Occupational Safety and Health Standards Board

Public Meeting and Business Meeting

June 18, 2020

Via teleconference / videoconference

Board Meeting Packet

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
1017 L Street, PMB 254
Sacramento, CA 95814-3805
(916) 274-5721
FAX (916) 274-5743
Website address: 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.

June 18, 2020 at 10:00 a.m.
TELECONFERENCE AGENDA

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

PLEASE NOTE: In accordance with Executive Order N-29-20, and Executive Order N-33-20, the PHYSICAL meeting location has been cancelled for June.

Attend the meeting via Video-conference:

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

OR

Attend the meeting via Teleconference:

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

AND

Public Comment Queue:

In advance of the meeting: Stakeholders who wish to comment on agenda items may submit a request to be added to the public comment queue by emailing OSHSB@dir.ca.gov.
Please be sure to include your name, affiliation and comment topic within the email.

During the meeting: You can submit your name, affiliation and comment topic to OSHSB@dir.ca.gov, make a request to speak via WebEx "Chat" function, or dial 916-274-5721 to be placed in the queue for public comment.

NOTE: In accordance with Executive Order N-29-20, Board Members will participate via Teleconference.

I. **CALL TO ORDER AND INTRODUCTIONS**

II. **PUBLIC MEETING (Open for Public Comment)**

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

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

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

A. ADJOURNMENT OF THE PUBLIC MEETING

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

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

A. PROPOSED SAFETY ORDERS FOR ADOPTION

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Section 1630(a)
Elevators for Hoisting Workers

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

C. OTHER

1. DOSH Update

2. Legislative Update

3. Executive Officer's Report

4. Board Member Comments and Future Agenda Items

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

D. CLOSED SESSION

1. Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270; and

2. WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210.

3. Personnel

E. RETURN TO OPEN SESSION

1. Report from Closed Session

F. ADJOURNMENT OF THE BUSINESS MEETING

Next Meeting: July 16, 2020
(LOCATION PENDING REVIEW)
Santa Clara City Hall
Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050
10:00 a.m.

CLOSED SESSION

1. If necessary, consideration of personnel matters. (Government Code section 11126(a)(1)).

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

PUBLIC COMMENT

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

DISABILITY ACCOMMODATION NOTICE

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

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

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

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

PUBLIC MEETING: On **June 18, 2020,** at 10:00 a.m.
in Room 310 of the County Administration Center
1600 Pacific Highway, San Diego, California.

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 **June 18, 2020,** at 10:00 a.m.
in Room 310 of the County Administration Center
1600 Pacific Highway, San Diego, California.

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

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

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OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

DAVE THOMAS, Chairman

Occupational Safety and Health Standards Board

Business Meeting

Occupational Safety and Health Standards Board

Business Meeting

Standard for Adoption

TITLE 8

CALIFORNIA CODE OF REGULATIONS

CONSTRUCTION SAFETY ORDERS

SECTION 1630(a)

ELEVATORS FOR HOISTING WORKERS

MOVED, That the following resolution be adopted:

WHEREAS, On January 31, 2020, the Occupational Safety and Health Standards Board, pursuant to Government Code Section 11346.4, fixed the time and place for a Public Hearing to consider the revisions to Title 8, Construction Safety Orders, Section 1630(a), Elevators for Hoisting Workers.

WHEREAS, Such Public Hearing was held, in accordance with Executive Order N-29-20 and in regular meeting via teleconference and videoconference, on March 19, 2020, and there are now before the Occupational Safety and Health Standards Board the proposed revisions to Title 8, Construction Safety Orders, Section 1630(a), Elevators for Hoisting Workers; therefore, be it

RESOLVED By the Occupational Safety and Health Standards Board, in accordance with Executive Order N-29-20 and in regular meeting via teleconference and videoconference, on June 18, 2020, that the proposed revisions to Title 8, Construction Safety Orders, Section 1630(a), Elevators for Hoisting Workers, be adopted.

RESOLVED That the Occupational Safety and Health Standards 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

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

BY:_____
Christina Shupe, Executive Officer

DATED: June 18, 2020

STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 4. Construction Safety Orders
Article 18. Access and Egress

Amend Section 1630(a) as follows:

(a) In addition to the stairways required in Section 1629, a construction passenger elevator for hoisting workers shall be installed and in operation on or in any building, or structure, designed to be 60 feet or more in height above or 48 feet in depth below ground level when completed. The elevator shall be installed and operational when the building or structure reaches 36 feet in height. The building or structure height shall be determined by measuring from ground level to the highest structural level including the parapet walls, mechanical rooms, stair towers and elevator penthouse structures but excluding antennas, smokestacks, flag poles and other similar attachments.

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: 1630(a)
of the Construction Safety Orders

Elevators for Hoisting Workers

MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM THE 45-DAY PUBLIC COMMENT PERIOD

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary of and Responses to Written and Oral Comments:

I. Written Comments

Bruce Wick, Director of Risk Management, California Professional Association of Specialty Contractors, by email dated March 5, 2020.

Comment:
Mr. Wick wrote in support of the proposed amendment to Section 1630(a). He stated that the proposal provides important and potentially life-saving support of construction workers, especially those in emergency situations.

Response:
The Board thanks Mr. Wick for his comment and participation in the Board's rulemaking process.

Donald A. Zampa, President, District Council of Iron Workers of the State of California and Vicinity and Greg McClelland, Executive Director, Western Steel Council, by letter dated March 12, 2020.

Comment:
Mr. Zampa and Mr. McClelland urged the Board to adopt the amendment due to an Appeals Board Decision After Reconsideration (DAR) from inspection numbers 1180499, 1192145 and 1205214, which negated decades of custom and practice and Cal/OSHA safety enforcement regarding the proper time to install construction personnel hoists. They commented that there will be no overall increased fiscal cost associated with the amendment and adopting the change will return the status quo that existed prior to the DAR. They also stated that having a CPH available for access to and exit from the site of an injury could make the difference between life and death, when minutes count in getting an injured worker off the site and into a hospital that can provide life-saving treatment.

Response:
The Board thanks Mr. Zampa and Mr. McClelland for their comments and participation in the Board's rulemaking process.

Nicole Marquez-Baker, Director of Policy and Legal Services, Worksafe, by letter dated March 16, 2020.

Comment:
Ms. Marquez-Baker shares the same comments as Mr. Zampa and Mr. McClelland.

Response:
The Board thanks Ms. Marquez-Baker for her comment and participation in the Board's rulemaking process.

Natalia Bautista, Reich, Adell & Cvitan, representing the International Union of Elevator Constructors, Local 18, by letter dated March 17, 2020.

Comment:
Ms. Bautista wrote in support of the amendment stating that, left unchecked, the current confusion brought about by the DAR has the effect of unnecessarily reducing the number of elevators required on construction projects which undermines worker safety and response times for medical emergencies on building sites.

She also pointed out that the proposed amendment is not a change in existing law, but rather a clarification of a longstanding rule and would greatly benefit worker safety and efficiency in building project completion.

Ms. Bautista further stated that a clearly defined rule allows for consistent compliance and enforcement, which results, in this case, in greater worker safety in the immediate and long-term with no projected significant economic impacts on businesses and governments.

Response:
The Board thanks Ms. Bautista for her comment and participation in the Board's rulemaking process.

Robbie Hunter, President, State Building and Construction Trades Council of California, by letter dated March 17, 2020.

Comment:
Mr. Hunter wrote in support of the amendment on behalf of the 450,000 construction workers and 68,300 apprentices represented by the member unions of the State Building and Construction Trades Council, AFL-CIO. He stated that it will remedy a situation that will create an unacceptable and life-threatening hazard to construction workers if not addressed and it will reestablish the status quo that existed before the DAR.

He stated that in his 35 years as an Ironworker he has seen workers on upper floors of a structure who have been impaled by rebar, been electrocuted, knocked unconscious with blood coming

from their ears, who have suffered heart attacks, and who have fallen from one floor to another. These are just a few examples of the truly life-threatening situations that construction workers and emergency personnel have been faced with on a building.

He further stated that having a CPH installed for access and exit from a construction site when there is an injury has saved and will save the lives of construction workers when minutes count in getting a worker to medical professionals or first responders up to the location of an injured worker.

Response:
The Board thanks Mr. Hunter for his comment and participation in the Board's rulemaking process.

Michael Walton, Secretary, Construction Employers' Association (CEA), by letter dated March 17, 2020.

Comment:
Mr. Walton stated that CEA does not want to eliminate the installation of the construction personnel elevator (CPE) nor is CEA advocating that the CPE be installed when the building reaches 60 feet. CEA is proposing two alternatives for regulatory language that is clear about when the elevator is to be installed, when it can come down, and to provide clarity to the construction industry employers about their duty to comply. CEA believes these alternatives take into account today's building environment and promotes a level playing field.

Response:
The purpose of this expedited rulemaking was limited in scope to clarify the definition of height as used in Section 1630(a) such that it is more clearly understood to require an elevator be installed in a building or structure that will ultimately be 60 feet at the time it reaches 36 feet. Board staff will be addressing a petition from the Division of Occupational Safety and Health (Division) regarding additional amendments to Section 1630 in the future. Mr. Walton is encouraged to participate in that rulemaking and may also petition the Board with proposed language.

The Board thanks Mr. Walton for his comment and participation in the Board's rulemaking process.

Amber Rose, Area Director, Occupational Safety and Health Administration, by letter dated April 6, 2020.

Comment:
Ms. Rose commented that the proposed standard does appear to be commensurate with the federal standard.

Response:
The Board thanks Ms. Rose for her comment and participation in the Board's rulemaking process.

II. Oral Comments

Oral comments received at the March 19, 2020, Public Hearing held by web-based teleconference.

Len Welsh, Representing Iron Workers and the Western Steel Council.

Comment:
Mr. Welsh stated the ironworkers and Western Steel Council fully support the adoption of this standard and thanked the Board for moving the amendment forward quickly. He stated that this long-standing requirement is at least three-decades old and was being uniformly complied with and enforced throughout California due to employers having to obtain a permit from Cal/OSHA. The Appeals Board decision came out of the blue and has caused a lot of confusion in the construction industry and needs to be solved as quickly as possible. He stated that there is no associated cost increase because it will just be maintaining the status quo. He said there are serious health concerns when there is no CPH available to move an injured party.

Response:
The Board thanks Mr. Welsh for his comment and participation in the Board's rulemaking process.

Frank Belio, International Union of Elevator Constructors, Local 18.

Comment:
Mr. Belio expressed his full support for the proposed revision. He and his 2,300 members, mechanics and apprentices believe it will increase safety for all construction workers.

Response:
The Board thanks Mr. Belio for his comment and participation in the Board's rulemaking process.

Greg McClelland, Western Steel Council.

Comment:
Mr. McClelland thanked the Board for putting together the web-based meeting in this unchartered territory. He said the amendment remains a high priority for his employers and members of the Iron Workers Union, and that in contrast to some comments heard at the July 2019 meeting that there was not a need to address this, and that there was not confusion, that he can provide lists of job sites where there was significant disruption and confusion regarding this long-standing standard that has worked effectively. He looks forward to hearing that this standard is approved.

Response:
The Board thanks Mr. McClelland for his comment and participation in the Board's rulemaking process.

Reese Fortin, Safety Manager, Sundt Construction.

Comment:
Ms. Fortin stated that her company is concerned that there might be a structure where a hoist cannot be installed at 36 feet and would like to see something in the standard allowing an engineer to do a review that the hoist can be installed when the engineer says it is feasible or practical to do so.

Response:
Please see the response to Mr. Walton's letter in the written comment section. The Board thanks Ms. Fortin for her comment and participation in the Board's rulemaking process.

Russell McCrary, California Ironworkers Employers Council District Council of Ironworkers.

Comment:
Mr. McCrary commented 36 feet works much better than 60 feet and he has noticed confusion on installation. He stated that that there have been buildings where a floor is at 58 feet so the elevator is not installed and on some projects, the building has reached 80 feet before they put in the CPH. He asked the Board to please adopt this standard. He also said everyone appreciates the speed with which this rulemaking has been done.

Response:
The Board thanks Mr. McCrary for his comment and participation in the Board's rulemaking process.

Barbara Burgel, Occupational Safety and Health Standards Board Member.

Comment:
Ms. Burgel commented that she supports the change but she was confused about how you would measure 36 feet below ground (regarding requiring a CPH when an excavation is 48 feet below ground).

Response:
The proposed language for this rulemaking is discrete and was designed to mimic what already exists in 1630(d). The language from 1630(d) was duplicated in 1630(a) to make clear that an elevator is required at the time a building reaches 36 feet in height. Board staff will be addressing a petition from the Division of Occupational Safety and Health (Division) regarding additional amendments to Section 1630 in the future. However, for this particular issue, it was limited to clarifying the height of a building to install an elevator.

The Board thanks Ms. Burgel for her comment and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be (1) more effective in carrying out the purpose for which the action is proposed; or (2) would be as effective as and less burdensome to affected private persons than the adopted action, or (3) would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Board staff were unable to come up with any alternatives or no alternatives were proposed by the public that would have the same desired regulatory effect.

STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

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INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 1630(a) of the Construction Safety Orders

Elevators for Hoisting Workers

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

This rulemaking was initiated in response to Occupational Safety and Health Standards Board (Standards Board) Petition File No. 577 submitted by Mr. Donald A. Zampa, President of the District Council of Iron Workers, and Mr. Greg McClelland, Executive Director of the Western Steel Council, dated June 7, 2019. In the Standards Board's Decision, dated June 20, 2019, the Petitioners' request was granted to the extent that Standards Board staff was directed to promptly develop a highly expedited permanent rulemaking limited in scope to clarify the definition of height as used in Section 1630, such that it is more clearly understood to require that an elevator be installed in a building or structure that will ultimately be at least 60 feet, at the time it reaches 36 feet.

Section 1630(a). Elevator for Hoisting Workers

Section 1630(a) requires that an elevator for hoisting workers is required on buildings or structures that are 60 feet or taller.

Until a May 29, 2019, Occupational Safety and Health Appeals Board (Appeals Board) Decision After Reconsideration (DAR), it was widely accepted within the construction industry that an elevator for hoisting workers (commonly referred to as a CPH – construction personnel hoist, or a CPE construction personnel elevator) is required to be installed at 36 feet when a building that, when completed, will reach a height of at least 60 feet.

The DAR, Alpha Construction Company Incorporated, 1180499, California Structural Concepts Inc. dba California Structural Concepts, 1205214, and KPRS Construction Services, Inc., 1192145, found that there was no requirement to have a CPH installed until the building has reached 60 feet in height.

The DAR changed the long-accepted enforcement of the regulation. The Division of Occupational Safety and Health (Division) has enforced, and many employers have accepted, the

requirement to have an elevator installed when the building or structure is designed to be 60 feet or more in height at the time the building or structure reaches 36 feet in height because Section 1630(d) requires the first landing be installed at 36 feet.

Two previous DAR rulings seemed to indicate that the elevator was required before the building reached 60 feet in height.

1. Anning-Johnson, Docket No. 85-R3D1-1438, April 24, 1986, stated that Title 8 Section 1630(a) and (d) need to be read together. However, that DAR was about another issue, not the interpretation to have an elevator installed before the building reached 60 feet in height.

2. Rudolph and Sletten, Docket No. 93-R1D5-1251, April 4, 1994, although also not specifically about having an elevator installed at 36 feet, did indicate that the elevator was to be installed before the building reached 60 feet. From page 3, paragraph 3, "Section 1630(d) does not depend on any minimum height. This section requires that access be provided to the upper-most lever, whether it is lower or higher than 60 feet. Section 1630(d) imposes a separate and distinct obligation on Employer to provide access, when Employer is obligated to erect a construction elevator under section 1630(a)."

The May 29, 2019, DAR is the first time the issue of having an elevator installed before the building or structure reached 60 feet in height has been ruled upon by the Appeals Board.

The Petitioners stated that the ruling is creating widespread confusion between subcontractors and general contractors in both continuing with existing construction projects and bidding on new contracts. They contend the DAR ruling is "A giant step backwards, instead of moving forward, to prevent imminent hazards to construction workers who will be working in situations where, should life-threatening injury occur, there will be no elevator access for emergency personnel to reach the injured worker or to perform an evacuation."

The purpose of this proposal is to clarify that an elevator is required to be installed at 36 feet for buildings or structures which will be 60 feet or taller when completed. The clarification of the requirement will codify a long-standing acceptance within the industry.

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED ON BY THE BOARD

1. Petition No. 577 submitted by Donald A. Zampa, and Greg McClelland, received June 7, 2019.
2. Division of Occupational Safety and Health Review of Petition 577, dated June 10, 2019.
3. Occupational Safety and Health Standards Board Decision on Petition 577, dated June 20, 2019.
4. Occupational Safety and Health Appeals Board, Decision After Reconsideration, Alpha Construction Company Incorporated, 1180499, California Structural Concepts Inc. dba

California Structural Concepts, 1205214, and KPRS Construction Services, Inc., 1192145, dated May 29, 2019.

5. Occupational Safety and Health Appeals Board, Decision After Reconsideration, Anning-Johnson, Docket No. 85-R3D1-1438, dated April 24, 1986.
6. Occupational Safety and Health Appeals Board, Decision After Reconsideration, Rudolph and Sletten, Docket No. 93-R1D5-1251, dated April 4, 1998.
7. OSHA Information System data from January 2014 to June 2019.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

PETITION

Petitioners: Donald Zampa, President of the District Council of Iron Workers of the State of California and Vicinity, and Greg McClelland, Executive Director, Western Steel Council.

File No. 577

The Board received a petition on June 7, 2019, to amend Section 1630(a) of the Construction Safety Orders contained in Title 8 of the California Code of Regulations regarding elevators for hoisting workers in buildings or structures 60 feet or greater in height and 48 feet in depth. On June 20, 2019, the Board granted the petition to the extent that Section 1630(a) be amended to clarify the definition of height as used in Section 1630, such that it is more clearly understood to require that an elevator be installed in a building or structure that will ultimately be at least 60 feet, at the time it reaches 36 feet.

A copy of the Petition, the Division's evaluation and the Board's petition decision are included as Documents Relied Upon.

ADVISORY COMMITTEE

The proposal was developed without the assistance of an advisory committee.

FIRE PREVENTION STATEMENT

This proposal does not include fire prevention or protection standards. Therefore, approval of the State Fire Marshal pursuant to Government Code Section 11359 or Health and Safety Code Section 18930(a)(9) is not required.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment beyond which is already required.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation change will not affect the: (1) creation or elimination of California jobs, (2) creation of new businesses or elimination of existing California businesses, or (3) expansion of existing California businesses, because this is only a clarification of a long-term understanding that an elevator is be installed at 36 feet.

Costs are negligible when considering whether an elevator becomes operational at 36 feet or 60 feet and above.

1) CPH's have certain fixed costs that do not vary due to operational start height, such as:
   a) CPH foundation cost;
   b) CPH initial erection cost;
   c) CPH dismantle cost;
   d) CPH trucking cost; and
   e) CPH gates, platforms, and communication systems cost.

2) When building structures are erected, the time frames for construction between 36 feet to 60 feet are short in duration:
   a) Structural steel frame buildings will make up this difference in height in 2-3 weeks;
   b) Concrete structures will make up this difference in height in 4-5 weeks; and
   c) Wood frame structures will make up this difference in 4-5 weeks.

Any savings in CPH rental (which is monthly) and operator time due to this height installation differential will be insignificant when compared to other CPH advantages.

Estimated cost of elevator mast section installation and operator hourly cost from the time a building or structure reaches 36 feet to 60 feet varies with construction type and economy. Staff surveyed companies who install and build structures over 60 feet high and collected data about potential costs, which are specific to each individual project. Reports from industry indicate that a potential range of $14,000 to $30,000 in hard operating costs can potentially be attributed to the elevator. Between January 2014 and June 2019, DOSH cited 3 to 4 worksites per year for failure to install a CPH between 36 and 60 feet. DOSH estimates per-installation cost of $22,000 for a typical worksite to become compliant.

3.5 employers cited annually by DOSH

$22,000 average per-installation cost to comply (median of $14k-$30k in typical industry reported costs)

3.5 x $22,000 = $77,000 total estimated industry cost

BENEFITS OF THE PROPOSED ACTION

Having the CPH operational at 36 feet economically benefits the health and welfare of California residents and worker safety in the following manner:

a) Allows for emergency access to upper floors in a more timely manner;
b) Allows for a safer work environment where workers are able to use the hoist rather than stairs to haul tools and equipment to upper floors;
c) Faster labor productivity of the workforce due to not using stairs for overall access to the building from lower floors; and
d) Allows stocking of the building without the use of additional hoisting equipment such as forklifts and cranes.

This regulation provides no identified benefit to the state's environment.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

For the most part, employers have already been installing an elevator at 36 feet. Staff approximates the requirement to have a CPH to have existed since 1975 in California.

Title 8 requires that an employer obtain a construction permit from the Division whenever a building or structure is to be over 36 feet in height. A permit conference is held with an employer representative and a Division representative. During the permit conference, the Division would learn whether the building or structure is designed to be 60 feet or taller and inform the employer of the requirement for a CPH. The employer's height permit is stamped with "CPH required."

Some building departments are aware of the requirement and inform employers that they must obtain a Division permit at the time the employer seeks a building permit.

Data extracted from the OSHA Information System from January 2014 to June 2019 indicated the Division issued citations for 1630(a) at 62 different jobsites and issued citations to 101 different employers. Of those, 29 employers were cited at 17 worksites when the building or structure was at least 36 feet but was not yet 60 feet high. Some employers accepted the citations, others appealed, and later settled the citations without going to hearing. Some are still under appeal.

This data implies there is understanding by employers in the affected industry that they are expected to install an elevator when a building reaches 36 feet in height.

REASONABLE ALTERNATIVES TO THE PROPOSAL AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

No reasonable alternatives to the proposal were identified or brought to the Board's attention.

Occupational Safety and Health Standards Board

Business Meeting

Variance Consent Calendar

CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS
JUNE 18, 2020, MONTHLY BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

A. BRYANT STREET HOLDINGS —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
18-V-051M1	Bryant Street Holdings	Elevator	GRANT

B. SHORESTEIN PROPERTIES —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
19-V-311M1	Shorenstein Properties	Elevator	GRANT

C. SCHINDLER MODEL 3300 ELEVATORS (GROUP IV) —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-098	KTM Hospitality Group, LLC	Elevator	GRANT

D. SCHINDLER MODEL 5500 ELEVATORS (GROUP IV) —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-099	14th & Commercial CIC LP	Elevator	GRANT

E. THYSSENKRUPP ELEVATORS (GROUP IV; WIRE ROPES AND SHEAVES) — HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-100	SCS Development Company	Elevator	GRANT
20-V-102	The Airport Commission of the City and County of San Francisco	Elevator	GRANT
20-V-105	Enclave Partners DH, LLC	Elevator	GRANT
20-V-106	KL2067 University, LLC	Elevator	GRANT

F. MITSUBISHI ELEVATORS (GROUP IV) --HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-101	Temecula Hotel Partners Old Town Holding Company, LLC	Elevator	GRANT

G. OTIS GEN2S ELEVATORS (GROUP IV) —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-103	Zhuguang Properties US	Elevator	GRANT
20-V-113	Plano Atrium QOZ, LP	Elevator	GRANT
20-V-114	Oak Hill PSH, L.P.	Elevator	GRANT
20-V-115	Fairfield Contractors	Elevator	GRANT
20-V-117	City of Whittier	Elevator	GRANT
20-V-118	City of Newark	Elevator	GRANT
20-V-119	Thelma & Louise No 2 LLC	Elevator	GRANT
20-V-120	K&M South Berkeley, LLC	Elevator	GRANT
20-V-121	Decolage Ventures, LLC	Elevator	GRANT
20-V-122	5525 Case Avenue, LLC	Elevator	GRANT
20-V-126	Fairfield Contractors	Elevator	GRANT
20-V-127	Zoological Society of San Diego dba San Diego Zoo Global	Elevator	GRANT

H. OTIS GEN2(O) AND/OR GEN2L ELEVATORS (GROUP IV) [w/variant Governor Rope/Sheave] —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-109	San Francisco Conservatory of Music	Elevator	GRANT
20-V-110	Los Angeles World Airports	Elevator	GRANT
20-V-116	RREEF America REITT II Corp. YYYY	Elevator	GRANT
20-V-144	The Regents of the University of California	Elevator	GRANT

I. OTIS GEN2(O) AND/OR GEN2L ELEVATORS (GROUP IV) —HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-111	Costa Verde Hotel, LLC	Elevator	GRANT
20-V-112	1554 Market St Development LLC	Elevator	GRANT

J. SCHINDLER MODEL 3300 ELEVATORS w/variant Gov. Ropes & Sheaves (GROUP IV) — HEARD MAY 27, 2020

OSHSB FILE NUMBER	APPLICANT NAME	SAFETY ORDERS	PROPOSED DECISION
20-V-124	888-5 Partners LLC	Elevator	GRANT
20-V-125	BRE Encino Owner, LLC	Elevator	GRANT

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

In the Matter of Application to Modify Permanent Variance by: Bryant Street Holdings	OSHSB FILE No. 18-V-051M1 Proposed Decision Dated: May 31, 2020 DECISION

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

Date of Adoption: June 18, 2020

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, 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.

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: Bryant Street Holdings	OSHSB File No.: 18-V-051M1 PROPOSED DECISION Hearing Date: May 27, 2020

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
18-V-051	Bryant Street Holdings LLC	2070 Bryant Street, 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 May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"); and Michael Nelmida appeared on behalf of Board staff in a technical advisory role apart from the Board.

3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: the subject modification of permanent variance application captioned above as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application(s) for Permanent Variance Opinion Letter as PD-3, Division evaluation as PD-4, Review Draft 1 Proposed Decision as PD-5, and official

notice taken of the Board's rulemaking records and variance decisions concerning the safety order provisions from which variance has been requested. On May 27, 2020, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

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

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 18-V-051.

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 18-V-051 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. 18-V-051.

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 18-V-051 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. 18-V-051, to be:

2823 18th Street
San Francisco, CA

E. Decision and Order**:**

1. Permanent Variance Application No. 18-V-051M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 18-V-051, and 18-V-051M1, shall have the following address designation:

2823 18th Street
San Francisco, CA

2. Permanent Variance No. 18-V-051, 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. 18-V-051M1.

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: _____

_____
Christina Shupe, 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: Shorenstein Properties	OSHSB FILE No. 19-V-311M1 Proposed Decision Dated: May 31, 2020 DECISION

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

Date of Adoption: June 18, 2020

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, 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.

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: Shorenstein Properties	OSHSB File No.: 19-V-311M1 PROPOSED DECISION Hearing Date: May 27, 2020

A. The following person or entity ("Applicant") has applied for a modification of permanent variance from provisions of the Elevator Safety Orders, found at Title 8 of the California Code of Regulations, for each elevator having the specified preexisting variance location address of record:

Preexisting OSHSB File No.	**Applicant Name**	**Preexisting Variance Address of Record**
19-V-311	Shorenstein Properties	1066 Market Street 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 May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Carolina Castaneda, with Mitsubishi Elevator, appeared on behalf of the Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"); and Michael Nelmida appeared on behalf of Board staff, in a technical advisory role apart from the Board.

3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: the subject modification of permanent variance application captioned above as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application(s) for Permanent Variance Opinion Letter as PD-3, Division evaluation as PD-4, Review Draft 1 Proposed Decision as PD-5, and official

notice taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On May 27, 2020, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

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

1. The Applicant requests modification of the address of the unchanging variance location specified within Board records for each elevator the subject of previously granted Permanent Variance 19-V-311.

2. Application Section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 19-V-311 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.5.

3. The Division has evaluated the request for modification of variance location address, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in OSHSB Permanent Variance File No. 19-V-311.

4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 19-V-311 was, in part, based.

5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 19-V-311, to be:

50 Jones St.
San Francisco, CA

E. <u>Decision and Order:</u>

1. Permanent Variance Application No. 19-V-311M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator

being the subject of Permanent Variance Nos. 19-V-311, and 19-V-311M1, shall have the following address designation:

50 Jones St.
San Francisco, CA

2. Permanent Variance No. 19-V-311, being only modified as to the subject location address specified in above Decision and Order Section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 19-V-311M1.

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: _____

_____
Christina Shupe, 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 Model 3300 Elevators (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

Date of Adoption: June 18, 2020

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, 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.

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: Schindler Model 3300 Elevators (Group IV)	OSHSB File Nos.: Per Section A table, below PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter and Jurisdiction:

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
20-V-098	KTM Hospitality Group, LLC	11669 Foothill Blvd. Rancho Cucumonga, 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. The safety orders at issue are set out in below Section C.1—C.4.

B. Process and Procedure:

1. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia California, and via teleconference, by Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Jennifer Linares,with the Schindler Elevator Company, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"), and Michael Nelmida appeared on behalf of Board staff, in a technical advisory role apart from the Board.

3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance applications per Section A table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

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

Requested Suspension Means Related Variance:

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

    Section 2.20.1—Wire rope suspension means
    Section 2.20.2.1—Crosshead data plate
    Subsection 2.20.2.2(a)—Wire rope data tag
    Subsection 2.20.2.2(f)—ID of steel wire rope as preformed or nonpreformed
    Section 2.20.3—Wire rope safety factor
    Section 2.20.4—Number and diameter of wire ropes
    Section 2.20.9.3.4—Wire rope end connections
    Section 2.20.9.5.4—Wire rope sockets

Requested Car Top Railing Inset Variance:

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

    Section 2.14.1.7.1—Top of Car Perimeter Railing Placement

Requested Seismic Reset Switch Placement Variance:

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

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

Requested Transfer Switch Placement Variance:

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

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

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

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

Positions of Division, and Board Staff:

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

D. Conclusive Findings:

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

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

E. Decision and Order:

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

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

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

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

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

Further Conditions and Limitations:

1. The elevator suspension system shall comply to the following:

    1.1. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:

    - 2.20.4.3 – Minimum Number of Suspension Members
    - 2.20.3 – Factor of Safety
    - 2.20.9 – Suspension Member Fastening

    1.1.1 Additionally, STMs shall meet or exceed all requirements of ASME 17.6-2010, Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.

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

    1.3. STM member mandatory replacement criteria shall include:

    1.3.1 Any exposed wire, strand or cord;

    1.3.2 Any wire, strand or cord breaks through the elastomeric coating;

    1.3.3 Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;

    1.3.4 Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.

    1.4. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.

    1.5. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: If a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the

individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.

1.6. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.

1.7. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).

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

1.9. Each elevator shall be provided with a device that electronically detects a reduction in residual strength of each STM member. The device shall be in compliance with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1, and incorporated herein by reference.

1.10. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, Section 2.20.2.1.

1.11. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, Section 2.20.2.2.

1.12. Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 1.2 and 1.3 specified criteria, shall be conducted and documented every six months by a CCCM.

1.13. The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 2, "Suspension Means Replacement Reporting Condition."

1.14. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, Sections 8.6.1.2, and 8.6.1.4, respectively.

2. Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:

2.1. If the inspection transfer switch required by ASME A17.1-2004, Rule 2.26.1.4.4, does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

2.2. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

3. Any and all inset car top railing shall comply with the following:

3.1. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to stand on or climb over the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car top railing.

3.2. The distance that the railing can be inset shall be limited to not more than 6 inches.

3.3. All exposed areas of the car top outside the car top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.

3.4. The top surface of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.

3.5. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing; each sign shall state:

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

3.6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).

4. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the Schindler Model 3300 elevator system in accordance with written procedures and criteria, including as required per above Conditions 1.2, and 1.3.

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. 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, 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: _____

_____
Christina Shupe, 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 5500 Elevators (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date of Adoption: June 18, 2020

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: Schindler Model 5500 Elevators (Group IV)	OSHSB File Nos. (See Section A.1 Table Below) PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter:

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
20-V-099	14th & Commerical CIC LP	One 14th Street San Diego, CA	3

2. The safety orders at issue are set out in below Section C.1.

B. Process and Procedure:

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

2. The installation contract for the subject elevators was signed after May 1, 2008. Therefore, the subject elevators fall within the scope of the Elevator Safety Orders (ESO) Group IV Section 3141, and as incorporated by reference therein, ASME A17.1-2004.

3. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board") assigned Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of

proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

4. At the hearing, Jennifer Linares, with Schindler Elevator Corporation, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"), and Michael Nelmida appeared on behalf of Board staff, in a technical advisory role apart from the Board.

5. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance applications per Section A table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

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

Requested Suspension Means Related Variance:

1. As each pertains to the non-circular elastomeric coated suspension means characteristic of the Schindler Model 5500 elevator, Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Safety Code for Elevators and Escalators (ASME Code) A17.1-2004 sections and subsections:

    Section 2.20.1—Wire rope suspension means
    Section 2.20.2.1—Crosshead data plate
    Subsection 2.20.2.2(a)—Wire rope data tag
    Subsection 2.20.2.2(f)—ID of steel wire rope as preformed or nonpreformed
    Section 2.20.3—Wire rope safety factor
    Section 2.20.4—Number and diameter of wire ropes
    Section 2.20.9.3.4—Wire rope end connections
    Section 2.20.9.5.4—Wire rope sockets

Requested Car Top Railing Inset Variance:

2. As it pertains to top of car railing placement requiring space occupied by upper hoistway mounted elevator machinery characteristic of the Schindler Model 5500

elevator, Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code A17.1-2004 section:

Section 2.14.1.7.1—Top of Car Perimeter Railing Placement

Requested Seismic Reset Switch Placement Variance:

3. As it pertains to installation of the requisite seismic reset switch within a "machine room" location incompatible with machine-room-less design of the Schindler Model 5500 elevator, Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code subsection:

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

Requested Transfer Switch Placement Variance:

4. As it pertains to installation of the requisite transfer switch within a "machine room" location incompatible with machine-room-less design of the Schindler Model 5500 elevator, Applicant presently seeks permanent variance from the following Title 8, Elevator Safety Order incorporated ASME Code A17.1-2004 subsection:

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

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

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

Positions of Division, and Board Staff:

6. Having fully reviewed Applicant's request for variance from the above identified Elevator Safety Order requirements, it is the concurrent opinion of Division and Board staff, that conditionally limited grant to Applicant of permanent variance as specified per the below Decision and Order, will provide for elevator safety, and occupational safety and health, equivalent or superior to that of the Elevator Safety Order requirements from which variance is being sought. The present opinion of Division and Board staff, to any extent it may vary from those previously held with respect to

the previously heard matter in OSHSB File No. 15-V-349, reflects further scrutiny of the subject matter, consultation between Division, Board staff, Applicant representatives, and refinement of recommended conditions and limitations.

D. Basis of Decision:

The afore stated procedural, statutory, regulatory, and factual matters establish a substantive 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.

E. Decision and Order:

Each above Section A.1 table specified Applicant, with respect to the also specified number of conveyance, and variance location, is hereby conditionally GRANTED Permanent Variance as stated below, to the limited extent that each enumerated conveyance at the given location shall be subject to conditionally limited permanent variance from the below specified ASME A17.1-2004, requirements incorporated by reference into California Code of Regulations, Title 8, Elevator Safety Orders, Section 3141.

Suspension Members: Applicant shall conditionally hold permanent variance from the following Title 8, Section 3141 incorporated sections and subsections of ASME A17.1-2004, to the limited extent variance is necessary to provide for use of noncircular elastomeric-coated steel suspension members and concomitant components, and configurations—Section 2.20.1; Section 2.20.2.1; Subsection 2.20.2.2(a); Subsection 2.20.2.2(f); Section 2.20.3; Section 2.20.4: Section 2.20.9.3.4; and Section 2.20.9.5.4.

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

Seismic Safety Switch Placement: Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141 incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to having the requisite seismic reset switch located elsewhere than a machine room, within a Security Group I enclosure built into an upper floor landing door jam, or within other readily accessible and secure space shared with the motion controller outside the hoistway: Section 8.4.10.1.1(a)(2)(b).

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

Further Conditions and Limitations:

1. The elevator suspension system shall comply with the following:

1.1. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:

- 2.20.4.3 – Minimum Number of Suspension Members
- 2.20.3 – Factor of Safety
- 2.20.9 – Suspension Member Fastening

1.2. Additionally, STMs shall meet or exceed all requirements of ASME 17.6-2010 Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.

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

1.4. STM member mandatory replacement criteria shall include:

1.4.1 Any exposed wire, strand or cord;

1.4.2 Any wire, strand or cord breaks through the elastomeric coating;

1.4.3 Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;

1.4.4 Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.

1.5. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.

1.6. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: If a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.

1.7. 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.

1.8. 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).

1.9. 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. Notwithstanding any less frequent periodic testing requirement per Addendum 1 (Division Circular Letter), the bend cycle monitoring system shall be tested semi-annually in accordance with the procedures required per above Conditions 1.2, and 1.3.

1.10. Each elevator shall be provided with a device that electronically detects a reduction in residual strength of each STM member. The device shall be in

compliance with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1, and incorporated herein by reference.

1.11. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, Section 2.20.2.1.

1.12. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, Section 2.20.2.2.

1.13. Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 1.2 and 1.3 specified criteria, shall be conducted and documented every six months by a CCCM.

1.14. The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 2, "Suspension Means Replacement Reporting Condition."

1.15. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, Sections 8.6.1.2 and 8.6.1.4, respectively.

2. Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:

2.1. If the inspection transfer switch required by ASME A17.1-2004, Rule 2.26.1.4.4 does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

2.2. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

3. Any and all inset car top railing shall comply with the following:

3.1. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to stand on or climb over the railings to perform adjustments,

maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car top railing.

3.2. The distance that the railing can be inset shall be limited to not more than 12 inches.

3.3. All exposed areas of the car top outside the car top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.

3.4. The top surface of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.

3.5. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing; each sign shall state:

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

3.6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).

4. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the Schindler Model 5500 elevator system in accordance with written procedures and criteria, including as required per above Conditions 1.2, and 1.3.

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. 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 Applicant, affected employee(s), the Division, or by the Board on its own motion, in accordance with Title 8, Division 1, Chapter 3.5, procedural rules.

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: _____

_____
Christina Shupe, 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

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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: ThyssenKrupp Elevators (Group IV, wire ropes and sheaves)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

Date of Adoption: June 18, 2020

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, 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.

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: ThyssenKrupp Elevators (Group IV; wire ropes and sheaves)	OSHSB File Nos.: Per Section A.1 table PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter:

1. Each below listed applicant ("Applicant") has applied for permanent variance from provisions California Code of Regulations, Title 8, Elevator Safety Orders, 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
20-V-100	SCS Development Company	47201 Mission Falls Court Fremont, CA	2
20-V-102	The Airport Commission of the City & County of San Francisco	1059 N Access Rd. San Francisco, CA	1
20-V-105	Enclave Partners DH, LLC	2503 Haste St. Berkeley, CA	2
20-V-106	KL2067 University, LLC	2067 University Ave., Berkeley, CA	1

2. The subject safety orders requirements are specified in the prefatory part of the Section E, Decision and Order.

B. Procedural:

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

2. This hearing was held on May 27, 2020, in Sacramento, California and via audio/video conference link in Monrovia, California, and via teleconference, by delegation of the Occupational Safety and Health Standards Board ("Board"), with Hearing Officer

Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

3. At the hearing, Andrew Ferris, with ThyssenKrupp Elevator appeared on behalf of each Applicant, Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"), and Michael Nelmida appeared on behalf of Board staff acting in a technical advisory role apart from the Board.

4. At the hearing, oral evidence was received and by stipulation of all parties, documents were accepted into evidence: each respective Section A.1 specified Application for Permanent Variance as Exhibit PD-1; Notice of Hearing in this matter as PD-2; Board staff Pending Application Memorandum as PD-3; Division Review of Application as PD-4; Review Draft 1 Proposed Decision as PD-5; and official notice taken of the Board's files, records, recordings and decisions regarding conveyances. At the close of the hearing on May 27, 2020, the record was closed, and 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. Each Applicant intends to utilize ThyssenKrupp elevators in the numbers and at the locations stated in the above Section A.1 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 (ESO).

3. Each Applicant proposes to diverge from the safety orders by using:

   a. 8x19 suspension ropes that are 8 mm in diameter (9.5 mm is the minimum diameter allowed by ASME A17.1-2004, Section 2.20.4) and that have outer wires that are 0.36 mm in diameter (0.56 mm is the minimum diameter allowed by ASME A17.1 2004, Section 2.20.4); and

   b. Non-metallic deflector and idler sheaves (specifically, Schwartz Optamid-6 thermoplastic cast sheaves).

4. With respect to the ropes and outer wires, equivalent safety is to be provided by such measures as the following (some or all of which are intended to provide a factor of safety meeting or exceeding the safety factor required by ASME A17.1-2004, Table 2.20.3):

   a. Using a designated number of suspension ropes per elevator, in accordance with each elevator's capacity;

b. Providing a 2:1 roping ratio;

c. Installing a device known as a loadweigher (a rope tension monitoring system);

d. Limiting the car speed in accordance with ThyssenKrupp engineering data; and

e. Limiting the maximum suspended load of the elevator in accordance with the elevator's design and specifications.

5. In many prior ThyssenKrupp and KONE elevator variances, the Board has allowed the use of ropes and outer wires with diameters less than the minimums stated in ASME A17.1-2004, Section 2.20.4. In prior ThyssenKrupp variances of this nature, the Board has made findings of fact to the following effect:

   a. Each Applicant has adopted the assertion that "One rope manufacturer, with an estimated 20% of the Global market, has sold over 20 million meters of 8 mm rope with no indication of problems."

   b. Tests performed on Drako brand 8 mm diameter rope generated data to the effect that "the breaking force applied in single bend for failure of the rope resulted in" forces of 7910 pounds to 9550 pounds for the Drako rope; the breaking force when new and when using production rope shackles was calculated as 9740 pounds for the Drako rope. As to Gustav Wolf brand 8 mm diameter wire rope (part number 80-056SC, 8X19 Warrington), test data include the following: cycling tests disclosed that the breaking force applied in single bend for failure of the rope resulted in a force of 8360 pounds, and that the breaking force when new was calculated at 9919 pounds using production rope shackles.

   c. Division evaluations have stated that "ThyssenKrupp Elevator contends that the smaller diameter steel ropes are more pliable and less likely to kink thus reducing the probability of operational failures due to rope damage."

   d. Each Applicant has asserted that the ropes proposed for use (both the Drako and the Gustav Wolf) have steel cores which augment the strength of the ropes so that the required factor of safety is achieved when 0.36 mm diameter outer wires are used.

   e. Each Applicant has asserted that the factor of safety for the proposed suspension ropes is at least equivalent to the factor of safety for code-compliant suspension ropes, and neither the Division nor the Board staff presented any evidence or argument to the contrary.

6. With respect to the sheaves, the Board has made findings of fact to the following effect in prior, similar variance matters:

a. Documentation has stated that similar Schwartz Optamid-6 thermoplastic cast sheaves "have been used successfully throughout the world since 1970."

b. Such sheaves have been used in ThyssenKrupp ISIS-1 and ISIS-2 elevator systems in California, starting with a temporary/experimental variance issued in 2004, and the Board staff is not aware of any service problems related to the thermoplastic sheaves.

c. Each Applicant has asserted that the proposed thermoplastic sheaves have advantages in these areas: noise reduction, reduction in vibration, resistance to rope lubricants and increased rope life.

d. Each Applicant has asserted that the factor of safety for the proposed non-metallic sheaves is at least equivalent to the factor of safety for code-compliant sheaves, and neither the Division nor the Board staff has presented any evidence or argument to the contrary.

7. The number of suspension ropes per Condition No. 3, the maximum rated speed per Condition No. 6, and the total suspended load per Condition No. 7 in the Decision and Order result from the details of the proposed installations.

8. The Board incorporates by reference Section B.9, of the Proposed Decision adopted by the Board on September 25, 2014, in OSHSB File No. 14-V-117.

9. Conditions set forth in the present Decision and Order are necessary and sufficient to provide for, at minimum, safety equivalent to that which would exist upon non-variant conformity with the ESO requirements from which variance is to be granted.

10. Both Division and Board staff, by means of respective written submissions to the record (Exhibits PD-4, and PD-3), as well as consistent statements of position at hearing, have made clear their concurrence of opinion and recommending that grant of permanent variance, subject to the conditions and limitations incorporated into the present Decision and Order, will provide, at minimum, safety equivalent to that of non-variant compliance with the ESO requirements at issue.

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 conveyance and workplace safety and health to that which would prevail upon full compliance with the ESO requirements from which variance is being sought.

E. Decision and Order:

Each Application for Permanent Variance that is a subject of this proceeding, per Section A.1 table above, is conditionally GRANTED, as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, the Applicant shall have permanent variances from California Code of Regulations, Title 8, Section 3141 [ASME A17.1-2004, Section 2.20.4 (insofar as it requires that the "minimum diameter of hoisting and counter-weight ropes shall be 9.5 mm (0.375 in.)" and that the outer wires of the ropes "shall be not less than 0.56mm (0.024 in.) in diameter") and 2.24.2.1 (to the extent necessary to allow the Applicant to use the cast thermoplastic deflector and idler sheaves proposed in the subject permanent variance application)], for the locations and numbers of elevators set forth in the Section A.1 table, subject to the following conditions:

1. Variance is granted from the Title 8 and ASME provisions referred to in the prefatory portion of this Decision and Order only to the extent necessary to allow the Applicant to use suspension ropes specified in Condition No. 2 and the non-metallic sheaves specified in Condition No. 10.

2. The diameter of the hoisting steel ropes shall be not less than 8 mm, and the outer wires of the suspension rope shall be not less than 0.36 mm in diameter. The rope shall be Drako brand 250T 8 strand EHS rated or Gustav Wolf brand, part no. 80-056SC, 8x19 Warrington IWRC, steel rope.

3. The number of suspension ropes for each elevator shall be not less than the number of ropes stated in Appendix 1 attached hereto and incorporated herein by this reference. The roping ratio for each elevator shall be two to one (2:1).

4. The ropes shall be inspected annually for wire damage (rouge, valley break, etc.) in accordance with the manufacturer's recommendation for 8 mm steel wire rope.

5. The rope inspection log shall be maintained and shall be available in the elevator control room at all times.

6. The elevator rated speed shall not exceed the rated speed specified in Appendix 1, attached hereto, and incorporated herein by this reference.

7. The total suspended load for each elevator shall not exceed the total load stated in Appendix 1, attached hereto, and incorporated herein by this reference.

8. The Applicant shall provide and install a Rope Tension Monitoring System (RTMS) on each suspension rope. The RTMS shall monitor the tension in each suspension rope and immediately cut off power to the elevator machine and brakes if the differential between any single rope and the average tension in all ropes suspending the car exceeds ±40% for more than 3 seconds. The Applicant will take all reasonable steps to make sure that this system is set to operate if there is a "±40%" tension discrepancy; however, no violation of this condition will be deemed to occur if, on a given occasion, the system goes into operation when the tension discrepancy is between "±40%" and "±45%."

9. Any Certified Qualified Conveyance Company (CQCC; elevator contractor) performing inspection, maintenance, servicing or testing of the elevator shall be provided a copy of the variance decision. Before any CQCC works on any of these elevators, the Applicant will ensure that the CQCC has personnel who are trained and available to perform CQCC duties with respect to the RTMS referred to in Condition No. 8 and that such work is performed only by trained and qualified personnel.

10. If non-metallic deflector and/or idler sheave(s) are installed, they shall be a Schwartz thermoplastic cast polymide 6 "Optamid". The ratio of the sheave diameter to the rope diameter (D/d ratio) shall be not less than 40:1.

11. The Division shall be notified when the elevator is ready for inspection, and the elevator shall not be put into service prior to having been inspected, and issued a Permit to Operate by the Division.

12. The Applicant shall be subject to the Suspension Means Replacement Reporting Condition stated in Appendix 2; that condition is incorporated herein by this reference.

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: _____

_____
Christina Shupe, Hearing Officer

APPENDIX 1

OSHSB File Number	Car	Minimum Suspension Ropes per Elevator (per Condition No. 3)	Roping Ratio	Max. Rated Speed In Feet per Minute (per Condition No. 6)	Maximum Suspended Load per Elevator (+5%) (per Cond.No. 7)
20-V-100	1	6	2:1	150	6,723
20-V-100	2	6	2:1	150	6,723
20-V-102	101	4	2:1	150	4,884
20-V-105	1	6	2:1	150	6,797
20-V-105	2	6	2:1	150	6,797
20-V-106	1	6	2:1	150	6,662

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 Section 2.a above

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
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In the Matter of Application for Permanent Variance Regarding: Mitsubishi Elevators (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date of Adoption: June 18, 2020

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: Mitsubishi Elevators (Group IV)	OSHSB File Nos.: See Section A.1 Table PROPOSED DECISION Hearing Date: May 27, 2020

A. Procedural Matters:

1. 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
20-V-101	Temecula Hotel Partners Old Town Holding Company, LLC	28690 Old Town Front Street Temecula, CA	4

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.

3. This hearing was held on May 27, 2020, in Sacramento, California and via audio/video conference link in Monrovia**,** California, and via teleconference, by delegation of the Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

4. At the hearing, Carolina Castaneda, with Mitsubishi Electric, Elevator Division, appeared on behalf of each Applicant, Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"), and Michael Nelmida appeared on behalf of Board staff in a technical advisory role apart from the Board.

5. At the hearing, documentary and oral evidence was received, and by stipulation of all parties, documents were accepted into evidence: each permanent variance application per Section A table as Exhibit PD-1; Notice of Hearing as PD-2; Board staff Pending Application Memorandum as PD-3; Division Review of Application report as PD-4; Review Draft 1 Proposed Decision as PD-5; and Official Notice taken of the Board's rulemaking records and variance decisions concerning the safety order requirements from which variance is requested. At the close of hearing on May 27, 2020, 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: _____

_____
Christina Shupe, 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 Elevators (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date of Adoption: June 18, 2020

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 Elevators (Group IV)	OSHSB File Nos.: Per Section A table, below PROPOSED DECISION Hearing Date: May 27, 2020

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 the listed conveyance or conveyances, in the specified quantity, at the specified location:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
20-V-103	Zhuguang Properties US	88 Arkansas Street San Francisco, CA	2
20-V-113	Plano Atrium QOZ, LP	2968 W. 7th Street Los Angeles, CA	3
20-V-114	Oak Hill PSH, L.P.	445 30th Street Oakland, CA	2
20-V-115	Fairfield Contractors	Town and Country Apartments Build B 850 West Town and Country Rd Orange, CA	3
20-V-117	City of Whittier	Parking Structure 6738 Comstock Ave. Whittier, Ca	2
20-V-118	City of Newark	Newark Civic Center 37101 Newark Blvd Newark, CA	2
20-V-119	Thelma & Louise No 2 LLC	2510 Channing Way Berkeley, CA	1
20-V-120	K&M South Berkeley, LLC	2628 Shattuck Ave. Berkeley,CA	1

20-V-121	Decolage Ventures, LLC	3057 W Pico Blvd Los Angeles, CA	2
20-V-122	5525 Case Avenue, LLC	5525 Case Ave. North Hollywood, CA	2
20-V-126	Fairfield Contractors	Town and Country Apartments Build A 1000 W. Town and Country Rd Orange, CA	3
20-V-127	Zoological Society of San Diego dba San Diego Zoo Global	San Diego Children's Zoo 2920 Zoo Drive San Diego, CA	1

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

B. Procedural

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

2. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

3. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"), and Michael Nelmida appeared on behalf of Board staff, in a technical advisory role apart from the Board.

4. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance applications per Section A table as Exhibit PD-1; Notice of Hearing as Exhibit PD-2; Board staff Pending Application Memorandum as PD-3; Division Review of Application as PD-4; Review Draft 1 Proposed Decision as PD-5; and official notice taken of the Board's rulemaking records, and variance files and decisions, concerning the Elevator Safety Order standards

at issue. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

C. Findings and Basis:

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

1. Each Applicant intends to utilize Otis Gen2S elevators at the locations and in the numbers stated in the above Section A table.

2. The installation contracts for these elevators were or will be signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.

3. The Board incorporates by reference Items (i.e. Sections) D.3 through D.9 of the Proposed Decision adopted by the Board on July 18, 2013 regarding OSHSB File No. 12-V-093 and Item D.4 of the Proposed Decision adopted by the Board on September 25, 2014 in OSHSB File No. 14-V-206.

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

D. Conclusive Findings:

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

E. Decision and Order:

Each permanent variance application the subject of this proceeding is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this

Proposed Decision, each Applicant listed in the above Section A table shall have permanent variances from California Code of Regulations, Title 8, Section 3141 and from the following sections of ASME A17.1-2004 that Section 3141 makes applicable to the elevators the subject of those applications:

- Car top railing: Sections 2.14.1.7.1 (only to the extent necessary to permit an inset car top railing, if, in fact, the car top railing is inset);

- Speed governor over-speed switch: 2.18.4.2.5(a) (only insofar as is necessary to permit the use of the speed reducing system proposed by the Applicants, where the speed reducing switch resides in the controller algorithms, rather than on the governor, with the necessary speed input supplied by the main encoder signal from the motor);

- Governor rope diameter: 2.18.5.1 (only to the extent necessary to allow the use of reduced diameter governor rope);

- Pitch diameter: 2.18.7.4 (to the extent necessary to use the pitch diameter specified in Condition No. 13.c);

- Suspension means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4 and 2.20.9.5.4—the variances from these "suspension means" provisions are only to the extent necessary to permit the use of Otis Gen2 flat coated steel suspension belts in lieu of conventional steel suspension ropes;

- Inspection transfer switch: 2.26.1.4.4(a) (only to the extent necessary to allow the inspection transfer switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room); and

- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (only to the extent necessary to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room).

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

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 elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2S elevator system in accordance with the written procedures and criteria required by Condition No. 3 and in accordance with the terms of this permanent variance.

12. The governor speed-reducing switch function shall comply with the following:

a. It shall be used only with direct drive machines; i.e., no gear reduction is permitted between the drive motor and the suspension means.

b. The velocity encoder shall be coupled to the driving machine motor shaft. The “C” channel of the encoder shall be utilized for velocity measurements required by the speed reducing system. The signal from “C” channel of the encoder shall be verified

with the "A" and "B" channels for failure. If a failure is detected then an emergency stop shall be initiated.

c. Control system parameters utilized in the speed-reducing system shall be held in non-volatile memory.

d. It shall be used in conjunction with approved car-mounted speed governors only.

e. It shall be used in conjunction with an effective traction monitoring system that detects a loss of traction between the driving sheave and the suspension means. If a loss of traction is detected, then an emergency stop shall be initiated.

f. A successful test of the speed-reducing switch system's functionality shall be conducted at least once a year (the record of the annual test of the speed-reducing switch system shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).

g. A successful test of the traction monitoring system's functionality shall be conducted at least once a year (the record of the annual test of the traction monitoring system shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).

h. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the maintenance, inspection, and testing of the speed-reducing switch and traction monitoring systems. The Applicant shall make the procedures available to the Division upon request.

13. The speed governor rope and sheaves shall comply with the following:

a. The governor shall be used in conjunction with a 6 mm (0.25 in.) diameter steel governor rope with 6-strand, regular lay construction.

b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.

c. The governor sheaves shall have a pitch diameter of not less than 180 mm (7.1 in.).

14. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.

15. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.

16. The Applicant shall be subject to the Suspension Means – Replacement Reporting Condition stated in Addendum 2, as hereby incorporated by this reference.

17. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized 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: _____

_____
Christina Shupe, 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 Elevator (Group IV) Gen2(O) and/or Gen2L Elevators [w/variant Governor Rope/Sheave]	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

Date of Adoption: June 18, 2020

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, 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.

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

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

In the Matter of Application for Permanent Variance Regarding: Otis Elevator (Group IV) Gen2(O) and/or Gen2L Elevators [w/variant Governor Rope/Sheave]	OSHSB File Nos.: Per Section A.1 table PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter:

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

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
20-V-109	San Francisco Conservatory of Music	200 Van Ness Ave San Francisco, CA	2
20-V-110	Los Angeles World Airports	American Airlines Terminal 400 World Way Los Angeles, CA	5
20-V-116	RREEF America REITT II Corp. YYYY	2 Henry Adams St, Suite #2M-33 San Francisco, CA	2
20-V-144	The Regents of the University of California	UCSF Neurosciences Building 1651 4th Street San Francisco, CA	6

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

B. Jurisdiction:

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

C. Procedural:

1. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board") with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator Company, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"); and Michael Nelmida appeared on behalf of Board staff in a technical advisory role apart from the Board.

3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance applications per Section A.1 table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's rulemaking recordings and variance decisions concerning the safety order requirements at issue. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

D. Findings:

1. Each Applicant intends to utilize Otis Gen2(O) and/or Otis Gen2L elevators, with further variance as to governor sheave and rope diameter, at the location and in the numbers stated in the Section A.1 table (as used in this Proposed Decision, the term "Gen2(O)" refers to the original type of Gen2 elevator, as distinguished from other types with such designations as "Gen2L" or "Gen2S" or "Gen2 at 150").

2. The installation contract for these elevators was, or will be, signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.

3. The Board incorporates by reference the findings stated in: (a) Items 3 through 5.c, 5.e, and 5.f of the "Findings of Fact" Section of the Proposed Decision adopted by the Board on February 19, 2009, in OSHSB File No. 08-V-247; (b) Item D.3 of the Proposed Decision adopted by the Board on July 16, 2009, in OSHSB File No. 09-V-042; (c) Item D.4 of the Proposed Decision adopted by the Board on September 16, 2010, in OSHSB File No. 10-V-029; (d) Items D.4, D.5, and D.7 of the Proposed Decision adopted by the Board on

July 18, 2013, in OSHSB File No. 12-V-146; and (e) Items D.4 and D.5 of the Proposed Decision adopted by the Board on September 25, 2014, in OSHSB File No. 14-V-170.

4. Regarding requested variance in governor sheave diameter, and governor rope diameter, in variance from Title 8, Section 3141, incorporated ASME A17.1-2004, Section 2.18.7.4, and Section 2.18.5.1, respectively, the Board incorporates by reference the following previous findings of record: Items 8 through 12 of the Proposed Decision adopted by the Board on December 13, 2018, in OSHSB File No. 18-V-425, and further substantiating bases per therein cited Permanent Variance Decisions of the Board.

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

E. Conclusive Findings:

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

F. Decision and Order:

Each permanent variance application that is the subject of this proceeding is conditionally GRANTED, as below specified, and to the extent that, as of the date the Board adopts this Proposed Decision, each Applicant listed in the Section A.1 table of this Proposed Decision shall have a permanent variance from California Code of Regulations, Title 8, Section 3141 [ASME A17.1-2004, Sections 2.14.1.7.1 (only to the extent necessary to permit an inset car top railing, if, in fact, the car top railing is inset), 2.20.1, 2.20.2.1(b), 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, 2.20.9.5.4, (only to the extent necessary to permit the use of Otis Gen2 flat coated steel suspension belts [the belts proposed for use on these Gen2(O) and/or Gen2L elevators] in lieu of conventional steel suspension ropes); 2.26.1.4.4(a) (only to the

extent necessary to allow the inspection transfer switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room); 8.4.10.1.1(a)(2)(b) (only to the extent necessary to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room)], regarding car top railings, switches, and suspension ropes and connections; Section 2.18.7.4, with respect to conditioned variance in governor sheave diameter; and Section 2.18.5.1, with respect to below conditioned variance in governor rope diameter—for the location and number of elevators listed in the Section A.1 table (so long as the elevators are Gen2(O) or Gen2L Group IV devices that are designed, equipped, and installed in accordance with, and are otherwise consistent with, the representations made in the Otis Master Files [referred to in previous Proposed Decisions as the "Gen2 Master File" or "Gen2S Master File"] maintained by the Board, as that file was constituted at the time of this hearing), subject to the following conditions:

The variance shall be subject to the following additional conditions:

1. Each elevator subject to this variance shall comply with all applicable Group IV Elevator Safety Orders and with all ASME provisions made applicable by those Group IV Elevator Safety Orders, except those from which variances are granted, as set forth in the prefatory portion of this Decision and Order.

2. The suspension system shall comply with the following:

    a. The coated steel belt shall have a factor of safety at least equal to the factor of safety that ASME A17.1-2004, Section 2.20.3, would require for wire ropes if the elevator were suspended by wire ropes rather than the coated steel belt.

    b. Steel-coated belts that have been installed and used on another installation shall not be reused.

    c. The coated steel belt shall be fitted with a monitoring device which has been accepted by the Division and which will automatically stop the car if the residual strength of any single belt drops below 60 percent. If the residual strength of any single belt drops below 60 percent, the device shall prevent the elevator from restarting after a normal stop at a landing.

    d. Upon initial inspection, the readings from the monitoring device shall be documented and submitted to the Division.

    e. A successful test of the monitoring device's functionality shall be conducted at least once a year (the record of the annual test of the monitoring device shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).

f. The coated steel belts used shall be accepted by the Division.

g. The installation of belts and connections shall be in conformance with the manufacturer's specifications, which shall be provided to the Division.

3. With respect to each elevator subject to this variance, the applicant shall comply with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1 and incorporated herein by this reference.

4. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device, and criteria for belt replacement, and shall make those procedures and criteria available to the Division upon request.

5. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:

   a. The width and thickness in millimeters or inches;

   b. The manufacturer's rated breaking strength in (kN) or (lbf);

   c. The name of the person who, or organization that, installed the flat coated steel belts;

   d. The month and year the flat coated steel belts were installed;

   e. The month and year the flat coated steel belts were first shortened;

   f. The name or trademark of the manufacturer of the flat coated steel belts;

   g. Lubrication information.

6. There shall be a crosshead data plate of the sort required by Section 2.20.2.1, and that plate shall bear the following flat steel coated belt data:

   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. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen2L elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.

14. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.

15. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.

16. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.

17. The applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per California Code of Regulations, Title 8, Sections 411.2 and 411.3.

18. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division of Occupational Safety

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: _____

_____
Christina Shupe, 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 Gen2(O) and/or Gen2L Elevators (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date of Adoption: June 18, 2020

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 Gen2(O) and/or Gen2L Elevators (Group IV)	OSHSB File Nos.: Per Section A.1 table PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter:

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

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
20-V-111	Costa Verde Hotel, LLC	Monte Verde Tower B (LUX Tower B) 4210 Brooke Court San Diego, CA	4
20-V-112	1554 Market St Development LLC	1554 Market St San Francisco, CA	2

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

B. Jurisdiction:

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

C. Procedural:

1. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board") with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be

advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator Company, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Division"); and Michael Nelmida appeared on behalf of Board staff.

3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance applications per Section A.1 table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's rulemaking recordings and variance decisions concerning the safety order requirements at issue. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

D. Findings:

1. Each Applicant intends to utilize Otis Gen2(O) and/or Otis Gen2L elevators at the location and in the numbers stated in the Section A.1 table (as used in this Proposed Decision, the term "Gen2(O)" refers to the original type of Gen2 elevator, as distinguished from other types with such designations as "Gen2L" or "Gen2S" or "Gen2 at 150").

2. The installation contract for these elevators was, or will be, signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders.

3. The Board incorporates by reference the findings stated in: (a) Items 3 through 5.c, 5.e, and 5.f of the "Findings of Fact" Section of the Proposed Decision adopted by the Board on February 19, 2009, regarding OSHSB File No. 08-V-247; (b) Item D.3 of the Proposed Decision adopted by the Board on July 16, 2009, regarding OSHSB File No. 09-V-042; (c) Item D.4 of the Proposed Decision adopted by the Board on September 16, 2010, regarding OSHSB File No. 10-V-029; (d) Items D.4, D.5, and D.7 of the Proposed Decision adopted by the Board on July 18, 2013 regarding OSHSB File No. 12-V-146; and (e) Items D.4 and D.5 of the Proposed Decision adopted by the Board on September 25, 2014, in OSHSB File No. 14-V-170.

4. Both Board staff and Division safety engineers, and Division, by way of written submissions to the record (Exhibits PD-3 and PD-4 respectively), and positions stated at hearing, are of the well informed opinion that grant of requested permanent variance, as limited and conditioned per the below Decision and Order will provide employment,

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

E. Conclusive Findings:

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

F. Decision and Order:

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

The variance shall be subject to the following additional conditions:

1. Each elevator subject to this variance shall comply with all applicable Group IV Elevator Safety Orders and with all ASME provisions made applicable by those Group IV Elevator

Safety Orders, except those from which variances are granted, as set forth in the prefatory portion of this Decision and Order.

2. The suspension system shall comply with the following:

    a. The coated steel belt shall have a factor of safety at least equal to the factor of safety that ASME A17.1-2004, Section 2.20.3, would require for wire ropes if the elevator were suspended by wire ropes rather than the coated steel belt.

    b. Steel-coated belts that have been installed and used on another installation shall not be reused.

    c. The coated steel belt shall be fitted with a monitoring device which has been accepted by the Division and which will automatically stop the car if the residual strength of any single belt drops below 60 percent. If the residual strength of any single belt drops below 60 percent, the device shall prevent the elevator from restarting after a normal stop at a landing.

    d. Upon initial inspection, the readings from the monitoring device shall be documented and submitted to the Division.

    e. A successful test of the monitoring device's functionality shall be conducted at least once a year (the record of the annual test of the monitoring device shall be a maintenance record subject to ASME A17.1-2004, Section 8.6.1.4).

    f. The coated steel belts used shall be accepted by the Division.

    g. The installation of belts and connections shall be in conformance with the manufacturer's specifications, which shall be provided to the Division.

3. With respect to each elevator subject to this variance, the applicant shall comply with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1 and incorporated herein by this reference.

4. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device, and criteria for belt replacement, and shall make those procedures and criteria available to the Division upon request.

5. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:

    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 elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen2L elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.

13. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.

14. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and a Permit to Operate shall be issued before the elevator is placed in service.

15. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.

16. The applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per California Code of Regulations, Title 8, Sections 411.2 and 411.3.

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

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

Dated: _____

_____
Christina Shupe, OSHSB 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 with Variant Gov. Rope & Sheaves (Group IV)	OSHSB FILE No.: see grid in Item A of Proposed Decision Dated: May 31, 2020 DECISION

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

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Date of Adoption: June 18, 2020

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: Schindler Model 3300 Elevators with variant Gov. Ropes & Sheaves (Group IV)	OSHSB File Nos.: Per Section A table, below PROPOSED DECISION Hearing Date: May 27, 2020

A. Subject Matter and Jurisdiction**:**

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
20-V-124	888-5 Partners LLC	3443 Long Beach Blvd. Long Beach, CA	2
20-V-125	BRE Encino Owner, LLC	17401 Ventura Blvd Encino, CA	1

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

3. The safety orders at issue are set out in below Section C.1—C.4.

B. Process and Procedure**:**

1. This hearing was held on May 27, 2020, in Sacramento, California, and via audio/video conference link, in Monrovia, California, and via teleconference, by Occupational Safety and Health Standards Board ("Board"), with Hearing Officer Christina Shupe, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration, in accordance with California Code of Regulations, Title 8, Section 426.

2. At the hearing, Jennifer Linares, with the Schindler Elevator Corporation, appeared on behalf of each Applicant; Mark Wickens and David Morris appeared on behalf of the

Division of Occupational Safety and Health ("Division"); and Michael Nelmida appeared on behalf of Board staff, in a technical advisory role apart from the Board.

3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence: each respective permanent variance application per Section A table as Exhibit PD-1, Notice of Hearing as Exhibit PD-2, Board staff Pending Application Memorandum as PD-3, Division Review of Application as PD-4, Review Draft 1 Proposed Decision as PD-5, and official notice taken of the Board's rulemaking records, and variance decisions concerning the safety order requirements from which variance is requested. At close of hearing on May 27, 2020, the record was closed, and the matter taken under submission by the Hearing Officer.

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

Requested Suspension Means Related Variance:

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

    Section 2.20.1—Wire rope suspension means
    Section 2.20.2.1—Crosshead data plate
    Subsection 2.20.2.2(a)—Wire rope data tag
    Subsection 2.20.2.2(f)—ID of steel wire rope as preformed or nonpreformed
    Section 2.20.3—Wire rope safety factor
    Section 2.20.4—Number and diameter of wire ropes
    Section 2.20.9.3.4—Wire rope end connections
    Section 2.20.9.5.4—Wire rope sockets

Requested Car Top Railing Inset Variance:

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

    Section 2.14.1.7.1—Top of Car Perimeter Railing Placement

Requested Seismic Reset Switch Placement Variance:

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

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

Requested Transfer Switch Placement Variance:

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

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

Requested Governor Sheave to Rope Diameter Ratio Variance:

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

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

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

Table 2.18.7.4 Multiplier for Determining Governor Sheave Pitch Diameter

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

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

6. Per the Application, the proposal is stated as follows: "The approved speed governor provided for this elevator has a sheave diameter-to-governor rope diameter ratio [D/d] of 33. This is not compliant with the current Group IV Elevator Safety Orders which require a [D/d] of 42-46. Equivalent safety will be attained by providing a governor rope with a breaking strength that provides a factor of safety greater than that required by the Elevator Safety Orders, and a governor sheave diameter which complies with the requirements of ASME A17.1-2010, Section 2.18.5.1, and Section 2.18.7.4, which, under certain conditions, permits the use of a governor rope and governor sheave ratio [D/d] of not less than 30."

7. Having analyzed the request, as reflected in its Review of Application (Exhibit PD-4) Division is of the well informed professional opinion that the proposal, in as much as it is to use a governor with sheave pitch diameter of not less than the product of the governor rope diameter and a multiplier of 30, in conjunction with a steel governor rope with a diameter of 6 mm (0.25 in.), 6-strand construction, and a factor of safety of 8 or greater, will provide safety, and workplace safety and health equivalent or superior to that of the ASME A17.1-2004, Section 2.18.7.4. Division also correctly notes Applicant's proposed governor sheave pitch diameter, and reduced diameter governor rope installation is similar to installations for which a permanent variance has been previously conditionally granted. (e.g. OSHSB File No. 19-V-076)

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

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

Positions of Division, and Board Staff:

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

scrutiny of the subject matter, consultation between Division, Board staff, Applicant representatives, and refinement of recommended conditions and limitations.

D. Conclusive Findings**:**

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

E. Decision and Order**:**

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

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

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

Seismic Safety Switch Placement: Each Applicant shall conditionally hold permanent variance from certain requirements of the following Title 8, Section 3141, incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to having the

requisite seismic reset switch located elsewhere than a machine room, within a Security Group I enclosure built into an upper floor landing door jam, or within other readily accessible and secure space shared with the motion controller outside the hoistway: Section 8.4.10.1.1.

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

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

Further Conditions and Limitations:

1. The elevator suspension system shall comply to the following:

    1.1. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:

    - 2.20.4.3 – Minimum Number of Suspension Members
    - 2.20.3 – Factor of Safety
    - 2.20.9 – Suspension Member Fastening

    1.1.1 Additionally, STMs shall meet or exceed all requirements of ASME 17.6-2010, Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.

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

    1.3. STM member mandatory replacement criteria shall include:

    1.3.1 Any exposed wire, strand or cord;

1.3.2 Any wire, strand or cord breaks through the elastomeric coating;

1.3.3 Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;

1.3.4 Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.

1.4. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.

1.5. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: If a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.

1.6. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.

1.7. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, Section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).

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

1.9. Each elevator shall be provided with a device that electronically detects a reduction in residual strength of each STM member. The device shall be in

compliance with Division Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1, and incorporated herein by reference.

1.10. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, Section 2.20.2.1.

1.11. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, Section 2.20.2.2.

1.12. Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 1.2 and 1.3 specified criteria, shall be conducted and documented every six months by a CCCM.

1.13. The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 2, "Suspension Means Replacement Reporting Condition."

1.14. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, Sections 8.6.1.2, and 8.6.1.4, respectively.

2. Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:

2.1. If the inspection transfer switch required by ASME A17.1-2004, Rule 2.26.1.4.4, does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

2.2. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.

3. Any and all inset car top railing shall comply with the following:

3.1. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to stand on or climb over the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car top railing.

3.2. The distance that the railing can be inset shall be limited to not more than 6 inches.

3.3. All exposed areas of the car top outside the car top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.

3.4. The top surface of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.

3.5. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing; each sign shall state:

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

3.6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).

4. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the Schindler Model 3300 elevator system in accordance with written procedures and criteria, including as required per above Conditions 1.2, and 1.3.

5. The speed governor rope and sheaves shall comply with the following:

5.1. The governor shall be used in conjunction with a steel 6 mm (0.25 in.) diameter governor rope with 6-strand, regular lay construction.

5.2. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.

5.3. The governor sheaves shall have a pitch diameter of not less than 200 mm (7.87 in.).

6. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division, and all applicable requirements met, including conditions of this permanent variance, prior to a Permit to Operate the elevator being

issued. The elevator shall not be placed in service prior to the Permit to Operate being issued by Division.

7. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, Title 8, Sections 411.2, and 411.3.

8. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division, or by the Board on its own motion, in procedural accordance with Title 8, Sections 411, et. seq.

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

Dated: _____

_____
Christina Shupe, OSHSB 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.

Occupational Safety and Health Standards Board

Business Meeting

Legislative Update

Legislative Update, June 18, 2020
Meeting of the Occupational Safety and Health Standards Board

AB 2043

AB-2043 Occupational safety and health: agricultural employers and employees: COVID-19 response.
(Rivas-Garcia-Gonzalez/Bonta)

Date	Action
06/03/20	From committee: Amend, and do pass as amended. (Ayes 14. Noes 4.) (June 3).
06/02/20	In committee: Set, first hearing. Referred to APPR. suspense file.
05/21/20	From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (May 20). Re-referred to Com. on APPR.

Summary:
Previously introduced as AB-2915

Requires the Occupational Safety and Health Standards Board (standards board), by February 1, 2021, to develop standards for coronavirus infection prevention in agriculture and directs the Division of Occupational Safety and Health (division) to disseminate health and safety guidance to agricultural employers and conduct a targeted outreach campaign to employees.

AB 2092

AB 2092 - Emergency ambulance employees: protective gear and safety equipment.
(Rodriguez)

Date	Action
06/03/20	Read second time. Ordered to third reading.
06/02/20	From committee: Do pass. (Ayes 13. Noes 5.) (June 2).
05/21/20	From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (May 20). Re-referred to Com. on APPR.

	Summary: Existing law establishes a statewide system for emergency medical services and establishes the Emergency Medical Services Authority, which is responsible for establishing training, scope of practice, and continuing education for emergency medical technicians and other prehospital personnel. This bill would require an emergency ambulance provider to provide each emergency ambulance employee who drives or rides in the ambulance with protective gear and safety equipment to wear during the employee's work shift and to make the protective gear and safety equipment readily available for the employee to use when responding to an emergency call. The bill would also require the emergency ambulance employer to provide training to the emergency ambulance employee on the proper fitting and use of the protective gear and safety equipment. The bill would not apply to the state or a political subdivision thereof.
AB 2028	**AB-2028 - State agencies: meetings.** (Aguiar-Curry) **Date** / **Action** 06/03/20 — From committee: Amend, and do pass as amended. (Ayes 18. Noes 0.) (June 3). 06/02/20 — In committee: Set, first hearing. Referred to APPR. suspense file. Summary: Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet at least 10 days in advance of the meeting. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements. Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from

this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

AB 2537

AB-2537 - Personal protective equipment: health care employees. (Rodriguez)

Date	Action
06/03/20	From committee: Amend, and do pass as amended. (Ayes 13. Noes 3.) (June 3).
06/02/20	In committee: Set, first hearing. Referred to APPR. suspense file.
05/21/20	From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (May 20). Re-referred to Com. on APPR.

Summary:

Requires hospital employers to furnish and ensure that employees use the personal protective equipment (PPE) supplied to them. Specifically, this bill:

1) Defines "employer" as a person or organization who employs workers in the public or private sector to provide direct patient care in the hospital setting.

2) Defines "personal protective equipment" as the equipment and devices necessary to comply with Title 8 of the California Code of Regulations Section 3380 and 5199.

3) Requires employers to furnish and ensure that employees use the PPE supplied to them.

4) Requires employers to maintain a stockpile of unexpired personal protective equipment in the amount equal to one year of normal consumption.

5) Requires an employer to provide, upon request, an inventory of its stockpile to the Division of Occupational Safety and Health.

6) Provides that a civil penalty of up to $25,000 dollars shall be imposed upon an employer who fails to maintain a stockpile equal to one year of normal consumption.

AB 3056

AB-3056 Warehouse distribution centers. (Gonzalez)

Date	Action
06/03/20	From committee: Do pass. (Ayes 14. Noes 4.) (June 3).
06/02/20	In committee: Set, first hearing. Referred to APPR. suspense file.
05/21/20	From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (May 20). Re-referred to Com. on APPR.

Summary:

This bill creates new workplace protections and wage standards related to the use of quota performance measures at certain warehouse distribution centers. Specifically, this bill:

1) Defines "employer" as a person who (directly or indirectly or through an agent or any other person) employs or exercises control over the wages, hours or working conditions of 100 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state.

2) Defines "quota" as a performance standard that requires an employee to perform a quantified number of tasks within a defined period.

3) Creates a "reasonable quota requirement" for employers. This requirement prohibits an employer from imposing a quota that results in an employee having less time to complete the quota when they take reasonable amount of time to complete specified activities. Specified activities include accessing and using a restroom or handwashing station, documenting or reporting a Labor Code violation, and taking any legally mandated rest, recovery or meal period.

4) Requires an employer to pay each employee who works under a quota during the workday a wage premium of 1.5 times the employee's regular rate of pay for any hour during which the employee was assigned or required to work in excess of the baseline quota.

5) Subjects an employer who violates the reasonable quota requirement to a $250 penalty per employee per violation and then $1,000 per employee for each violation in a subsequent citation. This bill also authorizes the Division of Labor Standards Enforcement (DLSE) to issue a written authorization for a civil action to one or more employees of a repeat offender, as defined.

Occupational Safety and Health Standards Board

Business Meeting

Executive Officer Report