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November 1, 2012

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
ELEVATOR UNIT HQS
Elevator Unit Headquarters
6980 Santa Teresa Blvd. Ste. 130
San Jose, CA 95119

Attn.: Ms. Debra Tudor, Principal Engineer

From: Certified Competent Conveyance Mechanics at Empire Elevator Co.

Subj.: Circular Letter E-11-01

Dear Ms. Tudor:

We have noticed the *withdrawal* of this Circular Letter from the ERT website. As industry professionals who are trained and certified to perform work on conveyances, we find it quite troubling that this letter has been removed without a formal explanation. We would like to know what the phrase *withdrawn* means. It would seem to us that if the intent was to reverse the content of the letter then it would have been retracted with a subsequent Circular Letter. For example CL E-10-03 retracted CL E-09-02.

The withdrawal of this letter has already encouraged large company superintendents, building owners, and others, who show little or no interest in the Public Safety to believe that the content of the Circular Letter has been reversed. Some of these parties have already begun to alter their business practices "backwards", seemingly basing their decisions solely on monetary concerns disregarding the safety of the riding public as well as that of the industry employees. We seem to be returning to the confusing days prior to the publication of this Circular Letter.

With regards to the letter itself, it was well conceived and thoughtful. The letter addressed many of the issues, aspects and requirements in the Labor Code that some parties had been attempting to circumvent. The Labor Code clearly states which work requires the presence of a Certified Competent Conveyance Mechanic (CCCM), and this Circular Letter only reiterated the language as signed into law by the legislature.

We believe the intent of the legislature is based on the requirements that as CCCMs we are obligated to know the Elevator Safety Orders, as well as attend Continuing Education classes, in order to be kept up to date on any potential changes to the Elevator Safety Orders. We are also required (by virtue of working at a Certified Qualified Conveyance Company, CQCC) to have access to all pertinent Codes and Regulations as referenced by the Elevator Safety Orders.

Because of these requirements we, (as well as certified conveyance inspectors) are the only individuals that can definitively confirm the Elevator Safety Orders are being followed. For example CCCMs must know what materials are allowed to be installed inside elevator cabs and how much weight can safely be added or removed from elevator cabs. CCCMs also know the requirements found in the Elevator Safety Orders regarding remote electrical and hydraulic lines. Electricians and plumbers may be capable of running these lines, however they may not be able to install them properly with regards to the Elevator Safety Orders. All of these kinds of tasks should be performed either by, or under the direct supervision of CCCMs.

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Ms. Debra Tudor, Principal Engineer
State of California's Elevator, Ride, and Tramway Unit
6980 Santa Teresa Blvd. Ste. 130
San Jose, CA 95119
Subj.: Circular Letter E-11-01
November 1, 2012

Testing (maintenance) of Firefighters' Operation on a monthly basis, as well as annually, should be performed by CCCMs. Only CCCMs are qualified to determine if a conveyance is operating correctly under the particular fire service code to which the unit was installed. If Firefighters' Operation were to malfunction, it would be incumbent upon the CCCM to troubleshoot and make necessary repairs. If these tests were to be performed by unqualified persons, how long would the elevator remain in operation until such time as deficiencies are corrected? It is likely that these malfunctioning units would remain in service until an unfortunate incident or event occurs. This could compromise the safety of an unsuspecting public. We are aware of many units that were not functioning properly when we secured new maintenance contracts, due to the fact that unqualified individuals had been "claiming" to have tested Firefighters' Operation previously. As conveyance mechanics, we take very seriously the safety of the public as well as our own.

As certified conveyance mechanics, we have adhered to the regulations as set forth in the Labor Code; taking continuing education courses as required, and remitting bi-annual renewal fees and applications to the Division. We feel it only proper for the State to also follow the Labor Code by enforcing regulations in the code. The withdrawal of the letter is a step backwards, away from enforcement.

We would like to take this opportunity to encourage the Division to stridently re-instate this Circular Letter. We feel that this time it should be sent directly to all interested parties including all CCCMs in the State as well as the Responsible Parties for all conveyances in the State.

Please feel free to contact us with any questions, comments or concerns. We can be reached through our main office at 707 778-2247, or individually via our telephone numbers as listed on our CCCM renewals and applications.

Thank you.

Best regards,

DAVID STUCKEY	S79113	Ken Cowlin	C28697
Kyle Earnest	E52955	PAUL KOHLSTAT	K58432
Kasey Jones	J20517	Chester L. Lindow IV	L18582
JEFF BUTTERFIELD	B75088	Earl McClachy	M21681
JESS Robb	R60909		

CC: Michael Boyle, Certification Section, ERT Unit

Ms. Debra Tudor, Principal Engineer
State of California's Elevator, Ride, and Tramway Unit
6980 Santa Teresa Blvd Ste 130
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Thank you.

Best regards,

David Stuckey — 579113

Joshua Deming — D14126

Bruce W Moore — M20741

Michael P. Evans — E36047

Duane Morin — M45303
Duane Morin

Matt Abrahamsen — A81866
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Jack J Sherman — 344447
Jack J Sherman

Tim Clement — C82762
Tim Clement

CC: Michael Boyle, Certification Section, ERT Unit