Modify Permanent Variance by:  <p style="text-align: center;">Baldwin New Homes, Inc.</p>	OSHSB File No.: 19-V-189M1  <p style="text-align: center;"><u>PROPOSED DECISION</u></p> Hearing Date: October 27, 2021
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
19-V-189	Baldwin New Homes, Inc.	1629 Santa Venetia St., Units 1101 - 1415 (Building # 1) Chula Vista, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 19-V-189.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 19-V-189 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 19-V-189.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 19-V-189 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 19-V-189, to be:

1629 Santa Venetia St  
Units 15101 - 15415, Building 15000  
Chula Vista, CA

E. Decision and Order:

1. Permanent Variance Application No. 19-V-189M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 19-V-189, and 19-V-189M1, shall have the following address designation:

1629 Santa Venetia St  
Units 15101 - 15415, Building 15000  
Chula Vista, CA

2. Permanent Variance No. 19-V-189, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 19-V-189M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Baldwin New Homes, Inc.

OSHSB File No.: 19-V-190M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application to Modify Permanent Variance by:  <p style="text-align: center;">Baldwin New Homes, Inc.</p>	OSHSB File No.: 19-V-190M1  <p style="text-align: center;"><u>PROPOSED DECISION</u></p> Hearing Date: October 27, 2021
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
19-V-190	Baldwin New Homes , Inc	1629 Santa Venetia St. Units 2101 - 2421 (Building # 2) Chula Vista, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 19-V-190.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 19-V-190 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 19-V-190.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 19-V-190 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 19-V-190, to be:

1629 Santa Venetia St.  
Units 16101 - 16421, Building 16000  
Chula Vista, CA



E. Decision and Order:


1. Permanent Variance Application No. 19-V-190M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 19-V-190, and 19-V-190M1, shall have the following address designation:

1629 Santa Venetia St.  
Units 16101 - 16421, Building 16000  
Chula Vista, CA

2. Permanent Variance No. 19-V-190, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 19-V-190M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Baldwin New Homes, Inc.

OSHSB File No.: 19-V-191M2  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

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YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application to Modify Permanent Variance by:</p> <p style="text-align: center;">Baldwin New Homes, Inc.</p>	<p>OSHSB File No.: 19-V-191M2</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variances Address of Record
19-V-191M1	Baldwin New Homes, Inc.	1629 Santa Venetia St. Suite 100 Leasing Office and Units 3101 - 3425 (Building # 3) Chula Vista, CA
19-V-191	Baldwin Homes, Inc.	1629 Santa Venetia St., Suite 100 Leasing Office and Units 3101 3425 (Building # 3) Chula Vista, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmda appeared on behalf of Board staff, in a technical advisory role apart from the Board.

3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

- D. Based on the record of this hearing, the Board makes the following findings of fact:
  1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 19-V-191M1.
  2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 19-V-191M1 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
  3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 19-V-191M1.
  4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 19-V-191M1 was, in part, based.

*Proposed Variance Decision*  
*OSHSB File No. 19-V-191M2*  
*Hearing Date: October 27, 2021*

5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 19-V-191M1, to be:

1629 Santa Venetia St.  
Units 17101 - 17425, Building 17000  
Chula Vista, CA

E. Decision and Order:

1. Permanent Variance Application No. 19-V-191M2 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 19-V-191, 19-V-191M1, and 19-V-191M2, shall have the following address designation:

1629 Santa Venetia St.  
Units 17101 - 17425, Building 17000  
Chula Vista, CA

2. Permanent Variance No. 19-V-191M1, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 19-V-191M2.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Baldwin New Homes, Inc.

OSHSB File No.: 19-V-192M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
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FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application to Modify Permanent Variance by:</p> <p style="text-align: center;">Baldwin New Homes, Inc.</p>	<p>OSHSB File No.: 19-V-192M1</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
19-V-192	Baldwin New Homes , Inc	1629 Santa Venetia St. Units 4101 - 4421 (Building # 4) Chula Vista, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 19-V-192.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 19-V-192 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 19-V-192.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 19-V-192 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 19-V-192, to be:

1629 Santa Venetia St.  
Units 18101 - 18421, Building 18000  
Chula Vista, CA



E. Decision and Order:

1. Permanent Variance Application No. 19-V-192M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 19-V-192, and 19-V-192M1, shall have the following address designation:

1629 Santa Venetia St.  
Units 18101 - 18421, Building 18000  
Chula Vista, CA

2. Permanent Variance No. 19-V-192, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 19-V-192M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance by:

County of San Diego

OSHSB File No.: 20-V-169

Proposed Decision Dated: November 8, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

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OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
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provided to the employees' Authorized  
Representatives.

BEFORE THE  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
DEPARTMENT OF INDUSTRIAL RELATIONS  
STATE OF CALIFORNIA

In the Matter of Application for Permanent Variance Regarding:  County of San Diego	OSHSB File No.: 20-V-169  <u>PROPOSED DECISION</u>  Hearing Date: November 2, 2021
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A. Jurisdictional and Procedural Matters

1. On May 1, 2020, Schindler Elevator Corporation (Applicant) filed an application for a permanent variance from certain provisions of California Code of Regulations, title 8<sup>1</sup>, section 3011, subdivision (e)(2)(A), 3011, subdivision (g)(1), section 3022, subdivision (c)(3)(B), section 3040 subdivision (b)(5), and section 3041, subdivision (a)(1) [ASME A17.1-2004, sections 2.7.2.2, 2.7.4.2, 2.13.3, 2.26.2.5, 2.27] of the Elevator Safety Orders. On July 23, 2020, Applicant submitted a first amended application for permanent variance regarding the same above-mentioned regulations, and on February 12, 2021, Applicant filed a supplemental submittal and declaration.
2. The application for permanent variance relates to eight (8) conveyances located at 1173 Front Street, in San Diego, California. The location is a jail maintained by the San Diego County Sheriff's Department.

Elevator ID No.	State Conveyance No.
Elev 1	108238
Elev 2	113533
Elev 3	113715
Elev 4	113716
Elev 5	113881
Elev 6	113720
Elev 7	113717
Elev 8	113718

3. This proceeding is conducted in accordance with Labor Code section 143, and section 401, et. seq. of the Board's rules of practice and procedure.
4. The hearing was held on November 2, 2021, in Sacramento, California and by video conference, by delegation of the Occupational Safety and Health Standards Board

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<sup>1</sup> Unless otherwise stated, all references are to the California Code of Regulations, title 8.

*Proposed Variance Decision*

*OSHSB File No. 20-V-169*

*Hearing Date: November 2, 2021*

(Board). The Hearing Panelists were Board Member Kathleen Crawford and Board Member Laura Stock. The Hearing Officer was Autumn Gonzalez. This proposed decision, prepared as directed by the Hearing Panel, is presented to the Board for its consideration, in accordance with section 426.

Appearing for the Applicant were Jennifer Linares and Denis Davis. Lawrence Taylor was also present in an observer role for the Applicant. Michael Nelmidia, Senior Safety Engineer, appeared in a technical advisory role apart from the Board. David Morris and Mark Wickens appeared for the Division of Occupational Safety and Health (Division).

5. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: the Hearing Notice as Exhibit PD-1, Applications dated May 1, 2020, July 23, 2020, and supplemental submittal and declaration dated February 12, 2021 as PD-2, Division Review of Application as PD-3, Board Staff Review of Application as PD-4. Official notice was taken of the Board's rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested, including, but not limited to, OSHSB File Nos. 97-V-116 and 97-V-116M.
6. Applicant has been previously granted two variances related to the conveyances at issue in this matter: OSHSB File No. 97-V-116, and OSHSB File No. 97-V-116M.
7. The hearing ended and the record closed on November 2, 2021.

B. Findings of Fact

Based upon the record of this proceeding, the Board finds the following:

1. Applicant requests a permanent variance from section 3011, subdivision (e)(2)(A), 3011, subdivision (g)(1), section 3022, subdivision (c)(3)(B), section 3040 subdivision (b)(5), and section 3041, subdivision (a)(1) [ASME A17.1-2004, sections 2.7.2.2, 2.7.4.2, 2.13.3, 2.26.2.5, 2.27] of the Elevator Safety Orders.

C. Applicable Regulations

1. As stated above, the Applicant requests a permanent variance section 3011, subdivision (e)(2)(A), 3011, subdivision (g)(1), section 3022, subdivision (c)(3)(B), section 3040 subdivision (b)(5), and section 3041, subdivision (a)(1) [ASME A17.1-2004, sections 2.7.2.2, 2.7.4.2, 2.13.3, 2.26.2.5, 2.27] of the Elevator Safety Orders.
2. 3141 [ASME A17.1-2004, Section 2.13.3.3.2] states:
  - 2.13.3.3.2 A momentary pressure switch or button shall be provided in the car, the operation of which shall cause the doors to stop or to stop and reopen. The switch or button shall be

identified as required by 2.26.12.

The intent of this code requirement is to provide a safe means for passengers to stop and reopen the elevator doors during the closing cycle and allow the opening of closed doors when the elevator is at a landing.

3. 3141 [ASME A17.1-2004, Section 2.26.2.21] states:

2.26.2.21 In-Car Stop Switch. On passenger elevators a stop switch, either key operated or behind a locked cover, shall be provided in the car and located in or adjacent to the car operating panel. The key shall be Group 1 Security (see 8.1).

The switch shall be clearly and permanently marked "STOP" and shall indicate the "STOP" and "RUN" positions.

When opened ("STOP" position), this switch shall cause the electric power to be removed from the elevator driving-machine motor and brake.

The intent of this code requirement is to provide a means for elevator personnel to take positive control of the elevator for maintenance, repair, or inspection work. This switch is required to be secured by a key available only to elevator personnel.

4. 3141 [ASME A17.1-2004, Section 2.26.1.4.2] states in part:

2.26.1.4.2 Top-of-Car Inspection Operation. Top-of car inspection operation shall conform to 2.26.1.4.1 and the following:

(b) The transfer switch [see 2.26.1.4.1(b)] shall be located on the car top and shall be so designed as to prevent accidental transfer from the "INSPECTION" to the "NORMAL" position.

(c) A separate device of the continuous-pressure type labeled "ENABLE" shall be provided adjacent to the inspection operating devices.

(d) The inspection operating devices shall become effective only when the "ENABLE" device is activated.

The intent of this code requirement is to provide a means (inspection transfer switch) for taking exclusive control and enable an ability for elevator personnel to direct the movement of the elevator using directional movement buttons provided on the car-top inspection station. When engaged, these controls obtain priority and failure protections

from the control system to prevent other control circuits causing unexpected car movements.

5. 3141 [ASME A17.1-2004, Section 2.12.7.3.8 ] states in part:

2.12.7.3.8 The access switch shall only control the movement of the car within the zone specified in 2.12.7.3.6 or 2.12.7.3.7. Control circuits related to, or operated by, the hoistway access switches shall comply with 2.26.9.3(c), (d), and (e) and 2.26.9.4.

The intent of this code requirement is to provide key switches at the top and bottom landings, allowing elevator personnel to raise and lower the elevator for the purpose of gaining safe access to the top of the elevator car and pit for maintenance, repair, and inspection. These switches are enabled by a separate key switch in the elevator car that grants elevator personnel exclusive control of the elevator, and allows directed movement through the access key switches.

D. Conclusive Findings

Based upon the record in this proceeding, the Board finds the following:

1. Both the Division and Board staff recommend that the permanent variance be granted as it relates to the In-Car Door Open Button (2.13.3.3.2), the Top of Car Inspection Operation (2.26.1.4.2(c)), and the Hoistaway Access Directional Key Switches (2.12.7.3.8). Board staff and the Division recommend the grant be limited only to the extent necessary to permit the disability of car movement from the jail's Central Command Center, as proposed by the Applicant.
2. Because the current Elevator Safety Orders no longer permit an in-car emergency stop switch accessible to passengers, the alteration of the elevators to a more recent edition of the ASME code would prohibit such a switch being available to passengers. For this reason, the Division recommends denial of the variance as it relates to the In-Car Stop Switch (2.26.2.21).
3. Board staff concurs with the conditions recommended by the Division, as are outlined below.
4. The Applicant has no objections to the conditions as recommended by the Division.

E. Decision and Order

The Application for Permanent Variance of County of San Diego, OSHSB File No. 20-V-169, is conditionally GRANTED as it relates to the Elevator Safety Orders indicated below:

Elevator Safety Orders:

1. Reduced overhead clearance in the machine room – **Group II**, 3011(e)(2)(A) as granted under OSHSB File Nos. 97-V-116 and 97-V-116M (attachments 1 and 2).
2. Reduced work space in machine rooms – **Group II**, 3011(g)(1) as granted under OSHSB File Nos. 97-V-116 and 97-V-116M (attachments 1 and 2).
3. In-Car Door Open Button: 2.13.3.3.2 (Only to the extent necessary to permit the disabling of the in-car door open button from the jail’s Central Command Center, as proposed by the Applicant);
4. Top of Car Inspection Operation: 2.26.1.4.2(c) and 2.26.1.4.2(d) (Only to the extent necessary to permit the disabling of car movement using the car-top inspection operation station from the jail’s Central Command Center, as proposed by the Applicant); and
5. Hoistway Access Directional Key Switches: 2.12.7.3.8 (Only to the extent necessary to permit the disabling of elevator car movement using the hoistway access key switches from the jail’s Central Command Center, as proposed by the Applicant).

The permanent variance shall be subject to the following conditions:

1. The conditions set forth in permanent variance decisions, OSHSB File Nos. 97-V-116 and 97-V-116M issued to these elevators shall remain in full effect unless modified by the conditions of this permanent variance decision.
2. Video cameras shall be provided that allows the Central Command Center to effectively monitor the interiors of all elevator cars and their lobby areas.
3. A two-way communication system shall be provided that will allow two-way communications between the Central Command Center and the elevator cars, lobby areas, and elevator machine room(s).
4. A separate means to enable “Override Mode” function for each elevator shall be provided in the Central Command Center. A “Keyed Security Station” switch, at each of the eight elevator controllers, located in their respective machine rooms, will disable the corresponding “Override Mode” function in the CCC when in the “OFF” position. When the “Override Mode” function (Central Command Center) and the corresponding “Keyed Security Station” switch (machine room) is in the “ON” position, the following devices for that elevator shall be disabled:
  - a. the in-car door open button;

- b. the car-top inspection station directional control buttons; and
- c. the landing hoistway access [key] switches.

Device Status	“Override Mode” Function Status	“Keyed Security Station” Switch Position
Functional	Deactivated	OFF
Functional	Deactivated	ON
Functional	Activated	OFF
Disabled	Activated	ON

**The “Override Mode” function and the “Keyed Security Station” switches SHALL NOT disable or make ineffective the car-top inspection transfer switch [car top] or the hoistway access enable switch [in car].**

- 5. Elevator access and control procedures:
  - a. The Applicant shall develop, document, and implement a written elevator access and control procedure, as part of the elevator Maintenance Control Program.
  - b. Components of the training shall include, but not necessarily be limited to:
    - i. Procedures for safe hoistway, car top, and pit access.
    - ii. Procedures for safe use of the car-top operational controls.
    - iii. Lockout/tagout procedures for securing “Keyed Security Station” switches in the machine room.
    - iv. Security features implemented that affect the elevators and their function.
    - v. Facility procedures for gaining access to the elevator machine room and disabling “Override Mode” functions in Central Command Center.
  - c. Provide and document effective annual training on the elevator access and control procedure to:
    - i. Staff and Officers authorized to utilize the “Override Mode” function and/or authorized to provide access to elevator machine rooms.
    - ii. Elevator service personnel assigned to maintain, repair, or inspect the elevators.



- d. Prohibit elevator personnel to work on any elevator subject to this variance unless they have been trained in accordance with the Applicant's elevator access and control procedures.
  - e. A copy of the training program shall be located in the machine/control room of each elevator that is the subject of this variance, and a copy of the training program shall be attached to a copy of this variance that shall be retained in the building where the elevator(s) subject to this variance are located.
6. All "Keyed Security Station" switches shall:
- a. Be clearly and permanently labeled "Keyed Security Station" and briefly describe the control behavior of the elevator relative to the key position;
  - b. Be provided with non-removable lockout, tagout means;
  - c. Be operated by the same key. The key shall not operate any other device or lock in the facility;
7. Durable bright orange or red warning signs with black contrasting lettering, not less than 0.25 in., shall be applied adjacent to the "Keyed Security Station" switches. The signs shall indicate the procedures and protocols for obtaining and maintaining exclusive control of the elevator by elevator personnel.
8. Durable bright orange or red signs, with black contrasting lettering, not less than 0.50 in., shall be mounted vertically on the front side of the elevator crosshead, in a position that is visible when operating the inspection transfer switch. The signs shall indicate the following:

**ATTENTION!**

**THE TOP-OF-CAR INSPECTION TRANSFER SWITCH IS ALWAYS FUNCTIONAL, BUT THE DIRECTIONAL OPERATING DEVICES MAY BE REMOTELY DISABLED BY THE CENTRAL COMMAND CENTER, UNLESS THE "KEYED SECURITY STATION" SWITCH ASSOCIATED WITH THIS ELEVATOR IS SECURED IN THE "OFF" POSITION.**

**CONSULT THE ELEVATOR ACCESS AND CONTROL PROCEDURES**

9. An indicator light, clearly and permanently labeled as to its function, shall be provided on the front of each controller cabinet, that illuminates when the associated elevator is on hoistway access operation and/or car-top inspection operation.

*Proposed Variance Decision*

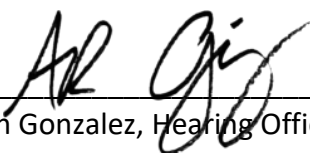
*OSHSB File No. 20-V-169*

*Hearing Date: November 2, 2021*

10. An indicator light, clearly and permanently labeled as to its function, shall be provided on the front of each controller cabinet that illuminates when the related “Keyed Security Station” switch is in the “OFF” position.
11. A signal shall be provided to the Central Command Center’s security system that indicates when each “Keyed Security Station” switch is in the “OFF” position.
12. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevator shall be provided a copy of this variance decision.
13. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and all applicable requirements met, including conditions of this permanent variance, prior to a Permit to Operate the elevator being issued. The elevator shall not be placed in service prior to the Permit to Operate being issued by Division.
14. Applicant shall notify its employees and their authorized representative, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to sections 411.2 and 411.3.
15. This Decision and Order shall remain in effect unless duly modified or revoked upon application by Applicant, affected employee(s), the Division, or by the Board on its own motion, in accordance with then in effect administrative procedures of the Board.

I hereby certify that the above Proposed Decision is the decision of the Hearing Panel, and the Hearing Panel recommends its adoption by the Occupational Safety and Health Standards Board as the Board’s decision in this preceding.

DATED: November 8, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Sunrise of Redwood City PropCO LLC

OSHSB File No.: 20-V-200M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application to Modify Permanent Variance by:  <p style="text-align: center;">Sunrise of Redwood City PropCO LLC</p>	OSHSB File No.: 20-V-200M1  <u>PROPOSED DECISION</u>  Hearing Date: October 27, 2021
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
20-V-200	Sunrise of Redwood PropCO LLC <sup>1</sup>	2991 El Camino Real Redwood City, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Andrew Ferris, with TK Elevator, appeared on behalf of the Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: the subject modification of permanent variance application captioned above as Exhibit PD-1, Notice of Hearing as Exhibit PD-2,

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<sup>1</sup> In the original application, 20-V-200, the word “City” was inadvertently left off the application. However, the correct name of the Applicant is Sunrise of Redwood City PropCO LLC, as shown in the modification application.

Board staff Pending Application(s) for Permanent Variance Opinion Letter as PD-3, Division evaluation as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 20-V-200.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 20-V-200 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 20-V-200.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 20-V-200 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 20-V-200, to be:

1 East Selby Lane  
Redwood City, CA

E. Decision and Order:

1. Permanent Variance Application No. 20-V-200M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator

*Proposed Variance Decision*  
*OSHSB File No. 20-V-200M1*  
*Hearing Date: October 27, 2021*

being the subject of Permanent Variance Nos. 20-V-200, and 20-V-200M1, shall have the following address designation:

1 East Selby Lane  
Redwood City, CA

2. Permanent Variance No. 20-V-200, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 20-V-200M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Hiro Apartments, LP

OSHSB File No.: 20-V-237M1  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application to Modify Permanent Variance by:  <p style="text-align: center;">Hiro Apartments, LP</p>	OSHSB File No.: 20-V-237M1  <p style="text-align: center;"><u>PROPOSED DECISION</u></p> Hearing Date: October 27, 2021
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
20-V-237	Hiro Apartments, LP	759 W. Middlefield Rd. Mountain View, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:



<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance modification application per Section A Table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s rulemaking records and variance decisions concerning the safety order provisions from which variance has been requested. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each conveyance the subject of previously granted Permanent Variance 20-V-237.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 20-V-237 is in effect, in fact is more completely, and correctly the different address information specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 20-V-237.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 20-V-237 was, in part, based.

5. The Board finds the correct address by which to designate the location of each conveyance the subject of Permanent Variance No. 20-V-237, to be:

Hiro Apartment Complex  
767 W. Middlefield Road (Bldg. 1)  
765 W. Middlefield Road (Bldg. 2)  
763 W. Middlefield Road (Bldg. 3)  
Mountain View, CA

E. Decision and Order:


1. Permanent Variance Application No. 20-V-237M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the subject of Permanent Variance Nos. 20-V-237, and 20-V-237M1, shall have the following address designation:

Hiro Apartment Complex  
767 W. Middlefield Road (Bldg. 1)  
765 W. Middlefield Road (Bldg. 2)  
763 W. Middlefield Road (Bldg. 3)  
Mountain View, CA

2. Permanent Variance No. 20-V-237, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 20-V-237M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

GGP Northridge Fashion Center, LP

OSHSB File No.: 20-V-244M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application to Modify Permanent Variance by:</p> <p style="text-align: center;">GGP Northridge Fashion Center, LP</p>	<p>OSHSB File No.: 20-V-244M1</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
20-V-244	GGP Northridge Fashion Center, LP, A Delaware Limited Partnership	9135 Tampa Ave. Northridge, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 20-V-244.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 20-V-244 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 20-V-244.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 20-V-244 was, in part, based.
5. The Board finds the correct elevator designation to be Elevator 13. The Elevator is currently numbered as Elevator 1.
6. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 20-V-244, to be:

9301 Tampa Avenue  
Northridge, CA

E. Decision and Order:

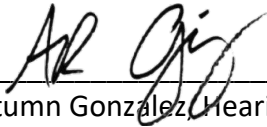
1. Permanent Variance Application No. 20-V-244M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 20-V-244, and 20-V-244M1, shall have the following address designation:

9301 Tampa Avenue  
Northridge, CA

2. The elevator designation is changed from Elevator 1 to Elevator 13.
3. Permanent Variance No. 20-V-244, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 20-V-244M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

City of Burlingame

OSHSB File No.: 20-V-471M1  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application to Modify Permanent Variance by:  <p style="text-align: center;">City of Burlingame</p>	OSHSB File No.: 20-V-471M1  <p style="text-align: center;"><u>PROPOSED DECISION</u></p> Hearing Date: October 27, 2021
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
20-V-471M1	City of Burlingame	161 Highland Avenue Burlingame, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Daniel May, with KONE, Inc., appeared on behalf of the Applicant, Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff in a technical advisory role apart from the Board.



3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

- D. Based on the record of this hearing, the Board makes the following findings of fact:
  1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 20-V-471M1.
  2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 20-V-471M1 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
  3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 20-V-471M1.
  4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 20-V-471M1 was, in part, based.
  5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 20-V-471M1, to be:

161 Highland Avenue  
Burlingame, CA

*Proposed Variance Decision*  
*OSHSB File No. 21-V-471M1*  
*Hearing Date: October 27, 2021*

E. Decision and Order:

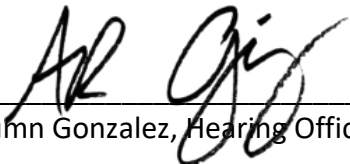
1. Permanent Variance Application No. is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 20-V-471M1, and , shall have the following address designation:

161 Highland Avenue  
Burlingame, CA

2. Permanent Variance No. 20-V-471M1, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. .

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application to Modify  
Permanent Variance by:

Fairfax Cap Investments, LLC

OSHSB File No.: 21-V-022M1  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application to Modify Permanent Variance by:</p> <p style="text-align: center;">Fairfax Cap Investments, LLC</p>	<p>OSHSB File No.: 21-V-022M1</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. The following person or entity (“Applicant”) has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Preexisting Variance Address of Record
21-V-022	Fairfax Cap Investments, LLC	735 N. Fairfax Ave. Los Angeles, CA

B. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural Matters:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Jennifer Linares, appeared on behalf of the Applicant’s representative, the Schindler Elevator Corporation; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Review of Variance Application
PD-4	Division Review of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On October 27, 2021, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Based on the record of this hearing, the Board makes the following findings of fact:

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 21-V-022.
2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 21-V-022 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.
3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 21-V-022.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 21-V-022 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 21-V-022, to be:

731 N. Fairfax Ave.  
Los Angeles, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-022M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 21-V-022, and 21-V-022M1, shall have the following address designation:

731 N. Fairfax Ave.  
Los Angeles, CA

2. Permanent Variance No. 21-V-022, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 21-V-022M1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:  
  
KONE Monospace 500 Elevators (Group IV)

OSHSB File No.: See Section A.1 Table of  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

\_\_\_\_\_  
KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application for Permanent Variance Regarding:  KONE Monospace 500 Elevators (Group IV)	OSHSB File Nos.: See Section A.1 Table Below  <u>PROPOSED DECISION</u>  Hearing Date: October 27, 2021
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A. Subject Matter:

- Each below listed applicant (“Applicant”) applied for a permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-391	The Sherman Clay Building, LLC	35 South Park St. San Francisco, CA	1
21-V-392	Pulte Home Company, LLC	2800 Tradewind Court Alameda, CA	1
21-V-393	Pulte Home Company, LLC	2801 Fifth Street Alameda, CA	1
21-V-394	Pulte Home Company, LLC	2830 Tradewind Drive Alameda, CA	1
21-V-395	Pulte Home Company, LLC	2810 Fifth Street Alameda, CA	1
21-V-396	Pulte Home Company, LLC	2831 Fifth Street Alameda, CA	1
21-V-397	Pulte Home Company, LLC	2871 Tradewind Drive Alameda, CA	1
21-V-398	Pulte Home Company, LLC	2881 Fifth Street Alameda, CA	1
21-V-415	701 Gateway Center, LLC	751 Gateway Blvd. South San Francisco, CA	3



*Proposed Variance Decision*

*KONE Monospace 500 Elevators (Group IV)*

*Hearing Date: October 27, 2021*

21-V-416	City of Hayward	1401 W Winton Ave. Hayward, CA	1
21-V-417	Ruegg & Ellsworth LLC	2072 Addison Street Berkeley, CA	2
21-V-432	WeHo Investors, LLC	7617 Santa Monica Blvd. West Hollywood, CA	2

2. The subject Title 8, safety order requirements are set out within California Code of Regulations, Title 8, Section 3141 incorporated ASME A17.1-2004, Sections 2.18.5.1 and 2.20.4.

B. Procedural:

1. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by delegation of the Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Daniel May, with KONE, Inc., appeared on behalf of each Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”), and Michael Nelmidia appeared on behalf of Board staff in a technical advisory capacity apart from the Board.
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: permanent variance applications per Section A.1 table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board’s rulemaking records and variance decisions concerning the safety order requirements from which variance is sought. Upon close of hearing on October 27, 2021, the record closed and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact—Based on the record of this proceeding, the Board finds the following:

1. Each respective Applicant intends to utilize the KONE Inc. Monospace 500 type elevator, in the quantity, at the location, specified per the above Section A.1 table.
2. The installation contract for this elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.

*Proposed Variance Decision*

*KONE Monospace 500 Elevators (Group IV)*

*Hearing Date: October 27, 2021*

3. Each Applicant proposes to use hoisting ropes that are 8 mm in diameter which also consist of 0.51 mm diameter outer wires, in variance from the express requirements of ASME A17.1-2004, Section 2.20.4.
4. In relevant part, ASME A17.1-2004, Section 2.20.4 states:

*2.20.4 Minimum Number and Diameter of Suspension Ropes*

*...The minimum diameter of hoisting and counterweight ropes shall be 9.5 mm (0.375 in.). Outer wires of the ropes shall be not less than 0.56 mm (0.024 in.) in diameter.*

5. An intent of the afore cited requirement of ASME A17.1-2004, Section 2.20.4, is to ensure that the number, diameter, and construction of suspension ropes are adequate to provided safely robust and durable suspension means over the course of the ropes' foreseen service life.
6. KONE has represented to Division and Board staff, having established an engineering practice for purposes of Monospace 500 elevator design, of meeting or exceeding the minimum factor of safety of 12 for 8 mm suspension members, as required in ASME A17.1-2010, Section 2.20.3—under which, given that factor of safety, supplemental broken suspension member protection is not required.
7. Also, each Applicant proposes as a further means of maintaining safety equivalence, monitoring the rope in conformity with the criteria specified within the *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators* (per Application attachment "B", or as thereafter revised by KONE subject to Division approval).
8. In addition, each Applicant has proposed to utilize 6 mm diameter governor ropes in variance from Title 8, Section 3141, incorporated ASME A17.1-2004, Section 2.18.5.1.
9. ASME A17.1-2004, Section 2.18.5.1, specifies, in relevant part:

*2.18.5.1 Material and Factor of Safety.*

*... [Governor ropes] not less than 9.5 mm (0.375 in.) in diameter. The factor of safety of governor ropes shall be not less than 5...*

*Proposed Variance Decision*

*KONE Monospace 500 Elevators (Group IV)*

*Hearing Date: October 27, 2021*

10. The Board takes notice of Title 8, Elevator Safety Order Section 3141.7, subpart (a)(10):

*A reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004, is permissible if the factor of safety as related to the strength necessary to activate the safety is 5 or greater;*

11. Applicants propose use of 6mm governor rope having a safety factor of 5 or greater, in conformity with Section 3141.7(a)(10), the specific parameters of which, being expressly set out within Title 8, Elevator Safety Orders, take precedence over more generally referenced governor rope diameter requirements per ASME A17.1-2004, Section 2.18.5.1. Accordingly, the governor rope specifications being presently proposed, inclusive of a factor of safety of 5 or greater, would comply with current Title 8, Elevator Safety Orders requirements, and therefore not be subject to issuance of permanent variance.
12. Absent evident diminution in elevator safety, over the past decade the Board has issued numerous permanent variances for use in KONE (Ecospace) elevator systems of 8 mm diameter suspension rope materially similar to that presently proposed (e.g. OSHSB File Nos. 06-V-203, 08-V-245, and 13-V-303).
13. As noted by the Board in OSHSB File Nos. 18-V-044, and 18-V-045, Decision and Order Findings, subpart B.17 (hereby incorporated by reference), the strength of wire rope operating as an elevator's suspension means does not remain constant over its years of projected service life. With increasing usage cycles, a reduction in the cross-sectional area of the wire rope normally occurs, resulting in decreased residual strength. This characteristic is of particular relevance to the present matter because, as also noted by Board staff, decreasing wire rope diameter is associated with a higher rate of residual strength loss. This foreseeable reduction in cross-sectional area primarily results from elongation under sheave rounding load, as well as from wear, and wire or strand breaks. However, these characteristics need not compromise elevator safety when properly accounted for in the engineering of elevator suspension means, and associated components.
14. The presently proposed wire rope is Wuxi Universal steel rope Co LTD. 8 mm 8x19S+8x7+PP, with a manufacturer rated breaking strength of 35.8 kN, and an outer wire diameter of less than 0.56 mm, but not less than 0.51 mm. Both Board staff and Division safety engineers have scrutinized the material and structural specifications, and performance testing data, of this particular proposed rope, and conclude it will provide for safety equivalent to ESO compliant 9.5 mm wire rope, with 0.56 mm outer wire (under conditions of use included within the below Decision and Order).

*Proposed Variance Decision*

*KONE Monospace 500 Elevators (Group IV)*

*Hearing Date: October 27, 2021*

15. The applicant supplies tabulated data regarding the “Maximum Static Load on All Suspension Ropes.” To obtain the tabulated data, the applicant uses the following formula derived from ASME A17.1 2004, Section 2.20.3:

$$W = (S \times N) / f$$

*where*

*W = maximum static load imposed on all car ropes with the car and its rated load at any position in the hoistway*

*N = number of runs of rope under load. For 2:1 roping, N shall be two times the number of ropes used, etc.*

*S = manufacturer's rated breaking strength of one rope*

*f = the factor of safety from Table 2.20.3*

16. ASME A17.1-2010 Sections 2.20.3 and 2.20.4 utilize the same formula, but provide for use of suspension ropes having a diameter smaller than 9.5 mm, under specified conditions, key among them being that use of ropes having a diameter of between 8 mm to 9.5 mm be engineered with a factor of safety of 12 or higher. This is a higher minimum factor of safety than that proposed by Applicant, but a minimum recommended by both Board staff and Division as a condition of variance necessary to the achieving of safety equivalence to 9.5 mm rope.

17. Board staff and Division are in accord with Applicant, in proposing as a condition of safety equivalence, that periodic physical examination of the wire ropes be performed to confirm the ropes continue to meet the criteria set out in the (Application attachment) *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators*. Adherence to this condition will provide an additional assurance of safety equivalence, regarding smaller minimum diameter suspension rope outer wire performance over the course of its service life.

18. Both Board staff, and Division, by way of written submissions to the record (Exhibits PD-3 and PD-4 respectively), and stated positions at hearing, are of the well informed opinion that grant of permanent variance, as limited and conditioned per the below Decision and Order will provide employment, places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the Elevator Safety Order requirements from which variance has been requested.

D. Conclusive Findings:

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with

the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted; and (2) a preponderance of the evidence establishes that each Applicant's proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

E. Decision and Order:

Each Application being the subject of this proceeding, per above Section A.1 table, is conditionally GRANTED, to the extent that each such Applicant shall be issued permanent variance from California Code of Regulations, Title 8, Section 3141 incorporated ASME A17.1-2004, Section 2.20.4, in as much as it precludes use of suspension rope of between 8 mm and 9.5 mm, or outer wire of between 0.51 mm and 0.56 mm in diameter, at such locations and numbers of Group IV KONE Monospace 500 elevators identified in each respective Application, subject to the following conditions:

1. The diameter of the hoisting steel ropes shall be not less than 8 mm (0.315 in) diameter and the roping ratio shall be two to one (2:1).
2. The outer wires of the suspension ropes shall be not less than 0.51 mm (0.02 in.) in diameter.
3. The number of suspension ropes shall be not fewer than those specified per hereby incorporated Decision and Order Appendix 1 Table.
4. The ropes shall be inspected annually for wire damage (rouge, valley break etc.) in accordance with "KONE Inc. Inspector's Guide to 6 mm diameter and 8 mm diameter steel ropes for KONE Elevators" (per Application Exhibit B, or as thereafter amended by KONE subject to Division approval).
5. A rope inspection log shall be maintained and available in the elevator controller room / space at all times.
6. The elevator rated speed shall not exceed those speeds specified per the Decision and Order Appendix 1 Table.
7. The maximum suspended load shall not exceed those weights (plus 5%) specified per the Decision and Order Appendix 1 Table.
8. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of the elevator equipment in the hoistway is required.

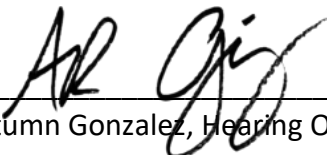
*Proposed Variance Decision*  
*KONE Monospace 500 Elevators (Group IV)*  
*Hearing Date: October 27, 2021*

If the service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.

9. The installation shall meet the suspension wire rope factor of safety requirements of ASME A17.1-2013 Section 2.20.3.
10. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing or testing the elevators shall be provided a copy of this variance decision.
11. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division and a "Permit to Operate" issued before the elevator is placed in service.
12. The Applicant shall comply with suspension means replacement reporting condition per hereby incorporated Decision and Order Appendix 2.
13. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2 and 411.3.
14. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety and Health, or by the Board on its own motion, in accordance with procedures per Title 8, Division 1, Chapter 3.5.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

**Appendix 1**

Monospace 500 Suspension Ropes Appendix 1 Table				
OSHSB File No.	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
21-V-391	1	7	150	12247
21-V-392	1	8	200	13207
21-V-393	1	8	200	13207
21-V-394	1	8	200	13207
21-V-395	1	8	200	13207
21-V-396	1	8	200	13207
21-V-397	1	8	200	13207
21-V-398	1	8	200	13207
21-V-415	A	8	350	11706
21-V-415	B	8	350	11706
21-V-415	C	8	350	11706
21-V-416	1	5	150	8748
21-V-417	1	8	200	13207
21-V-417	2	8	200	13207
21-V-432	1	8	200	13207
21-V-432	2	8	200	13207

**Appendix 2**

**Suspension Means Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings. Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.



*Proposed Variance Decision*

*KONE Monospace 500 Elevators (Group IV)*

*Hearing Date: October 27, 2021*

- h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in above Appendix 2, Section 2, Subsection (a), above.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:

Schindler Model 3300 Elevators with  
variant Gov. Ropes & Sheaves (Group IV)

OSHSB File No.: See Section A.1 Table in  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application for Permanent Variance Regarding:</p> <p style="text-align: center;">Schindler Model 3300 Elevators with variant Gov. Ropes &amp; Sheaves (Group IV)</p>	<p>OSHSB File Nos.: See Section A.1 table below</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. Subject Matter and Jurisdiction:

- Each below listed applicant (“Applicant”) has applied for permanent variance from certain provisions of the Elevator Safety Orders, found at Title 8, of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-399	Restoration Hardware, Inc	180 El Camino Real, Building B Palo Alto, CA	1
21-V-422	Warner Bros. Studio Operations, a division of WB Studio Enterprises Inc.	3300 Warner Blvd. Burbank, CA	1
21-V-431	260 BB Way Development, LLC	260 Brooklyn Basin Way Oakland, CA	5

- This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.
- The safety orders at issue are set out in below Section C.1—C.4.

B. Process and Procedure:

- This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

2. At the hearing, Jennifer Linares, with the Schindler Elevator Corporation, appeared on behalf of each Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested. At close of hearing on October 27, 2021, the record was closed, and the matter taken under submission by the Hearing Officer.

- C. Findings of Fact—Based upon the record of this proceeding, the Board finds the following:

Requested Suspension Means Related Variance:

1. As each pertains to the non-circular elastomeric coated suspension means characteristic of the Schindler Model 3300 elevator, each Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Safety Code for Elevators and Escalators (ASME Code) A17.1-2004, sections and subsections:

Section 2.20.1—Wire rope suspension means

Section 2.20.2.1—Crosshead data plate

Subsection 2.20.2.2(a)—Wire rope data tag

Subsection 2.20.2.2(f)—ID of steel wire rope as preformed or nonpreformed

Section 2.20.3—Wire rope safety factor

Section 2.20.4—Number and diameter of wire ropes

Section 2.20.9.3.4—Wire rope end connections

Section 2.20.9.5.4—Wire rope sockets

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

Requested Car Top Railing Inset Variance:

2. As it pertains to top of car railing placement requiring space occupied by upper hoistway mounted elevator machinery characteristic of the Schindler Model 3300 elevator, each Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code A17.1-2004, section:

*Section 2.14.1.7.1—Top of Car Perimeter Railing Placement*

Requested Seismic Reset Switch Placement Variance:

3. As it pertains to installation of the requisite seismic reset switch within a “machine room” location incompatible with machine-room-less design of the Schindler Model 3300 elevator, each Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code subsection:

*Subsection 8.4.10.1.1(a)(2)(b)--Seismic Reset Switch Placement in Machine Room*

Requested Transfer Switch Placement Variance:

4. As it pertains to installation of the requisite transfer switch within a “machine room” location incompatible with machine-room-less design of the Schindler Model 3300 elevator, each Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code A17.1-2004, subsection:

*Subsection 2.26.1.4.4(a)--Transfer Switch Placement in Machine Room*

Requested Governor Sheave to Rope Diameter Ratio Variance:

5. As it pertains to installation of requisite pitch diameter of the governor sheaves and governor tension sheaves, each Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code A17.1-2004, subsection:

*Section 3141 [ASME A17.1-2004, Section 2.18.7.4] states:*

*“The pitch diameter of governor sheaves and governor tension sheaves shall be not less than the product of the diameter of the rope and the applicable multiplier listed in Table 2.18.7.4, based on the rated speed and the number of strands in the rope.”*

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**Table 2.18.7.4 Multiplier for Determining Governor Sheave Pitch Diameter**

Rated Speed, m/s (ft/min)	Number of Strands	Multiplier
1.00 or less (200 or less)	6	42
1.00 or less (200 or less)	8	30
Over 1.00 (over 200)	6	46
Over 1.00 (over 200)	8	32

50 mm (2 in.) when tested in accordance with ASTM E 8. Forged, cast, or welded parts shall be stress relieved. Cast iron shall have a factor of safety of not less than 10.

6. Per the Application, the proposal is stated as follows: “The approved speed governor provided for this elevator has a sheave diameter-to-governor rope diameter ratio [D/d] of 33. This is not compliant with the current Group IV Elevator Safety Orders which require a [D/d] of 42-46. Equivalent safety will be attained by providing a governor rope with a breaking strength that provides a factor of safety greater than that required by the Elevator Safety Orders, and a governor sheave diameter which complies with the requirements of ASME A17.1-2010, Section 2.18.5.1, and Section 2.18.7.4, which, under certain conditions, permits the use of a governor rope and governor sheave ratio [D/d] of not less than 30.”
7. Having analyzed the request, as reflected in its Review of Application (Exhibit PD-4) Division is of the well informed professional opinion that the proposal, in as much as it is to use a governor with sheave pitch diameter of not less than the product of the governor rope diameter and a multiplier of 30, in conjunction with a steel governor rope with a diameter of 6 mm (0.25 in.), 6-strand construction, and a factor of safety of 8 or greater, will provide safety, and workplace safety and health equivalent or superior to that of the ASME A17.1-2004, Section 2.18.7.4. Division also correctly notes Applicant’s proposed governor sheave pitch diameter, and reduced diameter governor rope installation is similar to installations for which a permanent variance has been previously conditionally granted. (e.g. OSHSB File No. 19-V-076)

Official Notice and Incorporation by Reference—OSHSB File No. 15-V-349:

8. Per hereby entered stipulation offered at hearing by Applicant, Division, and Board staff, concerning preexisting Board records, including decisions in matters of permanent variance from Elevator Safety Order requirements, the Board takes Official Notice and expressly incorporates herein by reference, OSHSB File No. 15-V-349, Decision and Order adopted November 17, 2016, Section D.1—D.75 findings, and therein entered record upon which it was based.

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

Positions of Division, and Board Staff:

9. Having fully reviewed each Applicant's request for variance from the above identified Elevator Safety Order requirements, it is the concurrent opinion of Division and Board staff, that conditionally limited grant to each Applicant of permanent variance as specified per the below Decision and Order, will provide for elevator safety, and occupational safety and health, equivalent or superior to that of the Elevator Safety Order requirements from which variance is being sought. The present opinion of Division and Board staff, to any extent it may vary from those previously held with respect to the previously heard matter in OSHSB File No. 15-V-349, reflects further scrutiny of the subject matter, consultation between Division, Board staff, Applicant representatives, and refinement of recommended conditions and limitations.

D. Conclusive Findings:

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted, and (2) a preponderance of the evidence establishes that each Applicant's proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

E. Decision and Order:

Each Section A table identified Applicant is hereby conditionally GRANTED Permanent Variance as specified below, and to the limited extent, as of the date the Board adopts this Proposed Decision, with respect to the Section A specified number of Schindler Model 3300 elevator(s), at the specified location, each shall conditionally hold permanent variance from the following subparts of ASME A17.1-2004, currently incorporated by reference into California Code of Regulations, Title 8, Section 3141.

Suspension Members: Each Applicant shall conditionally hold permanent variance from the following Title 8, Section 3141, incorporated sections and subsections of ASME A17.12004, to the limited extent variance is necessary to provide for use of noncircular elastomeric-coated steel suspension members and concomitant components, and configurations— Section 2.20.1; Section 2.20.2.1; Subsection 2.20.2.2(a); Subsection 2.20.2.2(f); Section 2.20.3; Section 2.20.4; Section 2.20.9.3.4; and Section 2.20.9.5.4.

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*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

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Inspection Transfer Switch: Each Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141 incorporated section of ASME A17.1-2004, to the extent variance is necessary to having the requisite inspection transfer switch located elsewhere than a machine room, within a Security Group I enclosure built into an upper floor landing door jam, or within other readily accessible and secure space shared with the motion controller outside the hoistway: Section 2.26.1.4.4.

Seismic Safety Switch Placement: Each Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141, incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to having the requisite seismic reset switch located elsewhere than a machine room, within a Security Group I enclosure built into an upper floor landing door jam, or within other readily accessible and secure space shared with the motion controller outside the hoistway: Section 8.4.10.1.1.

Car Top Railing: Each Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141, incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to provide for the below specified inseting of the subject elevator's top of car railing: Section 2.14.1.7.1.

Governor Rope and Sheave: Each Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141, incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to allow for the below specified governor rope and governor sheave parameters: Section 2.18.7.4.

Further Conditions and Limitations:

1. The elevator suspension system shall comply to the following:
  - 1.1. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:
    - 2.20.4.3 – Minimum Number of Suspension Members
    - 2.20.3 – Factor of Safety
    - 2.20.9 – Suspension Member Fastening
  - 1.1.1 Additionally, STMs shall meet or exceed all requirements of ASME 17.6-2010, Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.



*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

- 1.2. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the STM members and fastenings and related monitoring and detection systems and criteria for STM replacement, and the Applicant shall make those procedures and criteria available to the Certified Competent Conveyance Mechanic (CCCM) at the location of the elevator, and to the Division of Occupational Safety and Health (Division) upon request.
- 1.3. STM member mandatory replacement criteria shall include:
  - 1.3.1 Any exposed wire, strand or cord;
  - 1.3.2 Any wire, strand or cord breaks through the elastomeric coating;
  - 1.3.3 Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;
  - 1.3.4 Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.
- 1.4. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.
- 1.5. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: If a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.
- 1.6. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.
- 1.7. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).
- 1.8. An elevator controller integrated bend cycle monitoring system shall monitor actual STM bend cycles, by means of continuously counting, and storing in

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

nonvolatile memory, the number of trips that the STM makes traveling, and thereby being bent, over the elevator sheaves. The bend cycle limit monitoring means shall automatically stop the car normally at the next available landing before the bend cycle correlated residual strength of any single STM member drops below 80 percent of full rated strength. The monitoring means shall prevent the car from restarting. Notwithstanding any less frequent periodic testing requirement per Addendum 1 (Division Circular Letter), the bend cycle monitoring system shall be tested semi-annually in accordance with the procedures required per above Conditions 1.2, and 1.3.

- 1.9. Each elevator shall be provided with a device that electronically detects a reduction in residual strength of each STM member. The device shall be in compliance with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1, and incorporated herein by reference.
  - 1.10. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, Section 2.20.2.1.
  - 1.11. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, Section 2.20.2.2.
  - 1.12. Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 1.2 and 1.3 specified criteria, shall be conducted and documented every six months by a CCCM.
  - 1.13. The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 2, "Suspension Means Replacement Reporting Condition."
  - 1.14. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, Sections 8.6.1.2, and 8.6.1.4, respectively.
2. Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:
    - 2.1. If the inspection transfer switch required by ASME A17.1-2004, Rule 2.26.1.4.4, does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

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*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

- 2.2. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
3. Any and all inset car top railing shall comply with the following:
  - 3.1. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to stand on or climb over the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car top railing.
  - 3.2. The distance that the railing can be inset shall be limited to not more than 6 inches.
  - 3.3. All exposed areas of the car top outside the car top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.
  - 3.4. The top surface of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.
  - 3.5. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing; each sign shall state:

**CAUTION**  
**STAY INSIDE RAILING**  
**NO LEANING BEYOND RAILING**  
**NO STEPPING ON, OR BEYOND, RAILING**
  - 3.6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).
4. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the Schindler Model 3300 elevator system in accordance with written procedures and criteria, including as required per above Conditions 1.2, and 1.3.

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

5. The speed governor rope and sheaves shall comply with the following:
  - 5.1. The governor shall be used in conjunction with a steel 6 mm (0.25 in.) diameter governor rope with 6-strand, regular lay construction.
  - 5.2. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
  - 5.3. The governor sheaves shall have a pitch diameter of not less than 200 mm (7.87 in.).
6. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and all applicable requirements met, including conditions of this permanent variance, prior to a Permit to Operate the elevator being issued. The elevator shall not be placed in service prior to the Permit to Operate being issued by Division.
7. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2, and 411.3.
8. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division, or by the Board on its own motion, in procedural accordance with Title 8, Sections 411, et. seq.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
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Autumn Gonzalez, Hearing Officer

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

**ADDENDUM 1**

October 6, 2010

**CIRCULAR LETTER E-10-04**

TO: Installers, Manufacturers of Conveyances and Related Equipment and, Other Interested Parties

SUBJECT: Coated Steel Belt Monitoring

The Elevator Safety Orders require routine inspection of the suspension means of an elevator to assure its safe operation.

The California Labor Code Section 7318 allows the Division to promulgate special safety orders in the absence of regulation.

As it is not possible to see the steel cable suspension means of a Coated Steel Belt, a monitoring device which has been accepted by the Division is required on all Coated Steel Belts which will automatically stop the car if the residual strength of any belt drops below 60%. The Device shall prevent the elevator from restarting after a normal stop at a landing.

The monitoring device must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room. The removed device must be replaced or returned to proper service within 30 days.

If upon routine inspection, the monitoring device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room.

If upon inspection by the Division, the monitoring device is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service.

If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

A successful test of the device's functionality shall be conducted once a year.

This circular does not preempt the Division from adopting regulations in the future, which may address the monitoring of Coated Steel Belts or any other suspension means.

This circular does not create an obligation on the part of the Division to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
DOSH-Elevator Unit HQS

**ADDENDUM 2**

**Suspension Means – Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings.

Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement

*Proposed Variance Decision*

*Schindler Model 3300 Elevators w/variant Gov. Rope & Sheaves*

*Hearing Date: October 27, 2021*

- and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
- g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in item 2a above.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:  
  
Otis Gen2S Elevators (Group IV)

OSHSB File No.: See Section A.1 Table of  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.



BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application for Permanent Variance Regarding:  <p style="text-align: center;">Otis Gen2S Elevators (Group IV)</p>	OSHSB File Nos.: See Section A table below  <p style="text-align: center;"><u>PROPOSED DECISION</u></p> Hearing Date: October 27, 2021
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A. Subject Matter

- Each below listed applicant (“Applicant”) has applied for permanent variances from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, with respect to the listed conveyance or conveyances, in the specified quantity, at the specified location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-400	California Science Center	700 Exposition Park Drive Los Angeles, CA	1
21-V-401	BWF Forge TL Properties Owner LLC	145 Leavenworth Street San Francisco, CA	1
21-V-402	Fairfield Kittridge LLC	6709 N. Independence Ave Building 1 Canoga Park, CA	3
21-V-403	Grand and Linden Family Apartments, LP.	201 Grand Avenue South San Francisco, CA	1
21-V-404	Grand and Linden Family Apartments, LP.	418 Linden Avenue South San Francisco, CA	1
21-V-405	Rancho El Camino LP	3402 El Camino Real Santa Clara, CA	1
21-V-426	TPG 2020-1 (LN-Crown valley) Owner, LLC, A Delaware Limited Liability Company	25887 Crown Valley Parkway Laguna Niguel, CA	2
21-V-427	Arcata 7th Street LP	969 7th Street Arcata, CA	1

*Proposed Variance Decision  
 Otis Gen2S Elevators (Group IV)  
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21-V-428	LH Shoreline Apartments LP, A Delaware Limited Liability Partnership	1150 Terra Bella Ave. Mountain View, CA	2
21-V-429	689 Catalina LP	689 Catalina Street Los Angeles, CA	2
21-V-433	1775 Beloit LLC	1775 S. Beloit Ave. Los Angeles, CA	1
21-V-434	MRAD Investment LLC	1348 E. 27th Street Los Angeles, CA	1
21-V-436	10x Genomics, Inc.	1701 Springdale Ave Building 1 Pleasanton, CA	2
21-V-437	99 Ocean Avenue LLC	99 Ocean Avenue San Francisco, CA	2
21-V-438	828 Brannan Partners, LLC	828 Brannan Street San Francisco, CA	1
21-V-439	1005-1013 Everett LLC	1011 N Everett St. Los Angeles, CA	2
21-V-440	10609 Inglewood LLC	10609 S. Inglewood Ave. Inglewood, CA	1
21-V-441	Basin Street Properties	1205 Redwood Way Petaluma, CA	2
21-V-442	City of Palo Alto	Palo Alto Public Safety Building 250 Sherman Ave. Palo Alto, CA	2
21-V-443	CV Bonnie Brae, LLC	1800 Beverly Blvd. Los Angeles, CA	4
21-V-444	Haroni Investments LLC	6570 S. Normandie Ave. Los Angeles, CA	2
21-V-446	MA Lennox LLC	10505 Hawthorne Blvd. Inglewood, CA	1
21-V-447	Paradise Senior Apartments Complex LLC	2238 6th Street National City, CA	2

*Proposed Variance Decision  
 Otis Gen2S Elevators (Group IV)  
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21-V-448	Sharp Grossmont Hospital	Parking Structure 8950 Wakarusa Street La Mesa, CA	2
21-V-449	Sunnyvale Block 15 Housing Partners, L.P.	365 South Mathilda Ave. Sunnyvale, CA	2
21-V-451	1318 Flower Street, LLC	1320 S. Flower Street Los Angeles, CA	1

2. The safety orders from which variance may issue, are enumerated in the portion of the below Decision and Order preceding the variance conditions.

**B. Procedural**

1. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.
2. This hearing was held on October 27, 2021, in Sacramento, California, and via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
3. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator, appeared on behalf of each Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”), and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
4. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s rulemaking records, and variance files and decisions, concerning the Elevator Safety Order standards at issue. At close of hearing

*Proposed Variance Decision  
Otis Gen2S Elevators (Group IV)  
Hearing Date: October 27, 2021*

on October 27, 2021, the record was closed, and the matter taken under submission by the Hearing Officer.

C. Findings and Basis:

Based on the record of this hearing, the Board makes the following findings of fact:

1. Each Applicant intends to utilize Otis Gen2S elevators at the locations and in the numbers stated in the above Section A table.
2. The installation contracts for these elevators were or will be signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.
3. The Board incorporates by reference Items (i.e. Sections) D.3 through D.9 of the Proposed Decision adopted by the Board on July 18, 2013 regarding OSHSB File No. 12-V-093 and Item D.4 of the Proposed Decision adopted by the Board on September 25, 2014 in OSHSB File No. 14-V-206.
4. Both Board staff and Division, by way of written submissions to the record (Exhibits PD-3 and PD-4 respectively), and positions stated at hearing, are of the well informed opinion that grant of requested permanent variance, as limited and conditioned per the below Decision and Order will provide employment, places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the Elevator Safety Order requirements from which variance has been requested.

D. Conclusive Findings:

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted; and (2) a preponderance of the evidence establishes that each Applicants proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

E. Decision and Order:

Each permanent variance application the subject of this proceeding is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, each Applicant listed in the above Section A table shall have permanent

*Proposed Variance Decision  
Otis Gen2S Elevators (Group IV)  
Hearing Date: October 27, 2021*

variances from California Code of Regulations, Title 8, Section 3141 and from the following sections of ASME A17.1-2004 that Section 3141 makes applicable to the elevators the subject of those applications:

- Car top railing: Sections 2.14.1.7.1 (only to the extent necessary to permit an inset car top railing, if, in fact, the car top railing is inset);
- Speed governor over-speed switch: 2.18.4.2.5(a) (only insofar as is necessary to permit the use of the speed reducing system proposed by the Applicants, where the speed reducing switch resides in the controller algorithms, rather than on the governor, with the necessary speed input supplied by the main encoder signal from the motor);
- Governor rope diameter: 2.18.5.1 (only to the extent necessary to allow the use of reduced diameter governor rope);
- Pitch diameter: 2.18.7.4 (to the extent necessary to use the pitch diameter specified in Condition No. 13.c);
- Suspension means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4 and 2.20.9.5.4—the variances from these “suspension means” provisions are only to the extent necessary to permit the use of Otis Gen2 flat coated steel suspension belts in lieu of conventional steel suspension ropes;
- Inspection transfer switch: 2.26.1.4.4(a) (only to the extent necessary to allow the inspection transfer switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room); and
- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (only to the extent necessary to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room).

These variances apply to the locations and numbers of elevators stated in the Section A table (so long as the elevators are Gen2S Group IV devices that are designed, equipped, and installed in accordance with, and are otherwise consistent with, the representations made in the Otis Master File [referred to in previous proposed decisions as the “Gen2 Master File”] maintained by the Board, as that file was constituted at the time of this hearing) and are subject to the following conditions:

*Proposed Variance Decision*  
*Otis Gen2S Elevators (Group IV)*  
*Hearing Date: October 27, 2021*

1. The suspension system shall comply with the following:
  - a. The coated steel belt and connections shall have factors of safety equal to those permitted for use by Section 3141 [ASME A17.1-2004, Section 2.20.3] on wire rope suspended elevators.
  - b. Steel coated belts that have been installed and used on another installation shall not be reused.
  - c. The coated steel belt shall be fitted with a monitoring device which has been accepted by the Division and which will automatically stop the car if the residual strength of any single belt drops below 60 percent. If the residual strength of any single belt drops below 60 percent, the device shall prevent the elevator from restarting after a normal stop at a landing.
  - d. Upon initial inspection, the readings from the monitoring device shall be documented and submitted to the Division.
  - e. A successful test of the monitoring device's functionality shall be conducted at least once a year (the record of the annual test of the monitoring device shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).
  - f. The coated steel belts used shall be accepted by the Division.
2. With respect to each elevator subject to this variance, the applicant shall comply with Division Circular Letter E-10-04, the substance of which is attached hereto as Addendum 1 and incorporated herein by this reference.
3. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device and criteria for belt replacement, and the applicant shall make those procedures and criteria available to the Division upon request.
4. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:
  - a. The width and thickness in millimeters or inches;
  - b. The manufacturer's rated breaking strength in (kN) or (lbf);
  - c. The name of the person or organization that installed the flat coated steel belts;

- d. The month and year the flat coated steel belts were installed;
  - e. The month and year the flat coated steel belts were first shortened;
  - f. The name or trademark of the manufacturer of the flat coated steel belts; and
  - g. Lubrication information.
5. There shall be a crosshead data plate of the sort required by Section 2.20.2.1, and that plate shall bear the following flat steel coated belt data:
- a. The number of belts;
  - b. The belt width and thickness in millimeters or inches; and
  - c. The manufacturer's rated breaking strength per belt in (kN) or (lbf).
6. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of elevator equipment in the hoistway is required. If service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.
7. If there is an inset car top railing:
- a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs or inspections. The applicant shall not permit anyone to stand on or climb over the car top railing.
  - b. The distance that the car top railing may be inset shall be limited to no more than 6 inches.
  - c. All exposed areas outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.
  - d. The top of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.
  - e. The applicant shall provide durable signs with lettering not less than ½ inch on a contrasting background on each inset railing; each sign shall state:

**CAUTION  
DO NOT STAND ON OR CLIMB OVER RAILING**

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top and not from the required level).
8. If the seismic reset switch does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
9. If the inspection transfer switch required by ASME A17.1, rule 2.26.1.4.4(a) does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
10. When the inspection and testing panel is located in the hoistway door jamb, the inspection and test control panel shall be openable only by use of a Security Group I restricted key.
11. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2S elevator system in accordance with the written procedures and criteria required by Condition No. 3 and in accordance with the terms of this permanent variance.
12. The governor speed-reducing switch function shall comply with the following:
  - a. It shall be used only with direct drive machines; i.e., no gear reduction is permitted between the drive motor and the suspension means.
  - b. The velocity encoder shall be coupled to the driving machine motor shaft. The "C" channel of the encoder shall be utilized for velocity measurements required by the speed reducing system. The signal from "C" channel of the encoder shall be verified with the "A" and "B" channels for failure. If a failure is detected then an emergency stop shall be initiated.
  - c. Control system parameters utilized in the speed-reducing system shall be held in non-volatile memory.



*Proposed Variance Decision*  
*Otis Gen2S Elevators (Group IV)*  
*Hearing Date: October 27, 2021*

- d. It shall be used in conjunction with approved car-mounted speed governors only.
  - e. It shall be used in conjunction with an effective traction monitoring system that detects a loss of traction between the driving sheave and the suspension means. If a loss of traction is detected, then an emergency stop shall be initiated.
  - f. A successful test of the speed-reducing switch system's functionality shall be conducted at least once a year (the record of the annual test of the speed-reducing switch system shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).
  - g. A successful test of the traction monitoring system's functionality shall be conducted at least once a year (the record of the annual test of the traction monitoring system shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).
  - h. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the maintenance, inspection, and testing of the speed-reducing switch and traction monitoring systems. The Applicant shall make the procedures available to the Division upon request.
13. The speed governor rope and sheaves shall comply with the following:
- a. The governor shall be used in conjunction with a 6 mm (0.25 in.) diameter steel governor rope with 6-strand, regular lay construction.
  - b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
  - c. The governor sheaves shall have a pitch diameter of not less than 180 mm (7.1 in.).
14. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
15. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.
16. The Applicant shall be subject to the Suspension Means – Replacement Reporting Condition stated in Addendum 2, as hereby incorporated by this reference.
17. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized


*Proposed Variance Decision  
Otis Gen2S Elevators (Group IV)  
Hearing Date: October 27, 2021*

representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2 and 411.3.

18. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety and Health, or by the Board on its own motion, in accordance with procedures per Title 8, Division 1, Chapter 3.5.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

**ADDENDUM 1**

October 6, 2010

**CIRCULAR LETTER E-10-04**

TO: Installers, Manufacturers of Conveyances and Related Equipment and, Other Interested Parties

SUBJECT: Coated Steel Belt Monitoring

The Elevator Safety Orders require routine inspection of the suspension means of an elevator to assure its safe operation.

The California Labor Code Section 7318 allows the Division to promulgate special safety orders in the absence of regulation.

As it is not possible to see the steel cable suspension means of a Coated Steel Belt, a monitoring device which has been accepted by the Division is required on all Coated Steel Belts which will automatically stop the car if the residual strength of any belt drops below 60%. The Device shall prevent the elevator from restarting after a normal stop at a landing.

The monitoring device must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room. The removed device must be replaced or returned to proper service within 30 days.

If upon routine inspection, the monitoring device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room.

If upon inspection by the Division, the monitoring device is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service.

If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

A successful test of the device's functionality shall be conducted once a year.

This circular does not preempt the Division from adopting regulations in the future, which may address the monitoring of Coated Steel Belts or any other suspension means.

This circular does not create an obligation on the part of the Division to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
DOSH-Elevator Unit HQS

**ADDENDUM 2**

**Suspension Means – Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings.

Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.

*Proposed Variance Decision*  
*Otis Gen2S Elevators (Group IV)*  
*Hearing Date: October 27, 2021*

- f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in item 2a above.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:

Otis Elevator (Group IV) Gen2(O) and/or  
Gen2L [w/variant Governor Rope/Sheave]

OSHSB File No.: See Section A.1 Table of  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

In the Matter of Application for Permanent Variance Regarding:  Otis Elevator (Group IV) Gen2(O) and/or Gen2L [w/variant Gov. Rope/Sheave]	OSHSB File Nos.: See Section A.1 table below  PROPOSED DECISION  Hearing Date: October 27, 2021
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A. Subject Matter:

- Each applicant (“Applicant”) listed in the table below has applied for permanent variances from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-407	Los Angeles World Airports	Terminal 3 300 World Way Los Angeles, CA	5
21-V-408	The Regents of the University of California	UCSF Research and Academic Building at ZSFG Building 7 1001 Potrero Ave. San Francisco, CA	3
21-V-445	Los Angeles World Airports	Terminal 6 600 World Way Los Angeles, CA	2
21-V-450	5th and Howard Associates, L.P.	921 Howard Street San Francisco, CA	2

- The safety orders at issue are stated in the portion of Section F that precedes the variance conditions.

B. Jurisdiction:

This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

*Proposed Variance Decision*

*Otis Elevator Gen2(O) and/or Gen2L [w/variant Gov. Rope/Sheave]*

*Hearing Date: October 27, 2021*

C. Procedural:

1. This hearing was held on October 27, 2021, in Sacramento, California, and via teleconference, by Occupational Safety and Health Standards Board (“Board”) with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
2. At the hearing, Dan Lecox of Lecox & Associates, and Wolter Geesink with Otis Elevator Company, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff in a technical advisory role apart from the Board.
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s rulemaking recordings and variance decisions concerning the safety order requirements at issue. At close of hearing on October 27, 2021, the record was closed, and the matter taken under submission by the Hearing Officer.

D. Findings:

1. Each Applicant intends to utilize Otis Gen2(O) and/or Otis Gen2L elevators, with further variance as to governor sheave and rope diameter, at the location and in the numbers stated in the Section A.1 table (as used in this Proposed Decision, the term “Gen2(O)” refers to the original type of Gen2 elevator, as distinguished from other types with such designations as “Gen2L” or “Gen2S” or “Gen2 at 150”).
2. The installation contract for these elevators was, or will be, signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.



*Proposed Variance Decision*

*Otis Elevator Gen2(O) and/or Gen2L [w/variant Gov. Rope/Sheave]*

*Hearing Date: October 27, 2021*

3. The Board incorporates by reference the findings stated in: (a) Items 3 through 5.c, 5.e, and 5.f of the “Findings of Fact” Section of the Proposed Decision adopted by the Board on February 19, 2009, in OSHSB File No. 08-V-247; (b) Item D.3 of the Proposed Decision adopted by the Board on July 16, 2009, in OSHSB File No. 09-V-042; (c) Item D.4 of the Proposed Decision adopted by the Board on September 16, 2010, in OSHSB File No. 10-V-029; (d) Items D.4, D.5, and D.7 of the Proposed Decision adopted by the Board on July 18, 2013, in OSHSB File No. 12-V-146; and (e) Items D.4 and D.5 of the Proposed Decision adopted by the Board on September 25, 2014, in OSHSB File No. 14-V-170.
4. Regarding requested variance in governor sheave diameter, and governor rope diameter, in variance from Title 8, Section 3141, incorporated ASME A17.1-2004, Section 2.18.7.4, and Section 2.18.5.1, respectively, the Board incorporates by reference the following previous findings of record: Items 8 through 12 of the Proposed Decision adopted by the Board on December 13, 2018, in OSHSB File No. 18-V-425, and further substantiating bases per therein cited Permanent Variance Decisions of the Board.
5. Both Board staff and Division safety engineers, and Division, by way of written submissions to the record (Exhibits PD-3 and PD-4 respectively), and positions stated at hearing, are of the well informed opinion that grant of requested permanent variance, as limited and conditioned per the below Decision and Order will provide employment, places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the Elevator Safety Order requirements from which variance has been requested.

E. Conclusive Findings:

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted; and (2) a preponderance of the evidence establishes that each Applicants proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

F. Decision and Order:

Each permanent variance application that is the subject of this proceeding is conditionally GRANTED, as below specified, and to the extent that, as of the date the Board adopts this Proposed Decision, each Applicant listed in the Section A.1 table of this Proposed Decision

*Proposed Variance Decision*

*Otis Elevator Gen2(O) and/or Gen2L [w/variant Gov. Rope/Sheave]*

*Hearing Date: October 27, 2021*

shall have a permanent variance from California Code of Regulations, Title 8, Section 3141 [ASME A17.1-2004, Sections 2.14.1.7.1 (only to the extent necessary to permit an inset car top railing, if, in fact, the car top railing is inset), 2.20.1, 2.20.2.1(b), 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, 2.20.9.5.4, (only to the extent necessary to permit the use of Otis Gen2 flat coated steel suspension belts [the belts proposed for use on these Gen2(O) and/or Gen2L elevators] in lieu of conventional steel suspension ropes); 2.26.1.4.4(a) (only to the extent necessary to allow the inspection transfer switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room); 8.4.10.1.1(a)(2)(b) (only to the extent necessary to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room)], regarding car top railings, switches, and suspension ropes and connections; Section 2.18.7.4, with respect to conditioned variance in governor sheave diameter; and Section 2.18.5.1, with respect to below conditioned variance in governor rope diameter—for the location and number of elevators listed in the Section A.1 table (so long as the elevators are Gen2(O) or Gen2L Group IV devices that are designed, equipped, and installed in accordance with, and are otherwise consistent with, the representations made in the Otis Master Files [referred to in previous Proposed Decisions as the “Gen2 Master File” or “Gen2S Master File”] maintained by the Board, as that file was constituted at the time of this hearing), subject to the following conditions:

The variance shall be subject to the following additional conditions:

1. Each elevator subject to this variance shall comply with all applicable Group IV Elevator Safety Orders and with all ASME provisions made applicable by those Group IV Elevator Safety Orders, except those from which variances are granted, as set forth in the prefatory portion of this Decision and Order.
2. The suspension system shall comply with the following:
  - a. The coated steel belt shall have a factor of safety at least equal to the factor of safety that ASME A17.1-2004, Section 2.20.3, would require for wire ropes if the elevator were suspended by wire ropes rather than the coated steel belt.
  - b. Steel-coated belts that have been installed and used on another installation shall not be reused.
  - c. The coated steel belt shall be fitted with a monitoring device which has been accepted by the Division and which will automatically stop the car if the residual strength of any single belt drops below 60 percent. If the residual strength of any single belt drops below 60 percent, the device shall prevent the elevator from restarting after a normal stop at a landing.

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*Hearing Date: October 27, 2021*

- d. Upon initial inspection, the readings from the monitoring device shall be documented and submitted to the Division.
  - e. A successful test of the monitoring device's functionality shall be conducted at least once a year (the record of the annual test of the monitoring device shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).
  - f. The coated steel belts used shall be accepted by the Division.
  - g. The installation of belts and connections shall be in conformance with the manufacturer's specifications, which shall be provided to the Division.
3. With respect to each elevator subject to this variance, the applicant shall comply with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1 and incorporated herein by this reference.
  4. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device, and criteria for belt replacement, and shall make those procedures and criteria available to the Division upon request.
  5. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:
    - a. The width and thickness in millimeters or inches;
    - b. The manufacturer's rated breaking strength in (kN) or (lbf);
    - c. The name of the person who, or organization that, installed the flat coated steel belts;
    - d. The month and year the flat coated steel belts were installed;
    - e. The month and year the flat coated steel belts were first shortened;
    - f. The name or trademark of the manufacturer of the flat coated steel belts;
    - g. Lubrication information.
  6. There shall be a crosshead data plate of the sort required by Section 2.20.2.1, and that plate shall bear the following flat steel coated belt data:

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- a. The number of belts,
  - b. The belt width and thickness in millimeters or inches, and
  - c. The manufacturer's rated breaking strength per belt in (kN) or (lbf).
7. If the seismic reset switch does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
  8. If the inspection transfer switch required by ASME A17.1, rule 2.26.1.4.4(a), does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
  9. When the inspection and test control panel is located in the hoistway door jamb, the inspection and test control panel shall be openable only by use of a Security Group I restricted key.
  10. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of elevator equipment in the hoistway is required. If service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.
  11. If there is an inset car top railing:
    - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs, or inspections. The applicant shall not permit anyone to stand on or climb over the car top railing.
    - b. The distance that the car top railing may be inset from the car top perimeter shall be limited to no more than 6 inches.
    - c. All exposed areas of the car top outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.
    - d. The top of the beveled area and/or the car top outside the railing, shall be clearly marked. The markings shall consist of alternating four-inch diagonal red and white stripes.

*Proposed Variance Decision*

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- e. The Applicant shall provide, on each inset railing, durable signs with lettering not less than ½ inch on a contrasting background. Each sign shall state:

**CAUTION**

**DO NOT STAND ON OR CLIMB OVER RAILING**

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top, and not from the required bevel).
12. The speed governor rope and sheaves shall comply with the following:
    - a. The governor shall be used in conjunction with a 8 mm (0.315 in.) diameter steel governor rope with 8-strand, regular lay construction.
    - b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
    - c. The governor sheaves shall have a pitch diameter of not less than 240 mm (9.45 in.).
  13. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen2L elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.
  14. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
  15. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.
  16. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
  17. The applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per California Code of Regulations, Title 8, Sections 411.2 and 411.3.
  18. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety

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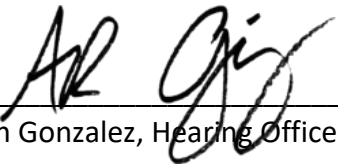
*Otis Elevator Gen2(O) and/or Gen2L [w/variant Gov. Rope/Sheave]*

*Hearing Date: October 27, 2021*

and Health, or by the Board on its own motion, in accordance with procedures per Title 8, Division 1, Chapter 3.5.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

**ADDENDUM 1**

October 6, 2010

**CIRCULAR LETTER E-10-04**

TO: Installers, Manufacturers of Conveyances and Related Equipment and, Other Interested Parties

SUBJECT: Coated Steel Belt Monitoring

The Elevator Safety Orders require routine inspection of the suspension means of an elevator to assure its safe operation.

The California Labor Code Section 7318 allows the Division to promulgate special safety orders in the absence of regulation.

As it is not possible to see the steel cable suspension means of a Coated Steel Belt, a monitoring device which has been accepted by the Division is required on all Coated Steel Belts which will automatically stop the car if the residual strength of any belt drops below 60%. The Device shall prevent the elevator from restarting after a normal stop at a landing.

The monitoring device must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room. The removed device must be replaced or returned to proper service within 30 days.

If upon routine inspection, the monitoring device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room.

If upon inspection by the Division, the monitoring device is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service.

If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

A successful test of the device's functionality shall be conducted once a year.

This circular does not preempt the Division from adopting regulations in the future, which may address the monitoring of Coated Steel Belts or any other suspension means.

This circular does not create an obligation on the part of the Division to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
DOSH-Elevator Unit HQS

**ADDENDUM 2**

**Suspension Means – Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings.

Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any



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*Hearing Date: October 27, 2021*

- conditions that existed to cause damage or distress to the suspension components being replaced.
- g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in item 2a above.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:

Schindler 3300 with SIL-Rated Drive  
to De-energize Motor (Group IV)

OSHSB File No.: See Section 1 Table of  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

\_\_\_\_\_  
BARBARA BURGEL, Member

\_\_\_\_\_  
KATHLEEN CRAWFORD, Member

\_\_\_\_\_  
DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application for Permanent Variance Regarding:</p> <p>Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)</p>	<p>OSHSB File Nos.: Per table, in Jurisdictional and Procedural Matters below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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Jurisdictional and Procedural Matters

- Each below listed applicant (“Applicant”) has applied for permanent variance from certain provisions of the Elevator Safety Orders, found at Title 8, of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-409	Toll West Coast LLC	44862 S. Grimmer Blvd. Fremont, CA	1
21-V-410	Toll West Coast LLC	3465 Inspiration Way Fremont, CA	1
21-V-411	Toll West Coast LLC	3468 Inspiration Way, Fremont, CA	1
21-V-412	Toll West Coast LLC	44725 Old Warm Springs Blvd. Fremont, CA	1
21-V-413	Toll West Coast LLC	3418 Inspiration Way Fremont, CA	1
21-V-414	Toll West Coast LLC	3425 Inspiration Way Fremont, CA	1
21-V-419	VSF School Facilities #1, LLC	240 N Madison Ave. Los Angeles, CA	1
21-V-421	CS Lakeside Santa Clara LLC	2901 Tannery Way Santa Clara, CA	3
21-V-423	North Laurel Q0231, LLC	5717 W. Carlton Way Los Angeles, CA	1

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

21-V-424	John Muhawieh	2799 24th St. San Francisco, CA	1
21-V-430	2 SIOF 685 W Fourth St, LLC	685 W 4th St. San Pedro, CA	1
21-V-435	Ivy Valley Housing Partners, LP	337 E. Valley Parkway Escondido, CA	1

2. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, section 401, et. seq.
3. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
4. At the hearing, Jennifer Linares, with the Schindler Elevator Corporation, appeared on behalf of each Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”), and Michael Nelmidia appeared on behalf of Board staff, in a technical advisory role apart from the Board.
5. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice taken of the Board’s rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested. At close of hearing on October 27, 2021, the record was closed, and the matter taken under submission by the Hearing Officer.

Relevant Safety Order Provisions

Applicant seeks a permanent variance from section 3141 [ASME A.17.1-2004, sections 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.5.4, 2.26.1.4.4(a), 8.4.10.1.1(a)(2)(B), 2.14.1.7.1, and 2.26.9.6.1]. The relevant language of those sections are below.

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

1. Suspension Means

Section 3141 [ASME A17.1-2004, section 2.20.1, Suspension Means] states in part:

Elevator cars shall be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame specified in 2.15.1. Ropes that have previously been installed and used on another installation shall not be reused. Only iron (low-carbon steel) or steel wire ropes, having the commercial classification "Elevator Wire Rope," or wire rope specifically constructed for elevator use, shall be used for the suspension of elevator cars and for the suspension of counterweights. The wire material for ropes shall be manufactured by the open-hearth or electric furnace process, or their equivalent.

Section 3141 [ASME A17.1-2004, section 2.20.2.1(b), On Crosshead Data Plate] states in part:

The crosshead data plate required by 2.16.3 shall bear the following wire-rope data:

(b) the diameter in millimeters (mm) or inches (in.)

Section 3141 [ASME A17.1-2004, section 2.20.2.2(a) and (f) On Rope Data Tag] states in part:

A metal data tag shall be securely attached-to-one of the wire-rope fastenings. This data tag shall bear the following wire-rope data:

(a) the diameter in millimeters (mm) or inches (in.)

[...]

(f) whether the ropes were non preformed or preformed

Section 3141 [ASME A17.1-2004, section 2.20.3, Factor of Safety] states:

The factor of safety of the suspension wire ropes shall be not less than shown in Table 2.20.3. Figure 8.2.7 gives the minimum factor of safety for intermediate rope speeds. The factor of safety shall be based on the actual rope speed corresponding to the rated speed of the car.

The factor of safety shall be calculated by the following formula:

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$$f = \frac{S \times N}{W}$$

where:

N= number of runs of rope under load. For 2:1 roping, N shall be two times the number of ropes used, etc.

S= manufacturer's rated breaking strength of one rope

W= maximum static load imposed on all car ropes with the car and its rated load at any position in the hoistway

Section 3141 [ASME A17.1-2004, section 2.20.4, Minimum Number and Diameter of Suspension Ropes] states:

The minimum number of hoisting ropes used shall be three for traction elevators and two for drum-type elevators.

Where a car counterweight is used, the number of counterweight ropes used shall be not less than two.

The term "diameter," where used in reference to ropes, shall refer to the nominal diameter as given by the rope manufacturer.

The minimum diameter of hoisting and counterweight ropes shall be 9.5 mm (0.375 in.). Outer wires of the ropes shall be not less than 0.56 mm (0.024 in.) in diameter.

Section 3141 [ASME A17.1-2004, section 2.20.9.3.4] states:

Cast or forged steel rope sockets, shackle rods, and their connections shall be made of unwelded steel, having an elongation of not less than 20% in a gauge length of 50 mm (2 in.), when measured in accordance with ASTM E 8, and conforming to ASTM A 668, Class B for forged steel, and ASTM A 27, Grade 60/30 for cast steel, and shall be stress relieved. Steels of greater strength shall be permitted, provided they have an elongation of not less than 20% in a length of 50 mm (2 in.).

Section 3141 [ASME A17.1-2004, section 2.20.9.5.4] states:

When the rope has been seated in the wedge socket by the load on the rope, the wedge shall be visible, and at least two wire-rope retaining clips shall be provided

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

to attach the termination side to the load-carrying side of the rope (see Fig. 2.20.9.5). The first clip shall be placed a maximum of 4 times the rope diameter above the socket, and the second clip shall be located within 8 times the rope diameter above the first clip. The purpose of the two clips is to retain the wedge and prevent the rope from slipping in the socket should the load on the rope be removed for any reason. The clips shall be designed and installed so that they do not distort or damage the rope in any manner.

2. Inspection Transfer Switch

Section 3141[ASME A17.1-2004, section 2.26.1.4.4(a), Machine Room Inspection Operation] states:

When machine room inspection operation is provided, it shall conform to 2.26.1.4.1, and the transfer switch shall be

(a) located in the machine room[.]

3. Seismic Reset Switch

Section 3141[ASME A17.1-2004, section 8.4.10.1.1(a)(2)(b), Earthquake Equipment] states:

(a) All traction elevators operating at a rated speed of 0.75 m/s (150 ft/min) or more and having counterweights located in the same hoistway shall be provided with the following:

(1) seismic zone 3 or greater: a minimum of one seismic switch per building

(2) seismic zone 2 or greater:

(a) a displacement switch for each elevator

(b) an identified momentary reset button or switch for each elevator, located in the control panel in the elevator machine room

4. Car-top Railings

Section 3141[ASME A17.1-2004, section 2.14.1.7.1] states:

A standard railing conforming to 2.10.2 shall be provided on the outside perimeter of the car top on all sides where the perpendicular distance between the edges of the car top and the adjacent hoistway enclosure exceeds 300 mm (12 in.) horizontal clearance.

5. SIL-Rated System to Inhibit Current Flow to AC Drive Motor

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Section 3141[ASME A17.1-2004, section 2.26.9.6.1] states:

Two separate means shall be provided to independently inhibit the flow of alternating current through the solid state devices that connect the direct current power source to the alternating-current driving motor. At least one of the means shall be an electromechanical relay.

Findings of Fact

Based on the record of this proceeding, the Board finds the following:

1. Applicant intends to utilize Schindler model 3300 MRL elevator cars at the locations listed in Jurisdictional and Procedural Matters, section 1.
2. The installation contract for these elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
3. The Schindler model 3300 MRL elevator cars are not supported by circular steel wire ropes, as required by the Elevator Safety Orders (ESO). They utilize non-circular elastomeric-coated steel belts and specialized suspension means fastenings.
4. No machine room is provided, preventing the inspection transfer switch from being located in the elevator machine room. The lack of machine room also prevents the seismic reset switch from being located in the elevator machine room.
5. Applicant proposes to relocate the inspection transfer switch and seismic reset switch in an alternative enclosure.
6. The driving machine and governor are positioned in the hoistway and restrict the required overhead clearance to the elevator car top.
7. Applicant proposes to insert the car-top railings at the perimeter of the car top.
8. Applicant intends to use an elevator control system, model CO NX100NA, with a standalone, solid-state motor control drive system that includes devices and circuits having a Safety Integrity Level (SIL) rating to execute specific elevator safety functions.

Conclusive Findings:

The above-stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent



*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

variance may be conditionally granted; and (2) a preponderance of the evidence establishes that Applicant's proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

Decision and Order:

Each Application being the subject of this proceeding, per the table in Jurisdictional and Procedural Matters, section 1 above, is conditionally GRANTED, to the extent that each such Applicant shall be issued permanent variance from California Code of Regulations, Title 8, section 3141 shall be GRANTED subject to the following conditions and limitations:

Elevator Safety Orders:

- Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, and 2.20.9.5.4 (Only to the extent necessary to permit the use of the Elastomeric-coated Steel Belts proposed by the Applicant, in lieu of circular steel suspension ropes.);
- Inspection transfer switch: 2.26.1.4.4(a) (Only to the extent necessary to permit the inspection transfer switch to reside at a location other than the machine room);
- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (Only to the extent necessary to permit the seismic reset switch to reside at a location other than the machine room. room);
- Car-Top Railing: 2.14.1.7.1 (Only to the extent necessary to permit the use of the car-top railing system proposed by the Applicant, where the railing system is located inset from the elevator car top perimeter);
- Means of Removing Power: 2.26.9.6.1 (Only to the extent necessary to permit the use of SIL-rated devices and circuits as a means to remove power from the AC driving motor, where the redundant monitoring of electrical protective devices is required by the Elevator Safety Orders).

Conditions:

1. The elevator suspension system shall comply to the following:
  - a. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:
    - 2.20.4.3 – Minimum Number of Suspension Members
    - 2.20.3 – Factor of Safety

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

2.20.9 – Suspension Member Fastening

- b. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the STM members and fastenings and related monitoring and detection systems and criteria for STM replacement, and the Applicant shall make those procedures and criteria available to the Certified Competent Conveyance Mechanic (CCCM) at the location of the elevator, and to the Division upon request.

STM member mandatory replacement criteria shall include:

- i. Any exposed wire, strand or cord;
  - ii. Any wire, strand or cord breaks through the elastomeric coating;
  - iii. Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric-coated steel suspension member;
  - iv. Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends;
- c. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.
- d. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: if a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.
- e. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.
- f. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).
- g. An elevator controller integrated bend cycle monitoring system shall monitor actual STM bend cycles, by means of continuously counting, and storing in nonvolatile memory, the number of trips that the STM makes traveling, and thereby being bent, over the elevator sheaves. The bend cycle limit monitoring means shall automatically stop the car normally at the next available landing before the bend cycle correlated residual strength of any single STM member drops below 80 percent of full rated

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- strength. The monitoring means shall prevent the car from restarting. The bend cycle monitoring system shall be tested annually in accordance with the procedures required by condition 1b above.
- h. The elevator shall be provided with a device to monitor the remaining residual strength of each STM member. The device shall conform to the requirements of Division Circular Letter E-10-04, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.
  - i. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, section 2.20.2.1.
  - j. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, section 2.20.2.2.
  - k. Comprehensive visual inspections of the entire length of each and all installed suspension members, to the criteria developed in condition 1b, shall be conducted and documented every six months by a CCCM.
  - l. The Applicant shall be subject to the requirements set out in Exhibit 2 of this Decision and Order, "Suspension Means Replacement Reporting Condition," Incorporated herein by this reference.
  - m. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, sections 8.6.1.2 and 8.6.1.4, respectively.
2. If the inspection transfer switch required by ASME A17.1-2004, section 2.26.1.4.4 does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
  3. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
  4. If there is an inset car-top railing:
    - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car-top railing.

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

- b. The distance that the railing can be inset shall be limited to not more than 6 inches.
- c. All exposed areas of the car top outside the car-top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.
- d. The top of the beveled area and/or car top outside the railing shall be clearly marked. The markings shall consist of alternating 4-inch diagonal red and white stripes.
- e. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing. Each sign shall state:

**CAUTION  
STAY INSIDE RAILING  
NO LEANING BEYOND RAILING  
NO STEPPING ON, OR BEYOND, RAILING**

- f. The Group IV requirements for car-top clearances shall be maintained (car-top clearances outside the railing will be measured from the car top and not from the required bevel).
5. The SIL-rated devices and circuits used to inhibit electrical current flow in accordance with ASME A17.1-2004, section 2.26.9.6.1 shall comply with the following:
- a. The SIL-rated devices and circuits shall consist of a Variodyn SIL-3 rated Regenerative, Variable Voltage Variable Frequency (VVVF) motor drive unit, model VAF013 or VAF023, labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization, and the SIL certification number (968/FSP 1556.00), and followed by the applicable revision number (as in 968/FSP 1556.00/19).
  - b. The devices and circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013, section 2.26.4.3.2.
  - c. The access door or cover of the enclosures containing the SIL-rated components shall be clearly labeled or tagged on their exterior with the statement:

**Assembly contains SIL-rated devices.  
Refer to Maintenance Control Program and  
wiring diagrams prior to performing work.**

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

- d. Unique maintenance procedures or methods required for the inspection, testing, or replacement of the SIL-rated circuits shall be developed and a copy maintained in the elevator machine/control room/space. The procedures or methods shall include clear color photographs of each SIL-rated component, with notations identifying parts and locations.
  - e. Wiring diagrams that include part identification, SIL, and certification information shall be maintained in the elevator machine/control room/space.
  - f. A successful test of the SIL-rated devices and circuits shall be conducted initially and not less than annually in accordance with the testing procedure. The test shall demonstrate that SIL-rated devices, safety functions, and related circuits operate as intended.
  - g. Any alterations to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the alteration of SIL-rated devices, the alterations shall be made in conformance with ASME A17.1-2013, section 8.7.1.9.
  - h. Any replacement of the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the replacement of SIL-rated devices, the replacement shall be made in conformance with ASME A17.1-2013, section 8.6.3.14.
  - i. Any repairs to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the repair of SIL-rated devices, the repairs shall be made in conformance with ASME A17.1-2013, section 8.6.2.6.
  - j. Any space containing SIL-rated devices and circuits shall be maintained within the temperature and humidity range specified by Schindler Elevator Corporation. The temperature and humidity range shall be posted on each enclosure containing SIL-rated devices and circuits.
  - k. Field changes to the SIL-rated system are not permitted. Any changes to the SIL-rated system's devices and circuitry will require recertification and all necessary updates to the documentation and diagrams required by conditions d. and e. above.
6. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and all applicable requirements met, including conditions of this permanent variance, prior to a Permit to Operate the elevator being issued. The elevator shall not be placed in service prior to the Permit to Operate being issued by Division.

*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

7. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the docketed application for permanent variance per California Code of Regulations, Title 8, Sections 411.2 and 411.3.
8. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety and Health, or by the Board on its own motion, in the procedural manner prescribed per Title 8, Chapter 3.5, Subchapter 1.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: November 2, 2021

  
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Autumn González, Hearing Officer

*Proposed Variance Decision  
Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)  
Hearing Date: October 27, 2021*

EXHIBIT 1

October 6, 2010

CIRCULAR LETTER E-10-04

TO: Installers, Manufacturers of Conveyances and Related Equipment and Other Interested Parties

SUBJECT: Coated Steel Belt Monitoring

The Elevator Safety Orders require routine inspection of the suspension means of an elevator to assure its safe operation.

The California Labor Code Section 7318 allows the Division to promulgate special safety orders in the absence of regulation.

As it is not possible to see the steel cable suspension means of a Coated Steel Belt, a monitoring device which has been accepted by the Division is required on all Coated Steel Belts which will automatically stop the car if the residual strength of any belt drops below 60%. The Device shall prevent the elevator from restarting after a normal stop at a landing.

The monitoring device must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room. The removed device must be replaced or returned to proper service within 30 days.

If upon routine inspection, the monitoring device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room.

If upon inspection by the Division, the monitoring device is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service.

If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

A successful test of the device's functionality shall be conducted once a year.

This circular does not preempt the Division from adopting regulations in the future, which may address the monitoring of Coated Steel Belts or any other suspension means.

This circular does not create an obligation on the part of the Division to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
DOSH-Elevator Unit HQS

EXHIBIT 2

**Suspension Means – Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings. Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Pl., Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.



*Proposed Variance Decision*

*Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)*

*Hearing Date: October 27, 2021*

- h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in item 2a above.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance by:

Kern High School District

OSHSB File No.: 21-V-418

Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
DEPARTMENT OF INDUSTRIAL RELATIONS  
STATE OF CALIFORNIA

In the Matter of Application for Permanent Variance by:  Kern High School District	OSHSB File No.: 21-V-418  Proposed Decision  Hearing Date: October 27, 2021
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A. Procedural Matters

1. Kern High School District (“Applicant”) has applied for a permanent variance from provisions of Title 8 of the California Code of Regulations regarding vertical platform (wheelchair) lifts, with respect to one vertical platform (wheelchair) lift proposed to be located at:

1750 E Panama Lane  
Bakersfield, CA

2. The safety orders at issue are stated in the prefatory part of the Decision and Order. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.
3. This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by delegation of the Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
4. Appearing at hearing were Jeffrey Chouinard with HMC Architects appearing on behalf of the Applicant; John Cohrs and Craig Arnall appeared on behalf of the Kern High School District; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmidia appeared on behalf of Board staff acting in a technical advisory role apart from the Board.
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence: subject Application for Permanent Variance as Exhibit PD-1, Notice of Hearing in this matter as PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review-Draft-1 Proposed Decision as PD-5; and official notice taken of the Board’s rulemaking records and variance decisions concerning the safety order requirements from which variance has been requested. On October 27, 2021, at close of hearing, the record closed and the matter was taken under submission on behalf of the Board.

B. Findings of Fact

Based on the record of this proceeding, and officially noticed Board records per (above Section A.5) stipulation of Applicant and Division—inclusive of permanent variance file records of sworn testimony, findings and decisions in OSHSB File No. 15-V-297, the Board finds the following:

1. The Applicant proposes to install one vertical platform (wheelchair) lift at a location having the address of:

1750 E Panama Lane  
Bakersfield, CA
2. Applicant requests variance solely from Title 8, Section 3142(a) and Section 3142.1.
3. The subject vertical lift is proposed to be a Garaventa Lift, Model GVL-SW-168, with a vertical travel range of approximately 168 inches. That range of travel exceeds the 12-foot maximum vertical rise allowed by ASME A18.1-2003, Section 2.7.1—the State of California standard in force at the time of this Decision.
4. The Division’s evaluation in this Matter, states that the more recent consensus code, ASME A18.1-2005, allows for vertical platform lifts to have a travel not exceeding 14 feet (168 in.).
5. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, without subsequent safety problems attributable to such variance being reported. (e.g. OSHSB File Nos. 13-V-260, 15-V-097, 15-V-297, 18-V-069)
6. It is the well informed professional opinion of Board staff and Division (per Exhibits PD-3, and PD-4, respectively) that equivalent safety will be achieved upon grant of presently requested permanent variance, subject to conditions materially equivalent to those imposed by Board adopted Decision and Order, In Matters of Application for Permanent Variance Nos. 15-V-297, and 18-V-069. Board Staff concurs with Division (per Exhibit PD-3) in recommending such conditional grant.
7. With respect to the equivalence or superior of safety, conditions and limitations of the below Decision and Order are in material conformity with those of previously issued Permanent Variance Nos. 15-V-297, and 18-V-069.

C. Conclusive Findings

On the basis of the above procedural matters, legal authority, and findings of fact, the Board finds that Applicant has complied with the statutory and regulatory requirements that must be met before an application for a permanent variance may be granted and that a preponderance of the evidence establishes that the Applicant's proposal, subject to all limiting conditions set forth in the below Decision and Order, will provide both conveyance safety, and employment and a place of employment that are as safe and healthful as those that would prevail if the Applicant complied with the safety orders at issue.

D. Decision and Order

The Application for Permanent Variance of Kern High School District, OSHSB File No. 21-V-418, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Kern High School District, shall have permanent variance from California Code of Regulations, Title 8, Sections 3142(a) and 3142.1 incorporated ASME A18.1-2003, Section 2.7.1, inasmuch as each restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Garaventa Lift, Model GVL-SW-168 Vertical Platform Lift, to be located at:

1750 E Panama Lane  
Bakersfield, CA

The above referenced vertical platform lift shall be subject to the following further conditions and limitations:

1. This lift may travel up to 168 inches, unless the manufacturer's instructions provide for a lesser vertical travel limit, or lesser total elevation change, in which case, travel shall be limited to the lesser limit or elevation change.
2. The wheelchair lift shall be installed and operated in accordance with the manufacturer's instructions, unless the provisions of this variance or applicable provisions of the law provide or require otherwise.
3. Durable signs with lettering not less than 5/16 inch on a contrasting background shall be permanently and conspicuously posted inside the car and at all landings indicating that the lift is for the exclusive use of persons with physical impairments and that the lift is not to be used to transport material or equipment. The use of the lift shall be limited in accordance with these signs.

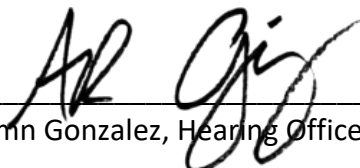
4. A maintenance contract shall be executed between the owner/operator and a Certified Qualified Conveyance Company (CQCC). The contract shall stipulate that the routine preventive maintenance required by Section 3094.5(a)(1) shall be performed at least quarterly and shall include but not be limited to:
  - (a) Platform driving means examination;
  - (b) Platform examination;
  - (c) Suspension means examination;
  - (d) Platform alignment;
  - (e) Vibration examination;
  - (f) Door/gate electrical; and
  - (g) Mechanical lock examination.
5. The lift shall be tested annually for proper operation under rated load conditions. The Division's Elevator Unit District Office shall be provided written notification in advance of the test, and the test shall include a check of car or platform safety device.
6. The lift shall be shut down immediately if the lift experiences unusual noise and vibration, and the Applicant shall notify the CQCC immediately. The lift shall only be restarted by the CQCC.
7. The Applicant shall notify the CQCC if the lift shuts down for any reason. The lift shall only be restarted by the CQCC.
8. Service logs including, but not limited to, the device shutdown(s) shall be kept in the maintenance office and shall be available to the Division. The shutdown information shall contain the date of the shutdown, cause of the shutdown, and the action taken to correct the shutdown.
9. The Applicant shall provide training on the safe operation of the lift in accordance with Section 3203. Such training shall be conducted annually for all employees using or who will be assisting others in using the lift. The Applicant shall notify the Division in writing that training has been conducted. A copy of the training manual (used for the subject training), and documentation identifying the trainer and attendees shall be maintained for at least 1 year and provided to the Division upon request.

*Proposed Variance Decision*  
*OSHSB File No. 21-V-418*  
*Hearing Date: October 27, 2021*

10. Any CQCC performing inspections, maintenance, servicing or testing of the elevators shall be provided a copy of this variance decision.
11. The Division shall be notified when the lift is ready for inspection, and the lift shall be inspected by the Division and a Permit to Operate shall be issued before the lift is put into service.
12. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2 and 411.3.
13. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division, or by the Board on its own motion, in the procedural manner prescribed per Title 8, Division 1, Chapter 3.5.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
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Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:

Mitsubishi Elevators (Group IV)

OSHSB File No.: See Section A.1 Table of  
Proposed Decision Dated: November 2, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

\_\_\_\_\_  
DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

\_\_\_\_\_  
NOLA KENNEDY, Member

\_\_\_\_\_  
CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.



BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application for Permanent Variance Regarding:</p> <p style="text-align: center;">Mitsubishi Elevators (Group IV)</p>	<p>OSHSB File Nos.: See Section A.1 Table  <u><b>PROPOSED DECISION</b></u></p> <p>Hearing Date: October 27, 2021</p>
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A. Procedural Matters:

- Each below listed applicant (“Applicant”) has applied for permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-420	Volar Gardens 1 LLC	2171 Campus Drive Irvine, CA	4

- The safety orders at issue are set forth in the prefatory portion of the Decision and Order. This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.
- This hearing was held on October 27, 2021, in Sacramento, California, via teleconference, by delegation of the Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
- At the hearing, Carolina Castaneda, with Mitsubishi Electric, Elevator Division, appeared on behalf of each Applicant, Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”), and Michael Nelmidia appeared on behalf of Board staff in a technical advisory role apart from the Board.
- At the hearing, documentary and oral evidence was received, and by stipulation of all parties, documents were accepted into evidence:

*Proposed Variance Decision  
Mitsubishi Elevators (Group IV)  
Hearing Date: October 27, 2021*

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official Notice is taken of the Board's rulemaking records and variance decisions concerning the safety order requirements from which variance is requested. At the close of hearing on October 27, 2021, the record was closed and the matter taken under submission by the Hearing Officer.

**B. Findings of Fact:**

Based on the record of this proceeding, the Board makes the following findings of fact:

1. Each Section A table specified Applicant intends to utilize Mitsubishi elevators at the location and in the number stated in the table in Item A. The installation contracts for these elevators were signed on or after May 1, 2008, thus making the elevators subject to the Group IV Elevator Safety Orders.
2. The Board takes official notice and incorporates herein, Subsections D.3 through D.5 of the February 20, 2014, Decision of the Board in OSHSB Permanent Variance File No. 13-V-270.
3. As reflected in the record of this matter, including Board staff Pending Application for Permanent Variance Opinion Letter as PD-3, Division evaluation as PD-4, and testimony at hearing, it is the professionally informed opinion of Board staff and Division, that grant of requested variance, subject to conditions and limitations in substantial conforming with those set out per below Decision and Order, will provide Occupational Safety and Health equivalent or superior to that provided by the safety order requirements from which variance is sought.

**C. Conclusive Findings:**

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted, and (2) a preponderance of the evidence

establishes that each Applicants proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

D. Decision and Order:

As of such date as the Board adopts this Proposed Decision, each Application for Permanent Variance listed in the above Section A.1 table, is conditionally GRANTED to the extent each Applicant of record shall have permanent variance from California Code of Regulations, Title 8, Section 3141 [ASME A17.1-2004, Sections 2.10.2.2 (only to the extent necessary to permit the intermediate rail to be located at a point other than halfway between the top rail and the surface on which the railing is installed), 2.10.2.4 (only to the extent necessary to permit a bevel sloping that conforms with the variance conditions) and 2.14.1.7.1 (only to the extent necessary to permit the car top railing to be inset to clear obstructions when the conveyance is elevated to perform work on the machine and/or governor). The variance applies to the location and number of elevators stated in the Section A.1 table, and the variance is subject to the above limitations and following conditions:

1. The car top railing may be inset only to the extent necessary to clear obstructions when the conveyance is located at the top landing to perform work on the machine and/or governor.
2. Serviceable equipment shall be positioned so that mechanics, inspectors, and others working on the car top can remain positioned on the car top within the confines of the railings and do not have to climb on or over railings to perform adjustment, maintenance, minor repairs, inspections, or similar tasks. Persons performing those tasks are not to stand on or climb over railing, and those persons shall not remove handrails unless the equipment has been secured from movement and approved personal fall protection is used.
3. All exposed areas outside the car top railing shall preclude standing or placing objects or persons which may fall, and shall be beveled from an intermediate or bottom rail to the outside of the car top.
4. The top surface of the beveled area shall be clearly marked. The markings shall consist of alternating 4-inch red and white diagonal stripes.

5. The Applicant shall provide a durable sign with lettering not less than ½-inch high on a contrasting background. The sign shall be located on the inset top railing; the sign shall be visible from the access side of the car top, and the sign shall state:

CAUTION  
DO NOT STAND ON OR CLIMB OVER RAILING.  
PERSONNEL ARE PROHIBITED FROM REMOVING HANDRAIL  
UNLESS THE EQUIPMENT HAS BEEN SECURED FROM MOVEMENT  
AND APPROVED PERSONAL FALL PROTECTION IS USED.

6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).
7. A mechanical means (e.g., locking bar mechanism) that will secure the car to the guide rail to prevent unintended movement shall be provided and used during machine and/or governor car-top work. The mechanical means (e.g., locking bar mechanism) shall have a safety factor of not less than 3.5 for the total unbalanced load.
8. An electrical switch or a lockout/tagout procedure shall be provided that will remove power from the driving machine and brake when the mechanical means (e.g., locking bar mechanism) is engaged.
9. In order to inhibit employees from working outside the car top railing, sections shall not be hinged and they shall be installed by means that will inhibit (but not necessarily completely preclude) removal. The Applicant shall ensure that all persons performing work that requires removal of any part of the car top railing are provided with fall protection that is appropriate and suitable for the assigned work. That fall protection shall consist of a personal fall arrest system or fall restraint system that complies with California Code of Regulations, Title 8, Section 1670.
10. The bevel utilized by the Applicant in accordance with the variance granted from ASME A17.1-2004, Section 2.10.2.4 shall slope at not less than 75 degrees from the horizontal to serve as the toe board; however, that slope may be reduced to a minimum of 40 degrees from the horizontal as may be required for sections where machine encroachment occurs.
11. If the Applicant directs or allows its employees to perform tasks on the car top, the Applicant shall develop, implement, and document a safety training program that shall provide training to Applicant employees. Components of the training shall include, but

not necessarily be limited to, the following: car blocking procedures; how examination, inspection, adjustment, repair, removal and replacement of elevator components are to be performed safely, consistent with the requirements of the variance conditions; applicable provisions of the law and other sources of safety practices regarding the operation of the elevator. A copy of the training program shall be located in the control room of each elevator that is the subject of this variance, and a copy of the training program shall be attached to a copy of this variance that shall be retained in any building where an elevator subject to this variance is located. The Applicant shall not allow Certified Qualified Conveyance Company (CQCC) or other contractor personnel to work on the top of any elevator subject to this variance unless the Applicant first ascertains from the CQCC or other contractor that the personnel in question have received training equivalent to, or more extensive than, the training components referred to in this condition.

12. Any CQCC performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
13. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.
14. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2 and 411.3.
15. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division, or by the Board on its own motion, in the manner prescribed for its issuance.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 2, 2021

  
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Autumn Gonzalez, Hearing Officer

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833  
(916) 274-5721

In the Matter of Application for  
Permanent Variance regarding:

Otis Gen2(O) and /or Gen2L Elevators  
(Group IV)

OSHSB File No.: See Section A.1 Table of  
Proposed Decision Dated: November 1, 2021

DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached  
PROPOSED DECISION by Autumn Gonzalez, Hearing Officer.

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DAVID THOMAS, Chairman

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BARBARA BURGEL, Member

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: November 18, 2021

THE FOREGOING VARIANCE DECISION WAS  
ADOPTED ON THE DATE INDICATED ABOVE.  
IF YOU ARE DISSATISFIED WITH THE  
DECISION, A PETITION FOR REHEARING  
MAY BE FILED BY ANY PARTY WITH THE  
STANDARDS BOARD WITHIN TWENTY (20)  
DAYS AFTER SERVICE OF THE DECISION.  
YOUR PETITION FOR REHEARING MUST  
FULLY COMPLY WITH THE REQUIREMENTS  
OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 8, SECTIONS 427, 427.1 AND 427.2.

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
read, and/or a copy thereof must be  
provided to the employees' Authorized  
Representatives.

BEFORE THE  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 STATE OF CALIFORNIA

<p>In the Matter of Application for Permanent Variance Regarding:</p> <p style="text-align: center;">Otis Gen2(O) and/or Gen2L Elevators (Group IV)</p>	<p>OSHSB File Nos.: See Section A.1 table below</p> <p style="text-align: center;"><u>PROPOSED DECISION</u></p> <p>Hearing Date: October 27, 2021</p>
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A. Subject Matter:

- Each applicant (“Applicant”) listed in the table below has applied for permanent variances from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
21-V-425	County of San Diego General Services	Courthouse Commons Tunnel 1100 Union St. San Diego, CA	1

- The safety orders at issue are stated in the portion of Section F that precedes the variance conditions.

B. Jurisdiction:

This proceeding is conducted in accordance with Labor Code Section 143, and California Code of Regulations, Title 8, Section 401, et. seq.

C. Procedural:

- This hearing was held on October 27, 2021, in Sacramento, California, and via teleconference, by Occupational Safety and Health Standards Board (“Board”) with Hearing Officer Autumn Gonzalez, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.
- At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator Company, appeared on behalf of each Applicant; Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”); and Michael Nelmida appeared on behalf of Board staff.

*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Board Staff Reviews of Variance Application
PD-4	Division Reviews of Variance Application
PD-5	Review Draft-1 Proposed Decision

Official notice is taken of the Board’s rulemaking recordings and variance decisions concerning the safety order requirements at issue. At close of hearing on October 27, 2021, the record was closed, and the matter taken under submission by the Hearing Officer.

**D. Findings:**

1. Each Applicant intends to utilize Otis Gen2(O) and/or Otis Gen2L elevators at the location and in the numbers stated in the Section A.1 table (as used in this Proposed Decision, the term “Gen2(O)” refers to the original type of Gen2 elevator, as distinguished from other types with such designations as “Gen2L” or “Gen2S” or “Gen2 at 150”).
2. The installation contract for these elevators was, or will be, signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.
3. The Board incorporates by reference the findings stated in: (a) Items 3 through 5.c, 5.e, and 5.f of the “Findings of Fact” Section of the Proposed Decision adopted by the Board on February 19, 2009, regarding OSHSB File No. 08-V-247; (b) Item D.3 of the Proposed Decision adopted by the Board on July 16, 2009, regarding OSHSB File No. 09-V-042; (c) Item D.4 of the Proposed Decision adopted by the Board on September 16, 2010, regarding OSHSB File No. 10-V-029; (d) Items D.4, D.5, and D.7 of the Proposed Decision adopted by the Board on July 18, 2013 regarding OSHSB File No. 12-V-146; and (e) Items D.4 and D.5 of the Proposed Decision adopted by the Board on September 25, 2014, in OSHSB File No. 14-V-170.
4. Both Board staff and Division safety engineers, and Division, by way of written submissions to the record (Exhibits PD-3 and PD-4 respectively), and positions stated at hearing, are of the well informed opinion that grant of requested permanent variance, as limited and conditioned per the below Decision and Order will provide employment,



*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the Elevator Safety Order requirements from which variance has been requested.

E. Conclusive Findings:

The above stated procedural prerequisites, legal authority, and factual findings, as further supported by the documentary record and hearing testimony in this matter, provide a substantive and reasonable basis of conclusion that: (1) Each Applicant has complied with the statutory and regulatory requirements that must be met before an application for permanent variance may be conditionally granted; and (2) a preponderance of the evidence establishes that each Applicants proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of California Code of Regulation, Title 8, Elevator Safety Orders from which variance is being sought.

F. Decision and Order:

Each permanent variance application that is the subject of this proceeding is conditionally GRANTED, as below specified, and to the extent that, as of the date the Board adopts this Proposed Decision, each Applicant listed in the Section A.1 table of this Proposed Decision shall have a permanent variance from California Code of Regulations, Title 8, Section 3141 [ASME A17.1-2004, Sections 2.14.1.7.1 (only to the extent necessary to permit an inset car top railing, if, in fact, the car top railing is inset), 2.20.1, 2.20.2.1(b), 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, 2.20.9.5.4, (only to the extent necessary to permit the use of Otis Gen2 flat coated steel suspension belts [the belts proposed for use on these Gen2(O) and/or Gen2L elevators] in lieu of conventional steel suspension ropes), 2.26.1.4.4(a) (only to the extent necessary to allow the inspection transfer switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room) and 8.4.10.1.1(a)(2)(b) (only to the extent necessary to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room)], regarding car top railings, switches, and suspension ropes and connections, for the location and number of elevators listed in the Section A.1 table (so long as the elevators are Gen2(O) or Gen2L Group IV devices that are designed, equipped, and installed in accordance with, and are otherwise consistent with, the representations made in the Otis Master File [referred to in previous Proposed Decisions as the "Gen2 Master File"] maintained by the Board, as that file was constituted at the time of this hearing), subject to the following conditions:

The variance shall be subject to the following additional conditions:

*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

1. Each elevator subject to this variance shall comply with all applicable Group IV Elevator Safety Orders and with all ASME provisions made applicable by those Group IV Elevator Safety Orders, except those from which variances are granted, as set forth in the prefatory portion of this Decision and Order.
2. The suspension system shall comply with the following:
  - a. The coated steel belt shall have a factor of safety at least equal to the factor of safety that ASME A17.1-2004, Section 2.20.3, would require for wire ropes if the elevator were suspended by wire ropes rather than the coated steel belt.
  - b. Steel-coated belts that have been installed and used on another installation shall not be reused.
  - c. The coated steel belt shall be fitted with a monitoring device which has been accepted by the Division and which will automatically stop the car if the residual strength of any single belt drops below 60 percent. If the residual strength of any single belt drops below 60 percent, the device shall prevent the elevator from restarting after a normal stop at a landing.
  - d. Upon initial inspection, the readings from the monitoring device shall be documented and submitted to the Division.
  - e. A successful test of the monitoring device's functionality shall be conducted at least once a year (the record of the annual test of the monitoring device shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).
  - f. The coated steel belts used shall be accepted by the Division.
  - g. The installation of belts and connections shall be in conformance with the manufacturer's specifications, which shall be provided to the Division.
3. With respect to each elevator subject to this variance, the applicant shall comply with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1 and incorporated herein by this reference.
4. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device, and criteria for belt replacement, and shall make those procedures and criteria available to the Division upon request.
5. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:

*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

- a. The width and thickness in millimeters or inches;
  - b. The manufacturer's rated breaking strength in (kN) or (lbf);
  - c. The name of the person who, or organization that, installed the flat coated steel belts;
  - d. The month and year the flat coated steel belts were installed;
  - e. The month and year the flat coated steel belts were first shortened;
  - f. The name or trademark of the manufacturer of the flat coated steel belts;
  - g. Lubrication information.
6. There shall be a crosshead data plate of the sort required by Section 2.20.2.1, and that plate shall bear the following flat steel coated belt data:
- a. The number of belts,
  - b. The belt width and thickness in millimeters or inches, and
  - c. The manufacturer's rated breaking strength per belt in (kN) or (lbf).
7. If the seismic reset switch does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
8. If the inspection transfer switch required by ASME A17.1, rule 2.26.1.4.4(a), does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
9. When the inspection and test control panel is located in the hoistway door jamb, the inspection and test control panel shall be openable only by use of a Security Group I restricted key.
10. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of elevator equipment in the hoistway is required. If service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.

*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

11. If there is an inset car top railing:
  - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs, or inspections. The applicant shall not permit anyone to stand on or climb over the car top railing.
  - b. The distance that the car top railing may be inset from the car top perimeter shall be limited to no more than 6 inches.
  - c. All exposed areas of the car top outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.
  - d. The top of the beveled area and/or the car top outside the railing, shall be clearly marked. The markings shall consist of alternating four-inch diagonal red and white stripes.
  - e. The Applicant shall provide, on each inset railing, durable signs with lettering not less than ½ inch on a contrasting background. Each sign shall state:

**CAUTION**

**DO NOT STAND ON OR CLIMB OVER RAILING**

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top, and not from the required bevel).
12. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen2L elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.
13. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
14. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.

*Proposed Variance Decision*

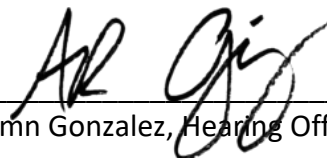
*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

15. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
16. The applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per California Code of Regulations, Title 8, Sections 411.2 and 411.3.
17. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety and Health, or by the Board on its own motion, in accordance with procedures per Title 8, Division 1, Chapter 3.5.

Pursuant to California Code of Regulations, Title 8, Section 426(b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: November 1, 2021

  
\_\_\_\_\_  
Autumn Gonzalez, Hearing Officer

**ADDENDUM 1**

October 6, 2010

**CIRCULAR LETTER E-10-04**

TO: Installers, Manufacturers of Conveyances and Related Equipment and, Other Interested Parties

SUBJECT: Coated Steel Belt Monitoring

The Elevator Safety Orders require routine inspection of the suspension means of an elevator to assure its safe operation.

The California Labor Code Section 7318 allows the Division to promulgate special safety orders in the absence of regulation.

As it is not possible to see the steel cable suspension means of a Coated Steel Belt, a monitoring device which has been accepted by the Division is required on all Coated Steel Belts which will automatically stop the car if the residual strength of any belt drops below 60%. The Device shall prevent the elevator from restarting after a normal stop at a landing.

The monitoring device must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room. The removed device must be replaced or returned to proper service within 30 days.

If upon routine inspection, the monitoring device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room.

If upon inspection by the Division, the monitoring device is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service.

If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

A successful test of the device's functionality shall be conducted once a year.

This circular does not preempt the Division from adopting regulations in the future, which may address the monitoring of Coated Steel Belts or any other suspension means.

This circular does not create an obligation on the part of the Division to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
DOSH-Elevator Unit HQS

## **ADDENDUM 2**

### **Suspension Means – Replacement Reporting Condition**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to the Division within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, Section 8.6.3 involving the suspension means or suspension means fastenings.

Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to the Division, to the following address (or to such other address as the Division might specify in the future): DOSH Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and OSHSB file number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.

*Proposed Variance Decision*

*Otis Gen2(O) and/or Gen2L Elevators (Group IV)*

*Hearing Date: October 27, 2021*

- f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, Section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, Section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by the Division regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to the Division, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to the Division referencing the information contained in item 2a above.



# Occupational Safety and Health Standards Board

**Business Meeting**  
**Legislative Update**

**Legislative Update**  
**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

SUMMARY OF CHANGES

**AB-2 Regulations: legislative review: regulatory reform. (2021-2022) No Update**

**AB-29 State bodies: meetings. (2021-2022) No Update**

**AB-62 Income taxes: credits: costs to comply with COVID-19 regulations. (2021-2022) No Update**

**AB-420 Public health: amusement parks and COVID-19. (2021-2022) No Update**

**AB-885 Bagley-Keene Open Meeting Act: teleconferencing. (2021-2022) No Update**

**AB-893 Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health. (2021-2022) No Update**

**AB-1175 Division of Occupational Safety and Health: inspections and investigations: advance notice. (2021-2022) No Update**

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**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-2</b>	<b>AB-2 Regulations: legislative review: regulatory reform. (2021-2022)</b> (Fong)	
	<b>Date</b>	<b>Action</b>
	05/20/21	In committee: Held under submission.
	05/20/21	Joint Rule 62(a), file notice suspended.
	05/19/21	In committee: Set, first hearing. Referred to APPR. suspense file.
	04/29/21	From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 28). Re-referred to Com. on APPR.
	<u>Summary:</u>	
	<p>AB 2, as introduced, Fong. Regulations: legislative review: regulatory reform.</p> <p>The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of that regulation, in accordance with certain procedures. The act defines a major regulation as a regulation, as specified, that will have an economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000, as estimated by the agency. The act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. The act provides that a regulation or an order of repeal of a regulation becomes effective on a quarterly basis, as prescribed, except in specified instances.</p> <p>This bill would require the office to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would add another exception to those currently provided that specifies that a regulation does not become effective if the Legislature enacts a statute to override the regulation.</p> <p>The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.</p> <p>This bill would require each state agency to, on or before January 1, 2023, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the</p>	

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	<p>Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2024.</p>
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	<p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>
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**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

**AB-29 State bodies: meetings. (2021-2022)**  
 (Cooper and Rubio)

Date	Action
05/20/21	In committee: Held under submission.
04/21/21	In committee: Set, first hearing. Referred to APPR. suspense file.
04/12/21	From committee: Do pass and re-refer to Com. on APPR. (Ayes 22. Noes 0.) (April 8). Re-referred to Com. on APPR.

Summary:

AB 29, as introduced, Cooper. State bodies: meetings.

**AB-29**

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Board staff are monitoring this legislation for cost and impacts to its meeting requirements.

**Legislative Update**  
**Prepared November 5, 2021, for the November 18, 2021**  
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**AB-62 Income taxes: credits: costs to comply with COVID-19 regulations. (2021-2022)**  
 (Gray)

Date	Action
03/22/21	In committee: Hearing postponed by committee.

Summary:

AB 62, as introduced, Gray. Income taxes: credits: costs to comply with COVID-19 regulations.

**AB-62**

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. Existing law requires any bill authorizing a new tax credit to contain, among other things, specific goals, purposes, and objectives that the tax credit will achieve, detailed performance indicators, and data collection requirements.

This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2021, to a qualified taxpayer, as defined, in an amount equal to the total amount paid or incurred during the taxable year by the qualified taxpayer to comply with the regulations adopted by the Occupational Safety and Health Standards Board on November 19, 2020, relating to COVID-19 prevention and approved by the Office of Administrative Law. The bill also would state the intent of the Legislature to comply with the additional information requirement for any bill authorizing a new income tax credit.

This bill would take effect immediately as a tax levy.

Board staff are monitoring this legislation for any potential impacts to its COVID-19 Emergency Temporary Standards.

**Legislative Update**  
**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-420</b>	<b>AB-420 Public health: amusement parks and COVID-19. (2021-2022)</b> (Quirk-Silva and Valladares)	
	<b>Date</b>	<b>Action</b>
	03/01/21	Re-referred to Com. on A.,E.,S.,T., & I.M..
	02/25/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on A.,E.,S.,T., & I.M. Read second time and amended.
	02/25/21	Referred to Coms. on A.,E.,S.,T., & I.M. and L. & E.
	02/05/21	From printer. May be heard in committee March 7.
	02/04/21	Read first time. To print.
	<u>Summary:</u>	
	<p>AB 420, as introduced, Quirk-Silva. Public health: amusement parks and COVID-19.</p> <p>Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property, including epidemics. Pursuant to this authority, on March 4, 2020, the Governor declared a state of emergency relating to the novel coronavirus 2019 (COVID-19) pandemic. On August 28, 2020, the executive branch implemented a 4-tier “Blueprint for a Safer Economy,” which identifies a county’s COVID-19 risk level for business operations on a scale from widespread risk to minimal risk. On October 20, 2020, the State Department of Public Health and the Division of Occupational Safety and Health issued a guidance document, “COVID-19 INDUSTRY GUIDANCE: Amusement Parks and Theme Parks,” which authorizes a small amusement park to operate at limited capacity when its county is in the moderate tier, and authorizes any other amusement park to operate at 25% capacity when its county is in the minimal tier.</p> <p>This bill would express the intent of the Legislature that the executive branch adjust the “COVID-19 INDUSTRY GUIDANCE: Amusement Parks and Theme Parks” document and place all amusement parks, regardless of size, within the moderate risk tier, rather than the minimal risk tier. If the executive branch takes those actions, the bill would require the Department of Industrial Relations to administer a competitive grant for amusement parks to be used by amusement parks to purchase personal protective equipment for their employees. The bill would appropriate \$500,000 from the General Fund for the grant program. The bill would also make related findings and declarations.</p> <p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>	

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**Prepared November 5, 2021, for the November 18, 2021**  
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**AB-885 Bagley-Keene Open Meeting Act: teleconferencing.(2021-2022)**  
 (Quirk)

Date	Action
03/25/21	Re-referred to Com. on G.O.
03/24/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on G.O. Read second time and amended.
02/25/21	Referred to Com. on G.O.
02/18/21	From printer. May be heard in committee March 20.
02/17/21	Read first time. To print.

Summary:

AB 885, as amended, Quirk. Bagley-Keene Open Meeting Act: teleconferencing.

**AB-885**

The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public. That law authorizes any meeting of a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to hold an open meeting by teleconference if the meeting complies with the requirements of the act, except as provided. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.

This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly



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and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting. The bill would also make nonsubstantive changes to those provisions.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Board staff are monitoring this legislation for cost and impacts to its meeting requirements.

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**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

**AB-893 Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health. (2021-2022)**

(Davies)

Date	Action
02/25/21	Referred to Com. on A. & A.R.
02/18/21	From printer. May be heard in committee March 20.
02/17/21	Read first time. To print

**Summary:**

AB 893, as introduced, Davies. Emergency regulations: Division of Occupational Safety and Health: State Department of Public Health.

**AB-893**

Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt occupational health and safety standards to protect the welfare of employees. The Division of Occupational Safety and Health enforces occupational safety and health standards and orders.

Existing law establishes the State Department of Public Health, within the California Health and Human Services Agency, and vests the department with certain duties, powers, functions, jurisdiction, and responsibilities over specified public health programs.

Existing law, the Administrative Procedure Act, governs, among other things, the procedures for the adoption, amendment, or repeal of regulations, including emergency regulations, by state agencies and for the review of those regulatory actions by the Office of Administrative Law.

This bill would require the Division of Occupational Safety and Health or the State Department of Public Health, within 14 calendar days of the release of a federal recommendation that conflicts with an emergency regulation related to COVID-19 issued by the division or the department, to review the conflicting emergency regulation and make a determination to either amend the regulation or submit a report to the Legislature on the decision not to amend the regulation, as specified. The bill would require the division or department, before determining whether to amend the emergency regulation, to provide public notice and an opportunity for public comment. The bill would repeal these provisions

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	<p>90 days after the termination of the state of emergency related to the COVID-19 pandemic declared by the Governor.</p> <p>This bill would declare that it is to take effect immediately as an urgency statute.</p> <p>Board staff are monitoring this legislation to determine if regulatory action by the Board is called for.</p>
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**Legislative Update**  
**Prepared November 5, 2021, for the November 18, 2021**  
**Meeting of the Occupational Safety and Health Standards Board**

<b>AB-1175</b>	<b>AB-1175 Division of Occupational Safety and Health: inspections and investigations: advance notice. (2021-2022)</b>	
	(Aguiar-Curry)	
	Date	Action
	03/15/21	Re-referred to Com. on L. & E.
	03/11/21	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
	03/11/21	Referred to Com. on L. & E.
	02/19/21	From printer. May be heard in committee March 21.
02/18/21	Read first time. To print.	
	<u>Summary:</u>	
	<p>AB 1175, as amended, Aguiar-Curry. Division of Occupational Safety and Health: inspections and investigations: advance notice.</p> <p>Existing law, the California Occupational Safety and Health Act of 1973, vests the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over every employment and place of employment, which is necessary adequately to enforce and administer all laws and lawful standards and orders, or special orders requiring such employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee in such employment or place of employment, including to inspect and investigate employments and places of employment, as prescribed. The Occupational Safety and Health Administration (OSHA), except as provided, prohibits a person or employer from being given advance warning of an inspection or investigation by any authorized representative of the division. OSHA authorizes the Chief of the Division of Occupational Safety and Health or an authorized representative to permit advance notice of an inspection or investigation as prescribed by the Director of Industrial Relations. OSHA prohibits the authorization of advance notice when the investigation or inspection is to be made as a result of an employee complaint, unless there is imminent danger to the health or safety of an employee or employees. OSHA makes it a crime, punishable as prescribed, for any person to give unauthorized advance notice of any inspection to be conducted.</p>	

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This bill would revise those advance warning provisions to prohibit any representative of the division from giving advance notice of an inspection or investigation to an employer or other person unless authorized under OSHA. The bill would authorize the chief or their authorized representatives to permit advance notice of an inspection or investigation when advance notice is necessary to ensure availability of essential personnel or access to the site, equipment, or process, as prescribed by the director. The bill would delete the prohibition on the authorization of advance notice when the investigation or inspection is to be made as a result of an employee complaint. The bill would expand the crime to apply to unauthorized advance notice of an investigation to be conducted, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Board staff are monitoring this legislation.

# Occupational Safety and Health Standards Board

## Business Meeting Executive Officer's Report