

Occupational Safety and Health Standards Board

Public Meeting and Business Meeting

December 14, 2023

Robert H. Miller III Rotary Clubhouse
7150 Baldwin Dam Road
Folsom, California

AND

Via teleconference / videoconference

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
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.

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, Board members, as well as members of the public, may elect to participate via videoconference.

December 14, 2023 at 10:00 a.m.

Attend the meeting in person:

Robert H. Miller III Rotary Clubhouse
7150 Baldwin Dam Road
Folsom, CA 95630

Attend the meeting via videoconference:

1. Go to www.webex.com
2. Select "Join a Meeting"
3. Enter the **NEW*** meeting number: **1469 63 6425**
4. Join the meeting through your WebEx application **OR** through your browser
5. Videoconference will be opened to the public at 9:50 a.m.

Attend the meeting via teleconference:

1. Dial (844) 992-4726
2. Enter the **NEW*** meeting number **1469 63 6425** and follow the prompts
3. 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.

* Please note our **NEW** meeting number. If you experience technical difficulties, please contact oshsb@dir.ca.gov.

Public Comment Queue:

Those attending the Occupational Safety and Health Standards Board (Board) meeting in person will be added to the public comment queue on the day of the meeting.

Those attending the meeting remotely 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.

I. **CALL TO ORDER AND INTRODUCTIONS**

II. **PRESENTATION**

A. Presentation on fall protection for framing operations in residential construction

- Bruce Wick, Housing Contractors of California and Kevin Bland, Ogletree Deakins

III. **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 (GC) section 11125.7).

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

A. PUBLIC COMMENT

B. ADJOURNMENT OF THE PUBLIC MEETING

IV. **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)

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, subchapter 7, revised section 5204
[Occupational Exposures to Respirable Crystalline Silica](#)

B. PROPOSED PETITION DECISION FOR ADOPTION

1. National Commission for the Certification of Crane Operators (NCCCO)
Thom Sicklesteel, Chief Executive Officer
[Petition File No. 598](#)

Petitioner requests to amend Title 8, General Industry Safety Orders (GISO), subsections 5006.1(d) and 5006.2(d)(3), regulations associated with re-certification requirements of crane operators. The Petitioner asks Cal/OSHA to consider, through rulemaking or a process outside rulemaking, the requirement that, for recertification [of crane operators], a certificant either (i) retake a “hands-on” practical examination, or (ii) have at least 1,000 hours of documented experience operating “the specific type of crane” for which certification is sought. Additionally, the Petitioner requests that California’s requirements be revised to allow accredited certification bodies to determine the appropriate amount of operating experience necessary to be exempt from the practical examination at the time of recertification and the types of experience that should count towards qualifying for a particular “hands-on” exam exemption.

Petitioner states that California’s existing language diverges, in material ways, from federal OSHA requirements and guidance, because in a letter of interpretation, federal OSHA approved of an exemption from taking the practical exam based on experience and in a way that allowed for some flexibility. Additionally, Petitioner states that California’s exemption from the hands-on examination requirement at recertification is simply unattainable and that California’s more stringent standard will make it extremely difficult for most crane operators to qualify for an exemption from the “hands-on” examination, and will impose significant burdens on stakeholders because it will increase the costs paid by employers for practical testing of operators and could cause crane operators to drop certifications, resulting in a shortage of crane operators in certain categories.

The Petitioner believes that accredited certification bodies, assisted by expertise from the industry, are in an ideal position to identify the amount of experience required for exemption from the hands-on testing.

C. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. [Consent Calendar](#)

D. REPORTS

1. Division Update
2. Acting Executive Officer's Report

E. 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. (GC sections 11125 & 11125.7(a).).

F. CLOSED SESSION

Matters Pending Litigation

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

Matters on Appeal

1. 22-V-054T Operating Engineers Local 3, District 80

Personnel

G. RETURN TO OPEN SESSION

1. Report from Closed Session

H. ADJOURNMENT OF THE BUSINESS MEETING

Next Meeting: January 18, 2024
California State Railroad Museum
East Theater
111 I Street
Sacramento, CA 95814
10:00 a.m.

CLOSED SESSION

1. If necessary, consideration of personnel matters. (GC section 11126(a)(1)).
2. If necessary, consideration of pending litigation pursuant to GC section 11126(e)(1).
3. If necessary, to deliberate on a pending decision. (GC section 11126(c)(3)).

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 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 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 no later than 5:00 p.m. on the Tuesday prior to a scheduled Board Meeting.

Under GC 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. (GC section 11125.7, subd. (b).)

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
www.dir.ca.gov/oshsb



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 **December 14, 2023**, at 10:00 a.m.
at the Robert H. Miller III Rotary Clubhouse
7150 Baldwin Dam Road, Folsom, California

as well as via the following:

- Video-conference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- 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 **December 14, 2023**, at 10:00 a.m.
at the Robert H. Miller III Rotary Clubhouse
7150 Baldwin Dam Road, Folsom, California

as well as via the following:

- Video-conference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

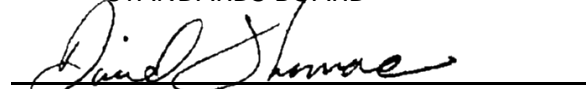
At the Business Meeting, the Board will conduct its monthly business.

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).

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 hearing.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

A handwritten signature in black ink, appearing to read "Dave Thomas", is written over a solid horizontal line.

DAVE THOMAS, Chairman

Occupational Safety and Health Standards Board

Business Meeting

Occupational Safety and Health Standards Board

Business Meeting Standards for Adoption

Occupational Exposures to Respirable Crystalline Silica

MOVED, That the following resolution be adopted:

WHEREAS, The Occupational Safety and Health Standards Board (Board) finds that California workers in the artificial stone fabrication industry are currently being exposed to hazardous levels of respirable crystalline silica, and that exposure will kill or permanently disable a substantial number of workers through silicosis and other illnesses, unless immediate action to stop these exposures is taken. The Board further adopts and makes findings set forth in the Finding of Emergency that is part of the Notice of Proposed Emergency Action prepared in this matter. Therefore, be it

RESOLVED, that based on the finding stated above, the Board finds that amendments to title 8, California Code of Regulations, chapter 4, subchapter 7, revised section 5204 of the General Industry Safety Orders, Occupational Exposures to Respirable Crystalline Silica, must be adopted on an emergency basis for the immediate and continued preservation of the public health and safety in the workplace, and general welfare in the workplace; and be it further

RESOLVED by the Board, in regular meeting held in Folsom, California and via teleconference and videoconference, on December 14, 2023, that the proposed amendments of title 8, California Code of Regulations, chapter 4, subchapter 7, revised section 5204 of the General Industry Safety Orders, Occupational Exposures to Respirable Crystalline Silica, appended hereto, be adopted as an emergency regulation; and be it further

RESOLVED that the Board shall file with the Office of Administrative Law a sufficient number of copies of said filing documents and a copy of the rulemaking file for use by the Office of Administrative Law.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

DAVE THOMAS, CHAIRMAN

Certified As A Regulation
Of the Occupational Safety
And Health Standards Board

BY: _____
Autumn Gonzalez, Chief Counsel

DATED: December 14, 2023

TITLE 8

**CHAPTER 4, SUBCHAPTER 7, ARTICLE 2
REVISED SECTION 5204**

**OCCUPATIONAL EXPOSURES TO RESPIRABLE
CRYSTALLINE SILICA**

HYPERLINKS TO RULEMAKING DOCUMENTS:

NOTICE OF PROPOSED EMERGENCY ACTION

FINDING OF EMERGENCY

PROPOSED TEXT FOR BOARD CONSIDERATION

PETITION 597 ADOPTED DECISION

Occupational Safety and Health Standards Board

**Business Meeting
Petition 598**

MOVED, That the following resolution be adopted:

WHEREAS, The Occupational Safety and Health Standards Board (Board) finds that California workers in the artificial stone fabrication industry are currently being exposed to hazardous levels of respirable crystalline silica, and that exposure will kill or permanently disable a substantial number of workers through silicosis and other illnesses, unless immediate action to stop these exposures is taken. The Board further adopts and makes findings set forth in the Finding of Emergency that is part of the Notice of Proposed Emergency Action prepared in this matter. Therefore, be it

RESOLVED, that based on the finding stated above, the Board finds that amendments to title 8, California Code of Regulations, chapter 4, subchapter 7, revised section 5204 of the General Industry Safety Orders, Occupational Exposures to Respirable Crystalline Silica, must be adopted on an emergency basis for the immediate and continued preservation of the public health and safety in the workplace, and general welfare in the workplace; and be it further

RESOLVED by the Board, in regular meeting held in Folsom, California and via teleconference and videoconference, on December 14, 2023, that the proposed amendments of title 8, California Code of Regulations, chapter 4, subchapter 7, revised section 5204 of the General Industry Safety Orders, Occupational Exposures to Respirable Crystalline Silica, appended hereto, be adopted as an emergency regulation; and be it further

RESOLVED that the Board shall file with the Office of Administrative Law a sufficient number of copies of said filing documents and a copy of the rulemaking file for use by the Office of Administrative Law.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

DAVE THOMAS, CHAIRMAN

Certified As A Regulation
Of the Occupational Safety
And Health Standards Board

BY: _____
Autumn Gonzalez, Chief Counsel

DATED: December 14, 2023

PETITION NO. 598

Petitioner requests to amend title 8, General Industry Safety Orders (GISO), subsections 5006.1(d) and 5006.2(d)(3), regulations associated with re-certification requirements of crane operators. The Petitioner asks Cal/OSHA to consider, through rulemaking or a process outside rulemaking, the requirement that, for recertification [of crane operators], a certificant either (i) retake a “hands-on” practical examination, or (ii) have at least 1,000 hours of documented experience operating “the specific type of crane” for which certification is sought. Additionally, the Petitioner requests that California’s requirements be revised to allow accredited certification bodies to determine the appropriate amount of operating experience necessary to be exempt from the practical examination at the time of recertification and the types of experience that should count towards qualifying for a particular “hands-on” exam exemption.

Petitioner states that California’s existing language diverges, in material ways, from federal OSHA requirements and guidance, because in a letter of interpretation, federal OSHA approved of an exemption from taking the practical exam based on experience and in a way that allowed for some flexibility. Additionally, Petitioner states that California’s exemption from the hands-on examination requirement at recertification is simply unattainable and that California’s more stringent standard will make it extremely difficult for most crane operators to qualify for an exemption from the “hands-on” examination, and will impose significant burdens on stakeholders because it will increase the costs paid by employers for practical testing of operators and could cause crane operators to drop certifications, resulting in a shortage of crane operators in certain categories.

The Petitioner believes that accredited certification bodies, assisted by expertise from the industry, are in an ideal position to identify the amount of experience required for exemption from the hands-on testing.

HYPERLINKS TO [PETITION NO. 598](#) DOCUMENTS:

[PROPOSED PETITION DECISION](#)

[BOARD STAFF EVALUATION](#)

[CAL/OSHA EVALUATION](#)

[ORIGINAL PETITION \(RECEIVED 07/18/2023\)](#)



DAVID K. SIKORSKI
Business Manager

International Union of Operating Engineers AFL-CIO
Southern California & Southern Nevada 

October 24, 2023

David Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Dear Chairman Thomas:

This letter is notice of the opposition of the International Union of Operating Engineers, Local Union No. 12, Operating Engineers Training Trust, and the Operating Engineers Certification Program to Petition No. 598 filed with the Board on 18 July 2023 by the National Commission for the Certification of Cranes Operators (NCCCO). The petition requests that the Standard Board adopt two major amendments to Title 8, California Code of Regulations to significantly weaken the existing requirements for recertification of crane operators. We oppose this petition and request that it be denied in its entirety.

- (1) Removing the crane operator recertification requirement that calls for experience operating the specific crane for which recertification is sought.

Sections 5006.1(d), applicable to general industry, and 5006.2(d)(3), applicable to the construction industry both require, among other things, that crane operators either pass a hands-on examination or document 1000 hours of experience operating the specific crane for which recertification is sought during the immediately preceding previous certification period or pass a hands-on examination.

The petitioner's proposal would weaken this requirement by allowing "overall operating experience to be considered."

- (2) Allowing the certification bodies to determine on their own "the appropriate amount of operating experience necessary to be exempt from the practical examination."

Certification bodies are currently held to the requirement to apply the specific criteria laid out in the regulations they are tasked with enforcing through the certification process. It is crucial that they continue to be required to apply these criteria in carrying out this function.

International Union of Operating Engineers

David Thomas, Board Chair
Occupational Safety and Health Standards Board
Page 2
October 24, 2023

The petitioner's proposal would remove this crucial specificity and have certification bodies making decisions without having to adhere to any set standard, which would inevitably lead to lack of uniformity and lack of acceptable safety.

Discussion

In June of 2005 Cal/OSHA took a huge step forward toward providing a safer work environment for construction workers and the public, by strengthening the requirements for crane operators through the adoption of 8 CCR section 5006.2.

This standard was conceived in the aftermath of numerous, often catastrophic crane accidents, most of them caused by operator error, which resulted in severe injuries and fatalities to workers. The requirement to document experience on the specific crane for which certification is being sought provides a crucial baseline for certifying agencies to confirm that an operator continues to have the skill necessary to perform operations that have tremendous potential to cause injury and damage if not done competently. The types of cranes in operation and the skill set and experience needed to operate each type vary considerably depending on the crane and the operations the crane is to be used for.

It would be entirely reasonable to conclude that the required 1,000 hours of experience in a 5-year period is a minimum at best. To lower the bar and remove critical specifications directly related to operations of the magnitude cranes are typically used for would greatly diminish the effectiveness of the crane operator licensing program and take us back to the days when avoidable crane accidents occurred with disturbing frequency. The risk to workers and the public in the vicinity of crane operations would once again rise to unacceptable levels.

The petitioner's claim that California's requirements should not be more stringent than federal requirements is at odds with the leadership role California has played since Cal/OSHA was first established in 1973, often setting standards that have prompted federal OSHA to follow suit. Similarly, the petitioner's claim that the California experience requirement is too difficult to meet is simply not the case—California crane operators for the past 18 years have been doing just that. The experience requirement does not create an unreasonable burden, especially in light of the inherent danger to workers and the public of having an unqualified operator operating a crane.

International Union of Operating Engineers

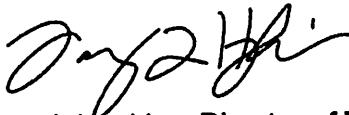
David Thomas, Board Chair
Occupational Safety and Health Standards Board
Page 2
October 24, 2023

For the greater good of the safety of construction workers and the general public, Petition No. 598 should be denied in its entirety.

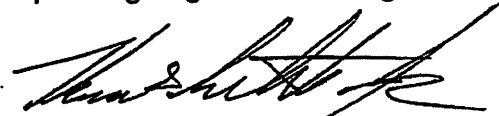
Respectfully submitted,



David K. Sikorski, Business Manager
I.U.O.E., Local Union No.12
President of Operating Engineers Certification Program



Larry L Hopkins, Director of Training
Operating Engineers Training Trust



Thomas Milianti, Jr., Executive Director
Operating Engineers Certification Program

DKS:LLH:TM:ks

c: Chris Laszcz-Davis
David Harrison
Laura Stock
Nola J. Kennedy
Joseph M. Alioto Jr.
Kate Crawford

From: [Neidhardt, Amalia@DIR](mailto:Neidhardt,Amalia@DIR)
To: [Gonzalez, Autumn@DIR](mailto:Gonzalez,Autumn@DIR); [Paskins, Lara@DIR](mailto:Paskins,Lara@DIR); [Smith, Steven@DIR](mailto:Smith,Steven@DIR)
Cc: [Money, Sarah@DIR](mailto:Money,Sarah@DIR)
Subject: FW: Petition 598 Opposition letters
Date: Monday, November 6, 2023 3:17:33 PM
Attachments: [Letter to Chris Laszcz-Davis Management Representative.pdf](#)
[Letter to Laura Stock Occupational Safety Representative.pdf](#)
[Letter to Joseph Alioto Jr Public Member.pdf](#)
[Letter to David Harrison Labor Representative.pdf](#)
[Letter to Nola Kennedy Occupational Health Representative.pdf](#)
[Letter to Kate Crawford Management Representative.pdf](#)
[Letter to David Thomas Board Chair.pdf](#)

FYI.

[Amalia Neidhardt](#)

From: Larry L Hopkins <lhopkins@oett.net>
Sent: Monday, November 6, 2023 3:13 PM
To: Neidhardt, Amalia@DIR <ANeidhardt@dir.ca.gov>
Cc: David Sikorski <d.Sikorski@iuoelocal12.org>
Subject: Petition 598 Opposition letters

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

Good afternoon Amalia,

Please see the attached letters of opposition to the CalOSHA board regarding petition no. 598. If any of the board members would like to discuss this matter further in person or via teleconference, please do not hesitate to contact me and I will get a meeting scheduled. Thank you so much for your attention to this matter, we truly appreciate it.

Respectfully yours,



Larry L. Hopkins

Director of Training

IUOE Local #12

Email: lhopkins@oett.net

Southern California Office

2190 S. Pellissier Place

Whittier, Ca. 90601

562-695-0611

www.oett.net

-

Southern Nevada Office

11450 Nadine Petersen Boulevard

North Las Vegas, NV 89124

Phone 702-643-1212

www.snoejatc.net



DAVID K. SIKORSKI
Business Manager

International Union of Operating Engineers AFL-CIO
Southern California & Southern Nevada 

November 6, 2023

David Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Dear Chairman Thomas:

This letter is notice of the opposition of the International Union of Operating Engineers, Local Union No. 12 to Petition No. 598 filed with the Board on July 18, 2023, by the National Commission of the Certification of Crane Operators (NCCCO).

The International Union of Operating Engineers, Local Union No. 12 represents 20,000 men and women employed in the construction industry throughout Southern California. As representatives of this vital workforce, one of our top priorities is to ensure the health and safety of our membership along with the entirety of the construction industry.

For many years, California has adopted regulations that have enabled the state to become the nation's preeminent leader in workplace safety. The NCCCO is requesting changes to the crane operator recertification processes which would weaken the standards we rely on today.

The elimination of the 1,000-hour requirement on a specific type of crane at the time of recertification to exempt an operator from the practical (hands-on) examination, and the allowance of a certifying body to determine "appropriate amount of operating experience necessary to be exempt from the practical examination," without any specific guidelines as to how this determination is to be made, is dangerous.

For example, as it stands today, if an operator holds a certification for tower crane operation, he/she must prove he/she has accumulated a minimum of 1,000 hours of tower crane experience in the past five (5) years at the time of recertification. If he/she cannot verify 1,000 hours in the past five (5) years, he/she must pass a practical (hands-on) examination to be recertified.

Crane operation is an inherently dangerous occupation. Crane operators have enormous responsibilities, not only to themselves, but also to the safety and wellbeing of the craftspeople

International Union of Operating Engineers

David Thomas, Board Chair
Occupational Safety and Health Standards Board
Page 2
November 6, 2023

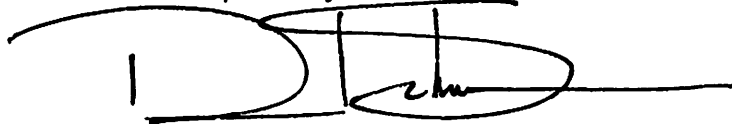
working nearby or in conjunction with them. We have all seen the severity of recent crane accidents throughout the world, and I am certain you have a full understanding of the devastation caused by jobsite fatalities.

If NCCCO's request to Cal/OSHA is granted, the existing processes used to recertify crane operators will be dramatically altered to allow certifying entities to arbitrarily exempt crane operators from practical examinations, removing a layer of safety which is direly needed. This change would create the possibility of allowing an operator to hold a certification for a specific type of crane that he/she has not operated or passed a hands-on examination for in many years, even decades.

For these reasons, the International Union of Operating Engineers, Local Union No. 12, urges you to deny Petition No. 598 in its entirety.

Thanking you in advance for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Sikorski', with a long horizontal line extending to the right.

David K. Sikorski, Business Manager
I.U.O.E., Local Union No.12

DKS:ks



DAVID K. SIKORSKI
Business Manager

International Union of Operating Engineers AFL-CIO
Southern California & Southern Nevada

RECEIVED

OCT 31 2023

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

October 24, 2023

David Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Dear Chairman Thomas:

This letter is notice of the opposition of the International Union of Operating Engineers, Local Union No. 12, Operating Engineers Training Trust, and the Operating Engineers Certification Program to Petition No. 598 filed with the Board on 18 July 2023 by the National Commission for the Certification of Crane Operators (NCCCO). The petition requests that the Standard Board adopt two major amendments to Title 8, California Code of Regulations to significantly weaken the existing requirements for recertification of crane operators. We oppose this petition and request that it be denied in its entirety.

- (1) Removing the crane operator recertification requirement that calls for experience operating the specific crane for which recertification is sought.

Sections 5006.1(d), applicable to general industry, and 5006.2(d)(3), applicable to the construction industry both require, among other things, that crane operators either pass a hands-on examination or document 1000 hours of experience operating the specific crane for which recertification is sought during the immediately preceding previous certification period or pass a hands-on examination.

The petitioner's proposal would weaken this requirement by allowing "overall operating experience to be considered."

- (2) Allowing the certification bodies to determine on their own "the appropriate amount of operating experience necessary to be exempt from the practical examination."

Certification bodies are currently held to the requirement to apply the specific criteria laid out in the regulations they are tasked with enforcing through the certification process. It is crucial that they continue to be required to apply these criteria in carrying out this function.

International Union of Operating Engineers

David Thomas, Board Chair
Occupational Safety and Health Standards Board
Page 2
October 24, 2023

The petitioner's proposal would remove this crucial specificity and have certification bodies making decisions without having to adhere to any set standard, which would inevitably lead to lack of uniformity and lack of acceptable safety.

Discussion

In June of 2005 Cal/OSHA took a huge step forward toward providing a safer work environment for construction workers and the public, by strengthening the requirements for crane operators through the adoption of 8 CCR section 5006.2.

This standard was conceived in the aftermath of numerous, often catastrophic crane accidents, most of them caused by operator error, which resulted in severe injuries and fatalities to workers. The requirement to document experience on the specific crane for which certification is being sought provides a crucial baseline for certifying agencies to confirm that an operator continues to have the skill necessary to perform operations that have tremendous potential to cause injury and damage if not done competently. The types of cranes in operation and the skill set and experience needed to operate each type vary considerably depending on the crane and the operations the crane is to be used for.

It would be entirely reasonable to conclude that the required 1,000 hours of experience in a 5-year period is a minimum at best. To lower the bar and remove critical specifications directly related to operations of the magnitude cranes are typically used for would greatly diminish the effectiveness of the crane operator licensing program and take us back to the days when avoidable crane accidents occurred with disturbing frequency. The risk to workers and the public in the vicinity of crane operations would once again rise to unacceptable levels.

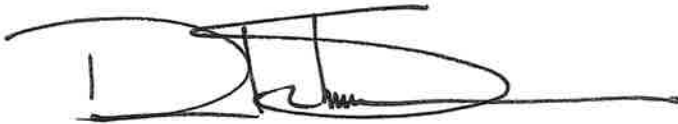
The petitioner's claim that California's requirements should not be more stringent than federal requirements is at odds with the leadership role California has played since Cal/OSHA was first established in 1973, often setting standards that have prompted federal OSHA to follow suit. Similarly, the petitioner's claim that the California experience requirement is too difficult to meet is simply not the case—California crane operators for the past 18 years have been doing just that.

International Union of Operating Engineers

David Thomas, Board Chair
Occupational Safety and Health Standards Board
Page 2
October 24, 2023

For the greater good of the safety of construction workers and the general public, Petition No. 598 should be denied in its entirety.

Respectfully submitted,



David K. Sikorski, Business Manager
I.U.O.E., Local Union No.12
President of Operating Engineers Certification Program



Larry L Hopkins, Director of Training
Operating Engineers Training Trust



Thomas Milianti, Jr., Executive Director
Operating Engineers Certification Program

DKS:LLH:TM:ks

c: Chris Laszcz-Davis
David Harrison
Laura Stock
Nola J. Kennedy
Joseph M. Alioto Jr.
Kate Crawford

From: [Neidhardt, Amalia@DIR](mailto:Neidhardt,Amalia@DIR)
To: [Gonzalez, Autumn@DIR](mailto:Gonzalez,Autum@DIR); [Chau, Kelly@DIR](mailto:Chau,Kelly@DIR); [Paskins, Lara@DIR](mailto:Paskins,Lara@DIR); DIR.OSHSB
Cc: [Money, Sarah@DIR](mailto:Money,Sarah@DIR)
Subject: Fwd: Opposition letter to petition #598
Date: Wednesday, November 29, 2023 9:25:24 AM
Attachments: [Oppose Petition 598.pdf](#)

Good morning. Please see request to distribute to our Board members.

Get [Outlook for iOS](#)

From: Larry L Hopkins <lhopkins@oett.net>
Sent: Wednesday, November 29, 2023 9:21 AM
To: Neidhardt, Amalia@DIR <ANeidhardt@dir.ca.gov>
Cc: David Sikorski <d.Sikorski@iuoelocal12.org>
Subject: Opposition letter to petition #598

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

Good morning Amalia,

Attached is a letter of opposition from the District Counsel of Iron Workers to petition #598, regarding crane license re-certification

requirements. I was asked to forward this to you to insure proper distribution to the OSHA board. Please let me know if you have any questions.

Respectfully submitted,



Larry L. Hopkins
Director of Training
IUOE Local #12
Email: lhopkins@oett.net

Southern California Office
2190 S. Pellissier Place
Whittier, Ca. 90601
562-695-0611
www.oett.net

Southern Nevada Office
11450 Nadine Petersen Boulevard
North Las Vegas, NV 89124
Phone 702-643-1212
www.snoejatc.net



District Council of Iron Workers of the State of California and Vicinity
3281 E. Guasti Rd., Suite 625, Ontario, CA 91761
Telephone (510) 724-9277

November 21, 2023

David Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

President
David Osborne

District Representatives
Erik Schmidli
Victor Lopez

Field Representative
Jonathan Paramo

Executive Council

Local Union 75
Jason Sangster

Local Union 118
Karl Pineo

Local Union 155
Jesus Castaneda

Local Union 229
Beau Coleman

Local Union 377
Charles Hernandez

Local Union 378
Jason Gallia

Local Union 416
Frankie Jimenez

Local Union 433
Keith Harkey

Local Union 625
Joe O'Donnell

Local Union 855
Jonathan Paramo

Dear Chairman Thomas:

As President of the District Council of Iron Workers of the State of California and the Vicinity (DCIW), I am writing you to oppose Petition No. 598 filed with the Board on 18 July 2023 by the National Commission for the Certification of Crane Operators (NCCCO). The petition requests that the Standard Board adopt two major amendments to Title 8, California Code of Regulations to significantly weaken the existing requirements for recertification of crane operators. DCIW opposes this petition and request that it be denied in its entirety.

Specifically "allowing the certification bodies to determine on their own *the appropriate amount of operating experience necessary to be exempt from the practical examination.*"

Removing the crane operator recertification requirement that calls for experience operating the specific crane for which recertification is sought is a common sense approach to ensure safety.

Certification bodies are currently held to the requirement to apply the specific criteria laid out in the regulations they are tasked with enforcing through the certification process. It is crucial that they continue to be required to apply these criteria in carrying out this function.

The petitioner's proposal would remove this crucial specificity and have certification bodies making decisions without having to adhere to any set standard, which would inevitably lead to a lack of uniformity and lack of acceptable safety.

In June of 2005 Cal/OSHA took a huge step forward toward providing a safer work environment for construction workers and the public, by strengthening the requirements for crane operators through the adoption of 8 CCR section 5006.2.

This standard was conceived in the aftermath of numerous, often catastrophic crane accidents, most of them caused by operator error, which resulted in severe injuries and fatalities to workers.

The requirement to document experience on the specific crane for which certification is being sought provides a crucial baseline for certifying agencies to confirm that an operator continues to have the skills necessary to perform operations that have tremendous potential to cause injury and damage if not done competently.

The types of cranes in operation and the skill set and experience needed to operate each type vary considerably depending on the crane and the operations the crane is to be used for.

It would be entirely reasonable to conclude that the required 1,000 hours of experience in a 5-year period is a minimum at best.

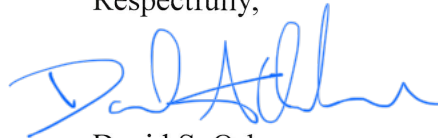
If these amendments were to be adopted the risk to workers and the public in the vicinity of crane operations would once again rise to unacceptable levels.

The petitioner's claim that California's requirements should not be more stringent than federal requirements is at odds with the leadership role California has played since Cal/OSHA was first established in 1973, often setting standards that have prompted federal OSHA to follow suit.

The experience requirement does not create an unreasonable burden, especially in light of the inherent danger to workers and the public of having an unqualified operator operating a crane.

For the greater good of the safety of construction workers and the general public, the men and women of the DCIW respectfully request that Petition No. 598 be denied in its entirety.

Respectfully,



David S. Osborne
President

From: [Neidhardt, Amalia@DIR](mailto:Neidhardt,Amalia@DIR)
To: [Gonzalez, Autumn@DIR](mailto:Gonzalez,Autumn@DIR); [Paskins, Lara@DIR](mailto:Paskins,Lara@DIR); DIR.OSHSB; [Chau, Kelly@DIR](mailto:Chau,Kelly@DIR)
Cc: [Money, Sarah@DIR](mailto:Money,Sarah@DIR)
Subject: Fwd: Opposition letter to petition #598
Date: Thursday, November 30, 2023 2:25:42 PM
Attachments: [Chairman David Thomas.pdf](#)

Another opposition letter received. Please see below.

Get [Outlook for iOS](#)

From: Larry L Hopkins <lhopkins@oett.net>
Sent: Thursday, November 30, 2023 2:22 PM
To: Neidhardt, Amalia@DIR <ANeidhardt@dir.ca.gov>
Cc: David Sikorski <d.Sikorski@iuoelocal12.org>
Subject: Opposition letter to petition #598

CAUTION: [External Email]

This email originated from outside of our DIR organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe. If in doubt reach out and check with the sender by phone.

Good afternoon Amalia, attached you will find another letter of opposition to the petition #598, from the International Union of Operating Engineers, General President – James Callahan. Can you please distribute this to the review board and any others who are pertinent to this matter? Please let me know if you have any questions.

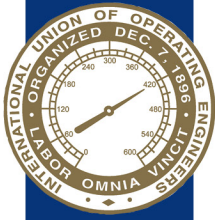
Respectfully submitted,



Larry L. Hopkins
Director of Training
IUOE Local #12
Email: lhopkins@oett.net

Southern California Office
2190 S. Pellissier Place
Whittier, Ca. 90601
562-695-0611
www.oett.net

Southern Nevada Office
11450 Nadine Petersen Boulevard
North Las Vegas, NV 89124
Phone 702-643-1212
www.snoejatc.net



International Union of Operating Engineers

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

November 30, 2023

JAMES T. CALLAHAN
GENERAL PRESIDENT

David Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

JAMES M. SWEENEY
GENERAL SECRETARY-TREASURER

Dear Chairman Thomas:

GENERAL VICE PRESIDENTS

DAREN KONOPASKI

Please consider this notice of opposition of the International Union of Operating Engineers to Petition No. 598 filed with Cal/OSHA by the National Commission of the Certification of Crane Operators (NCCCO), seeking amendments to Title 8, General Industry Safety Orders, Subsections 5006.1(d) and 5006.2(d)(3).

MICHAEL GALLAGHER

GREG LALEVEE

TERRANCE E. MCGOWAN

DOUGLAS W. STOCKWELL

EDWARD J. CURLY

CHARLIE SINGLETARY

DAN REDING

WILLIAM LYNN

PATRICK J. KELLY

THOMAS A. CALLAHAN

JOSHUA VANDYKE

JAMES J. WHITE

BRIAN COCHRANE

The elimination of the 1,000-hour requirement on a specific type of crane to exempt an operator from a practical (hands-on) examination at the time of recertification would pose undue risk to workers and weaken safety measures long recognized in California. To allow a certifying body to determine the “appropriate amount of operating experience necessary to be exempt from the practical examination”, without specific guidelines on how this determination is to be made undermines the proven safety measures in the State.

California has long been an example for workers safety in the United States, and for that reason, we urge you to deny Petition No. 598 in its entirety.

TRUSTEES

KUBA J. BROWN

CHAIRMAN

BARTON FLORENCE

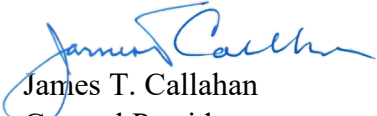
EDWIN L. CHRISTIAN

WILLIAM D. McLAUGHLIN

DAVID SIKORSKI

Thanking you in advance for your attention to this matter.

Respectfully submitted,


James T. Callahan
General President

GENERAL COUNSEL

cc: David Sikorksi, Business Manager, IUOE Local Union 12
Derek Donley, Regional Director, IUOE Western Region

MATTHEW G. MCGUIRE



Occupational Safety and Health Standards Board

Business Meeting

Proposed Variance Decisions

**CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS
DECEMBER 14, 2023, MONTHLY BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED DECISIONS FOR BOARD CONSIDERATION, HEARD ON November 29, 2023

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
1. 21-V-042M1	City of South San Francisco	Elevator	GRANT
2. 21-V-213M1	Beacon Villa, LP	Elevator	GRANT
3. 21-V-313M1	Lennar Homes of California	Elevator	GRANT
4. 21-V-452M1	Lawrence Berkeley National Laboratory	Elevator	GRANT
5. 21-V-453M1	3912-3924 Arizona, LLC	Elevator	GRANT
6. 21-V-565M1	The Press Owner, LLC	Elevator	GRANT
7. 22-V-269M1	2575 Railroad Ave., L.P.	Elevator	GRANT
8. 22-V-300M1	Lennar Homes of California, LLC	Elevator	GRANT
9. 22-V-301M1	Lennar Homes of California, LLC	Elevator	GRANT
10. 22-V-432M1	Lennar Homes of California, LLC	Elevator	GRANT
11. 23-V-100M1	SFIII Reframe, LLC	Elevator	GRANT
12. 23-V-214M1	LA County Department of Health Services	Elevator	GRANT
13. 23-V-215M1	LA County Department of Health Services	Elevator	GRANT
14. 23-V-216M1	LA County Department of Health Services	Elevator	GRANT
15. 23-V-385	6055 Pico LLC and Pico Crescent LP	Elevator	GRANT
16. 23-V-404	Clear Sky Capital High Street Self Storage, LP	Elevator	GRANT
17. 23-V-406	San Jose W. San Carlos LP	Elevator	GRANT
18. 23-V-407	AS LLL Owner, LLC	Elevator	GRANT
19. 23-V-408	Rodeo Family LLC	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
20. 23-V-409	King 1699 Bayshore Owner LLC	Elevator	GRANT
21. 23-V-410	Faith Community Church	Elevator	GRANT
22. 23-V-413	6650 Flanders Drive LLC	Elevator	GRANT
23. 23-V-414	Hollywood Arts Building QALICB	Elevator	GRANT
24. 23-V-415	TI Lot 8, LLC	Elevator	GRANT
25. 23-V-416	Ontario Extended Stay, LLC	Elevator	GRANT
26. 23-V-417	Castro Partners LLC	Elevator	GRANT
27. 23-V-418	Kingdom Builders Transitional Housing Program	Elevator	GRANT
28. 23-V-419	Tangor, LLC	Elevator	GRANT
29. 23-V-420	Urban School of San Francisco	Elevator	GRANT
30. 23-V-421	San Bernardino City Unified School District	Elevator	GRANT
31. 23-V-422	Ambrosia Apartments Associates, L.P.	Elevator	GRANT
32. 23-V-423	University of Southern California	Elevator	GRANT
33. 23-V-424	California State University East Bay	Elevator	GRANT
34. 23-V-425	TC/P San Pedro Venture, LLC	Elevator	GRANT
35. 23-V-426	CSHV Post Pointe, LLC	Elevator	GRANT
36. 23-V-427	Evoy, LP	Elevator	GRANT
37. 23-V-428	Urban School of San Francisco	Elevator	GRANT
38. 23-V-429	Roman Catholic Welfare Corporation	Elevator	GRANT
39. 23-V-430	BIF OZ 4607 Crenshaw Blvd, LP	Elevator	GRANT
40. 23-V-431	1110 So. Spaulding LLC	Elevator	GRANT
41. 23-V-432	California Science Center	Elevator	GRANT
42. 23-V-433	Murphy's Bowl LLC	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
43. 23-V-434	Convoy KM Apartments Owner, LLC	Elevator	GRANT
44. 23-V-435	Hollywood Runyon, LLC	Elevator	GRANT
45. 23-V-436	K-Geneva @ Venice Development, LLC	Elevator	GRANT
46. 23-V-437	The Regents of the University of California	Elevator	GRANT
47. 23-V-438	Chapman-Arc, LLC	Elevator	GRANT
48. 23-V-439	Sunflower, LP	Elevator	GRANT
49. 23-V-440	CRP/WP Alta Fontana Owner, LLC	Elevator	GRANT
50. 23-V-441	Friends of the Sea Lions/City of Laguna Beach	Elevator	GRANT
51. 23-V-442	972 Arapahoe St, LLC	Elevator	GRANT
52. 23-V-443	Palomar, LLC	Elevator	GRANT
53. 23-V-444	Palomar, LLC	Elevator	GRANT
54. 23-V-445	South Coast Mercantile, LLC	Elevator	GRANT
55. 23-V-446	California Science Center	Elevator	GRANT
56. 23-V-447	Host Hotels and Resorts	Elevator	GRANT
57. 23-V-448	Palomar, LLC	Elevator	GRANT
58. 23-V-449	M&A Glenrock LLC	Elevator	GRANT
59. 23-V-450	Nutmeg PE LLC	Elevator	GRANT
60. 23-V-451	9908 Santa Monica Blvd, LLC	Elevator	GRANT
61. 23-V-452	Lennar Homes of California, LLC	Elevator	GRANT
62. 23-V-453	Lennar Homes of California, LLC	Elevator	GRANT
63. 23-V-454	Lennar Homes of California, LLC	Elevator	GRANT
64. 23-V-455	Lennar Homes of California, LLC	Elevator	GRANT
65. 23-V-456	PP AmlI 8225 Aero Drive LP	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
66. 23-V-457	Javanmard Holdings, LLC	Elevator	GRANT
67. 23-V-458	Axis Community Health	Elevator	GRANT
68. 23-V-459	Anton Research Park Owners, LLC	Elevator	GRANT
69. 23-V-460	ST Associates, LLC & Orchard II Associates, GP	Elevator	GRANT
70. 23-V-461	2400 Willow Pass LP	Elevator	GRANT
71. 23-V-462	685 9th St LLC	Elevator	GRANT
72. 23-V-463	Baden Station Apartments Investors, L.P.	Elevator	GRANT
73. 23-V-464	Residency at the Entrepreneur, LP	Elevator	GRANT
74. 23-V-465	1663 Sawtelle LLC	Elevator	GRANT
75. 23-V-466	Sharp Grossmont Hospital	Elevator	GRANT
76. 23-V-467	154 Occidental, LLC	Elevator	GRANT
77. 23-V-468	2 SIOF 10811 S Compton Ave LLC	Elevator	GRANT
78. 23-V-469	Roseville Joint Union High School District	Elevator	GRANT
79. 23-V-470	HV Partners 3, LP	Elevator	GRANT
80. 23-V-471	HV Partners 3, LP	Elevator	GRANT
81. 23-V-473	Multi-Family Investment Partners 1, LP	Elevator	GRANT
82. 23-V-474	2575 Railroad Ave., L.P.	Elevator	GRANT
83. 23-V-475	Jay Sun Hospitality LLC	Elevator	GRANT
84. 23-V-476	Hadle2, LLC	Elevator	GRANT
85. 23-V-477	Public Property Financing Corporation of California	Elevator	GRANT
86. 23-V-478	Los Rios Community College District	Elevator	GRANT
87. 23-V-479	Ripon Unified School District	Elevator	GRANT
88. 23-V-480	Serra, LP., a California Limited Partnership	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
89. 23-V-481	Los Rios Community College District	Elevator	GRANT
90. 23-V-482	Grewal 2012 Hospitality Group	Elevator	GRANT
91. 23-V-483	Chinese American International School	Elevator	GRANT
92. 23-V-484	Regents of the University of California	Elevator	GRANT
93. 23-V-485	Ocotillo LA Pico, LLC	Elevator	GRANT
94. 23-V-486	HQ Gastropub Three, LLC	Elevator	GRANT
95. 23-V-487	Mian Metropolitan Holdings Inc	Elevator	GRANT
96. 23-V-488	R CAP Avenue 34, LLC	Elevator	GRANT
97. 23-V-489	R CAP Avenue 34, LLC	Elevator	GRANT
98. 23-V-490	R CAP Avenue 34, LLC	Elevator	GRANT
99. 23-V-491	Sunnydale Block 3A Housing Partners, L.P.	Elevator	GRANT
100. 23-V-492	Sunnydale Block 3B Housing Partners, L.P.	Elevator	GRANT
101. 23-V-493	936 Fedora St LLC	Elevator	GRANT
102. 23-V-494	Dollinger Dell Associates, L.P. a California Limited Partnership	Elevator	GRANT
103. 23-V-495	Era Hippolyta, LLC	Elevator	GRANT
104. 23-V-496	RIDA Chula Vista	Elevator	GRANT
105. 23-V-497	43517 Ridge Park Drive LLC	Elevator	GRANT
106. 23-V-498	Wilton Place 2018 LLC	Elevator	GRANT
107. 23-V-499	Rivian, LLC	Elevator	GRANT
108. 23-V-500	Heritage Developments LLC	Elevator	GRANT
109. 23-V-501	City and County of San Francisco	Elevator	GRANT
110. 23-V-502	Residency at Empire I, LP	Elevator	GRANT
111. 23-V-503	LA Korean First Presbyterian Church	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
112. 23-V-504	UC Davis Health	Elevator	GRANT
113. 23-V-505	Nash-Holland 3pac Investors, LLC.	Elevator	GRANT
114. 23-V-506	2700-2770 SH, LLC	Elevator	GRANT
115. 23-V-507	730 Stanyan Associates, L.P., a California Limited Partnership	Elevator	GRANT
116. 23-V-508	FN Land, LLC	Elevator	GRANT
117. 23-V-509	American Buddhist Cultural Society	Elevator	GRANT
118. 23-V-510	WNG BOT Anaheim 406 LLC	Elevator	GRANT
119. 23-V-511	WNG BOT Anaheim 406 LLC	Elevator	GRANT
120. 23-V-512	WNG BOT Anaheim 406 LLC	Elevator	GRANT
121. 23-V-513	SIOF 9 Properties, LP	Elevator	GRANT
122. 23-V-514	Kaiser Foundation Health Plan	Elevator	GRANT
123. 23-V-515	8th Avenue Property Owners LLC	Elevator	GRANT
124. 23-V-516	4632 Santa Monica L.P.	Elevator	GRANT
125. 23-V-517	ICONIX HP, LLC	Elevator	GRANT
126. 23-V-518	De Anza Wolfe Road Partners, LP	Elevator	GRANT
127. 23-V-519	IC PG Property Owner, LLC	Elevator	GRANT
128. 23-V-520	Anastasi Development Co. Inc	Elevator	GRANT
129. 23-V-521	Folsom Cordova Unified School District	Elevator	GRANT
130. 23-V-522	Kaiser Permanente	Elevator	GRANT
131. 23-V-523	County of San Mateo Project Development Unit	Elevator	GRANT
132. 23-V-524	City of Chula Vista	Elevator	GRANT
133. 23-V-525	San Diego Oberlin, LLC	Elevator	GRANT
134. 23-V-526	Zoe Life Vista Sorrento Development, LLC	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
135. 23-V-527	KA Louisiana LLC	Elevator	GRANT
136. 23-V-528	Beach Village Life I LLC	Elevator	GRANT
137. 23-V-529	600 Ventures LLC	Elevator	GRANT
138. 23-V-530	LIV Investments, LLC	Elevator	GRANT
139. 23-V-531	Central California Food Bank	Elevator	GRANT
140. 23-V-532	811 Valencia St LLC	Elevator	GRANT
141. 23-V-533	690 Veterans LLC	Elevator	GRANT
142. 23-V-534	East Bay Real Estate Ventures LLC	Elevator	GRANT
143. 23-V-535	Madrone Terrace LP Resources for Community Development	Elevator	GRANT
144. 23-V-536	Millbrae Adrian Science Park LLC	Elevator	GRANT
145. 23-V-537	UC Davis Health	Elevator	GRANT
146. 23-V-538	Premier Hospitality LLC	Elevator	GRANT
147. 23-V-539	NSS Hotels LLC	Elevator	GRANT
148. 23-V-540	Archangel Michael Coptic Orthodox Church	Elevator	GRANT
149. 23-V-541	BayshoreRE, LLC	Elevator	GRANT
150. 23-V-542	The Minn Owner LLC	Elevator	GRANT
151. 23-V-543	Novin Development	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 for
Permanent Variance by:

City of South San Francisco

OSHSB File No.: 21-V-042M1

Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: City of South San Francisco	OSHSB File No.: 21-V-042M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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-042	City of South Francisco	Library and Park & Recreation Facility 1010 El Camino Real South San Francisco, 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 21-V-042.
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-042 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. 21-V-042.
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-042 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. 21-V-042, to be:

Library and Park & Recreation Facility
 901 Civic Campus Way
 South San Francisco, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-042M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 21-V-042, and 21-V-042M1, shall have the following address designation:

Library and Park & Recreation Facility
901 Civic Campus Way
South San Francisco, CA

2. Permanent Variance No. 21-V-042, 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-042M1.

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: December 1, 2023

Michelle Iorio
Michelle Iorio, 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:

Beacon Villa, LP

OSHSB File No.: 21-V-213M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Beacon Villa, LP	OSHSB File No.: 21-V-213M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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-213	Beacon Villa, LP	505 W. 10th Street Pittsburg, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 21-V-213.
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-213 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. 21-V-213.
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-213 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. 21-V-213, to be:

493 W. 10th St.
Pittsburg, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-213M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 21-V-213, and 21-V-213M1, shall have the following address designation:

493 W. 10th St.
Pittsburg, CA

2. Permanent Variance No. 21-V-213, 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-213M1.

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 30, 2023


Michelle Iorio, 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:

Lennar Homes of California

OSHSB File No.: 21-V-313M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Lennar Homes of California	OSHSB File No.: 21-V-313M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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-313	Lennar Homes of California	45300 Fremont Blvd. Fremont, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 September 22, 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 21-V-313.
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-313 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. 21-V-313.
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-313 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. 21-V-313, to be:

3512 Vision Common
Fremont, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-313M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the


subject of Permanent Variance Nos. 21-V-313, and 21-V-313M1, shall have the following address designation:

3512 Vision Common
Fremont, CA

2. Permanent Variance No. 21-V-313, 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-313M1.

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 30, 2023


Michelle Iorio, Hearing Officer

THE PROPOSED DECISION FOR OSHSB FILE NO. 21-V-452M1, LAWRENCE BERKELEY NATIONAL LABORATORY, WILL BE PROVIDED WHEN IT IS READY FOR THE BOARD'S CONSIDERATION.

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:

3912-3924 Arizona, LLC

OSHSB File No.: 21-V-453M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: 3912-3924 Arizona, LLC	OSHSB File No.: 21-V-453M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

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-453	3912 - 3924 Arizona, LLC	3924 Arizona St. San Diego, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 21-V-453.
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-453 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. 21-V-453.
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-453 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. 21-V-453, to be:

3918 Arizona St.
San Diego, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-453M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 21-V-453, and 21-V-453M1, shall have the following address designation:

3918 Arizona St.
San Diego, CA

Permanent Variance No. 21-V-453, 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-453M1.

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 30, 2023

A handwritten signature in cursive script that reads "Michelle Iorio". The signature is written in black ink and is positioned above a horizontal line.

Michelle Iorio, 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:

The Press Owner, LLC

OSHSB File No.: 21-V-565M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>The Press Owner, LLC</p>	<p>OSHSB File No.: 21-V-565M1</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

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-565	The Press Owner, LLC	1375 Sunflower Avenue Costa Mesa, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 21-V-565.
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-565 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. 21-V-565.
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-565 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. 21-V-565, to be:

1400 Anduril, Bldg G
Costa Mesa, CA

E. Decision and Order:

1. Permanent Variance Application No. 21-V-565M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 21-V-565, and 21-V-565M1, shall have the following address designation:

1400 Anduril, Bldg G
Costa Mesa, CA

2. Permanent Variance No. 21-V-565, 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-565M1.

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 30, 2023


Michelle Iorio, 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:

2575 Railroad Ave., L.P.

OSHSB File No.: 22-V-269M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: 2575 Railroad Ave., L.P.	OSHSB File No.: 22-V-269M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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 below specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Variance Address of Record	Preexisting Number of Elevators
22-V-269	2575 Railroad Ave., L.P.	2575 Railroad Ave. Pittsburg, CA	3

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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares appeared on behalf of the Applicants’ representative, the Schindler Elevator Corporation; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official notice taken of the Board’s files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Findings and Basis:

1. The Applicant requests modification of the quantity of elevators the subject of previously granted Permanent Variance No. 22-V-269, to decrease the quantity of elevators from three (3) to two (2).
2. Application section 3, declared to be wholly truthful under penalty of perjury by the Applicant signatory, states facts upon which to reasonably find that additional requested subject elevator is to be of the same manufacturer model type and material technical characteristics and specifications, as the existing elevator the subject of Permanent Variance No. 22-V-269.
3. The Division has evaluated the immediate request for modification of variance, 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. 22-V-269.
4. The Board finds the section 2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and finds modification of Permanent Variance 22-V-269, decreasing the quantity of subject elevators from three (3) to two (2), to be of no bearing upon the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 22-V-269 was, in part, based.

E. Decision and Order:

1. Application for Modification of Permanent Variance, No. 22-V-269M1, is conditionally GRANTED, as specified below, such that a total of two (2) elevators are the subject of Permanent Variance No. 22-V-269, as hereby modified.
2. Permanent Variance No. 22-V-269, being only modified as to the subject quantity of

elevators specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into Modification of Permanent Variance No. 22-V-269M1.

3. 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.
4. 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 30, 2023

Michelle Iorio

Michelle Iorio, 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:

Lennar Homes of California, LLC

OSHSB File No.: 22-V-300M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Lennar Homes of California, LLC	OSHSB File No.: 22-V-300M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

- 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
22-V-300	Lennar Homes of California, LLC	45300 Fremont Blvd. Fremont, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
 2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 22-V-300.
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 22-V-300 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. 22-V-300.
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 22-V-300 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. 22-V-300, to be:

3698 Vision Common
Fremont, CA

E. Decision and Order:

1. Permanent Variance Application No. 22-V-300M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 22-V-300, and 22-V-300M1, shall have the following address designation:

3698 Vision Common
Fremont, CA

2. Permanent Variance No. 22-V-300, 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. 22-V-300M1.

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 30, 2023


Michelle Iorio, 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:

Lennar Homes of California, LLC

OSHSB File No.: 22-V-301M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Lennar Homes of California, LLC	OSHSB File No.: 22-V-301M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

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
22-V-301	Lennar Homes of California, LLC	45300 Fremont Blvd. Fremont, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 22-V-301.
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 22-V-301 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. 22-V-301.
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 22-V-301 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. 22-V-301, to be:

3698 Vision Common
Fremont, CA

E. Decision and Order:

1. Permanent Variance Application No. 22-V-301M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the

subject of Permanent Variance Nos. 22-V-301, and 22-V-301M1, shall have the following address designation:

3698 Vision Common
Fremont, CA

2. Permanent Variance No. 22-V-301, 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. 22-V-301M1.

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 30, 2023


Michelle Iorio, 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:

Lennar Homes of California, LLC

OSHSB File No.: 22-V-432M1

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Lennar Homes of California, LLC	OSHSB File No.: 22-V-432M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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 below specified preexisting variance location address of record:

Preexisting OSHSB File No.	Applicant Name	Variance Address of Record	Preexisting Number of Elevators
22-V-432	Lennar Homes of California, LLC	45300 Fremont Blvd. Fremont, CA	5

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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Jennifer Linares appeared on behalf of the Applicants’ representative, the Schindler Elevator Corporation; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official notice taken of the Board’s files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

D. Findings and Basis:

Address Change

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 22-V-432.
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 22-V-432 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. 22-V-432.
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 22-V-432 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. 22-V-432, to be:

44908 Wisdom Rd.
Fremont, CA

Quantity Change

6. The Applicant requests modification of the quantity of elevators the subject of previously granted Permanent Variance No. 22-V-432, to decrease the quantity of elevators from five (5) to one (1).
7. The Division has evaluated the immediate request for modification of variance, 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. 22-V-432.
8. The Board finds the subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and finds modification of Permanent Variance 22-V-432, decreasing the quantity of subject elevators from five (5) to one (1), to be of no bearing upon the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 22-V-432 was, in part, based.

E. Decision and Order:

1. Application for Modification of Permanent Variance, No. 22-V-432M1, is conditionally GRANTED, as specified below:
 - a a total of one (1) elevators are the subject of Permanent Variance No. 22-V-432, as hereby modified.
 - b without change in variance location, each elevator being the subject of Permanent Variance Nos. 22-V-432, and 22-V-432M1, shall have the following address designation:

44908 Wisdom Rd.
Fremont, CA

2. Permanent Variance No. 22-V-432, being only modified as to the subject location address and quantity of elevators specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into Modification of Permanent Variance No. 22-V-432M1.
3. 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.
4. 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 30, 2023

Michelle Iorio

Michelle Iorio, 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:

SFIII Reframe, LLC

OSHSB File No.: 23-V-100M1

Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: SFIII Reframe, LLC	OSHSB File No.: 23-V-100M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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
23-V-100	SFIII Reframe, LLC	4562 W. Electronics Pl. 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 23-V-100.
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 23-V-100 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. 23-V-100.
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 23-V-100 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. 23-V-100, to be:

4561 1/2 Colorado Blvd.
Los Angeles, CA

E. Decision and Order:

1. Permanent Variance Application No. 23-V-100M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the subject of Permanent Variance Nos. 23-V-100, and 23-V-100M1, shall have the following address designation:

4561 1/2 Colorado Blvd.
Los Angeles, CA

2. Permanent Variance No. 23-V-100, 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. 23-V-100M1.

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: December 1, 2023


Michelle Iorio, 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:

LA County Department of Health Services

OSHSB File No.: 23-V-214M1

Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: LA County Department of Health Services	OSHSB File No.: 23-V-214M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

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
23-V-214	LA County Department of Health Services	HUCLA - IPT Building 1000 W. Carson St. Torrance, 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 23-V-214.
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 23-V-214 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. 23-V-214.
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 23-V-214 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. 23-V-214, to be:

Hospital
1000 W. Carson St.
Torrance, CA

E. Decision and Order:

1. Permanent Variance Application No. 23-V-214M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the subject of Permanent Variance Nos. 23-V-214, and 23-V-214M1, shall have the following address designation:

Hospital
1000 W. Carson St.
Torrance, CA

2. Permanent Variance No. 23-V-214, 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. 23-V-214M1.

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: December 1, 2023

Michelle Iorio
Michelle Iorio, 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:

LA County Department of Health Services

OSHSB File No.: 23-V-215M1

Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: LA County Department of Health Services	OSHSB File No.: 23-V-215M1 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

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
23-V-215	LA County Department of Health Services	HUCLA - OPT Building 1000 W. Carson St. Torrance, 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 23-V-215.
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 23-V-215 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. 23-V-215.
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 23-V-215 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. 23-V-215, to be:

Clinic Building
1000 W. Carson St.
Torrance, CA

E. Decision and Order:

1. Permanent Variance Application No. 23-V-215M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the subject of Permanent Variance Nos. 23-V-215, and 23-V-215M1, shall have the following address designation:

Clinic Building
1000 W. Carson St.
Torrance, CA

2. Permanent Variance No. 23-V-215, 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. 23-V-215M1.

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: December 1, 2023

Michelle Iorio
Michelle Iorio, 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:

LA County Department of Health Services

OSHSB File No.: 23-V-216M1

Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>LA County Department of Health Services</p>	<p>OSHSB File No.: 23-V-216M1</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
---	--

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
23-V-216	LA County Department of Health Services	HUCLA - PS-A 1000 W. Carson St. Torrance, 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Application for modification of Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 23-V-216.
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 23-V-216 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. 23-V-216.
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 23-V-216 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. 23-V-216, to be:

Parking Structure 2
1000 W. Carson St.
Torrance, CA

E. Decision and Order:

1. Permanent Variance Application No. 23-V-216M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each conveyance being the subject of Permanent Variance Nos. 23-V-216, and 23-V-216M1, shall have the following address designation:

Parking Structure 2
1000 W. Carson St.
Torrance, CA

2. Permanent Variance No. 23-V-216, 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. 23-V-216M1.

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: December 1, 2023



Michelle Iorio, 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 Gen2S/Gen3Edge Elevator & Medical
Emergency Elevator Car Dimensions (Group
IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis Gen2S/Gen3Edge Elevator & Medical Emergency Elevator Car Dimensions (Group IV)</p>	<p>OSHSB File Nos.: See section A table below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

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 Regulations¹, 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
23-V-385	6055 Pico LLC and Pico Crescent LP	6055 Pico Blvd. Los Angeles, CA	2
23-V-408	Rodeo Family LLC	312 N. Rodeo Dr. Beverly Hills, CA	1
23-V-409	King 1699 Bayshore Owner LLC	The Landing Parking Structure 821 Malcolm Rd. Burlingame, CA	2
23-V-415	TI Lot 8, LLC	Treasure Island Parcel C2.2 77 Bruton St. San Francisco, CA	3
23-V-422	Ambrosia Apartments Associates, L.P.	800 W. 85th St. Los Angeles, CA	1
23-V-425	TC/P San Pedro Venture, LLC	511 S. Harbor Blvd. San Pedro, CA	3
23-V-430	BIF OZ 4607 Crenshaw Blvd, LP	4611 S. Crenshaw Blvd. Los Angeles, CA	2
23-V-431	1110 So. Spaulding LLC	1110 So. Spaulding Ave. Los Angeles, CA	1

¹ Unless otherwise noted, all references are to title 8, California Code of Regulations.

23-V-434	Convoy KM Apartments Owner, LLC	4888 Convoy St. San Diego, CA	5
23-V-435	Hollywood Runyon, LLC	7050 W. Hawthorn Ave. Los Angeles, CA	2
23-V-436	K-Geneva @ Venice Development, LLC	9900 Venice Blvd. Culver City, CA	2
23-V-437	The Regents of the University of California	5483 Shiley Eye Institute Renovation UC San Diego Medical Center-La Jolla 9415 Campus Point Dr. La Jolla, CA	1
23-V-449	M&A Glenrock LLC	535 Glenrock Ave. Los Angeles, CA	1
23-V-461	2400 Willow Pass LP	2400 Willow Pass Rd. Concord, CA	3
23-V-462	685 9th St LLC	685 9th St. Oakland, CA	2
23-V-463	Baden Station Apartments Investors, L.P.	428 Baden Ave. South San Francisco, CA	1
23-V-464	Residency at the Entrepreneur, LP	1657 N. Western Ave. Los Angeles, CA	2
23-V-465	1663 Sawtelle LLC	1663 Sawtelle Blvd. Los Angeles, CA	1
23-V-467	154 Occidental, LLC	154 S. Occidental Blvd. Los Angeles, CA	1
23-V-468	2 SIOF 10811 S Compton Ave LLC	10811 S. Compton Ave. Los Angeles, CA	1
23-V-469	Roseville Joint Union High School District	New District Office 1750 Cirby Way Roseville, CA	1
23-V-470	HV Partners 3, LP	853 Hunters View Dr. San Francisco, CA	2
23-V-471	HV Partners 3, LP	855 Hunters View Dr. San Francisco, CA	2
23-V-482	Grewal 2012 Hospitality Group	Modesto Courtyard 2955 Grewal Pkwy Modesto, CA	2

23-V-483	Chinese American International School	3250 19th Ave. San Francisco, CA	1
23-V-485	Ocotillo LA Pico, LLC	2455 S. Overland Ave. Los Angeles, CA	4
23-V-486	HQ Gastropub Three, LLC	1360 3rd St. Promenade Santa Monica, CA	1
23-V-487	Mian Metropolitan Holdings Inc	Home2 Suites By Hilton 623 E. Ventura Blvd. Camarillo, CA	1
23-V-488	R CAP Avenue 34, LLC	3433 N. Pasadena Ave. Los Angeles, CA	2
23-V-489	R CAP Avenue 34, LLC	3411 N. Pasadena Ave. Los Angeles, CA	3
23-V-490	R CAP Avenue 34, LLC	131 W. Avenue 34 Los Angeles, CA	2
23-V-500	Heritage Developments LLC	3839 W. Washington Blvd. Los Angeles, CA	1
23-V-502	Residency at Empire I, LP	2814 Empire Ave. Burbank, CA	2
23-V-504	UC Davis Health	14264 Innovation Dr. Folsom, CA	3
23-V-509	American Buddhist Cultural Society	ABCS San Bao Temple 1750 Van Ness Ave. San Francisco, CA	1
23-V-510	WNG BOT Anaheim 406 LLC	Parking Structure 1075 N. Link Anaheim, CA	2
23-V-511	WNG BOT Anaheim 406 LLC	Parking Structure 1041 N. Link Anaheim, CA	2
23-V-512	WNG BOT Anaheim 406 LLC	Apartments 1041 N. Link Anaheim, CA	1
23-V-513	SIOF 9 Properties, LP	4008 W. Martin Luther King Jr. Blvd. Los Angeles, CA	1
23-V-515	8th Avenue Property Owners LLC	3843 8th Ave. San Diego, CA	2

23-V-516	4632 Santa Monica L.P.	4632 Santa Monica Blvd. Los Angeles, CA	3
23-V-517	ICONIX HP, LLC	Building 500 1265 S. District Dr. Inglewood, CA	1
23-V-518	De Anza Wolfe Road Partners, LP	Butcher's Corner 890 Audrey Butcher Terrace Sunnyvale, CA	4
23-V-519	IC PG Property Owner, LLC	Kimpton Pacific Grove Hotel 157 Grand Ave. Pacific Grove, CA	3
23-V-521	Folsom Cordova Unified School District	Alder Creek Elementary School 4545 Old Ranch Rd. Folsom, CA	1
23-V-522	Kaiser Permanente	Fresno Acute Services Expansion 7300 N. Fresno St. Fresno, CA	1
23-V-537	UC Davis Health	Parking Structure 5 4687 X St. Sacramento, CA	4
23-V-538	Premier Hospitality LLC	Hampton Inn & Suites 3989 Bedford Canyon Rd. Corona, CA	2
23-V-539	NSS Hotels LLC	Tru by Hilton 3481 Hamner Ave. Norco, CA	2
23-V-541	BayshoreRE, LLC	The Bayshore Peninsula Hotel 1800 W. Balboa Blvd. Newport Beach, CA	1
23-V-542	The Minn Owner LLC	1905 Broadway San Diego, CA	2
23-V-543	Novin Development	Park Haven 2838 Park Ave. Soquel, 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.
2. This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
3. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Mark Wickens and Jose Ceja, appeared on behalf of the Division of Occupational Safety and Health (“Division”).
4. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

5. 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 on November 29, 2023, 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 Gen3 Edge/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 the relevant findings in previous Board decisions:
 - a. Items D.3 through D.9 of the Proposed Decision adopted by the Board on July 18, 2013 for OSHSB File No. 12-V-093;
 - b. Item D.4 of the Proposed Decision adopted by the Board on September 25, 2014 for OSHSB File No. 14-V-206; and

c. Item B of the Proposed Decision adopted by the Board on September 15, 2022 for OSHSB File No. 22-V-302 regarding medical emergency car dimensions.

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 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 variances 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).
- Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (Only to the extent necessary to comply with the performance-based requirements of the 2019 California Building Code Section 3002.4.1a)

These variances apply to the locations and numbers of elevators stated in the section A table (so long as the elevators are Gen3 Edge/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:

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 bevel).
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 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.
- 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.

12. 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.).

13. All medical emergency service elevators shall comply with the following:

- a. The requirements of the 2019 California Building Code (CBC), Section 3002.4.1a;

The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners] in the horizontal, open position.”

- b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, Section 3002.4a.
 - c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to the Division, at the time of inspection, for all medical emergency service elevator(s).
14. 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 Gen3 Edge/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.
 15. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
 16. 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.
 17. The Applicant shall be subject to the Suspension Means – Replacement Reporting Condition stated in Addendum 2, as hereby incorporated by this reference.
 18. 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.
 19. 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 the Board’s procedural regulations at section 426, subdivision (b).

Pursuant to section 426(b) of the Board’s procedural regulations, the above, Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

Dated: December 1, 2023


Michelle Iorio, 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 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 Model 3300 Elevators, W/Variant
Governor Ropes and Sheaves (Group IV)

OSHSB File No.: See table in Jurisdictional and
Procedural Matters

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 Model 3300 Elevators, W/Variant Governor Ropes and Sheaves (Group IV)</p>	<p>OSHSB File No.: See table in Jurisdictional and Procedural Matters</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

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 Regulations¹, 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
23-V-404	Clear Sky Capital High Street Self Storage, LP	1232 High St. Oakland, CA	2

- This proceeding is conducted in accordance with Labor Code section 143, and section 401, et. seq. of the Board’s procedural regulations.
- This hearing was held on via videoconference, by the Board with Hearing Officer Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Jennifer Linares, with the Schindler Elevator Company, appeared on behalf of each Applicant; Mark Wickens and Jose Ceja appeared on behalf of the Division of Occupational Safety and Health (“Division”).
- Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

¹ Unless otherwise noted, all references are to California Code of Regulations, title 8.

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

6. 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 November 29, 2023, 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 A17.1-2004, sections 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, 2.20.9.5.4, 2.26.1.4.4(a), 8.4.10.1.1(a)(2)(b), 2.14.1.7.1, 2.18.7.4, and 2.26.9.6.1] of the Elevator Safety Orders, with respect to the suspension ropes and connections, inspection transfer switch relocation, seismic reset switch relocation, the location and construction of car-top railings, governor-sheave diameter, and means of removing power from the driving machine motor for one (1) Schindler model 3300 MRL elevator.

The relevant language of those sections are below.

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:

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

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 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. Requested Transfer Switch Placement Variance

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, the Applicant presently seeks permanent variance from the following Elevator Safety Order incorporated ASME Code A17.1-2004, subsection:

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

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. Requested Seismic Reset Switch Placement Variance

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, the Applicant presently seeks permanent variance from the following Elevator Safety Order incorporated ASME Code subsection:

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

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. Requested Car Top Railing Inset Variance

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, the Applicant presently seeks permanent variance from the following Elevator Safety Order incorporated ASME Code A17.1-2004, section:

Section 2.14.1.7.1—Top of Car Perimeter Railing Placement

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. Pitch Diameter of Governor Sheaves

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.”

Table 2.18.7.4 Multiplier for Determining Governor Sheave Pitch Diameter
[from ASME A17.1-2004]

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 1.0 (over 200)	6	46
Over 1.0 (over 200)	8	32

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

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 elevators 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. 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. Due to the use of a 6 mm (0.25 in.) governor rope with 6-strand construction, the provided governor sheave pitch diameter is less than that required by the Elevator Safety Orders.
7. The driving machine and governor are positioned in the hoistway and restrict the required overhead clearance to the elevator car top.
8. Applicant proposes to insert the car-top railings at the perimeter of the car top.
9. Applicant intends to use an elevator control system, model CO NX100NA or CO NX300NA, 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

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 the Elevator Safety Orders from which variance is being sought.

Decision and Order:

The 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 the Applicant shall be issued permanent variance from section 3141 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);
- Governor Rope and Sheave: The 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.
- 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

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, fastenings, related monitoring and detection systems, and criteria for STM replacement. 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 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.
 - 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 speed governor rope and sheaves shall comply with the following:
 - a. The governor shall be used in conjunction with a steel 6 mm (0.25 in.) diameter 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 200 mm (7.87 in.).
6. 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 SIL3 rated Regenerative, Variable Voltage Variable Frequency (VVVF) motor drive unit, model VAF013, VAF023, or VAF043 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.**

- 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.
7. 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.
8. 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 sections 411.2 and 411.3.
9. 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 the Board's procedural regulations.

Pursuant to section 426, subdivision (b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: November 30, 2023


Michelle Iorio, Hearing Officer

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.
 - 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/Gen3Edge Elevator (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 Gen2S/Gen3Edge Elevator (Group IV)	OSHSB File Nos.: See section A table below <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

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
23-V-406	San Jose W. San Carlos LP	748 W. San Carlos St. San Jose, CA	1
23-V-466	Sharp Grossmont Hospital	Neurosciences Center 5555 Grossmont Center Dr. La Mesa, CA	1

- 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

- 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

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

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 on November 29, 2023, 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 Gen3 Edge/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 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 Gen3 Edge/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:

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 bevel).

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 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.
 - 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.

12. 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.).
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 Gen3 Edge/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.
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 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: December 1, 2023

Michelle Iorio
Michelle Iorio, 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 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 E2 Controller (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 E2 Controller (Group IV)	OSHSB File Nos.: See grid below <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	--

A. Subject Matter:

1. 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 a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
23-V-407	AS LLL Owner, LLC	Aggie Square - Life Long Learning 300 Aggie Square Way Sacramento, CA	1

2. The subject safety order requirements are specified in the portion of the below Decision and Order, preceding the variance conditions.
3. Jurisdiction: these proceedings are conducted in accordance with Labor Code Section 143, and California Code of Regulations, title 8, section 401, et. seq.

B. Procedural:

1. This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Dan Lecox of Lecox & Associates, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official notice taken of the Board’s files, records, recordings and decisions concerning Otis elevators. At close of hearing on November 29, 2023, the record was closed, and the matter taken under submission by the Hearing Officer.

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

1. The installation contracts for elevators, the subject of permanent variance application(s) specified per Section A.1 table, were signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders (“ESO”).
2. Each Applicant proposes the use of a Safety Integrity Level (SIL) rated software system and circuits consisting of three computer control boards that communicate on a Control Area Network (CAN) to monitor elevator safety devices and perform certain safety functions. Elevator electrical protective devices (EPDs) and other control devices are connected to these control boards. Software specifically designed for this SIL system continuously monitors these devices and performs certain elevator safety functions. The design of this SIL rated software system and its related circuits includes a required redundant means to remove the power from the driving machine motor and brake under certain conditions. Currently in effect title 8 ESOs do not allow this redundancy to be solely dependent on a software controlled means as proposed by the Applicant.
3. Use of the SIL rated software system and its related circuits, as proposed by the Applicant, would be compliant with requirements of ASME A17.1-2013, Section 2.26.9.3.2.
4. Both by way of its written evaluation (Exhibit PD-4), and statements at hearing, Division has taken the position that each Applicant’s proposal for permanent variance and means of safety equivalence, subject to Division recommended conditions (in substantial part incorporated into the below Decision and Order), will provide safety equivalent to the title 8 standards from which permanent variance is sought. Further, at hearing in the matter, Board staff stated full concurrence with the foregoing position of Division.

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 that is the subject of this proceeding, as specified per the Section A.1 table, is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, each specified Applicant shall have permanent variance from California Code of Regulations, title 8, section 3141 [ASME A17.1-2004, Sections 2.26.9.4] of the Elevator Safety Orders, with respect to the means of removing power from driving machine motor and brakes, subject to the following conditions:

1. The SIL rated software system and its related circuits shall comply with the following:
 - a. The SIL-rated software system and related circuits shall consist of three circuit board components (SSIB, KSIB, and HSIB), each 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 (AEB 012, EU-ESD 012 or both) followed by the applicable revision number (as in AEB 012/2, EU-ESD 012/1).
 - b. The software system and related 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.**

- d. Unique maintenance procedures or methods required for the inspection, tests and replacement of the SIL rated circuits shall be developed and a copy maintained in the elevator machine room. The procedures or methods shall include clear color photographs of each SIL rated component, with notations indicating part identification and location installed.
- e. Wiring diagrams that include part identification, SIL, and certification information, shall be maintained in the elevator machine room.

- f. A successful test of the SIL rated software system and its related 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. Alterations to the SIL rated software system and its related 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. Replacement of the SIL rated software system or its related 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. Repairs to the SIL rated software system and its related 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 software or circuits shall be maintained within the temperature and humidity range specified by Otis Elevator Company. The temperature and humidity range shall be posted on each enclosure containing SIL rated software or circuits.
 - k. Field software changes are not permitted. Any changes to the TUV certified SIL rated software will require updated documentation and recertification.
2. 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 elevator system (including SIL 3-rated devices) in accordance with the written procedures and criteria required by Condition No. 3 and in accordance with the terms of this permanent variance.
 3. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
 4. 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.
 5. 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.

6. 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 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: December 1, 2023

Michelle Iorio

Michelle Iorio, 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:

Faith Community Church

OSHSB File No.: 23-V-410

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 by:</p> <p>Faith Community Church</p>	<p>OSHSB File No.: 23-V-410</p> <p><u>Proposed Decision</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

A. Procedural Matters

1. Faith Community Church (“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:

2700 Rancho Poncho Rd.
 Carlsbad, 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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Robert Ingram with Advantage Elevator appeared on behalf of Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application for Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

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 (1) vertical platform (wheelchair) lift at a location having the address of:

2700 Rancho Poncho Rd.
Carlsbad, 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 Savaria Model V-1504, 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. (e.g. OSHSB File Nos. 13-V-260, 15-V-097, 15-V-297, 17-V-198)
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 Faith Community Church, OSHSB File No. 23-V-410, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Faith Community Church, 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) Savaria Model V-1504 Vertical Platform Lift, to be located at:

2700 Rancho Poncho Rd.
Carlsbad, 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.

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 30, 2023

Michelle Iorio

Michelle Iorio, 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 Medical Emergency Elevator Car
Dimensions (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis Medical Emergency Elevator Car Dimensions (Group IV)</p>	<p>OSHSB File No.: see grid below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023</p> <p>Location: Zoom</p>
--	--

A. Jurisdictional and Procedural Matters

1. 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 Regulations¹, with respect to the listed conveyance or conveyances, at the specified location:

Variance No.	Applicant Name	Variance Location Address
23-V-413	6650 Flanders Drive LLC	6650 Flanders Dr. San Diego, CA
23-V-414	Hollywood Arts Building QALICB	6518-6522 Hollywood Blvd. Los Angeles, CA
23-V-426	CSHV Post Pointe, LLC	3280 Barnett Ave. San Diego, CA
23-V-428	Urban School of San Francisco	1530 Page St. San Francisco, CA
23-V-429	Roman Catholic Welfare Corporation	Archbishop Mitty High School 5000 Mitty Way San Jose, CA
23-V-438	Chapman-Arc, LLC	3465 W. 6th St. Los Angeles, CA
23-V-460	ST Associates, LLC & Orchard II Associates, GP	4040 Hancock St. San Diego, CA
23-V-503	LA Korean First Presbyterian Church	213 S. Hobart Blvd. Los Angeles, CA
23-V-520	Anastasi Development Co. Inc	2218 E. Main St. Ventura, CA
23-V-540	Archangel Michael Coptic Orthodox Church	AMC Church Multi-Purpose Building 1122 Appleton Rd. Simi Valley, CA

¹ Unless otherwise noted, all references are to the California Code of Regulations, title 8.

2. 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.
3. This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Mark Wickens and Jose Ceja appeared on behalf of 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:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per Section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 on November 29, 2023, the record was closed, and the matter taken under submission by the Hearing Officer.

B. Findings of Fact and Applicable Regulations

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

1. Applicant requests a permanent variance from section 3041, subdivision (e)(1)(C), which states:

(1) All buildings and structures constructed after the effective date of this order that are provided with one or more passenger elevators shall be provided with not less than one passenger elevator designed and designated to accommodate the loading and transport of an ambulance gurney or stretcher maximum size 22 ½ in. (572 mm) by 75 in. (1.90 m) in its horizontal position and arranged to serve all landings in conformance with the following:

...

(C) The elevator car shall have a minimum inside car platform of 80 in. (2.03 m) wide by 51 in. (1.30 m) deep.

The intent of this language is to ensure that there is enough space to accommodate the access and egress of a gurney and medical personnel inside of a medical service elevator.

This standard is made applicable to Group IV by section 3141.7, subdivision (b), which reads, "Elevators utilized to provide medical emergency service shall comply with Group II, section 3041(e)."

2. Applicant proposes to comply with the requirements of the 2019 California Building Code, section 3002.4.1a in the design of its medical emergency service elevator. That section requires:

The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners] in the horizontal, open position.

The purpose of this requirement is to ensure that an elevator designated for emergency medical service will accommodate a minimum of two emergency personnel with an ambulance gurney or stretcher.

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 the Elevator Safety Orders from which variance is being sought.

D. 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.1 table shall have permanent variances from sections 3041, subdivision (e)(1)(C) and 3141.7, subdivision (b) subject of the following conditions:

1. All medical emergency service elevator(s) shall comply with the requirements of the 2019 California Building Code section 3002.4.1a:

The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners] in the horizontal, open position.

2. All medical emergency service elevator(s) shall be identified in the building construction documents in accordance with the 2019 California Building Code, section 3002.4a.
3. Dimensional drawings and other information necessary to demonstrate compliance with the conditions of this permanent variance decision shall be provided to the Division, at the time of inspection, for all medical emergency service elevator(s).
4. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing the elevators shall be provided a copy of this variance decision.
5. 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.
6. 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.
7. 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.

Pursuant to section 426, subdivision (b) of the Board’s procedural regulations, the above, Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: December 1, 2023

Michelle Iorio
Michelle Iorio, 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:

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

OSHSB File No.: Per table, in Jurisdictional
and Procedural Matters below

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: November 29, 2023</p> <p>Location: Zoom</p>
--	--

Jurisdictional and Procedural Matters

1. 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
23-V-416	Ontario Extended Stay, LLC	1820 E G St. Ontario, CA	1
23-V-452	Lennar Homes of California, LLC	44897 S. Grimmer Blvd. Fremont, CA	1
23-V-453	Lennar Homes of California, LLC	44867 S. Grimmer Blvd. Fremont, CA	1
23-V-454	Lennar Homes of California, LLC	44887 S. Grimmer Blvd. Fremont, CA	1
23-V-455	Lennar Homes of California, LLC	44877 S. Grimmer Blvd. Fremont, CA	1
23-V-473	Multi-Family Investment Partners 1, LP	1559 N. Santa Fe Ave. Vista, CA	1
23-V-474	2575 Railroad Ave., L.P.	2595 Railroad Ave Pittsburg, CA	1
23-V-475	Jay Sun Hospitality LLC	701 E. Imperial Hwy La Habra, CA	2
23-V-476	Hadle2, LLC	848 N. Hayworth Ave. Los Angeles, CA	1

23-V-527	KA Louisiana LLC	3919 Louisiana Street San Diego, CA	1
23-V-528	Beach Village Life I LLC	300 Christianson Way Carlsbad, CA	1
23-V-529	600 Ventures LLC	600 Hartz Ave Danville, CA	2
23-V-530	LIV Investments, LLC	4064 E. Live Oak Ave. Arcadia, CA	2
23-V-531	Central California Food Bank	4010 E. Amandola Drive Fresno, CA	1
23-V-532	811 Valencia St LLC	811 Valencia St San Francisco, CA	1
23-V-533	690 Veterans LLC	690 Veterans Blvd. Redwood City, CA	2

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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Jennifer Linares, with Schindler Elevator Corporation, appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of 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:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 A17.1-2004, 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.

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:

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

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 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

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 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
 - 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 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.
 - 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.**

- 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.
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 30, 2023


Michelle Iorio, Hearing Officer

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.
 - 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:

Castro Partners LLC

OSHSB File No.: 23-V-417

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Castro Partners LLC	OSHSB File No.: 23-V-417 <u>Proposed Decision</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters

1. Castro Partners LLC (“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:

356 Main St.
Half Moon Bay, 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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. Appearing at hearing were Craig Fiore with McKinley Elevator Corporation appearing on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application for Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

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:

356 Main St.
Half Moon Bay, 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-EN-168 or 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 Castro Partners LLC, OSHSB File No. 23-V-417, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Castro Partners LLC, 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-EN-168 or GVL-SW-168 Vertical Platform Lift, to be located at:

356 Main St.
Half Moon Bay, 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.
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 30, 2023


Michelle Iorio, 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:

Kingdom Builders Transitional Housing
Program

OSHSB File No.: 23-V-418

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Kingdom Builders Transitional Housing Program	OSHSB File No.: 23-V-418 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters:

1. Kingdom Builders Transitional Housing Program (“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:

2317 International Blvd.
Oakland, CA
and
2321 International Blvd.
Oakland, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Patrick Austin with Arrow Lift of California, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance application per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official is notice taken of the Board’s rulemaking records and variance decision concerning the Elevator Safety Order requirements at issue. On November 29, 2023, 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 below cited permanent variance file decisions—the Board finds the following:

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

2317 International Blvd.
Oakland, CA
and
2321 International Blvd.
Oakland, CA

2. The subject vertical lift is proposed to be a Symmetry Model VPL/VPC ELP-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.
3. 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.).
4. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, absent subsequent harm attributable to such variance being reported by Division. (E.g. OSHSB File Nos. 13-V-260, 15-V-097, 17-V-270, 18-V-278, 19-V-256).
5. With respect to the equivalence or superior of safety, conditions and limitations of the Decision and Order are in material conformity with findings and conditions of prior Board permanent variance decisions, including the above cited.
6. Per its written Review of Application for Permanent Variance, Exhibit PD-3, it is the informed opinion of Division that equivalent safety (at minimum) will be achieved upon grant of presently requested permanent variance, subject to conditions and limitations incorporated into the below Decision and Order.

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 for 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 Kingdom Builders Transitional Housing Program, OSHSB File No. 23-V-418, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Kingdom Builders Transitional Housing Program, 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 it restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Vertical Platform Lift Symmetry Model VPL/VPC ELP-168, to be located at:

2317 International Blvd.
Oakland, CA
and
2321 International Blvd.
Oakland, 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 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.
 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 accordance with title 8, Division 1, Chapter 3.5, rules and procedures.

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 30, 2023


Michelle Iorio, 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:

Tangor, LLC

OSHSB File No.: 23-V-419

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Tangor, LLC	OSHSB File No.: 23-V-419 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters:

1. Tangor, LLC (“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:

412 Seaton Street
Los Angeles, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Patrick Austin with Arrow Lift of California, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance application per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official is notice taken of the Board’s rulemaking records and variance decision concerning the Elevator Safety Order requirements at issue. On November 29, 2023, 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 below cited permanent variance file decisions—the Board finds the following:

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

412 Seaton Street
Los Angeles, CA

2. The subject vertical lift is proposed to be a Symmetry Model VPL/VPC EL-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.
3. 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.).
4. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, absent subsequent harm attributable to such variance being reported by Division. (E.g. OSHSB File Nos. 13-V-260, 15-V-097, 17-V-270, 18-V-278, 19-V-256).
5. With respect to the equivalence or superior of safety, conditions and limitations of the Decision and Order are in material conformity with findings and conditions of prior Board permanent variance decisions, including the above cited.
6. Per its written Review of Application for Permanent Variance, Exhibit PD-3, it is the informed opinion of Division that equivalent safety (at minimum) will be achieved upon grant of presently requested permanent variance, subject to conditions and limitations incorporated into the below Decision and Order.

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 for 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 Tangor, LLC, OSHSB File No. 23-V-419, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Tangor, LLC, 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 it restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Vertical Platform Lift Symmetry Model VPL/VPC EL-168, to be located at:

412 Seaton Street
Los Angeles, 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 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.
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 accordance with title 8, Division 1, Chapter 3.5, rules and procedures.

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 30, 2023

Michelle Iorio
Michelle Iorio, 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:

Urban School of San Francisco

OSHSB File No.: 23-V-420

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Urban School of San Francisco	OSHSB File No.: 23-V-420 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters:

1. Urban School of San Francisco (“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:

1530 Page Street
San Francisco, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Patrick Austin with Arrow Lift of California, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance application per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official is notice taken of the Board’s rulemaking records and variance decision concerning the Elevator Safety Order requirements at issue. On November 29, 2023, 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 below cited permanent variance file decisions—the Board finds the following:

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

1530 Page Street
San Francisco, CA

2. The subject vertical lift is proposed to be a Symmetry Model VPL/VPC SLH-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.
3. 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.).
4. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, absent subsequent harm attributable to such variance being reported by Division. (E.g. OSHSB File Nos. 13-V-260, 15-V-097, 17-V-270, 18-V-278, 19-V-256).
5. With respect to the equivalence or superior of safety, conditions and limitations of the Decision and Order are in material conformity with findings and conditions of prior Board permanent variance decisions, including the above cited.
6. Per its written Review of Application for Permanent Variance, Exhibit PD-3, it is the informed opinion of Division that equivalent safety (at minimum) will be achieved upon grant of presently requested permanent variance, subject to conditions and limitations incorporated into the below Decision and Order.

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 for 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 Urban School of San Francisco, OSHSB File No. 23-V-420, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Urban School of San Francisco, 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 it restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Vertical Platform Lift Symmetry Model VPL/VPC SLH-168, to be located at:

1530 Page Street
San Francisco, 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 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.
 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 accordance with title 8, Division 1, Chapter 3.5, rules and procedures.

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 30, 2023

Michelle Iorio

Michelle Iorio, 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:

San Bernardino City Unified School District

OSHSB File No.: 23-V-421

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 14, 2023

JOSEPH M. ALIOTO JR., Member

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.

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

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.

LAURA STOCK, Member

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

In the Matter of Application for Permanent Variance by: San Bernardino City Unified School District	OSHSB File No.: 23-V-421 <u>Proposed Decision</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters

1. San Bernardino City Unified 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:

San Bernardino High School Auditorium
Bldg. 1850 N E Street
San Bernardino, 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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. Appearing at hearing were John Fisher with JSFA, Inc. appearing on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application for Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

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:

San Bernardino High School Auditorium Bldg.
1850 N E Street
San Bernardino, 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 Genesis Shaftway Vertical Platform Lift Model Number S2700, 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 San Bernardino City Unified School District, OSHSB File No. 23-V-421, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, San Bernardino City Unified 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) Genesis Shaftway Vertical Platform Lift Model Number S2700, to be located at:

San Bernardino High School Auditorium Bldg.
1850 N E Street
San Bernardino, 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.
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 30, 2023


Michelle Iorio, 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 Gen20, and/or Gen3Peak with Variant
Governor Rope and Sheaves with MES
(Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis Gen20, and/or Gen3Peak with Variant Governor Rope and Sheaves with MES (Group IV)</p>	<p>OSHSB File No: Per Section A.1 Table</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
---	--

A. Procedural & Jurisdictional Matters

- 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 Regulations¹, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Conveyances
23-V-423	University of Southern California	Pasadena Medical Office Building 590 S. Fair Oaks Ave. Pasadena, CA	3
23-V-432	California Science Center	Samuel Oschin Air and Space Center 700 Exposition Park Dr. Los Angeles, CA	6
23-V-501	City and County of San Francisco	SEP 610 & 615 750 Phelps St. San Francisco, CA	2

- The subject safety order requirements are specified in B. Applicable Regulations below.
- These proceedings are conducted in accordance with Labor Code section 143 and section 401, et. seq. of the Board’s procedural regulations.
- This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

¹ Unless otherwise noted, all references are to title 8, California Code of Regulations.

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

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

7. 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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Applicable Regulation

1. The Applicants request variance from some or all of the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:
 - a. 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.);
 - b. Cartop 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);
 - c. 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);
 - d. 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);
 - e. Governor Rope Diameter: 2.18.5.1 (Only to the extent necessary to permit the use of the governor rope proposed by the Applicant, where the rope has a diameter of 8 mm [0.315 in.]); Note: A variance from the section above is not required. However, the Board has included a variance from this code requirement in similar previous variances.
 - f. Pitch Diameter: 2.18.7.4 (Only to the extent necessary to permit the use of the speed governor system, proposed by the Applicant, where the rope sheave pitch diameter is less than what is required by the Elevator Safety Orders).

- g. Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (Only to the extent necessary to comply with the performance-based requirements of the 2019 California Building Code Section 3002.4.1a)

C. Findings of Fact

1. 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.
 - f. Item B of the Proposed Decision adopted by the Board on September 15, 2022 for OSHSB File No. 22-V-302 regarding medical emergency car dimensions.
2. Regarding requested variance in governor sheave diameter, and governor rope diameter, in variance from title 8, section 3141, incorporated ASME A17.1-2004, sections 2.18.7.4 and 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.
3. The installation contracts for elevators, the subject of the permanent variance application, were signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders (“ESO”).
4. Both Board staff and Division safety engineers, 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. 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 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 the 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, Applicant shall have permanent variances from 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:

- 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.);
- Cartop 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);
- 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);
- Governor Rope Diameter: 2.18.5.1 (Only to the extent necessary to permit the use of the governor rope proposed by the Applicant, where the rope has a diameter of 8 mm [0.315 in.]); *Note: A variance from the section above is not required. However, the Board has included a variance from this code requirement in similar previous variances.*
- Pitch Diameter: 2.18.7.4 (Only to the extent necessary to permit the use of the speed governor system, proposed by the Applicant, where the rope sheave pitch diameter is less than what is required by the Elevator Safety Orders).

- Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (Only to the extent necessary to comply with the performance-based requirements of the 2019 California Building Code Section 3002.4.1a)

The variance shall be subject to, and limited by, 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.
 - 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 each 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:
 - 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.
- 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. Each 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 Gen3 Peak 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. All medical emergency service elevators shall comply with the following:
- a. The requirements of the 2019 California Building Code (CBC), Section 3002.4.1a;

The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-

inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5 inch (127 mm) radius corners] in the horizontal, open position.”

- b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, Section 3002.4a.
 - c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to the Division, at the time of inspection, for all medical emergency service elevator(s).
15. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
 16. The Division shall be notified when each elevator is ready for inspection. Each elevator shall be inspected by the Division, and a Permit to Operate shall be issued before each elevator is placed in service.
 17. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
 18. 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.
 19. 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 Section 426, subdivision (b) of the Board’s procedural regulations, the above, Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: December 1, 2023

Michelle Iorio

Michelle Iorio, 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 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:

TK Elevator Evolution (Group IV)

OSHSB File No.: Per Section A.1 Table

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOSEPH M. ALIOTO JR., Member

Date of Adoption: December 14, 2023

KATHLEEN CRAWFORD, Member

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.

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

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>TK Elevator Evolution (Group IV)</p>	<p>OSHSB File Nos.: Per Section A.1 table</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
---	--

A. Procedural Matters

- The below listed Applicants (“Applicant”) have applied for permanent variance from certain provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations¹, 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
23-V-424	California State University East Bay	25800 Carlos Bee Blvd. Hayward, CA	1
23-V-427	Evoy, LP	1048 36th St. Emeryville, CA	2
23-V-456	PP Amlis 8225 Aero Drive LP	3585 Aero Court San Diego, CA	4
23-V-496	RIDA Chula Vista	1000 H Street Chula Vista, CA	26
23-V-534	East Bay Real Estate Ventures LLC	3023 Summit St. Oakland, CA	5
23-V-535	Madrone Terrace LP Resources for Community Development	16060 E 14th St. San Leandro, CA	2
23-V-536	Millbrae Adrian Science Park LLC	210 Adrian Road Millbrae, CA	6

- These proceedings are conducted in accordance with Labor Code section 143, and section 401, et. seq.

¹ Unless otherwise noted, references are to the California Code of Regulations, title 8.

3. This hearing was held on November 29, 2023, via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Justin Zoetewey with TK Elevator appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

6. 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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Relevant Safety Orders

Variance Request No. 1 (ASME A17.1-2004, Section 2.14.1.7.1)

2.14.1.7.1 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.

Variance Request No. 2A (ASME A17.1-2004, section 2.20.1)

2.20.1 Suspension Means

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.

Variance Request No. 2B (ASME A17.1-2004, section 2.20.2[.1])

2.20.2.1 On Crosshead Data Plate.

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

(a) the number of ropes

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

(c) the manufacturer's rated breaking strength per rope in kilo Newton (kN) or pounds (lb)

Variance Request No. 2C (ASME A17.1-2004, section 2.20.2.2)

2.20.2.2 On Rope Data Tag.

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 nonpreformed or preformed

[...]

Variance Request No. 2D. (ASME A17.1-2004, section 2.20.3)

2.20.3 Factor of Safety

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:

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

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

Variance Request No. 2E (ASME A17.1-2004, section 2.20.4)

2.20.4 Minimum Number and Diameter of Suspension Ropes

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.

Variance Request No. 2F (ASME A17.1-2004, section 2.20.9[.1])

2.20.9 Suspension-Rope Fastening

2.20.9.1 Type of Rope Fastenings. The car and counterweight ends of suspension wire ropes, or the stationary hitch-ends where multiple roping is used, shall be fastened in such a manner that all portions of the rope, except the portion inside the rope sockets, shall be readily visible.

Fastening shall be

(a) by individual tapered rope sockets (see 2.20.9.4) or other types of rope fastenings that have undergone adequate tensile engineering tests, provided that

(1) such fastenings conform to 2.20.9.2 and 2.20.9.3;

(2) the rope socketing is such as to develop at least 80% of the ultimate breaking strength of the strongest rope to be used in such fastenings; or

(b) by individual wedge rope sockets (see 2.20.9.5); and

(c) U-bolt-type rope clamps or similar devices shall not be used for suspension rope fastenings.

Variance Request No. 3 (ASME A17.1-2004, section 2.26.9.4)

2.26.9.4 Redundant devices used to satisfy 2.26.9.3 in the determination of the occurrence of a single ground, or the failure of any single magnetically operated

switch, contactor or relay, or of any single solid state device, or any single device that limits the leveling or truck zone, or a software system failure, shall be checked prior to each start of the elevator from a landing, when on automatic operation. When a single ground or failure, as specified in 2.26.9.3, occurs, the car shall not be permitted to restart. Implementation of redundancy by a software system is permitted, provided that the removal of power from the driving-machine motor and brake shall not be solely dependent on software-controlled means.

Variance Request No. 4 (ASME A17.1-2004, section 2.26.9.6.1)

2.26.9.6.1 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.

Variance Request No. 5 (ASME A17.1-2004, section 2.26.1.4[.1](a))

2.26.1.4.1 General Requirements

(a) Operating devices for inspection operation shall be provided on the top of the car and shall also be permitted in the car and in the machine room.

Variance Request No. 6 (ASME A17.1-2004, section 8.4.10.1.1(a)(2)(b))

8.4.10.1.1 Earthquake Equipment (See Also Fig. 8.4.10.1.1)

(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 [see 8.4.10.1.3(i)]

C. **Findings**

1. Applicant proposes to utilize inset car top railings and guards in compliance with ASME 17.1-2013, section 2.14.1.7.1 and the *Vivante Westside, LLC* File No. 18-V-364 (Nov. 20, 2020) decision (*Vivante*). Applicant further claims that the request is consistent with the *Vivante*, the *Mack Urban, LLC*, File No. 15-V-349

(Nov. 17, 2016), and the *Patton Equities, LLC* File No. 20-V-128 (Nov. 12, 2020) decisions (*Patton Equities*).

2. Applicant proposes to utilize noncircular elastomeric-coated steel belts (“ECSBs”) rather than steel ropes in a machine room-less (“MRL”) elevator installation, with updated data plates, data tags, and wedge sockets designed for use with ECSBs, as well as the appropriate factor of safety criteria conforming to ASME 17.1-2013, with a continuous residual strength detection device (“RSDD”) compliant with the *San Francisco Public Works (File No. 21-V-061, et al.)* decisions.
3. The installation shall utilize the TK Elevator Model 104DP001 RSDD, accepted by the Division on May 4, 2021.
4. Applicant proposes to comply with ASME A17.1-2013 sections 2.26.9.3, “Protection Against Failures”, rather than the requirements of 2.26.9.3 and 2.26.9.4 in the ASME 2004 code.
5. Applicant proposes to use TKE’s control systems, using the TKE TAC32T Controller with SIL3 rated elements, to provide equivalent safety to ASME A17.1-2004, section 2.26.9.4 as a means to inhibit flow of Alternating Current to the Driving Motor in compliance with ASME A17.1-2013, section 2.26.9.6.
6. Applicant proposes to locate the Inspection Transfer Switch within the machinery/control room/space in the MRL installation, in compliance with ASME 17.1-2013, section 2.26.1.4.
7. Applicant proposes to locate the Seismic-Operation Reset Switch in the machinery/control room/space in the MRL installation.

D. Decision and Order

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 TKE EVO 200 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 section 3141 of the Elevator Safety Orders:

- Car-Top Railing: 2.14.1.7.1 (Limited to the extent necessary to permit the use of an inset car-top railing)
- 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, and 2.20.9.1 (Limited to the extent necessary to permit the use of the elastomeric-coated steel belts in lieu of circular steel suspension ropes)

- Inspection transfer switch: 2.26.1.4.4(a) (Limited to the extent necessary to permit the inspection transfer switch to reside at a location other than the machine room)
- Software Reliant Means to Remove Power: 2.26.9.4 (Limited to the extent necessary to permit the exclusive use of SIL-rated software systems as a means to remove power from the driving machine motor and brake)
- SIL-Rated Circuitry to Inhibit Current Flow: 2.26.9.6.1 (Limited to the extent necessary to permit the use of SIL-rated circuitry in place of an electromechanical relay to inhibit current flow to the drive motor)
- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (Limited to the extent necessary to permit the seismic reset switch to reside at a location other than the machine room)

Inset Car Top Railing (Variance Request No. 1):

- 1.0 Any and all inset car top railings shall comply with the following:
 - 1.1 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 trained elevator mechanics or elevator service personnel to stand or climb over the car top railing.
 - 1.2 The distance that the railing can be inset shall be limited to not more than six inches (6").
 - 1.3 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 two inches (2"), 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.
 - 1.4 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" diagonal red and white stripes.
 - 1.5 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**

- 1.6 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).

Suspension Means (Variance Request No. 2):

- 2.0 The elevator suspension system shall comply with the following:
 - 2.1 The elastomeric coated steel belts (ECSBs) 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
 - 2.2 Additionally, ECSBs shall meet or exceed all requirements of ASME A17.6 2010, Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.
 - 2.3 The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the ECSBs and fastenings and related monitoring and detection systems and criteria for ECSB 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.
 - 2.4 ECSB mandatory replacement criteria shall include:
 - 2.4.1. Any exposed wire, strand or cord;
 - 2.4.2. Any wire, strand or cord breaks through the elastomeric coating;
 - 2.4.3. Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;
 - 2.4.4. Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.
 - 2.5 Traction drive sheaves must have a minimum diameter of 112 mm. The maximum speed of ECSBs running on 112 mm drive sheaves shall be no greater than 6.1 m/s.
 - 2.6 If any one (1) ECSB 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 ECSB having been placed into service, it is permissible to replace the individual damaged suspension member. ECSBs that have been installed on another installation shall not be re used.
 - 2.7 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.

- 2.8 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).
- 2.9 An elevator controller integrated bend cycle monitoring system shall monitor actual ECSB bend cycles, by means of continuously counting, and storing in nonvolatile memory, the number of trips that the ECSB 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 ECSB member drops below (60%) sixty percent of full rated strength. The monitoring means shall prevent the car from restarting. Notwithstanding any less frequent periodic testing requirement per Addendum 2 (Division Circular Letter), the bend cycle monitoring system shall be tested semiannually in accordance with the procedures required per above Conditions 2.3 and 2.4.
- 2.10 The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, section 2.20.2.1.
- 2.11 A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, section 2.20.2.2.
- 2.12 Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 2.3 and 2.4 specified criteria, shall be conducted and documented every six (6) months by a CCCM.
- 2.13 The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 1, "Suspension Means Replacement Reporting Condition."
- 2.14 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.
- 2.15 The subject elevators(s) shall be equipped with a TK Elevator Model 104DP001 Residual Strength Detection Device accepted by the Division on May 4, 2021 or Division accepted equivalent device.

Control and Operating Circuits

Combined Software Redundant Devices with Software Removal of Power from Driving Motor and Brake (Variance Request No. 3)

Removal of Power from Driving Motor Without Electro-mechanical Switches (Variance Request No. 4)

- 3.0 The SIL rated circuitry used to provide device/circuit redundancy and to inhibit electrical current flow in accordance with ASME A17.1-2004, sections 2.26.9.4 and 2.26.9.6.1 shall comply with the following:

- 3.1 The SIL rated systems and related circuits shall consist of:
- 3.1.1. ELGO LIMAX33 RED, (aka LIMAX3R-03-050-0500-CNXTG-RJU), Safe Magnetic Absolute Shaft Information System, 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/A 163), followed by the applicable revision number (as in 968/A 163.07/19).
 - 3.1.2 Printed circuit board assembly SSOA (6300 AHE001), 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 1347), followed by the applicable revision number (as in 968/FSP 1347.00/16).
 - 3.1.3 Two circuit board components (Serializer S3I and S3O), each 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/A 162), followed by the applicable revision number (as in 968/A 162.04/18)
- 3.2 The software system and related circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013, section 2.26.4.3.2.
- 3.3 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.**

- 3.4 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.
- 3.5 Wiring diagrams that include part identification, SIL, and certification information shall be maintained in the elevator machine/control room/space.
- 3.6 A successful test of the SIL rated 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.
- 3.7 Any alterations to the SIL rated 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.
- 3.8 Any replacement of the SIL rated 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.

- 3.9 Any repairs to the SIL rated 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.
- 3.10 Any space containing SIL rated circuits shall be maintained within the temperature and humidity range specified by TKE. The temperature and humidity range shall be posted on each enclosure containing SIL rated software or circuits.
- 3.11 Field software changes to the SIL rated system are not permitted. Any changes to the SIL rated system's circuitry will require recertification and all necessary updates to the documentation and diagrams required by Conditions 3.4 and 3.5 above.

Inspection Transfer Switch and Seismic Reset Switch (Variance Request Nos. 5 and 6):

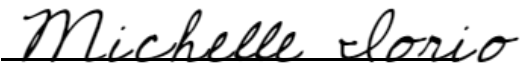
- 4.0 Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:
 - 4.1 If the inspection transfer switch required by ASME A17.1-2004, section 2.26.1.4.4, does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch 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.
 - 4.2 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.
- 5.0 The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the TKE EVO 200 elevator system in accordance with written procedures and criteria, including as required per above Conditions 2.3, and 2.4.
- 6.0 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 full service prior to the Permit to Operate being issued by Division.
- 7.0 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.

- 8.0 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 30, 2023


Michelle Iorio, Hearing Officer

ADDENDUM 1

SUSPENSION MEANS REPLACEMENT REPORTING REQUIREMENTS

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, Attn: Engineering Section, 2 MacArthur Place Suite 700, Santa Ana, CA 92707.
- (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, and certification expiration date 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.
 - (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.

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 2(a) above.

ADDENDUM 2

CIRCULAR LETTER E-10-04, October 6, 2010

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 HQ

ADDENDUM 3

- (A) A Residual Strength Detection Device (RSDD) shall continuously monitor all Elastomeric Coated Steel Belt suspension members (ECSB), automatically stopping the car if the residual strength of any belt drops below 60%. The RSDD shall prevent the elevator from restarting after a normal stop at a landing. The RSDD shall device shall apply a form of electrical current and/or signal through the entire length of the steel tension elements of the ECSB and measure the current and/or signal on its return. The values measured shall be continuously compared to values that have been correlated to the remaining residual strength of the ECSB through testing. The required RSDD shall not rely upon giant magnetoresistance technology, or other magnetic measurement means, for residual strength detection or monitoring.

The RSDD 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 or controller location. The removed RSDD must be replaced or returned to proper service within 30 days. If upon routine inspection, the RSDD device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room or controller location.

If upon inspection by the Division, the RSDD 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.

- (B) On or before November 21 2021, and thereafter, the above specified and documented RSDD shall be installed and operational on the subject elevator.
- (C) A successful functionality test of each RSDD shall be conducted once a year, and a copy of completed testing documentation conspicuously located in the machine room or within proximity of the controller.

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:

Murphy's Bowl LLC

OSHSB File No.: See section A.1 table below

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 by:</p> <p>Murphy's Bowl LLC</p>	<p>OSHSB File Nos.: See section A.1 table below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
---	--

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 Regulations¹, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Escalators
23-V-433	Murphy's Bowl LLC	3930 W. Century Boulevard Inglewood, CA	13

- This proceeding is conducted in accordance with Labor Code section 143, and title 8, section 401, et. seq.
- The safety orders at issue are section 3141.11, incorporated ASME A17.1-2004, sections 6.1.4.1., and 6.1.6.4, and section 3141.2 incorporated ASME A17.1-2004, sections 8.7.6.1.1 [8.7.1.1] and 8.7.6.1.6.

B. Process and Procedure:

- This hearing was held on November 29, 2023 via videoconference by the Board with Hearing, Officer Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Jennifer Linares, with Schindler Elevator Corporation, appeared on behalf of the Applicants; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).

¹ Unless otherwise noted, all references are to California Code of Regulations, title 8.

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

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023 the record was closed, and the matter taken under submission by the Hearing Officer.

C. Findings of Fact

1. Based upon the record of this proceeding, the Board finds the following: Applicant proposes to perform alterations to 13 existing escalators that include a “sleep mode” capability that will cause the escalator to run at a reduced speed when not in use to conserve energy. This arrangement does not comply with the Elevator Safety Orders that prohibit the intentional variation of an escalator’s speed after start-up, and thus variance is requested from California Code of Regulations, For this reason, the Applicant requires a permanent variance from the provisions of California Code of Regulations, Title 8, Elevator Safety Orders, Group IV, Section 3141.2 [ASME A17.1-2004 Sections 8.7.6.1.1 (8.7.1.1) and 8.7.6.1.6] with the relevant code sections being ASME A17.1-2004, Sections 6.1.4.1 and 6.1.6.4, regarding the variation of escalator speed and handrail speed monitoring.

2. ASME A17.1-2004, section 8.7.8.1.6 states:

8.7.8.1.6 Handrails. Any alteration to the handrails or handrail system shall require conformance with 6.1.3.2.2, 6.1.3.4.1 through 6.1.3.4.4, 6.1.3.4.6, 6.1.6.3.12, and 6.1.6.4.

3. The Applicant’s proposed “sleep mode” function is similar to other installations for which a permanent variance has been granted (OSHSB File No. 13-V-153). In this previous variance decision it was concluded by the Board, that a variance also be granted from section 3141.11 [ASME A17.1-2004, Section 6.1.6.4] regarding handrail speed monitoring. ASME A17.1-2004, section 6.1.4.1, states:

6.1.4.1 Limits of Speed. The rated speed shall be not more than 0.5 m/s (100 ft/min), measured along the centerline of the steps in the direction of travel. The speed attained by an escalator after start-up shall not be intentionally varied.

The purpose of this regulation is to ensure that the speed of the escalator during normal operation is kept constant to prevent passengers from losing their balance.

4. The Applicant contends that equivalent safety is achieved through the use of a controller that is capable of varying the escalator drive motor speed in conjunction with dual redundant sensors strategically placed at each end of the unit to detect passenger traffic. When the sensors indicate a lack of traffic approaching the escalator, for a specified amount of time not less than three times the amount of time to transfer a passenger between landings, the control system will initiate the “sleep mode” function, decelerating the escalator to a “crawling speed”, no less than 0.05 m/s (10 ft./min). If passenger traffic is detected while the escalator is in “Sleep Mode,” a signal will be sent to the controller to “wake up” resulting in the escalator accelerating to normal operating speed within 1.5 seconds at a rate no greater than 1 ft/sec².
5. Per Applicant, the sensors used to detect passenger traffic would provide coverage able to detect passengers at a distance greater than a walking person could travel in 2 seconds, which will ensure the escalator is running at normal speed prior to passenger boarding.
6. Applicant proposes that if passenger traffic is detected approaching the escalator opposite the motion of the escalator steps while in “sleep mode”, an alarm will sound and the escalator will exit “sleep mode” and accelerate until it reaches normal operating speed at a rate no greater than 1 ft/sec². This arrangement is intended to discourage passengers from entering the escalator opposite the motion of the steps while at reduced speed.
7. As proposed, the sensors used to detect passenger traffic are to be installed and arranged in a double redundant, fail-safe fashion with two sensors installed at each end of the escalator providing the same coverage field. This arrangement is intended to allow for passenger traffic detection in the case of any single sensor failure and provide for signal comparison by the controller to detect sensor failure. In the event of a detected failure of any one of the passenger traffic sensors, “sleep mode” would be disabled and the escalator would remain at normal operating speed until all sensors have resumed normal function. In addition, the passenger traffic sensors are to be wired to the escalator controller in a fail-safe manner that prevents “sleep mode” activation if the wiring is cut or disconnected.
8. ASME A17.1-2004, section 8.7.6.1.1 states:
 - 8.7.6.1.1. General Requirements. Any alteration to an escalator shall comply with 6.1.6.1, 6.1.6.1.1, 6.1.6.2.1, 6.1.6.3.1, 6.1.6.3.5, 6.1.6.7, 8.7.1.1, and 8.7.1.2.
9. The Division has applied ASME A17.1-2004 section 8.7.6.1.1 (reference to section 8.7.1.1) to the prohibition of intentionally varying the travel speed under section 6.1.4.1.
10. The Division notes in its Review of Application (Exhibit PD-4) that the Applicant proposed “sleep mode” function meets the requirements of ASME A17.1-2010, section 6.1.4.1.2 regarding the varying the speed of an escalator after start-up. For this reason

among others identified within the its Review of Application, the Division advises that equivalent or superior safety will be provided by grant of permanent variance in this matter, as conditionally limited per the below Decision and Order.

11. ASME A17.1-2010, section 6.1.4.1.2, states:

Variation of the escalator speed after start-up shall be permitted provided the escalator installation conforms to all of the following:

- (a) The acceleration and deceleration rates shall not exceed 0.3 m/s² (1.0 ft/sec²).
- (b) The rated speed is not exceeded.
- (c) The minimum speed shall be not less than 0.05 m/s (10 ft/min).
- (d) The speed shall not automatically vary during inspection operation.
- (e) Passenger detection means shall be provided at both landings of the escalator such that
 - (1) detection of any approaching passenger shall cause the escalator to accelerate to or maintain the full escalator speed conforming to 6.1.4.1.2(a) through (d)
 - (2) detection of any approaching passenger shall occur sufficiently in advance of boarding to cause the escalator to attain full operating speed before a passenger walking at normal speed [1.35 m/s (270 ft/min)] reaches the combplate
 - (3) passenger detection means shall remain active at the egress landing to detect any passenger approaching against the direction of escalator travel and shall cause the escalator to accelerate to full rated speed and sound the alarm (see 6.1.6.3.1) at the approaching landing before the passenger reaches the combplate
- (f) Automatic deceleration shall not occur before a period of time has elapsed since the last passenger detection that is greater than 3 times the amount of time necessary to transfer a passenger between landings.
- (g) Means shall be provided to detect failure of the passenger detection means and shall cause the escalator to operate at full rated speed only.”

12. The Division states correctly in its Review of Application, that Applicant's proposed "sleep mode" function is materially similar to other installations for which a permanent variance has been granted (OSHSB File No. 14-V-129). In these previous variance decisions it was concluded that a variance was required from ASME A17.1-2004, section 6.1.6.4 regarding handrail speed monitoring, and the concluding conditional grant of variance provided for the disabling of the handrail-speed monitoring device while the escalator is operating in slow speed "sleep mode."

13. ASME A17.1-2004, section 6.1.6.4, states:

Handrail Speed Monitoring Device. A handrail speed monitoring device shall be provided that will cause the activation of the alarm required by 6.1.6.3.1(b) without any intentional delay, whenever the speed of either handrail deviates from the step speed by 15% or more. The device shall also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device shall be of the manual-reset type.

The intent of this regulation is to prevent the destabilization of passengers by maintaining the potential relationship of the moving elements with which passengers interaction while riding.

14. The Applicant intends to disable the handrail speed monitoring during sleep mode operation.

15. The Division advises that the proposed "sleep mode" system incorporating the proposed hand rail speed control specifications, subject to all conditions and limitations of the below Decision and Order will provide for safety equivalence.

16. The proposed "sleep mode" system functions and devices are materially comparable to other installations for which permanent variance previously has been granted by the Board (e.g. OSHSB File No. 13-V-153, 14-V-129, 15-V-236, 16-V-069), absent, to the Division's reported knowledge, adverse effect upon passenger or workplace safety or health.

17. Both Division and Board staff recommend that conditionally limited grant of permanent variance in this matter, per the below Decision and Order, will provide for passenger safety and occupational safety and health equivalent or superior to that would otherwise prevail per the subject Elevator Safety Order requirements.

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) 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 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 the Elevator Safety Orders from which variance is being sought.

E. Decision and Order:

The application is conditionally GRANTED as specified below, and to the limited extent, as of the date the Board adopts this Proposed Decision, the respective section A table specified quantity of Schindler escalators, at the specified location, shall have permanent variance from Applicant requires a permanent variance from the provisions of section 3141.2 [ASME A17.1-2004 Sections 8.7.6.1.1 (8.7.1.1) and 8.7.6.1.6] with the relevant code sections being ASME A17.1-2004, Sections 6.1.4.1 and 6.1.6.4, regarding the variation of escalator speed and handrail speed monitoring, subject to each and all of the following requirements and limitations:

1. The Applicant may intentionally vary the escalator speed and install proximity sensors for traffic detection subject to the following:

- (a) The rate of acceleration and deceleration shall not exceed 0.3 m/s^2 (1 ft/sec^2) when transitioning between speeds.
- (b) Failure of a single proximity sensor including its associated circuitry, shall cause the escalator to revert to its normal operating speed at an acceleration of not more than 0.3 m/s^2 (1 ft/sec^2).
- (c) Automatic deceleration shall not occur before a period of time of not less than three times the time it takes a passenger to ride from one landing to the other at normal speed has elapsed.
- (d) Detection of any passenger shall cause the escalator to reach full speed before a passenger, walking at 4.5 ft/sec , reaches the comb plate.
- (e) The passenger detection means shall detect a person within a sufficient distance along all possible paths to the escalator that do not require climbing over barriers or escalator handrails to assure that the escalator attains full operating speed before a person walking at 4.5 ft/sec reaches the escalator comb plate. The minimum detection distance shall be calculated according to the following formula or alternatively according to Appendix 1 (Detection Distance Sleep Mode Operation) attached hereto and incorporated herein by this reference:

$$d = (V_f - V_s) \times (V_w / a) \text{ where}$$

$$d = \text{detection distance (ft)}$$

$V_f = \text{normal speed (ft/min) [not to exceed 100 ft/min]}$

$V_s = \text{slow "sleep" speed (ft/min) [not less than 10 ft/min]}$

$V_w = \text{passenger walking speed (4.5 ft/sec)}$

$a = \text{acceleration/deceleration rate (ft/sec}^2\text{)[not to exceed 1 ft/sec}^2\text{]}$

- (f) Detection of any passenger approaching against the direction of escalator travel shall cause the escalator to reach full speed before a passenger, walking at 4.5 ft/sec, reaches the comb plate and shall cause the escalator alarm to sound. The sounding of the alarm may include a 3 to 5 second alarm or three 1 second alarm soundings.
 - (g) The minimum speed of the escalator shall not be less than 0.05 m/s (10 ft/min). The "sleep mode" functionality shall not affect the escalator inspection operation. The speed of the escalator shall not vary during Inspection Mode.
 - (h) There shall be two means of detecting passengers at each end of the escalator for redundancy and for detection of failure in the passenger detection means.
 - (i) The passenger sensors (detectors) at each end of the escalator must be verified by the control system for proper operation in the following manner:
 - 1. If any of the passenger detection sensors remains tripped for at least 5 minutes but no more than 10 minutes, then the control system shall generate a fault to indicate which sensor is faulted while causing the escalator to exit the Sleep Mode and remain at the normal run speed until the faulted sensor begins to function properly.
 - 2. If one of the paired sensors at either end of the escalator does not trip while the other paired sensor trips at least five times but no more than ten times, the control system shall generate a fault to indicate which sensor is faulted while causing the escalator to exit the Sleep Mode and remain at the normal run speed until the faulted sensor begins to function properly.
 - (j) The handrail speed monitoring device required by section 6.1.6.4 may be disabled while the escalator is operating in the slow speed (Sleep Mode) condition.
2. Photocell Infrared Sensors, also referred to Skirt Light Barriers located at the top and bottom comb plates, shall not cause the escalator to accelerate or decelerate the speed under any conditions or circumstances.

3. An annual test shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC) which maintains and services the escalators, to demonstrate that the escalator is transitioning between "Normal Mode" and "Sleep Mode" and back in conformance with the terms of this variance. The instrumentation used shall be capable of allowing the CCCM to determine the acceleration and deceleration rates of the escalator. The Applicant shall have the controller schematic diagrams available in the control space together with a written explanation of the operation of the controller.
4. The results of each annual test required by Condition No. 3 shall be submitted to the appropriate Elevator Unit District Office in tabular and graphic form (speed vs. time).
5. Whenever practicable, as determined by the Applicant and subject to the concurrence of the Division, the variable speed system is to be installed without the installation of new bollards or other such new structures, if the bollards or other structures would impede passenger movement at the destination end of the escalator. If new bollards or other such structures of that sort are constructed in connection with the variable speed system, the Applicant will take all practicable steps to minimize the impact of same on the movement of passengers at the destination end of the escalator.
6. Any Certified Qualified Conveyance Company (CQCC; elevator contractor) performing inspection, maintenance, servicing or testing of the escalators shall be provided a copy of the variance decision.
7. The Division shall be notified when the escalator is ready for inspection, and the escalator shall be inspected by the Division and a "Permit to Operate" issued before the escalator may be placed in service.
8. 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 sections 411.2 and 411.3.
9. 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 section 411, et. seq.

Pursuant to section 426 subdivision (b), the above, duly completed Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: November 30, 2023


Michelle Iorio, Hearing Officer

APPENDIX 1

Detection Distance Sleep Mode Operation
Acceleration Rate (ft./sec²) vs. Escalator Sleep Mode Speed (ft./min)

	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
1.00	6.76	6.39	6.01	5.64	5.26	4.88	4.51	4.13	3.76	3.38	3.01	2.63	2.25	1.88	1.50	1.13	0.75	0.38	0.00
0.95	7.12	6.72	6.33	5.93	5.54	5.14	4.75	4.35	3.96	3.56	3.16	2.77	2.37	1.98	1.58	1.19	0.79	0.40	0.00
0.90	7.52	7.10	6.68	6.26	5.85	5.43	5.01	4.59	4.18	3.76	3.34	2.92	2.51	2.09	1.67	1.25	0.84	0.42	0.00
0.85	7.96	7.52	7.07	6.63	6.19	5.75	5.30	4.86	4.42	3.98	3.54	3.09	2.65	2.21	1.77	1.33	0.88	0.44	0.00
0.80	8.45	7.98	7.52	7.05	6.58	6.11	5.64	5.17	4.70	4.23	3.76	3.29	2.82	2.35	1.88	1.41	0.94	0.47	0.00
0.75	9.02	8.52	8.02	7.52	7.01	6.51	6.01	5.51	5.01	4.51	4.01	3.51	3.01	2.51	2.00	1.50	1.00	0.50	0.00
0.70	9.66	9.13	8.59	8.05	7.52	6.98	6.44	5.90	5.37	4.83	4.29	3.76	3.22	2.68	2.15	1.61	1.07	0.54	0.00
0.65	10.41	9.83	9.25	8.67	8.09	7.52	6.94	6.36	5.78	5.20	4.62	4.05	3.47	2.89	2.31	1.73	1.16	0.58	0.00
0.60	11.27	10.65	10.02	9.39	8.77	8.14	7.52	6.89	6.26	5.64	5.01	4.38	3.76	3.13	2.51	1.88	1.25	0.63	0.00
0.55	12.30	11.61	10.93	10.25	9.56	8.88	8.20	7.52	6.83	6.15	5.47	4.78	4.10	3.42	2.73	2.05	1.37	0.68	0.00
0.50	13.53	12.78	12.02	11.27	10.52	9.77	9.02	8.27	7.52	6.76	6.01	5.26	4.51	3.76	3.01	2.25	1.50	0.75	0.00
0.45	15.03	14.20	13.36	12.53	11.69	10.86	10.02	9.19	8.35	7.52	6.68	5.85	5.01	4.18	3.34	2.51	1.67	0.84	0.00
0.40	16.91	15.97	15.03	14.09	13.15	12.21	11.27	10.33	9.39	8.45	7.52	6.58	5.64	4.70	3.76	2.82	1.88	0.94	0.00
0.35	19.32	18.25	17.18	16.10	15.03	13.96	12.88	11.81	10.74	9.66	8.59	7.52	6.44	5.37	4.29	3.22	2.15	1.07	0.00
0.30	22.55	21.29	20.04	18.79	17.54	16.28	15.03	13.78	12.53	11.27	10.02	8.77	7.52	6.26	5.01	3.76	2.51	1.25	0.00
0.25	27.05	25.55	24.05	22.55	21.04	19.54	18.04	16.53	15.03	13.53	12.02	10.52	9.02	7.52	6.01	4.51	3.01	1.50	0.00
0.20	33.82	31.94	30.06	28.18	26.30	24.42	22.55	20.67	18.79	16.91	15.03	13.15	11.27	9.39	7.52	5.64	3.76	1.88	0.00
0.15	45.09	42.59	40.08	37.58	35.07	32.57	30.06	27.56	25.05	22.55	20.04	17.54	15.03	12.53	10.02	7.52	5.01	2.51	0.00
0.10	67.64	63.88	60.12	56.36	52.61	48.85	45.09	41.33	37.58	33.82	30.06	26.30	22.55	18.79	15.03	11.27	7.52	3.76	0.00
0.05	135.27	127.76	120.24	112.73	105.21	97.70	90.18	82.67	75.15	67.64	60.12	52.61	45.09	37.58	30.06	22.55	15.03	7.52	0.00

$$d = (V_f - V_s) \times \frac{V_w}{a}$$

d Detection distance (ft.)

V_f Elevator Rated Speed Escalators with rated speeds of 100 ft./min.

V_s Slow Speed[“Sleep mode” Speed] (ft./min.)

V_w Passenger Walking Speed of 4.5 ft./sec.

a Acceleration/Deceleration Rate (ft./sec.²)

Note: 1 ft./min. = 0.0167 ft./sec.

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 300 Elevators (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 300 Elevators (Group IV)	OSHSB File Nos.: See Section A.1 Table Below <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

A. Subject Matter:

1. 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
23-V-439	Sunflower, LP	701 Town Center Dr. Oxnard, CA	2
23-V-440	CRP/WP Alta Fontana Owner, LLC	14817 Foothill Blvd. Fontana, CA	4
23-V-441	Friends of the Sea Lions/City of Laguna Beach	20612 Laguna Canyon Rd Laguna Beach, CA	1
23-V-445	South Coast Mercantile, LLC	1931 South Coast Hwy. Oceanside, CA	1
23-V-457	Javanmard Holdings, LLC	129 Vernon St. Roseville, CA	1
23-V-458	Axis Community Health	1686 Second St. Livermore, CA	1
23-V-478	Los Rios Community College District	10 College Parkway Folsom, CA	1
23-V-479	Ripon Unified School District	301 North Acacia Ave. Ripon, CA	1
23-V-481	Los Rios Community College District	2421 Del Paso Rd. Sacramento, CA	1

23-V-497	43517 Ridge Park Drive LLC	43517 Ridge Park Dr. Temecula, CA	1
23-V-499	Rivian, LLC	160 South Coast Hwy. Laguna Beach, CA	1
23-V-508	FN Land, LLC	1695 Saint Helena Hwy. Saint Helena, CA	1

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 November 29, 2023, via videoconference, by the Board with Hearing Officer Michelle Iorio, presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing, Fwei Saetern, with KONE, Inc., appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and 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 300 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.
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 provide 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 300 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...

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).
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 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 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 300 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. 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: December 1, 2023

Michelle Iorio
Michelle Iorio, Hearing Officer

Appendix 1

Monospace 300 Suspension Ropes Appendix 1 Table

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
23-V-439	1	7	150	12247
23-V-439	2	6	150	10497
23-V-440	Elev #11	7	150	12247
23-V-440	Elev #12	7	150	12247
23-V-440	Elev #21	7	150	12247
23-V-440	Elev #22	7	150	12247
23-V-441	1	5	150	8748
23-V-445	1	7	150	12247
23-V-457	1	7	150	12247
23-V-458	1	7	150	12247
23-V-478	2	7	150	12247
23-V-479	1	7	150	12247
23-V-481	1	7	150	12247
23-V-497	1	5	150	8748
23-V-499	1	7	150	12247
23-V-508	1	5	150	8748

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.

- 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:

KONE Monospace 500 Elevators (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>KONE Monospace 500 Elevators (Group IV)</p>	<p>OSHSB File Nos.: See Section A.1 Table Below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

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
23-V-442	972 Arapahoe St, LLC	972 Arapahoe St. Los Angeles, CA	1
23-V-443	Palomar, LLC	101 Chamomile Glen Escondido, CA	2
23-V-444	Palomar, LLC	301 Chamomile Glen Escondido, CA	1
23-V-448	Palomar, LLC	511 Sweetclover Glen Escondido, CA	1
23-V-450	Nutmeg PE LLC	2710 3rd Ave. San Diego, CA	2
23-V-451	9908 Santa Monica Blvd, LLC	9900 South Santa Monica Blvd. Beverly Hills, CA	1
23-V-459	Anton Research Park Owners, LLC	2555 Research Park Dr. Davis, CA	2
23-V-477	Public Property Financing Corporation of California	1100 North Grand Ave. Walnut, CA	1
23-V-480	Serra, LP., a California Limited Partnership	42000 Osgood Rd. Fremont, CA	2

23-V-491	Sunnydale Block 3A Housing Partners, L.P.	1545 Sunnydale Ave. San Francisco, CA	2
23-V-492	Sunnydale Block 3B Housing Partners, L.P.	1555 Sunnydale Ave. San Francisco, CA	2
23-V-493	936 Fedora St LLC	936 S. Fedora St. Los Angeles, CA	1
23-V-494	Dollinger Dell Associates, L.P. a California Limited Partnership	1700 Dell Ave. Campbell, CA	2
23-V-498	Wilton Place 2018 LLC	1537 S. Wilton Place Los Angeles, CA	1
23-V-505	Nash-Holland 3pac Investors, LLC.	328 Pacific Ave. Long Beach, CA	3
23-V-507	730 Stanyan Associates, L.P., a California Limited Partnership	730 Stanyan St. San Francisco, CA	2
23-V-523	County of San Mateo Project Development Unit	200 Edmonds Rd. Redwood City, CA	1
23-V-524	City of Chula Vista	1775 Millenia Ave. Chula Vista, 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 November 29, 2023, via videoconference, by the Board with Hearing Officer Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Fwei Saetern, with KONE, Inc., appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Division").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and 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.
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...

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).
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 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 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. 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: December 1, 2023


Michelle Iorio, Hearing Officer

Appendix 1

Monospace 500 Suspension Appendix 1 Table.

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
23-V-442	1	7	200	11556
23-V-443	Bldg. 23 Elev. 1	8	200	13207
23-V-443	Bldg. 23 Elev. 2	8	200	13207
23-V-444	Bldg. 1 Elev. 1	8	200	13207
23-V-448	Bldg. 18 Elev. 1	8	200	13207
23-V-450	1	8	350	11706
23-V-450	2	8	350	11706
23-V-451	Retail	7	150	12247
23-V-459	Bldg. A #1	8	200	13207
23-V-459	Bldg. B #1	8	200	13207
23-V-477	2	7	150	12247
23-V-480	1	7	200	11556
23-V-480	2	7	200	11556
23-V-491	A1	7	200	11556
23-V-491	A2	7	200	11556
23-V-492	A1	7	200	11556
23-V-492	A2	7	200	11556

23-V-493	#1	7	150	12247
23-V-494	1	8	350	11706
23-V-494	3	8	350	11706
23-V-498	1	7	200	11556
23-V-505	1	8	350	11706
23-V-505	2	8	350	11706
23-V-505	3	8	350	11706
23-V-507	1	8	200	13207
23-V-507	2	8	200	13207
23-V-523	1	6	200	9905
23-V-524	1	8	200	13207
23-V-524	3	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.

- 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:

Otis Radar Sleepmode Escalators (Otis
Controller)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis Radar Sleepmode Escalators (Otis Controller)</p>	<p>OSHSB File Nos. See Section A.1 Table below</p> <p>PROPOSED DECISION</p> <p>Hearing Date: November 29, 2023</p> <p>Location: Zoom</p>
--	--

A. Procedural Matters

- Each of the following entities applied for a permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations, for the listed number of conveyances at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Escalators
23-V-446	California Science Center	700 Exposition Park Dr. Los Angeles, CA	2

- 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicants' representative, the Otis Elevator Company; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Division").
- Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Findings

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

1. Applicant seeks variance from certain California Code of Regulations, title 8, Elevator Safety Orders, toward the stated purpose of installing new escalators that include a “sleep mode” capability that will cause the escalator to run at a reduced speed when not in use, thus resulting in conservation of electrical energy.
2. The Applicant’s proposed sleep mode feature is not compliant with existing California Code of Regulation title 8, Elevator Safety Orders, which prohibits the intentional variation of an escalator’s speed after start-up.
3. In order to install escalators that include a sleep mode capability, Applicant requires a permanent variance from the provisions of California Code of Regulations, title 8, Elevator Safety Orders, Group IV, section 3141.11 [ASME A17.1-2004, section 6.1.4.1] regarding the variation of escalator speed.
4. Concerning variance in escalator speed, Code of Regulations, title 8, section 3141.11 [ASME A17.1-2004, section 6.1.4.1] states:

"6.1.4.1 Limits of Speed. The rated speed shall be not more than 0.5 m/s (100 ft/min), measured along the centerline of the steps in the direction of travel. The speed attained by an escalator after start-up shall not be intentionally varied."
5. As quoted above, an intent of section 3141.11 is to ensure that the speed of the escalator during normal operation is kept constant to prevent passengers from losing their balance.

6. The Applicant contends that equivalent safety is achieved through use of a "Otis" controller that is capable of varying the escalator drive motor speed in conjunction with dual redundant sensors strategically placed at each end of the unit to detect passenger traffic. Per the Applicant's proposed design, if one of the paired passenger detection sensors is disconnected from the control system, the control system shall, without intentional delay, generate a fault while causing the escalator to exit the Sleep Mode and remain at the normal run speed until the reconnected sensor begins to function properly. Also per this design, when passenger traffic is detected while the escalator is in "Sleep Mode", a signal would be sent to the controller to "wake up" resulting in the escalator accelerating to normal operating speed within 1.5 seconds at a rate no greater than 1 ft/sec².
7. Applicant proposes using passenger traffic sensors capable of detecting passengers at a distance greater than a walking person could travel in 2 seconds, thereby causing the escalator to be running at normal speed prior to passenger boarding.
8. Applicant proposes design features such that if a passenger detected approaching the escalator opposite the motion of the escalator steps on it while it is in "sleep mode", an alarm will sound and the escalator will exit "sleep mode" and accelerate until it reaches normal operating speed at a rate no greater than 1 ft/sec². Applicant contends this arrangement will safely discourage passengers from entering the escalator opposite the motion of the steps while it is idling at reduced speed.
9. The Applicant proposes sensors used to detect passenger traffic being installed and arranged in a double redundant, fail-safe fashion with 2 sensors installed at each end of the escalator providing the same coverage field.
10. Applicant's proposed sensor arrangement and redundancy can be reasonably expected to provide for passenger traffic detection in the event of any single sensor failure and provide for signal comparison by the controller to detect sensor failure.
11. Applicant proposes a design in which detected failure of any one of the passenger traffic sensors, result in a disabling of "sleep mode" such that the escalator would remain at normal operating speed until all sensors have resumed normal function. In addition the proposed design would have passenger traffic sensors wired to the escalator controller in a fail-safe manner that prevents "sleep mode" activation if the sensor wiring is cut or disconnected.

12. As evidenced by written Review of Application (Exhibit PD-4), as well as statements at hearing, it is the well informed opinion of Division that the Applicant proposed “sleep mode” function meets the requirements of ASME A17.1-2010, section 6.1.4.1.2 regarding the varying the speed of an escalator after start-up.

13. ASME A17.1-2010, section 6.1.4.1.2 states:

“Variation of the escalator speed after start-up shall be permitted provided the *escalator installation conforms to all of the following:*

(a) *The acceleration and deceleration rates shall not exceed 0.3 m/s² (1.0 ft/sec²).*

(b) *The rated speed is not exceeded.*

(c) *The minimum speed shall be not less than 0.05 m/s (10 ft/min).*

(d) *The speed shall not automatically vary during inspection operation.*

(e) *Passenger detection means shall be provided at both landings of the escalator such that*

(1) *detection of any approaching passenger shall cause the escalator to accelerate to or maintain the full escalator speed conforming to 6.1.4.1.2(a) through (d)*

(2) *detection of any approaching passenger shall occur sufficiently in advance of boarding to cause the escalator to attain full operating speed before a passenger walking at normal speed [1.35 m/s (270 ft/min)] reaches the combplate*

(3) *passenger detection means shall remain active at the egress landing to detect any passenger approaching against the direction of escalator travel and shall cause the escalator to accelerate to full rated speed and sound the alarm (see 6.1.6.3.1) at the approaching landing before the passenger reaches the combplate*

(f) *Automatic deceleration shall not occur before a period of time has elapsed since the last passenger detection that is greater than 3 times the amount of time necessary to transfer a passenger between landings.*

(g) Means shall be provided to detect failure of the passenger detection means and shall cause the escalator to operate at full rated speed only.”

14. The Applicant’s proposed “sleep mode” function is similar to other installations for which a permanent variance has been granted (OSHSB File No. 14-V-129). In these previous variance decisions it was concluded that a variance was required from ASME A17.1-2004, section 6.1.6.4 regarding handrail speed monitoring. Conditions set forth in the previous variance decisions allow for the disabling of the handrail speed monitoring device while the escalator is operating in slow speed “sleep mode.”

15. Concerning handrail speed monitoring, section 3141.11 [ASME A17.1-2004, section 6.1.6.4] states:

“6.1.6.4 Handrail Speed Monitoring Device. A handrail speed monitoring device shall be provided that will cause the activation of the alarm required by 6.1.6.3.1(b) without any intentional delay, whenever the speed of either handrail deviates from the step speed by 15% or more. The device shall also cause electric power to be removed from the driving machine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device shall be of the manual reset type.”

16. It is the well informed professional opinion of Division (see Exhibit PD-4), and Board staff (See Exhibit PD-3), that that the escalator “sleep mode” function design, as proposed by the Applicant, subject to certain conditions and limitations, will provide occupational safety and health equivalent or superior to the Code of Regulations, title 8, Elevator Safety Order requirements from which variance is being sought, and recommends that the applied for permanent variance issue subject to conditions and limitations in material conformity with those incorporated into the Decision and Order below.

C. Basis of Decision

The preceding procedural elements, legal authority, and factual findings, supported by hearing testimony, and documents entered into evidence in this case, lead the Board to conclude that the 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 proposals, combined with the conditions set forth in the Decision and Order, will provide 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

Each above section A.1 table specified Applicant is conditionally GRANTED permanent variance, at the respectively specified location, as to respectively specified number of conveyances, subject to all below enumerated conditions and limitations:

Permanent variance is granted, as conditionally limited below, from the following sections of ASME A17.1-2004 made applicable by CCR title 8, section 3141.11:

- 6.1.4.1, to allow intentionally varied speed; and
- 6.1.6.4, to allow the disabling of handrail speed monitoring at reduced speeds.

1. The Applicant may intentionally vary the escalator speed and install proximity sensors for traffic detection subject to the following:

- (a) The rate of acceleration and deceleration shall not exceed 0.3 m/s^2 (1 ft/sec^2) when transitioning between speeds.
- (b) Failure of a single proximity sensor including its associated circuitry, shall cause the escalator to revert to its normal operating speed at an acceleration of not more than 0.3 m/s^2 (1 ft/sec^2).
- (c) Automatic deceleration shall not occur before a period of time of not less than three times the time it takes a passenger to ride from one landing to the other at normal speed has elapsed.
- (d) Detection of any passenger shall cause the escalator to reach full speed before a passenger, walking at 4.5 ft/sec , reaches the comb plate.
- (e) The passenger detection means shall detect a person within a sufficient distance along all possible paths to the escalator that do not require climbing over barriers or escalator handrails to assure that the escalator attains full operating speed before a person walking at 4.5 ft/sec reaches the escalator comb plate. The minimum detection distance shall be calculated according to the following formula or alternatively according to Exhibit 1 (Detection Distance Sleep Mode Operation) attached hereto and incorporated herein by this reference:

$$d = (V_f - V_s) \times (V_w / a)$$

where:

$d = \text{detection distance (ft)}$

$V_f = \text{normal speed (ft/min) [not to exceed 100 ft/min]}$

$V_s = \text{slow "sleep" speed (ft/min) [not less than 10 ft/min]}$

$V_w = \text{passenger walking speed (4.5 ft/sec)}$

$a = \text{acceleration/deceleration rate (ft/sec}^2\text{)[not to exceed 1 ft/sec}^2\text{]}$

- (f) Detection of any passenger approaching against the direction of escalator travel shall cause the escalator to reach full speed before a passenger, walking at 4.5 ft/sec, reaches the comb plate and shall cause the escalator alarm to sound. The sounding of the alarm may include a 3 to 5 second alarm or three 1 second alarm soundings.
- (g) The minimum speed of the escalator shall not be less than 0.05 m/s (10 ft/min). The "Sleep Mode" functionality shall not affect the escalator inspection operation. The speed of the escalator shall not vary during Inspection Mode.
- (h) There shall be two means of detecting passengers at each end of the escalator for redundancy and for detection of failure in the passenger detection means.
- (i) The passenger sensors (detectors) at each end of the escalator must be verified by the control system for proper operation in the following manner:
 - 1. If one of the paired passenger detection sensors is disconnected from the control system, the control system shall, without intentional delay, generate a fault while causing the escalator to exit the Sleep Mode and remain at the normal run speed until the reconnected sensor begins to function properly.
 - 2. If one of the paired sensors at either end of the escalator does not trip while the other paired sensor trips, the control system shall, without intentional delay, generate a fault to indicate which sensor has faulted while causing the escalator to exit the Sleep Mode and remain at the normal run speed until the faulted sensor begins to function properly.
- (j) The handrail speed monitoring device required by section 6.1.6.4 may be disabled while the escalator is operating in the slow speed (Sleep Mode) condition.

2. The Applicant shall have the controller schematic diagrams available in the control space together with a written explanation of the operation of the controller.
3. An annual test shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC) which maintains and services the escalators, to demonstrate that the escalator is transitioning between "Normal Mode" and "Sleep Mode" and back in conformance with the terms of this variance. The instrumentation used shall be capable of allowing the CCCM to determine the acceleration and deceleration rates of the escalator.
4. The results of each annual test required by Condition No. 3 shall be submitted to the appropriate Elevator Unit District Office in tabular and graphic form (speed vs. time).
5. Whenever practicable, as determined by the Applicant and subject to the concurrence of Division, the variable speed system is to be installed without the installation of new bollards or other such new structures, if the bollards or other structures would impede passenger movement at the destination end of the escalator. If new bollards or other such structures of that sort are constructed in connection with the variable speed system, the Applicant will take all practicable steps to minimize the impact of same on the movement of passengers at the destination end of the escalator.
6. Any CQCC performing inspection, maintenance, servicing or testing of the escalators shall be provided a copy of the variance decision.
7. Division shall be notified when each subject conveyance is ready for inspection to determine compliance with the permanent variance pursuant to this Decision and Order. Each subject conveyance shall have been inspected by Division to determine compliance with this Decision and Order, and a Permit to Operate shall have been issued and in effect, before the conveyance is placed in service.
8. 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.
9. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), Division of Occupational Safety and Health, or by the Board on its own motion, in the manner prescribed pursuant to 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: December 1, 2023

Michelle Iorio

Michelle Iorio, Hearing Officer

Exhibit 1
 Detection Distance Sleep Mode Operation
 Acceleration Rate (ft./sec²) vs. Escalator Sleep Mode Speed (ft./min)

	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
1.00	6.76	6.39	6.01	5.64	5.26	4.88	4.51	4.13	3.76	3.38	3.01	2.63	2.25	1.88	1.50	1.13	0.75	0.38	0.00
0.95	7.12	6.72	6.33	5.93	5.54	5.14	4.75	4.35	3.96	3.56	3.16	2.77	2.37	1.98	1.58	1.19	0.79	0.40	0.00
0.90	7.52	7.10	6.68	6.26	5.85	5.43	5.01	4.59	4.18	3.76	3.34	2.92	2.51	2.09	1.67	1.25	0.84	0.42	0.00
0.85	7.96	7.52	7.07	6.63	6.19	5.75	5.30	4.86	4.42	3.98	3.54	3.09	2.65	2.21	1.77	1.33	0.88	0.44	0.00
0.80	8.45	7.98	7.52	7.05	6.58	6.11	5.64	5.17	4.70	4.23	3.76	3.29	2.82	2.35	1.88	1.41	0.94	0.47	0.00
0.75	9.02	8.52	8.02	7.52	7.01	6.51	6.01	5.51	5.01	4.51	4.01	3.51	3.01	2.51	2.00	1.50	1.00	0.50	0.00
0.70	9.66	9.13	8.59	8.05	7.52	6.98	6.44	5.90	5.37	4.83	4.29	3.76	3.22	2.68	2.15	1.61	1.07	0.54	0.00
0.65	10.41	9.83	9.25	8.67	8.09	7.52	6.94	6.36	5.78	5.20	4.62	4.05	3.47	2.89	2.31	1.73	1.16	0.58	0.00
0.60	11.27	10.65	10.02	9.39	8.77	8.14	7.52	6.89	6.26	5.64	5.01	4.38	3.76	3.13	2.51	1.88	1.25	0.63	0.00
0.55	12.30	11.61	10.93	10.25	9.56	8.88	8.20	7.52	6.83	6.15	5.47	4.78	4.10	3.42	2.73	2.05	1.37	0.68	0.00
0.50	13.53	12.78	12.02	11.27	10.52	9.77	9.02	8.27	7.52	6.76	6.01	5.26	4.51	3.76	3.01	2.25	1.50	0.75	0.00
0.45	15.03	14.20	13.36	12.53	11.69	10.86	10.02	9.19	8.35	7.52	6.68	5.85	5.01	4.18	3.34	2.51	1.67	0.84	0.00
0.40	16.91	15.97	15.03	14.09	13.15	12.21	11.27	10.33	9.39	8.45	7.52	6.58	5.64	4.70	3.76	2.82	1.88	0.94	0.00
0.35	19.32	18.25	17.18	16.10	15.03	13.96	12.88	11.81	10.74	9.66	8.59	7.52	6.44	5.37	4.29	3.22	2.15	1.07	0.00
0.30	22.55	21.29	20.04	18.79	17.54	16.28	15.03	13.78	12.53	11.27	10.02	8.77	7.52	6.26	5.01	3.76	2.51	1.25	0.00
0.25	27.05	25.55	24.05	22.55	21.04	19.54	18.04	16.53	15.03	13.53	12.02	10.52	9.02	7.52	6.01	4.51	3.01	1.50	0.00
0.20	33.82	31.94	30.06	28.18	26.30	24.42	22.55	20.67	18.79	16.91	15.03	13.15	11.27	9.39	7.52	5.64	3.76	1.88	0.00
0.15	45.09	42.59	40.08	37.58	35.07	32.57	30.06	27.56	25.05	22.55	20.04	17.54	15.03	12.53	10.02	7.52	5.01	2.51	0.00
0.10	67.64	63.88	60.12	56.36	52.61	48.85	45.09	41.33	37.58	33.82	30.06	26.30	22.55	18.79	15.03	11.27	7.52	3.76	0.00
0.05	135.27	127.76	120.24	112.73	105.21	97.70	90.18	82.67	75.15	67.64	60.12	52.61	45.09	37.58	30.06	22.55	15.03	7.52	0.00

$$d = (V_f - V_s) \times \frac{V_w}{a}$$

d Detection distance (ft.)

V_f Escalator Rated Speed (Escalators with rated speeds of 100 ft./min.)

V_s Slow Speed[“Sleep mode” Speed] (ft./min.)

V_w Passenger Walking Speed of 4.5 ft./sec.

a Acceleration/Deceleration Rate (ft./sec.²)

Note: 1 ft./min. = 0.0167 ft./sec.

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 E2 Elevator Controller w/variant
Railing, Alteration (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis E2 Elevator Controller w/variant Railing, Alteration (Group IV)</p>	<p>OSHSB File Nos.: See Section A.1 table below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
---	--

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
23-V-447	Host Hotels and Resorts	Manchester Hyatt One Market Place San Diego, CA	9

- The safety orders at issue is California Code of Regulations, title 8, Elevator Safety Order (ESO), section 3141, incorporated ASME A17.1-2004, Section 2.26.9.4.

B. Procedural

- 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 November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of the Applicants’ representative, the Otis Elevator Company; and Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
- Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. Respecting, and for the purpose of alteration to, each above Section A.1 table listed conveyance at the specified variance locations, in the specified quantities, each Section A.1 table listed Applicant has applied for a permanent variance from California Code of Regulations, title 8, section 3141 incorporated ASME A17.1-2004, Section 2.26.9.4, requirements (per Section 8.7.2.27.4(a)).

2. ASME A17.1-2004, Section 2.26.9.4, states:

“2.26.9.4 Redundant devices used to satisfy 2.26.9.3 in the determination of the occurrence of a single ground, or the failure of any single magnetically operated switch, contactor or relay, or of any single solid state device, or any single device that limits the leveling or truck zone, or a software system failure, shall be checked prior to each start of the elevator from a landing, when on automatic operation. When a single ground or failure, as specified in 2.26.9.3, occurs, the car shall not be permitted to restart. Implementation of redundancy by a software system is permitted, provided that the removal of power from the driving-machine motor and brake shall not be solely dependent on software-controlled means.”

3. A principal intent of this code requirement is to avoid hazards that would be created by the failure of critical elevator safety circuits. Toward this purpose, use of software as the sole method of controlling such critical elevator safety circuits is prohibited.

4. Each Applicant proposes the use of a SIL rated software system and circuits consisting of three computer control boards that communicate on a Control Area Network (CAN) to monitor elevator safety devices and perform certain safety functions. Elevator electrical protective devices (EPDs) and other control devices are connected to these control boards. Software specifically designed for this SIL system would continuously monitor these devices and performs certain elevator safety functions. The design of this SIL rated software system and its related circuits includes a redundant (software) means to remove the power from the driving machine motor and brake under certain conditions.
5. The proposed Otis E2 elevator control system is to interface with a software system and related circuits having a certain Safety Integrity Level (SIL) rating, to monitor, process, and execute certain safety functions of the elevator, in a manner and configuration noncompliant with California ESO incorporated ASME A17.1-2004, Section 2.26.9.4, preclusion of safety system redundancy solely dependent upon a software controlled means.
6. The Applicant contends that the proposed SIL rated software system and its circuits conform to the relevant newer ASME A17.1 provisions—namely ASME A17.1-2013, Section 2.26.9.3.2.
7. ASME A17.1-2013, Section 2.26.9.3.2, states:

“2.26.9.3.2 Methods used to satisfy 2.26.9.3.1 using software systems are permitted, provided that (a) a non-software-controlled means is also used to remove power from the driving-machine motor and brake, or (b) the software system and related circuits are listed/certified to a SIL rating that is in accordance with the applicable requirements of IEC 61508-2 and IEC 61508-3. This software system and its related circuits shall have a SIL of not less than the highest SIL value of the safety function(s) in Table 2.26.4.3.2 used in the circuit. The software system and related circuits shall be identifiable on wiring diagrams (see 8.6.1.6.3) with part identification, SIL, and certification identification information that shall be in accordance with the certifying organization’s requirements.”

8. The Division has performed a safety analyzes of the proposed SIL rated software system and its related circuits, and determined the proposed system to be in conformity with relevant requirements of ASME A17.1-2013, Section 2.26.9.3.2, addressing safety issues associated with the proposed use of such a software system.

9. The equivalence of ASME A17.1-2013, Section 2.26.9.3.2, compliant control systems of the proposed type, with the safety of ASME A17.1-2004, Section 2.26.9.4, systems controlling the same critical safety functions, has been the subject of previous Division analyses, and Board decisions, concerning Otis Skyrise Elevators. In each of these prior matters, it was the recommendation of Division, with concurrence of Board engineering staff, and conclusion of the Board, that the type of ASME A17.1-2013, Section 2.26.9.3.2, compliant control system (as proposed in the present matter), subject to conditions in material conformity with those of the present Decision and Order, would provide for safety equivalent of superior to that of a ASME A17.1-2004, Section 2.26.9.4, compliant control system.
10. As provided per title 8, section 424.1, and as stipulated by the parties (see above Section B.4) The Board takes Official Notice of its decision, and respective Division and Board staff review of application, in the matters of OSHSB Permanent Variance File Nos. 14-V-090, 17-V-064, and 18-V-303. The permanent variances conditionally issued in the afore cited matters, exemplify numerous such previously issued variances providing for utilization of ASME A17.1-2013, Section 2.26.9.3.2, compliant control systems of the type presently proposed—absent known diminution in passenger or worker safety to date.
11. As to additional foundational evidence and findings concerning the essential safety rating and its indicative nomenclature to be labeled or marked on the subject software system and related circuits, as specified in the below Decision and Order, the Board also takes Official Notice of its Decision, and therein referenced exhibits, in OSHSB Permanent Variance File No. 15-V-397M1.
12. Both by way of its written evaluation (Exhibit PD-4), and statements at hearing, Division has taken the position that each Applicant’s proposal for permanent variance and means of safety equivalence, subject to conditions in material conformity with those found in the below Decision and Order, will provide safety equivalent to the Title 8 standards from which permanent variance is sought. Further, by way of written evaluation (Exhibit PD-3), and statements at hearing, Board staff concurs with Division in recommending that such conditional grant will provide for safety equivalence.

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 modification of permanent variance may be conditionally granted, and

(2) a preponderance of the evidence establishes that Applicant’s proposal, as below revised and 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 modified variance is being sought.

E. Decision and Order

Upon adoption of this Decision and Order by the Board, each above Section A.1 table listed Applicant, with respect to the corresponding listed number of conveyances and variance location, is conditionally Granted permanent variance from California Code of Regulations, title 8, Elevator Safety Order (ESO), section 3141, incorporated ASME A17.1-2004, Section 2.26.9.4, as per Section 8.7.2.27.4(a), subject to all below enumerated limitations and conditions:

1. The SIL rated software system and its related circuits shall comply with the following:
 - a. The SIL-rated software system and related circuits shall consist of three circuit board components (SSIB, KSIB, and HSIB), each 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 (AEB 012, EU-ESD 012 or both) followed by the applicable revision number (as in AEB 012/2, EU-ESD 012/1).
 - b. The software system and related circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013 Section 2.26.4.3.2.
 - c. The access doors or covers of the enclosures containing the SIL rated components shall be clearly labeled or tagged on their exteriors with the statement:

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

- d. Unique maintenance procedures or methods required for the inspection, tests and replacement of the SIL rated circuits shall be developed and a copy maintained in the elevator machine room. The procedures or methods shall include clear color photographs of each SIL rated component, with notations indicating part identification and location installed.
- e. Wiring diagrams that include part identification, SIL, and certification information, shall be maintained in the elevator machine room.
- f. A successful test of the SIL rated software system and its related 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. Alterations to the SIL rated software system and its related 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. Replacement of the SIL rated software system or its related 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. Repairs to the SIL rated software system and its related 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 software or circuits shall be maintained within the temperature and humidity range specified by Otis Elevator Company. The temperature and humidity range shall be posted on each enclosure containing SIL rated software or circuits.
 - k. Field software changes are not permitted. Any changes to the TUV certified SIL rated software will require updated documentation and recertification.
2. 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 elevator system (including SIL 3-rated devices) in accordance with the written procedures and criteria required by Condition D.1(d), and other terms of this permanent variance.
3. 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/pr the car top area 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 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 bevel).
4. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
5. 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.
6. 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.
7. 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: December 1, 2023


Michelle Iorio, 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 Gen20, and/or Gen3Peak (Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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 Gen20, and/or Gen3Peak (Group IV)	OSHSB File No: Per Section A.1 Table <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural & Jurisdictional Matters

- 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 Regulations¹, 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
23-V-484	Regents of the University of California	Viterbi Family Research Center 9449 Campus Point Dr. La Jolla, CA	3

- The subject safety order requirements are specified in B. Applicable Regulations below.
- These proceedings are conducted in accordance with Labor Code section 143 and section 401, et. seq. of the Board’s procedural regulations.
- This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
- Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

¹ Unless otherwise noted, all references are to title 8, California Code of Regulations.

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

7. 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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Applicable Regulation

1. The Applicants request variance from some or all of the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:
 - a. 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.);
 - b. Cartop 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);
 - c. 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);
 - d. 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);

C. Findings of Fact

1. 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.
2. The installation contracts for elevators, the subject of the permanent variance application, were signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders (“ESO”).
3. Both Board staff and Division safety engineers, 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. 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 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 the 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, Applicant shall have permanent variances from 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:

- 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.);
- Cartop 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);

- 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);

The variance shall be subject to, and limited by, 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.
 - 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 each 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:
 - 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.
- 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. Each 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 Gen3 Peak 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 each elevator is ready for inspection. Each elevator shall be inspected by the Division, and a Permit to Operate shall be issued before each elevator is placed in service.
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 Section 426, subdivision (b) of the Board's procedural regulations, the above, Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: December 1, 2023

Michelle Iorio

Michelle Iorio, 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 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 by:

Era Hippolyta, LLC

OSHSB File No.: 23-V-495

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: Era Hippolyta, LLC	OSHSB File No.: 23-V-495 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
---	---

A. Procedural Matters:

1. Era Hippolyta, LLC (“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:

2301 W 190th Street, Suite A
Torrance, 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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Patrick Austin with Arrow Lift of California, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance application per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official is notice taken of the Board’s rulemaking records and variance decision concerning the Elevator Safety Order requirements at issue. On November 29, 2023, 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 below cited permanent variance file decisions—the Board finds the following:

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

2301 W 190th Street, Suite A
Torrance, CA

2. The subject vertical lift is proposed to be a Symmetry Model VPL/VPC SL-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.
3. 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.).
4. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, absent subsequent harm attributable to such variance being reported by Division. (E.g. OSHSB File Nos. 13-V-260, 15-V-097, 17-V-270, 18-V-278, 19-V-256).
5. With respect to the equivalence or superior of safety, conditions and limitations of the Decision and Order are in material conformity with findings and conditions of prior Board permanent variance decisions, including the above cited.
6. Per its written Review of Application for Permanent Variance, Exhibit PD-3, it is the informed opinion of Division that equivalent safety (at minimum) will be achieved upon grant of presently requested permanent variance, subject to conditions and limitations incorporated into the below Decision and Order.

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 for 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 Era Hippolyta, LLC, OSHSB File No. 23-V-495, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Era Hippolyta, LLC, 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 it restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Vertical Platform Lift Symmetry Model VPL/VPC SL-168, to be located at:

2301 W 190th Street, Suite A
Torrance, 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 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.
 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 accordance with title 8, Division 1, Chapter 3.5, rules and procedures.

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 30, 2023


Michelle Iorio, 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:

2700-2770 SH, LLC

OSHSB File No.: 23-V-506

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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: 2700-2770 SH, LLC	OSHSB File No.: 23-V-506 <u>PROPOSED DECISION</u> Hearing Date: November 29, 2023 Location: Zoom
--	---

A. Procedural Matters:

1. 2700-2770 SH, LLC (“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:

2710 Sand Hill Rd.
Menlo Park, 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 November 29, 2023 via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
4. At the hearing, Patrick Austin with Arrow Lift of California, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
5. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance application per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

Official is notice taken of the Board’s rulemaking records and variance decision concerning the Elevator Safety Order requirements at issue. On November 29, 2023, 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 below cited permanent variance file decisions—the Board finds the following:

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

2710 Sand Hill Rd.
Menlo Park, CA

2. The subject vertical lift is proposed to be an Ascension Clarity, 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.
3. 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.).
4. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, absent subsequent harm attributable to such variance being reported by Division. (E.g. OSHSB File Nos. 13-V-260, 15-V-097, 17-V-270, 18-V-278, 19-V-256).
5. With respect to the equivalence or superior of safety, conditions and limitations of the Decision and Order are in material conformity with findings and conditions of prior Board permanent variance decisions, including the above cited.
6. Per its written Review of Application for Permanent Variance, Exhibit PD-3, it is the informed opinion of Division that equivalent safety (at minimum) will be achieved upon grant of presently requested permanent variance, subject to conditions and limitations incorporated into the below Decision and Order.

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 for 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 2700-2770 SH, LLC, OSHSB File No. 23-V-506, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, 2700-2770 SH, LLC, 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 it restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Ascension Clarity Vertical Platform Lift, to be located at:

2710 Sand Hill Rd.
Menlo Park, 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 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.
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 accordance with title 8, Division 1, Chapter 3.5, rules and procedures.

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 30, 2023

Michelle Iorio
Michelle Iorio, 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 Gen20, and/or Gen3Peak with MES
(Group IV)

OSHSB File No.: see grid in Item A of
Proposed Decision Dated: December 1, 2023

DECISION

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

DAVID THOMAS, Chairman

JOSEPH M. ALIOTO JR., 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: December 14, 2023

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>Otis Gen20, and/or Gen3Peak with MES (Group IV)</p>	<p>OSHSB File No: Per Section A.1 Table</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

A. Procedural & Jurisdictional Matters

- 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 Regulations¹, with respect to a conveyance, or conveyances, in the listed quantity, at the listed location:

Variance No.	Applicant Name	Variance Location Address	No. of Conveyances
23-V-514	Kaiser Foundation Health Plan	New Inpatient Bed Tower Expansion 1600 Eureka Rd. Roseville, CA	5

- The subject safety order requirements are specified in B. Applicable Regulations below.
- These proceedings are conducted in accordance with Labor Code section 143 and section 401, et. seq. of the Board’s procedural regulations.
- This hearing was held on November 29, 2023, via videoconference, by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
- At the hearing, Dan Leacox of Leacox & Associates, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
- Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

¹ Unless otherwise noted, all references are to title 8, California Code of Regulations.

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Review of Variance Application
PD-4	Review Draft-1 Proposed Decision

7. 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 November 29, 2023, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Applicable Regulation

1. The Applicants request variance from some or all of the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:
 - a. 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.);
 - b. Cartop 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);
 - c. 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);
 - d. 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);
 - e. Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (Only to the extent necessary to comply with the performance-based requirements of the 2019 California Building Code Section 3002.4.1a)

C. Findings of Fact

1. 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.
 - f. Item B of the Proposed Decision adopted by the Board on September 15, 2022 for OSHSB File No. 22-V-302 regarding medical emergency car dimensions.
2. The installation contracts for elevators, the subject of the permanent variance application, were signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders (“ESO”).
 3. Both Board staff and Division safety engineers, 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. 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 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 the 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, Applicant shall have permanent variances from 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:

- 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.);
- Cartop 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);
- 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);
- Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (Only to the extent necessary to comply with the performance-based requirements of the 2019 California Building Code Section 3002.4.1a)

The variance shall be subject to, and limited by, 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.
 - 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 each 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:
 - 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.
 - 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. Each 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 Gen3 Peak 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. All medical emergency service elevators shall comply with the following:
 - a. The requirements of the 2019 California Building Code (CBC), Section 3002.4.1a;

The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5 inch (127 mm) radius corners] in the horizontal, open position.”

- b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, Section 3002.4a.
 - c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to the Division, at the time of inspection, for all medical emergency service elevator(s).
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 each elevator is ready for inspection. Each elevator shall be inspected by the Division, and a Permit to Operate shall be issued before each 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 and Health, or by the Board on its own motion, in accordance with procedures per title 8, division 1, chapter 3.5.

Pursuant to Section 426, subdivision (b) of the Board’s procedural regulations, the above, Proposed Decision, is hereby submitted to the Occupational Safety and Health Standards Board for consideration of adoption.

DATED: December 1, 2023

Michelle Iorio

Michelle Iorio, 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 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:

Mitsubishi Elevators (Group IV)

OSHSB File No.: See section A.1 Table

Proposed Decision Dated: November 30, 2023

DECISION

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

DAVID THOMAS, Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JOSEPH M. ALIOTO JR., Member

Date of Adoption: December 14, 2023

KATHLEEN CRAWFORD, Member

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.

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

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>Mitsubishi Elevators (Group IV)</p>	<p>OSHSB File Nos.: See section A.1 Table</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: November 29, 2023 Location: Zoom</p>
--	--

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
23-V-525	San Diego Oberlin, LLC	5897 Oberlin Dr. San Diego, CA	7
23-V-526	Zoe Life Vista Sorrento Development, LLC	10251 Vista Sorrento Pkwy. San Diego, CA	3

- 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 November 29, 2023 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merits accordance with section 426.
- At the hearing, Matt Jaskiewicz, with Mitsubishi Electric, Elevator Division, appeared on behalf of each Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Division”).
- At the hearing, documentary and oral evidence was received, and by stipulation of all parties, documents were accepted into evidence:

6.

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	Division Reviews of Variance Application
PD-4	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 November 29, 2023, 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 30, 2023


Michelle Iorio, Hearing Officer

Occupational Safety and Health Standards Board

Business Meeting
Legislative Update

**THERE WILL BE NO
LEGISLATIVE UPDATE
FOR THIS MONTH'S
MEETING**

Occupational Safety and Health Standards Board

Business Meeting Acting Executive Officer's Report