

# Occupational Safety and Health Standards Board

Public Meeting and Business Meeting

**July 17, 2025**

County Administration Center  
Room 310  
1600 Pacific Highway  
San Diego, California

AND

Via teleconference / videoconference

# Occupational Safety and Health Standards Board

## Meeting Agenda

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)

**MISSION STATEMENT**

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

**AGENDA****OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
BOARD MEETING**

**PLEASE NOTE:** In accordance with section 11123 of the Government Code, Board members as well as members of the public may elect to participate via videoconference.

**JULY 17, 2025  
10:00 a.m.**

**In-person:**

County Administration Center  
Room 310  
1600 Pacific Highway  
San Diego, CA 92101

**Videoconference:**

1. Go to <https://tkoworks.zoom.us/j/87501250331>
2. Enter Webinar ID: **875 0125 0331**
3. Join the meeting through the Zoom application **OR** through your web browser
4. Videoconference will be opened to the public at 9:50 a.m.

**Teleconference:**

1. Dial 1 (669) 444-9171
2. Enter Webinar ID: **875 0125 0331** and follow the prompts
3. Teleconference will be opened to the public at 9:50 a.m.

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

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

**Public Comment Queue:**

If attending the Occupational Safety and Health Standards Board (Board) meeting in person, you will be added to the public comment queue upon completing a comment card on the day of the meeting.

If attending the meeting remotely and wish to comment on agenda items, you may submit a request to be added to the public comment queue either in advance of or during the meeting through one of the following methods:

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

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

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

**I. CALL TO ORDER AND INTRODUCTIONS**

A. Spanish translation instructions

**II. REMARKS FROM THE CHAIR****III. BUSINESS MEETING**

**Note:** The purpose of the Business Meeting is for the Board to conduct its monthly business. All matters on this agenda are subject to discussion and action as determined to be appropriate by the Board Chair.

For items A and D below, public comment will be limited to two minutes per speaker or four minutes for speakers requiring concurrent English translation.

**A. PROPOSED SAFETY ORDER FOR ADOPTION**

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Sections 6050, 6051, 6052, 6054 and 6056  
[Diving Operations](#)

- Briefing by Board staff on proposed regulation for adoption
- Public comment on Diving Operations
- Board discussion and vote

**B. PROPOSED VARIANCE DECISIONS FOR ADOPTION**

- [Consent Calendar](#)
- Vote on consent calendar

**C. REPORTS**

- Executive Officer's Report
- Legislative Update
- Cal/OSHA Report

**D. PUBLIC COMMENT ON NON-AGENDA ITEMS OR TO PROPOSE NEW OR REVISED STANDARDS**

This portion of the meeting is open to any interested person proposing new or revised standards to the Board or commenting on occupational safety and health issues (Labor Code section 142.2) not on the agenda. The Board is prohibited to act on items that are not noticed on the agenda but may refer items to staff for future consideration.

Public comment will be limited to two minutes per speaker or four minutes for speakers requiring concurrent English translation.

The Board encourages comments on occupational safety and health matters not included on the monthly agenda. If you have a comment and cannot attend during the non-agenda comment period, OSHSB staff will do their best to read emailed comments into the record. Please send your non-agenda comment to [oshsb\\_nacomment@dir.ca.gov](mailto:oshsb_nacomment@dir.ca.gov) by 5:00 PM the day prior to the meeting. Your comment should be clear, concise and 500 words or less.

Any individual or group wanting to make a presentation during the Public Meeting should visit <https://www.dir.ca.gov/oshsb/presentations-for-oshsb.html> for further information.

**E. COMMENTS BY BOARD MEMBERS**

Any Board member may identify a topic of interest during the Board meeting. However, the Board may not substantially discuss or act on any matter raised during the meeting that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. (GC sections 11125 & 11125.7(a).).

**F. CLOSED SESSION**

- Public comment on Closed Session Agenda Items

Pending Decisions

- Permanent Variance No. 20-V-096 (Tutor Perini/O&G JV)
- Permanent Variance No. 23-V-580 (Dragados)
- Permanent Variance No. 20-V-300 (Pepsi Bottling Group, LLC)

Personnel

**G. RETURN TO OPEN SESSION**

- Report from closed session

**H. ADJOURNMENT OF THE MEETING**

**Next Meeting:** August 21, 2025  
City of Huntington Beach  
Council Chambers  
2000 Main Street  
Huntington Beach, CA 92648  
10:00 a.m.

**CLOSED SESSION**

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

**PUBLIC COMMENT****Public Hearing**

During the Public Hearing, members of the public may provide comments regarding standards that have been noticed to the public for a 45-day comment period. An individual wishing to comment must complete a speaker comment card. Efforts will be made to accommodate everyone who signs up to speak. However, given time constraints, there is no guarantee that all who have signed up will be able to address the Board.

Each individual who submits a comment card will get up to two minutes to speak. The Board Chair may extend the speaking time allotted when practical. The total time for public comment is 120 minutes unless extended by the Board Chair.

**Business Meeting Non-Agendized**

During the Business Meeting Non-Agendized, members of the public can address the Board on items of interest that are within the Board's jurisdiction but are not on the noticed agenda. 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**

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in the Bagley-Keene Open Meeting Act.

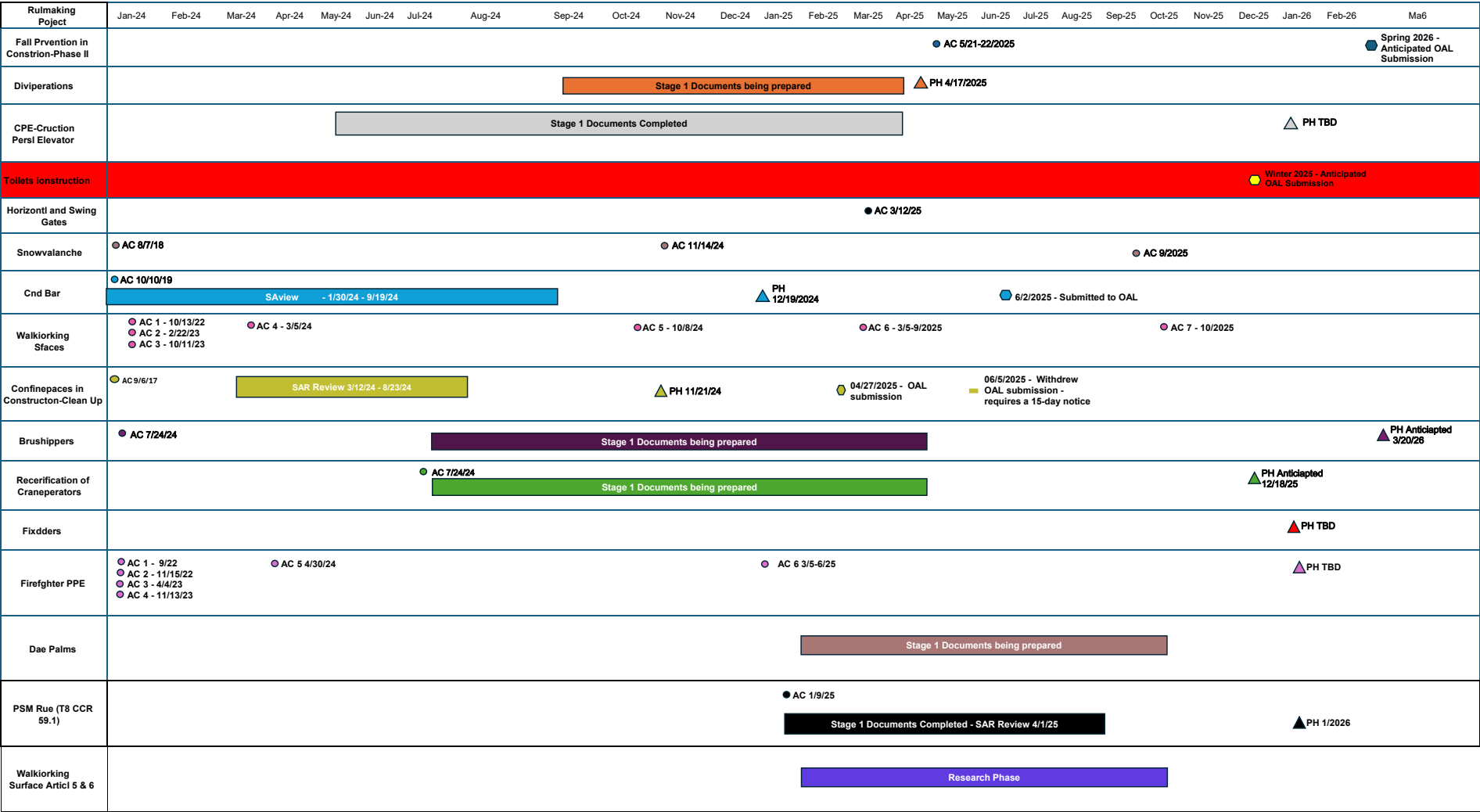
If disability-related modifications or accommodations are required to participate in the meeting, please contact: [DIO@DIR.CA.GOV](mailto:DIO@DIR.CA.GOV). To ensure the availability of your requested accommodation, please submit your request at least 10 days in advance.

Please contact the [California Relay Service](#) by dialing 711 or 1-800-855-3000 (TTY/Spanish).

**TRANSLATION**

Requests for translation services should be made no later than ten (10) days before the meeting. Request may be made to by email to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

OSHSB Rulemaking Timeline  
July 2025



Cal/OSH Rulemaking Packages	Public Hearing Anticipated
Group VElevator Safety Orders	Jul-25
TC (Trichloroethylen)	Sep-25
4 PEL (Permissible Expoure	Nov-25
2s (EGBE & EGBA.	Nov-26

Advisory Committee Meetings 2025	Date	Location
Autonomous Agactors	ugust 6-7, 2025	Salinas
Snow Avalanche	eptember 16, 2025	South Lake Tahoe

LEGEND:	
Circle	Advisory Committee
Triangle	Public Hearing
Octagon	OAL Submission
Advisory Committee Meeting	AC
Public Comment Hearing	PH
Secretary Request Action	SAR



# Occupational Safety and Health Standards Board

## Meeting Notice

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



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

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

QR Code for Access:



On **July 17, 2025**, at 10:00 a.m.  
in Room 310 of the County Administration Center,  
1600 Pacific Highway, San Diego, California

as well as via the following:

- Videoconference at <https://tkoworks.zoom.us/j/87501250331>
- Teleconference at (669) 444-9171 (Webinar ID 875 0125 0331)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

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 Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1 (866) 326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

  
JOSEPH M. ALIOTO JR., Chairman

# Occupational Safety and Health Standards Board

## Business Meeting Standards for Adoption

### Diving Operations

MOVED, That the following resolution be adopted:

WHEREAS, On February 28, 2025, 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, General Industry Safety Orders, Sections 6050, 6051, 6052, 6054 and 6056, Diving Operations.

WHEREAS, Such Public Hearing was held in person in Redding, California and via teleconference and videoconference, on April 17, 2025, and there are now before the Occupational Safety and Health Standards Board the proposed revisions to Title 8, General Industry Safety Orders, Sections 6050, 6051, 6052, 6054 and 6056, Diving Operations, be it

RESOLVED By the Occupational Safety and Health Standards Board in regular meeting held in person in San Diego, California and via teleconference and videoconference, on July 17, 2025, that the proposed revisions to Title 8, General Industry Safety Orders, Sections 6050, 6051, 6052, 6054 and 6056, Diving Operations, 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

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JOSEPH M. ALIOTO JR., CHAIRMAN

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

BY: \_\_\_\_\_  
Millicent Barajas, Executive Officer

DATED: July 17, 2025

## **TITLE 8**

### **GENERAL INDUSTRY SAFETY ORDERS**

#### **SECTIONS 6050, 6051, 6052, 6054, AND 6056**

#### **DIVING OPERATIONS**

#### **HYPERLINKS TO RULEMAKING DOCUMENTS:**

**TEXT FOR BOARD CONSIDERATION**

**FINAL STATEMENT OF REASONS**

**INITIAL STATEMENT OF REASONS**

# Occupational Safety and Health Standards Board

## Business Meeting Proposed Variance Decisions

**CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS  
JULY 17, 2025, MONTHLY BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**PROPOSED DECISIONS FOR BOARD CONSIDERATION, HEARD ON June 25, 2025**

<b>Docket Number</b>	<b>Applicant Name</b>	<b>Safety Order(s) at Issue</b>	<b>Proposed Decision Recommendation</b>
1. 22-V-556M1	Hoover 719 LLC	Elevator	GRANT
2. 23-V-032M1	Mainline North 701 L.P.	Elevator	GRANT
3. 24-V-538M1	Bulgari Corporation of America	Elevator	GRANT
4. 25-V-122	Gilad Tamir	Elevator	GRANT
5. 25-V-137	RTP 100 LLC	Elevator	GRANT
6. 25-V-138	RTP 100 LLC	Elevator	GRANT
7. 25-V-139	RTP 100 LLC	Elevator	GRANT
8. 25-V-140	902 Pacific Avenue Investors L.P.	Elevator	GRANT
9. 25-V-141	County of Placer, Facilities Management - Capital Improvements Division	Elevator	GRANT
10. 25-V-142	County of Placer, Facilities Management - Capital Improvements Division	Elevator	GRANT
11. 25-V-143	Gavilan College	Elevator	GRANT
12. 25-V-144	Lakehurst and Mabuhay LP	Elevator	GRANT
13. 25-V-145	Mabuhay and Lakehurst LP	Elevator	GRANT
14. 25-V-146	Gilad Tamir; 4th Ave Property Owner LLC	Elevator	GRANT
15. 25-V-147	Livermore Multifamily, LLC	Elevator	GRANT
16. 25-V-148	City of Garden Grove	Elevator	GRANT
17. 25-V-149	200 N La Cumbre Associates, LP	Elevator	GRANT
18. 25-V-150	DRONA OZ FUND, LLC	Elevator	GRANT
19. 25-V-151	Sorrento Biotech Center LLC	Elevator	GRANT

<b>Docket Number</b>	<b>Applicant Name</b>	<b>Safety Order(s) at Issue</b>	<b>Proposed Decision Recommendation</b>
20. 25-V-152	Casa Adelante SVN Housing L.P., A California limited Partnership	Elevator	GRANT
21. 25-V-153	The Ignatian Corporation	Elevator	GRANT
22. 25-V-154	JV De La Vina LLC	Elevator	GRANT
23. 25-V-155	Applied Materials, Inc.	Elevator	GRANT
24. 25-V-156	Lily of the Valley Christian Center	Elevator	GRANT
25. 25-V-157	Treasury Wine Estate Americas	Elevator	GRANT
26. 25-V-158	City of Los Angeles	Elevator	GRANT
27. 25-V-159	Anthem Hotel	Elevator	GRANT
28. 25-V-160	C&C Universal Properties	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:

Hoover 719 LLC

Permanent Variance No.: 22-V-556M1  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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:  Hoover 719 LLC	Permanent Variance No.: 22-V-556M1  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. 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<sup>1</sup>, as follows:

Permanent Variance No	Applicant Name	Preexisting Variance Address of Record
22-V-566	Hoover 719 LLC	719 S. Hoover St. Los Angeles, CA

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

**C. 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 22-V-556M.
2. The application declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 22-V-556M is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.1.
3. Cal/OSHA 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 Permanent Variance No. 22-V-556M.
4. The Board finds the above subpart C.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 22-V-556 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., to be:

2801 W. Leeward Ave.  
Los Angeles, CA

**D. Decision and Order**

1. Permanent Variance Application No. 22-V-556M1, is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator

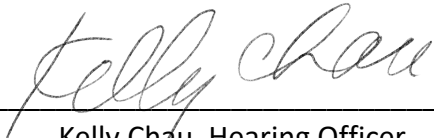
being the subject of Permanent Variance Nos. 22-V-556M, and 22-V-556M1, shall have the following address designation:

2801 W. Leeward Ave.  
Los Angeles, CA

2. Permanent Variance No.22-V-556, being only modified as to the subject location address specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 22-V-556M1.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, 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:

Mainline North 701 L.P.

Permanent Variance No.: 23-V-032M1  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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:  Mainline North 701 L.P.	Permanent Variance No.: 23-V-032M1  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. 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<sup>1</sup>, as follows:

Permanent Variance No	Applicant Name	Preexisting Variance Address of Record
23-V-032	Mainline North 701 L.P.	2302 Calle Del Mundo Santa Clara, CA

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Jennifer Linares with Schindler Elevator Corporation, appeared on behalf of the Applicant, Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

**C. 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 23-V-032.
2. The application declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 23-V-032 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.1.
3. Cal/OSHA 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 Permanent Variance No. 23-V-032 .
4. The Board finds the above subpart C.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 23-V-032 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. 23-V-032 to be:

2310 Calle Del Mundo  
Santa Clara, CA

**D. Decision and Order**

1. Permanent Variance Application No. 23-V-032M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator

being the subject of Permanent Variance Nos. 23-V-032, and 23-V-032M1, shall have the following address designation:

2310 Calle Del Mundo  
Santa Clara, CA

2. Permanent Variance No. 23-V-032, being only modified as to the subject location address specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 23-V-032M1.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, 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:

Bulgari Corporation of America

Permanent Variance No.: 24-V-538M1  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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:  Bulgari Corporation of America	Permanent Variance No.: 24-V-538M1  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. 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<sup>1</sup>, as follows:

Permanent Variance No	Applicant Name	Preexisting Variance Address of Record
24-V-538	Bulgari Corporation of America	200 Grant Ave. San Francisco, CA

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Dan Leacox of Leacox & Associates and Wolter Geesink with Otis Elevator Company, appeared on behalf of the Applicant. Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).

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

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. 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 24-V-538.
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 24-V-538 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection C.5.
3. Cal/OSHA 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 Permanent Variance No. 24-V-538.
4. The Board finds the above subpart C.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 24-V-538 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. 24-V-538, to be:

190 Post St.  
San Francisco, CA

D. Decision and Order

1. Permanent Variance Application No. 24-V-538M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 24-V-538, and 24-V-538M1, shall have the following address designation:

190 Post St.  
San Francisco, CA

2. Permanent Variance No. 24-V-538, 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. 24-V-538M1.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, 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:  
  
TK Elevator Evolution (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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

Date of Adoption: July 17, 2025

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

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TITLE 8, SECTIONS 427, 427.1 AND 427.2.

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
DAVID THOMAS, Member

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

\_\_\_\_\_  
DEREK URWIN, Member

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

In the Matter of Application for Permanent Variance Regarding:  TK Elevator Evolution (Group IV)	Permanent Variance No: See section A.1 table below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. The applicants ("Applicant") below have applied for permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, as follows:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
25-V-122	Gilad Tamir	3729 10th Ave. San Diego, CA	2

2. These proceedings are conducted in accordance with Labor Code section 143, and section 401, et seq. of the Occupation Safety and Health Standards Board's ("Board" or "OSHSB") procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference by the Board with Hearing Officer, Kelly Chau, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, James Day with TK Elevator appeared on behalf of the Applicant. Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Relevant Safety Orders

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

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

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

*2.20.1 Suspension Means*

*Elevator cars shall be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame specified in 2.15.1. Ropes that have previously been installed and used on another installation shall not be reused.*

*Only iron (low-carbon steel) or steel wire ropes, having the commercial classification "Elevator Wire Rope," or wire rope specifically constructed for elevator use, shall be used for the suspension of elevator cars and for the suspension of counterweights. The wire material for ropes shall be manufactured by the open-hearth or electric furnace process or their equivalent.*

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

*2.20.2.1 On Crosshead Data Plate.*

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

*(a) the number of ropes*

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

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

pounds (lb)

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

*2.20.2.2 On Rope Data Tag.*

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

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

*[...]*

*(f) whether the ropes were nonpreformed or preformed*

*[...]*

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

*2.20.3 Factor of Safety*

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

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

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

*where*

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

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

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

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

*2.20.4 Minimum Number and Diameter of Suspension Ropes*

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

*Where a car counterweight is used, the number of counterweight ropes used*



*shall be not less than two.*

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

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

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

*2.20.9 Suspension-Rope Fastening*

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

*Fastening shall be*

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

*(1) such fastenings conform to 2.20.9.2 and 2.20.9.3;*

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

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

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

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

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

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

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

Variance Request No. 5 (ASME A17.1-2004, section 2.26.1.4.4(a))

*2.26.1.4.4 Machine room Inspection Operation*

*(a) When machine room inspection operation is provided, it shall conform to 2.26.1.4.1, and the transfer switch shall be located in the machine room.*

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

*8.4.10.1.1 Earthquake Equipment (See Also Fig. 8.4.10.1.1)*

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

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

*(2) seismic zone 2 or greater:*

*(a) a displacement switch for each elevator*

*(b) an identified momentary reset button or switch for each elevator, located in the control panel in the elevator machine room [see 8.4.10.1.3(i)]*

D. Findings of Fact

1. Applicant proposes to utilize inset car top railings and guards in compliance with ASME 17.1-2013, section 2.14.1.7.1 and the *Vivante Westside, LLC* File No. 18-V-364 (Nov. 20, 2020) decision (*Vivante*). Applicant further claims that the request is consistent with the *Vivante*, the *Mack Urban, LLC*, Permanent Variance No. 15-V-349 (Nov. 17, 2016), and the *Patton Equities, LLC* Permanent Variance No. 20-V-128 (Nov. 12, 2020) decisions (*Patton Equities*).
2. Applicant proposes to utilize noncircular elastomeric-coated steel belts (“ECSBs”) rather than steel ropes in a machine room-less (“MRL”) elevator installation, with updated data plates, data tags, and wedge sockets designed for use with ECSBs, as well as the appropriate factor of safety criteria conforming to ASME 17.1-2013, with a continuous residual strength detection device (“RSDD”) compliant with the *San Francisco Public Works* (Permanent Variance No. 21-V-

061, et al.) decisions.

3. The installation shall utilize the TK Elevator Model 104DP001 RSDD, accepted by Cal/OSHA on May 4, 2021.
4. Applicant proposes to comply with ASME A17.1-2013 sections 2.26.9.3, "Protection Against Failures", rather than the requirements of 2.26.9.3 and 2.26.9.4 in the ASME 2004 code.
5. Applicant proposes to use TKE's control systems, using the TKE TAC32T Controller with SIL3 rated elements, to provide equivalent safety to ASME A17.1-2004, section 2.26.9.4 as a means to inhibit flow of Alternating Current to the Driving Motor in compliance with ASME A17.1-2013, section 2.26.9.6.
6. Applicant proposes to locate the Inspection Transfer Switch within the machinery/control room/space in the MRL installation, in compliance with ASME 17.1-2013, section 2.26.1.4.
7. Applicant proposes to locate the Seismic-Operation Reset Switch in the machinery/control room/space in the MRL installation.

E. Decision and Order

Applicant is hereby conditionally GRANTED Permanent Variance as specified below, and to the limited extent, as of the date the Board adopts this Proposed Decision, with respect to the section A specified number of TKE EVO 200 elevator(s), at the specified location, each shall conditionally hold permanent variance from the following subparts of ASME A17.1-2004, currently incorporated by reference into section 3141 of the Elevator Safety Orders:

- Car-Top Railing: 2.14.1.7.1 (Limited to the extent necessary to permit the use of an inset car-top railing)
- Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, and 2.20.9.1 (Limited to the extent necessary to permit the use of the elastomeric-coated steel belts in lieu of circular steel suspension ropes)
- Inspection transfer switch: 2.26.1.4.4(a) (Limited to the extent necessary to permit the inspection transfer switch to reside at a location other than the machine room)
- Software Reliant Means to Remove Power: 2.26.9.4 (Limited to the extent necessary to permit the exclusive use of SIL-rated software systems as a means to remove power from the driving machine motor and brake)
- SIL-Rated Circuitry to Inhibit Current Flow: 2.26.9.6.1 (Limited to the extent necessary to permit the use of SIL-rated circuitry in place of an electromechanical

relay to inhibit current flow to the drive motor)

- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (Limited to the extent necessary to permit the seismic reset switch to reside at a location other than the machine room)

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

- 1.0 Any and all inset car top railings shall comply with the following:
- 1.1 Serviceable equipment shall be positioned so that mechanics and inspectors do not have to stand on or climb over the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit trained elevator mechanics or elevator service personnel to stand or climb over the car top railing.
- 1.2 The distance that the railing can be inset shall be limited to not more than six inches (6").
- 1.3 All exposed areas of the car top outside the car top railing where the distance from the railing to the edge of the car top exceeds two inches (2"), shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.
- 1.4 The top surface of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4" diagonal red and white stripes.
- 1.5 The Applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing; each sign shall state:

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

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

Suspension Means (Variance Request No. 2):

- 2.0 The elevator suspension system shall comply with the following:
- 2.1 The elastomeric coated steel belts (ECSBs) and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:

2.20.4.3 – Minimum Number of Suspension Members

2.20.3 – Factor of Safety

## 2.20.9 – Suspension Member Fastening

- 2.2 Additionally, ECSBs shall meet or exceed all requirements of ASME A17.6 2010, Standard for Elevator Suspension, Compensation, and Governor Systems, Part 3 Noncircular Elastomeric Coated Steel Suspension Members for Elevators.
- 2.3 The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the ECSBs and fastenings and related monitoring and detection systems and criteria for ECSB replacement, and the Applicant shall make those procedures and criteria available to the Certified Competent Conveyance Mechanic (CCCM) at the location of the elevator, and to Cal/OSHA upon request.
- 2.4 ECSB mandatory replacement criteria shall include:
  - 2.4.1. Any exposed wire, strand or cord;
  - 2.4.2. Any wire, strand or cord breaks through the elastomeric coating;
  - 2.4.3. Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric coated steel suspension member;
  - 2.4.4. Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends.
- 2.5 Traction drive sheaves must have a minimum diameter of 112 mm. The maximum speed of ECSBs running on 112 mm drive sheaves shall be no greater than 6.1 m/s.
- 2.6 If any one (1) ECSB needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: If a new suspension member is damaged during installation, and prior to any contemporaneously installed ECSB having been placed into service, it is permissible to replace the individual damaged suspension member. ECSBs that have been installed on another installation shall not be re used.
- 2.7 A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.
- 2.8 A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).
- 2.9 An elevator controller integrated bend cycle monitoring system shall monitor actual ECSB bend cycles, by means of continuously counting, and storing in nonvolatile memory, the number of trips that the ECSB makes traveling, and thereby being bent, over the elevator sheaves. The bend cycle limit monitoring means shall

automatically stop the car normally at the next available landing before the bend cycle correlated residual strength of any single ECSB member drops below (60%) sixty percent of full rated strength. The monitoring means shall prevent the car from restarting. Notwithstanding any less frequent periodic testing requirement per Addendum 2 (Cal/OSHA Circular Letter), the bend cycle monitoring system shall be tested semiannually in accordance with the procedures required per above Conditions 2.3 and 2.4.

- 2.10 The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, section 2.20.2.1.
- 2.11 A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, section 2.20.2.2.
- 2.12 Comprehensive visual inspections of the entire length of each and all installed suspension members, in conformity with above Conditions 2.3 and 2.4 specified criteria, shall be conducted and documented every six (6) months by a CCCM.
- 2.13 The Applicant shall be subject to the requirements per hereto attached, and inhere incorporated, Addendum 1, "Suspension Means Replacement Reporting Condition."
- 2.14 Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, sections 8.6.1.2, and 8.6.1.4, respectively.
- 2.15 The subject elevators(s) shall be equipped with a TK Elevator Model 104DP001 Residual Strength Detection Device accepted by Cal/OSHA on May 4, 2021 or Cal/OSHA accepted equivalent device.

#### Control and Operating Circuits

#### Combined Software Redundant Devices with Software Removal of Power from Driving Motor and Brake (Variance Request No. 3) Removal of Power from Driving Motor Without Electro-mechanical Switches (Variance Request No. 4)

- 3.0 The SIL rated circuitry used to provide device/circuit redundancy and to inhibit electrical current flow in accordance with ASME A17.1-2004, sections 2.26.9.4 and 2.26.9.6.1 shall comply with the following:
  - 3.1 The SIL rated systems and related circuits shall consist of:
    - 3.1.1. ELGO LIMAX33 RED, (aka LIMAX3R-03-050-0500-CNXTG-RJU), Safe Magnetic Absolute Shaft Information System, labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization, and the SIL certification number (968/A 163), followed by the applicable revision number (as in 968/A 163.07/19).

- 3.1.2 Printed circuit board assembly SSOA (6300 AHE001), labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization, and the SIL certification number (968/FSP 1347), followed by the applicable revision number (as in 968/FSP 1347.00/16).
- 3.1.3 Two circuit board components (Serializer S3I and S3O), each labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization and the SIL certification number (968/A 162), followed by the applicable revision number (as in 968/A 162.04/18)
- 3.2 The software system and related circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013, section 2.26.4.3.2.
- 3.3 The access door or cover of the enclosures containing the SIL rated components shall be clearly labeled or tagged on their exterior with the statement:

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

- 3.4 Unique maintenance procedures or methods required for the inspection, testing, or replacement of the SIL rated circuits shall be developed and a copy maintained in the elevator machine/control room/space. The procedures or methods shall include clear color photographs of each SIL rated component, with notations identifying parts and locations.
- 3.5 Wiring diagrams that include part identification, SIL, and certification information shall be maintained in the elevator machine/control room/space.
- 3.6 A successful test of the SIL rated circuits shall be conducted initially and not less than annually in accordance with the testing procedure. The test shall demonstrate that SIL rated devices, safety functions, and related circuits operate as intended.
- 3.7 Any alterations to the SIL rated circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the alteration of SIL rated devices, the alterations shall be made in conformance with ASME A17.1-2013, section 8.7.1.9.
- 3.8 Any replacement of the SIL rated circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the replacement of SIL rated devices, the replacement shall be made in conformance with ASME A17.1-2013, section 8.6.3.14.
- 3.9 Any repairs to the SIL rated circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the repair of SIL rated devices, the repairs shall be made in conformance with ASME A17.1-2013, section 8.6.2.6.

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

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

- 4.0 Inspection Transfer switch and Seismic Reset switch placement and enclosure shall comply with the following:
  - 4.1 If the inspection transfer switch required by ASME A17.1-2004, section 2.26.1.4.4, does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
  - 4.2 If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
- 5.0 The elevator shall be serviced, maintained, adjusted, tested, and inspected only by CCCM having been trained, and competent, to perform those tasks on the TKE EVO 200 elevator system in accordance with written procedures and criteria, including as required per above Conditions 2.3, and 2.4.
- 6.0 Cal/OSHA shall be notified when the elevator is ready for inspection. The elevator shall be inspected by Cal/OSHA, and all applicable requirements met, including conditions of this permanent variance, prior to a Permit to Operate the elevator being issued. The elevator shall not be placed in full service prior to the Permit to Operate being issued by Cal/OSHA.
- 7.0 The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to California Code of Regulations, sections 411.2, and 411.3.
- 8.0 This Decision and Order shall remain in effect unless duly modified or revoked upon application by Applicant, affected employee(s), Cal/OSHA, or by the Board on its own motion, in the procedural manner prescribed.



Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Date: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

## **ADDENDUM 1**

### **SUSPENSION MEANS REPLACEMENT REPORTING REQUIREMENTS**

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to Cal/OSHA 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 Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA Elevator Unit, Attn: Engineering section, 2 MacArthur Place Suite 700, Santa Ana, CA 92707.
- (2) Each such report shall contain, but not necessarily be limited to, the following information:
  - (a) The State-issued conveyance number, complete address, and Permanent Variance file number that identifies the permanent variance.
  - (b) The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - (c) The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - (d) The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, and certification expiration date of each CCCM performing the replacement work.
  - (e) The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - (f) A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - (g) A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - (h) All information provided on the crosshead data plate per ASME A17.1-2004, section

2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.

- (i) For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
- (j) For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
- (k) Any other information requested by Cal/OSHA regarding the replacement of the suspension means or fastenings.

In addition to the submission of the report to Cal/OSHA, 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 Cal/OSHA referencing the information contained in item 2(a) above.

## **ADDENDUM 2**

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

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

SUBJECT: Coated Steel Belt Monitoring

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

The California Labor Code section 7318 allows Cal/OSHA 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 Cal/OSHA 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 Cal/OSHA, 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 Cal/OSHA 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 Cal/OSHA to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
Cal/OSHA-Elevator Unit HQ

### **ADDENDUM 3**

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

The RSDD must be properly installed and functional. A functioning device may be removed only after a determination has been made that the residual strength of each belt exceeds 60%. These findings and the date of removal are to be conspicuously documented in the elevator machine room or controller location. The removed RSDD must be replaced or returned to proper service within 30 days. If upon routine inspection, the RSDD device is found to be in a non-functional state, the date and findings are to be conspicuously documented in the elevator machine room or controller location.

If upon inspection by Cal/OSHA, the RSDD is found to be non-functional or removed, and the required documentation is not in place, the elevator will be removed from service. If the device is removed to facilitate belt replacement, it must be properly installed and functional before the elevator is returned to service.

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

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

In the Matter of Application for  
Permanent Variance regarding:

Otis Gen2S/Gen3Edge/Gen3Core Elevator &  
Medical Emergency Elevator Car  
Dimensions (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

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

<p>In the Matter of Application for Permanent Variance Regarding:</p> <p>Otis Gen2S/Gen3Edge/Gen3Core Elevator &amp; Medical Emergency Elevator Car Dimensions (Group IV)</p>	<p>Permanent Variance Nos.: See section A.1 table below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: June 25, 2025</p> <p>Location: Zoom</p>
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A. Subject Matter

1. Each applicant ("Applicant") below has applied for permanent variances from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
25-V-137	RTP 100 LLC	200 Ingalls Alley Santa Cruz, CA	2
25-V-138	RTP 100 LLC	400 Ingalls Alley Santa Cruz, CA	1
25-V-140	902 Pacific Avenue Investors L.P.	902 Pacific Ave. Santa Cruz, CA	2
25-V-148	City of Garden Grove	11201 Acacia Pkwy. Garden Grove, CA	2
25-V-149	200 N La Cumbre Associates, LP	200 N. La Cumbre Rd. Santa Barbara, CA	2
25-V-150	DRONA OZ FUND, LLC	4186 S. Western Ave. Los Angeles, CA	1
25-V-151	Sorrento Biotech Center LLC	6060 Cornerstone Court W. San Diego, CA	1
25-V-152	Casa Adelante SVN Housing L.P., A California limited Partnership	1515 South Van Ness Ave. San Francisco, CA	2
25-V-153	The Ignatian Corporation	2001 37th Ave. San Francisco, CA	2

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

25-V-154	JV De La Vina LLC	825 De La Vina St. Santa Barbara, CA	1
25-V-157	Treasury Wine Estate Americas	Beaulieu Vineyard 1960 St. Helena Hwy. Rutherford, CA	1

2. This Proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board's ("Board" or "OSHSB") procedural regulations.

**B. Procedural**

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer Kelly Chau, both presiding and hearing the matter on its merit, as a basis of proposed decision to be advanced to the Board for its consideration.
2. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator, appeared on behalf of each Applicant; David Morris and Mark Wickens, appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter taken under submission by the Hearing Officer.

**C. Findings of Fact**

1. Each Applicant intends to utilize Otis Gen3 Edge/Gen2S/Gen3 Core elevators at the locations and in the numbers 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.
3. The Board incorporates by reference the relevant findings in previous Board decisions:



- a. Items D.3 through D.9 of the Proposed Decision adopted by the Board on July 18, 2013 for Permanent Variance No. 12-V-093;
  - b. Item D.4 of the Proposed Decision adopted by the Board on September 25, 2014 for Permanent Variance No. 14-V-206;
  - c. Item B of the Proposed Decision adopted by the Board on September 15, 2022 for Permanent Variance No. 22-V-302 regarding medical emergency car dimensions; and
  - d. Items C and D of the Proposed Decision adopted by the Board on June 20, 2024 for Permanent Variance No. 24-V-193 regarding the Gen3 Core elevator equivalent safety.
4. Cal/OSHA, by way of written submission to the record (Exhibit PD-3), and position stated at hearing, is 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

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

E. Decision and Order

Each permanent variance application the subject of this proceeding is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, each Applicant listed in the above section A table shall have permanent variances from the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:

- Car top railing: sections 2.14.1.7.1 (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) (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 (to allow the use of reduced diameter governor rope);

- Pitch diameter: 2.18.7.4 (to permit the use of the speed-reducing system proposed by the Applicant, where the rope sheave pitch diameter is not less than 180 mm [7.1 in.]);
- 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 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) (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) (to allow the seismic reset switch to reside at a location other than a machine room, if, in fact, it does not reside in the machine room).
- Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (to comply with the performance-based requirements of the 2019 California Building Code section 3002.4.1a)

These variances apply to the locations and numbers of elevators stated in the section A table (so long as the elevators are Gen3 Edge/Gen2S Group and Gen3 Core & Medical Emergency Elevator Car Dimensions (Group IV) that are designed, equipped, and installed in accordance with, and are otherwise consistent with, 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 Cal/OSHA 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 Cal/OSHA.
  - 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 Cal/OSHA.

2. With respect to each elevator subject to this variance, the applicant shall comply with Cal/OSHA 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 Cal/OSHA upon request.
4. The flat coated steel belts shall be provided with a metal data tag that is securely attached to one of those belts. This data tag shall bear the following flat steel coated belt data:
  - a. The width and thickness in millimeters or inches;
  - b. The manufacturer's rated breaking strength in (kN) or (lbf);
  - c. The name of the person or organization that installed the flat coated steel belts;
  - d. The month and year the flat coated steel belts were installed;
  - e. The month and year the flat coated steel belts were first shortened;
  - f. The name or trademark of the manufacturer of the flat coated steel belts; and
  - g. Lubrication information.
5. There shall be a crosshead data plate of the sort required by section 2.20.2.1, and that plate shall bear the following flat steel coated belt data:
  - a. The number of belts;
  - b. The belt width and thickness in millimeters or inches; and
  - c. The manufacturer's rated breaking strength per belt in (kN) or (lbf).
6. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of elevator equipment in the hoistway is required. If service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.
7. If there is an inset car top railing:
  - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs or inspections. The applicant shall not permit anyone to stand on or climb over the car top railing.

- b. The distance that the car top railing may be inset shall be limited to no more than 6 inches.
- c. All exposed areas outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.
- d. The top of the beveled area and/or car top outside the railing, shall be clearly marked. The markings shall consist of alternating 4 inch diagonal red and white stripes.
- e. The applicant shall provide durable signs with lettering not less than ½ inch on a contrasting background on each inset railing; each sign shall state:

**CAUTION**

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

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top and not from the required bevel).
- 8. If the seismic reset switch does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
  - 9. If the inspection transfer switch required by ASME A17.1, rule 2.26.1.4.4(a) does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the inspection and test control panel located in one upper floor hoistway door jamb or in the control space (outside the hoistway) used by the motion controller.
  - 10. When the inspection and testing panel is located in the hoistway door jamb, the inspection and test control panel shall be openable only by use of a Security Group I restricted key.
  - 11. The governor speed-reducing switch function shall comply with the following:
    - a. It shall be used only with direct drive machines; i.e., no gear reduction is permitted between the drive motor and the suspension means.
    - b. The velocity encoder shall be coupled to the driving machine motor shaft. The “C” channel of the encoder shall be utilized for velocity measurements required by the speed reducing system. The signal from “C” channel of the encoder shall be verified with the “A” and “B” channels for failure. If a failure is detected then an emergency stop shall be initiated.
    - c. Control system parameters utilized in the speed-reducing system shall be held in non-volatile memory.
    - d. It shall be used in conjunction with approved car-mounted speed governors only.

- e. It shall be used in conjunction with an effective traction monitoring system that detects a loss of traction between the driving sheave and the suspension means. If a loss of traction is detected, then an emergency stop shall be initiated.
- f. A successful test of the speed-reducing switch system's functionality shall be conducted at least once a year (the record of the annual test of the speed-reducing switch system shall be a maintenance record subject to ASME A17.1-2004, section 8.6.1.4).
- g. A successful test of the traction monitoring system's functionality shall be conducted at least once a year (the record of the annual test of the traction monitoring system shall be a maintenance record subject to ASME A17.1-2004, section 8.6.1.4).
- h. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the maintenance, inspection, and testing of the speed-reducing switch and traction monitoring systems. The Applicant shall make the procedures available to Cal/OSHA upon request.

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

- a. The governor shall be used in conjunction with a 6 mm (0.25 in.) diameter steel governor rope with 6-strand, regular lay construction.
- b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
- c. The governor sheaves shall have a pitch diameter of not less than 180 mm (7.1 in.).

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


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

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

- b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, section 3002.4a.
  - c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to Cal/OSHA, at the time of inspection, for all medical emergency service elevator(s).
- 14. The elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen3 Edge/Gen2S elevator system in accordance with the written procedures and criteria required by Condition No. 3 and in accordance with the terms of this permanent variance.
  - 15. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
  - 16. Cal/OSHA shall be notified when the elevator is ready for inspection. The elevator shall be inspected by Cal/OSHA, and a Permit to Operate shall be issued before the elevator is placed in service.
  - 17. The Applicant shall be subject to the Suspension Means – Replacement Reporting Condition stated in Addendum 2, as hereby incorporated by this reference.
  - 18. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications.
  - 19. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), Cal/OSHA, or by the Board on its own motion, in accordance with the Board's procedural regulations at section 426, subdivision (b).

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, 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 Cal/OSHA 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 Cal/OSHA 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 Cal/OSHA, 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 Cal/OSHA 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 Cal/OSHA to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
Cal/OSHA-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 Cal/OSHA 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 Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future):  
Cal/OSHA 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 Permanent Variance 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 Cal/OSHA regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to Cal/OSHA, 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 Cal/OSHA 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 Medical Emergency Elevator Car  
Dimensions (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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 Medical Emergency Elevator Car Dimensions (Group IV)	Permanent Variance No.: See section A.1 table below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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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<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address
25-V-139	RTP 100 LLC	300 Ingalls Alley Santa Cruz, CA
25-V-147	Livermore Multifamily, LLC	226 Sedona CM Livermore, CA
25-V-156	Lily of the Valley Christian Center	1010 91st Ave. Oakland, CA

2. This proceeding is conducted in accordance with Labor Code section 143, and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, 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 section 426.

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

2. At the hearing, Dan Leacox of Leacox & Associates, and Wolter Geesink with Otis Elevator, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

B. Findings of Fact

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

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

...

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

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

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

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

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

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

C. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

D. Decision and Order

Each permanent variance application the subject of this proceeding is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, each Applicant listed in the above section A.1 table shall have permanent variances from sections 3041, subdivision (e)(1)(C) and 3141.7, subdivision (b) subject of the following conditions:

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

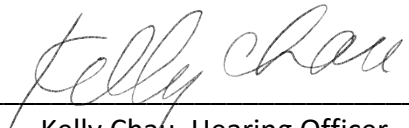
The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch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

2. All medical emergency service elevator(s) shall be identified in the building construction documents in accordance with the 2019 California Building Code, section 3002.4a.
3. Dimensional drawings and other information necessary to demonstrate compliance with the conditions of this permanent variance decision shall be provided to Cal/OSHA, at the time of inspection, for all medical emergency service elevator(s).

4. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing the elevators shall be provided a copy of this variance decision.
5. Cal/OSHA shall be notified when the elevator is ready for inspection. The elevator shall be inspected by Cal/OSHA, 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 Cal/OSHA.
6. Applicant shall notify its employees and their authorized representative, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to sections 411.2 and 411.3.
7. This Decision and Order shall remain in effect unless duly modified or revoked upon application by Applicant, affected employee(s), Cal/OSHA, or by the Board on its own motion.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

DATED: 6/25/2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

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

In the Matter of Application for  
Permanent Variance regarding:

KONE Medical Emergency Elevator Car  
Dimensions (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

\_\_\_\_\_  
DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

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

In the Matter of Application for Permanent Variance regarding:  KONE Medical Emergency Elevator Car Dimensions (Group IV)	Permanent Variance No.: See section A.1 table below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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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<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address
25-V-141	County of Placer, Facilities Management – Capital Improvements Division	350 Nevada Street Auburn, CA

2. This proceeding is conducted in accordance with Labor Code section 143, and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, 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 section 426.
2. At the hearing, Fuei Saetern, with KONE, Inc., appeared on behalf of each Applicant; David Morris and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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



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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter taken under submission by the Hearing Officer.

C. Findings of Fact

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

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

...

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

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

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

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

The medical emergency service elevator shall accommodate the loading and transport of two emergency

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

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

D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

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

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

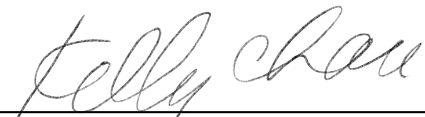
The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21-inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch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

2. All medical emergency service elevator(s) shall be identified in the building construction documents in accordance with the 2019 California Building Code, section 3002.4a.
3. Dimensional drawings and other information necessary to demonstrate compliance with the conditions of this permanent variance decision shall be provided to Cal/OSHA, at the time of inspection, for all medical emergency service elevator(s).

4. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing the elevators shall be provided a copy of this variance decision.
5. Cal/OSHA shall be notified when the elevator is ready for inspection. The elevator shall be inspected by Cal/OSHA, 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 Cal/OSHA.
6. Applicant shall notify its employees and their authorized representative, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to sections 411.2 and 411.3.
7. This Decision and Order shall remain in effect unless duly modified or revoked upon application by Applicant, affected employee(s), Cal/OSHA, or by the Board on its own motion, in accordance with then in effect administrative procedures of the Board.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

DATED: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

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

In the Matter of Application for  
Permanent Variance regarding:

KONE Monospace 300 Elevators (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

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JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

In the Matter of Application for Permanent Variance Regarding:  KONE Monospace 300 Elevators (Group IV)	Permaent Variance Nos.: See section A.1 table below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. The Applicants (“Applicant”) below have applied for a permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
25-V-142	County of Placer, Facilities Management - Capital Improvements Division	350 Nevada St. Auburn, CA	1
25-V-143	Gavilan College	5055 Santa Teresa Blvd. Gilroy, CA	1
25-V-144	Lakehurst and Mabuhay LP	500 Mosley Ave. Alameda CA	1
25-V-145	Mabuhay and Lakehurst LP	2000 Lakehurst Cir. Alameda, CA	2

2. The safety order requirements are set out within section 3141 incorporated ASME A17.1-2004, sections 2.18.5.1 and 2.20.4.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Kelly Chau, both presiding and hearing the matter on its merit, in accordance with section 426.

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

2. At the hearing, Fuei Saetern, with KONE, Inc., appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. Each respective Applicant intends to utilize the KONE Inc. Monospace 300 type elevator, in the quantity, at the location, specified per the above section A.1 table.
2. The installation contract for this elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
3. Each Applicant proposes to use hoisting ropes that are 8 mm in diameter which also consist of 0.51 mm diameter outer wires, in variance from the express requirements of ASME A17.1-2004, section 2.20.4.
4. In relevant part, ASME A17.1-2004, section 2.20.4 states:

*2.20.4 Minimum Number and Diameter of Suspension Ropes*

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

5. An intent of ASME A17.1-2004, section 2.20.4, is to ensure that the number, diameter, and construction of suspension ropes are adequate to provided safely robust and durable suspension means over the course of the ropes' foreseen service life.

6. KONE has represented to Cal/OSHA, having established an engineering practice for purposes of Monospace 300 elevator design, of meeting or exceeding the minimum factor of safety of 12 for 8 mm suspension members, as required in ASME A17.1-2010, section 2.20.3—under which, given that factor of safety, supplemental broken suspension member protection is not required.
7. Also, each Applicant proposes as a further means of maintaining safety equivalence, monitoring the rope in conformity with the criteria specified within the *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators* (per Application attachment "B", or as thereafter revised by KONE subject Cal/OSHA approval).
8. In addition, each Applicant has proposed to utilize 6 mm diameter governor ropes in variance from section 3141, incorporated ASME A17.1-2004, section 2.18.5.1.
9. ASME A17.1-2004, section 2.18.5.1, specifies, in relevant part:

*2.18.5.1 Material and Factor of Safety.*

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

10. The Board takes notice of section 3141.7, subpart (a)(10):

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

11. Applicants propose use of 6mm governor rope having a safety factor of 5 or greater, in conformity with section 3141.7(a)(10), the specific parameters of which, being expressly set out within the Elevator Safety Orders (ESO), take precedence over more generally referenced governor rope diameter requirements per ASME A17.1-2004, section 2.18.5.1. Accordingly, the governor rope specifications being presently proposed, inclusive of a factor of safety of 5 or greater, would comply with current requirements, and therefore not be subject to issuance of permanent variance.
12. Absent evident diminution in elevator safety, over the past decade the Board has issued numerous permanent variances for use in KONE (Ecospace) elevator systems of 8 mm diameter suspension rope materially similar to that presently proposed (e.g. Permanent Variance Nos. 06-V-203, 08-V-245, and 13-V-303).
13. As noted by the Board in permanent Variance Nos. 18-V-044, and 18-V-045, Decision and Order Findings, subpart B.17 (hereby incorporated by reference), the strength of wire rope operating as an elevator's suspension means does not remain constant over its years of projected service life. With increasing usage cycles, a reduction in the cross-

sectional area of the wire rope normally occurs, resulting in decreased residual strength. This characteristic is of particular relevance to the present matter because, decreasing wire rope diameter is associated with a higher rate of residual strength loss. This foreseeable reduction in cross-sectional area primarily results from elongation under sheave rounding load, as well as from wear, and wire or strand breaks. However, these characteristics need not compromise elevator safety when properly accounted for in the engineering of elevator suspension means, and associated components.

14. The presently proposed wire rope is Wuxi Universal steel rope Co LTD. 8 mm 8x19S+8x7+PP, with a manufacturer rated breaking strength of 35.8 kN, and an outer wire diameter of less than 0.56 mm, but not less than 0.51 mm. Cal/OSHA's safety engineer has scrutinized the material and structural specifications, and performance testing data, of this particular proposed rope, and concluded it will provide for safety equivalent to ESO compliant 9.5 mm wire rope, with 0.56 mm outer wire (under conditions of use included within the below Decision and Order).

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

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

*where*

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

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

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

*f = the factor of safety from Table 2.20.3*

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

17. Cal/OSHA is in accord with Applicant, in proposing as a condition of safety equivalence, that periodic physical examination of the wire ropes be performed to confirm the ropes continue to meet the criteria set out in the (Application attachment) *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators*. Adherence to this condition will provide an additional assurance of safety equivalence,



regarding smaller minimum diameter suspension rope outer wire performance over the course of its service life.

18. Cal/OSHA, by way of written submission to the record (Exhibit PD-3), and stated position at hearing, is of the well informed opinion that grant of permanent variance, as limited and conditioned per the below Decision and Order will provide employment, places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the requirements from which variance has been requested.

D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

E. Decision and Order

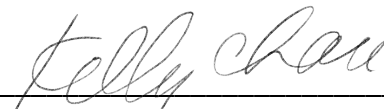
Each Application being the subject of this proceeding, per above section A.1 table, is conditionally GRANTED, to the extent that each such Applicant shall be issued permanent variance from section 3141 incorporated ASME A17.1-2004, section 2.20.4, in as much as it precludes use of suspension rope of between 8 mm and 9.5 mm, or outer wire of between 0.51 mm and 0.56 mm in diameter, at such locations and numbers of Group IV KONE Monospace 300 elevators identified in each respective Application, subject to the following conditions:

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

7. The maximum suspended load shall not exceed those weights (plus 5%) specified per the Decision and Order Appendix 1 Table.
8. The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of the elevator equipment in the hoistway is required. If the service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.
9. The installation shall meet the suspension wire rope factor of safety requirements of ASME A17.1-2013 section 2.20.3.
10. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing or testing the elevators shall be provided a copy of this variance decision.
11. Cal/OSHA shall be notified when the elevator is ready for inspection. The elevator shall be inspected by Cal/OSHA and a "Permit to Operate" issued before the elevator is placed in service.
12. The Applicant shall comply with suspension means replacement reporting condition per hereby incorporated Decision and Order Appendix 2.
13. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to 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), Cal/OSHA, or by the Board on its own motion.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

## Appendix 1

Monospace 300 Suspension Ropes Appendix 1 Table

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
25-V-142	1	7	150	12247
25-V-143	1	7	150	12247
25-V-144	1	7	150	12247
25-V-145	1	7	150	12247
25-V-145	2	7	150	12247

## **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 Cal/OSHA 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 Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA 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 Permanent Variance 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 Cal/OSHA regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to Cal/OSHA, 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 Cal/OSHA referencing the information contained in above Appendix 2, section 2, Subsection (a), above.

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

In the Matter of Application for  
Permanent Variance regarding:

KONE Monospace 500 Elevators (Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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

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

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

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

In the Matter of Application for Permanent Variance Regarding:  KONE Monospace 500 Elevators (Group IV)	Permanent Variance Nos.: See Section A.1 Table Below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. The applicants (“Applicant”) below have applied for permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
25-V-146	Gilad Tamir; 4th Ave Property Owner LLC	2851-81 4th Ave. San Diego, CA	2

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference, by the Board, with Hearing Officer, Kelly Chau, both presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Fuei Saetern, with KONE, Inc., appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

- Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

- Each respective Applicant intends to utilize the KONE Inc. Monospace 500 type elevator, in the quantity, at the location, specified per the above section A.1 table.
- The installation contract for this elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
- Each Applicant proposes to use hoisting ropes that are 8 mm in diameter which also consist of 0.51 mm diameter outer wires, in variance from the express requirements of ASME A17.1-2004, section 2.20.4.
- In relevant part, ASME A17.1-2004, section 2.20.4 states:

*2.20.4 Minimum Number and Diameter of Suspension Ropes*

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

- An intent of the afore cited requirement of ASME A17.1-2004, section 2.20.4, is to ensure that the number, diameter, and construction of suspension ropes are adequate to provided safely robust and durable suspension means over the course of the ropes' foreseen service life.
- KONE has represented to Cal/OSHA, having established an engineering practice for purposes of Monospace 500 elevator design, of meeting or exceeding the minimum factor of safety of 12 for 8 mm suspension members, as required in ASME A17.1-2010, section 2.20.3—under which, given that factor of safety, supplemental broken suspension member protection is not required.
- Also, each Applicant proposes as a further means of maintaining safety equivalence, monitoring the rope in conformity with the criteria specified within the *Inspector's Guide*



*to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators (per Application attachment "B", or as thereafter revised by KONE subject to Cal/OSHA approval).*

8. In addition, each Applicant has proposed to utilize 6 mm diameter governor ropes in variance from section 3141, incorporated ASME A17.1-2004, section 2.18.5.1.
9. ASME A17.1-2004, section 2.18.5.1, specifies, in relevant part:

*2.18.5.1 Material and Factor of Safety.*

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

10. The Board takes notice of section 3141.7, subpart (a)(10):

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

11. Applicants propose use of 6mm governor rope having a safety factor of 5 or greater, in conformity with section 3141.7(a)(10), the specific parameters of which, being expressly set out within Elevator Safety Orders, take precedence over more generally referenced governor rope diameter requirements per ASME A17.1-2004, section 2.18.5.1. Accordingly, the governor rope specifications being presently proposed, inclusive of a factor of safety of 5 or greater, would comply with current Elevator Safety Orders requirements, and therefore not be subject to issuance of permanent variance.
12. Absent evident diminution in elevator safety, over the past decade the Board has issued numerous permanent variances for use in KONE (Ecospace) elevator systems of 8 mm diameter suspension rope materially similar to that presently proposed (e.g. Permanent Variance Nos. 06-V-203, 08-V-245, and 13-V-303).
13. As noted by the Board in Permanent Variance Nos. 18-V-044, and 18-V-045, Decision and Order Findings, subpart B.17 (hereby incorporated by reference), the strength of wire rope operating as an elevator's suspension means does not remain constant over its years of projected service life. With increasing usage cycles, a reduction in the cross-sectional area of the wire rope normally occurs, resulting in decreased residual strength. This characteristic is of particular relevance to the present matter because decreasing wire rope diameter is associated with a higher rate of residual strength loss. This foreseeable reduction in cross-sectional area primarily results from elongation under sheave rounding load, as well as from wear, and wire or strand breaks. However, these characteristics need not compromise elevator safety when properly accounted for in the engineering of elevator suspension means, and associated components.

14. The presently proposed wire rope is Wuxi Universal steel rope Co LTD. 8 mm 8x19S+8x7+PP, with a manufacturer rated breaking strength of 35.8 kN, and an outer wire diameter of less than 0.56 mm, but not less than 0.51 mm. Cal/OSHA safety engineers have scrutinized the material and structural specifications, and performance testing data, of this particular proposed rope, and conclude it will provide for safety equivalent to ESO compliant 9.5 mm wire rope, with 0.56 mm outer wire (under conditions of use included within the below Decision and Order).
15. The applicant supplies tabulated data regarding the "Maximum Static Load on All Suspension Ropes." To obtain the tabulated data, the applicant uses the following formula derived from ASME A17.1 2004, section 2.20.3:

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

where

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

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

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

*f = the factor of safety from Table 2.20.3*

16. ASME A17.1-2010 sections 2.20.3 and 2.20.4 utilize the same formula, but provide for use of suspension ropes having a diameter smaller than 9.5 mm, under specified conditions, key among them being that use of ropes having a diameter of between 8 mm to 9.5 mm be engineered with a factor of safety of 12 or higher. This is a higher minimum factor of safety than that proposed by Applicant, but a minimum recommended by Cal/OSHA as a condition of variance necessary to the achieving of safety equivalence to 9.5 mm rope.
17. Cal/OSHA is in accord with Applicant, in proposing as a condition of safety equivalence, that periodic physical examination of the wire ropes be performed to confirm the ropes continue to meet the criteria set out in the (Application attachment) *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators*. Adherence to this condition will provide an additional assurance of safety equivalence, regarding smaller minimum diameter suspension rope outer wire performance over the course of its service life.
18. Cal/OSHA, by way of written submission to the record (Exhibit PD-3) and stated position at hearing, is of the well informed opinion that grant of permanent variance, as limited and conditioned per the below Decision and Order will provide employment, places of employment, and subject conveyances, as safe and healthful as would prevail given non-variant conformity with the Elevator Safety Order requirements from which variance has been requested.

#### D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

#### E. Decision and Order

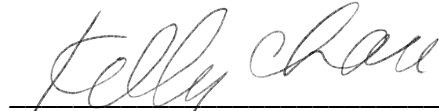
Each permanent variance application the subject of this proceeding, per above section A.1 table, is conditionally GRANTED, to the extent that each such Applicant shall be issued permanent variance from section 3141 incorporated ASME A17.1-2004, section 2.20.4, in as much as it precludes use of suspension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

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

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

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

## Appendix 1

Monospace 500 Suspension Appendix 1 Table.

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
25-V-146	1	8	200	13207
25-V-146	2	8	200	13207

## **Appendix 2**

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

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to Cal/Osha 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 Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA 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 Permanent Variance 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 Cal/OSHA regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to Cal/OSHA, 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 Cal/OSHA referencing the information contained in above Appendix 2, section 2, Subsection (a), above.

1.

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

In the Matter of Application for  
Permanent Variance regarding:

Otis Gen20 and/or Gen3Peak with Variant  
Governor Rope and Sheaves with MES  
(Group IV)

Permanent Variance No.: see section A.1  
table of  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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

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

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NOLA KENNEDY, Member

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

\_\_\_\_\_  
DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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



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

In the Matter of Application for Permanent Variance regarding:  Otis Gen20 and/or Gen3Peak with Variant Governor Rope and Sheaves with MES (Group IV)	Permanent Variance No: See section A.1 table below  <u>PROPOSED DECISION</u>  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. The applicants (“Applicant”) below have applied for permanent variances from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
25-V-155	Applied Materials, Inc.	1010 E. Arques Ave. Sunnyvale, CA	2

2. These proceedings are conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025 via videoconference, by the Board with Hearing Officer, Kelly Chau, both presiding and hearing the matter on its merit in accordance with 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 (“Cal/OSHA”)
3. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Applicable Regulation

1. The Applicants request variance from some or all of the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:
  - a. Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, and 2.20.9.5.4 (to permit the use of the Elastomeric Coated Steel Belts proposed by the Applicant in lieu of circular steel suspension ropes.);
  - b. Cartop Railing: 2.14.1.7.1 (to permit the use of the car top railing system proposed by the Applicant, where the railing system is located inset from the elevator car top perimeter);
  - c. Inspection transfer switch: 2.26.1.4.4(a) (to permit the inspection transfer switch to reside at a location other than the machine room);
  - d. Seismic reset switch: 8.4.10.1.1(a)(2)(b) (to permit the seismic reset switch to reside at a location other than the machine room);
  - e. Governor Rope Diameter: 2.18.5.1 (to permit the use of the governor rope proposed by the Applicant, where the rope has a diameter of 8 mm [0.315 in.]); Note: A variance from the section above is not required. However, the Board has included a variance from this code requirement in similar previous variances.
  - f. Pitch Diameter: 2.18.7.4 (to permit the use of the speed governor system, proposed by the Applicant, where the rope sheave pitch diameter is less than what is required by the Elevator Safety Orders).
  - g. Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (to comply with the performance-based requirements of the 2019 California Building Code section 3002.4.1a)

#### D. Findings of Fact

1. The Board incorporates by reference the findings stated in:
  - a. Items 3 through 5.c, 5.e, and 5.f of the “Findings of Fact” section of the Proposed Decision adopted by the Board on February 19, 2009, in Permanent Variance No. 08-V-247;
  - b. Item D.3 of the Proposed Decision adopted by the Board on July 16, 2009, in Permanent Variance No. 09-V-042;
  - c. Item D.4 of the Proposed Decision adopted by the Board on September 16, 2010, in Permanent Variance 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 Permanent Variance 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 Permanent Variance No. 14-V-170.
  - f. Item B of the Proposed Decision adopted by the Board on September 15, 2022 for OSHSB File No. 22-V-302 regarding medical emergency car dimensions.
2. Regarding requested variance in governor sheave diameter, and governor rope diameter, in variance from section 3141, incorporated ASME A17.1-2004, sections 2.18.7.4 and 2.18.5.1, respectively, the Board incorporates by reference the following previous findings of record: Items 8 through 12 of the Proposed Decision adopted by the Board on December 13, 2018, in Permanent Variance No. 18-V-425, and further substantiating bases per therein cited Permanent Variance Decisions of the Board.
3. The installation contracts for elevators, the subject of the permanent variance application, were signed on or after May 1, 2008, making the elevators subject to the Group IV Elevator Safety Orders (“ESO”).
4. Cal/OSHA safety engineers, by way of written submissions to the record (Exhibit PD-3), 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

A preponderance of the evidence supports the finding that each Applicants’ proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance

with the requirements of the Elevator Safety Orders from which variance is being sought.

F. Decision and Order

Each permanent variance application the subject of this proceeding is conditionally GRANTED as specified below, and to the extent, as of the date the Board adopts this Proposed Decision, Applicant shall have permanent variances from section 3141 and from the following sections of ASME A17.1-2004 that section 3141 makes applicable to the elevators the subject of those applications:

- Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, and 2.20.9.5.4 (To permit the use of the Elastomeric Coated Steel Belts proposed by the Applicant in lieu of circular steel suspension ropes.);
- Cartop Railing: 2.14.1.7.1 (To permit the use of the car top railing system proposed by the Applicant, where the railing system is located inset from the elevator car top perimeter);
- Inspection transfer switch: 2.26.1.4.4(a) (To permit the inspection transfer switch to reside at a location other than the machine room);
- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (To permit the seismic reset switch to reside at a location other than the machine room);
- Governor Rope Diameter: 2.18.5.1 (To permit the use of the governor rope proposed by the Applicant, where the rope has a diameter of 8 mm [0.315 in.]); *Note: A variance from the section above is not required. However, the Board has included a variance from this code requirement in similar previous variances.*
- Pitch Diameter: 2.18.7.4 (To permit the use of the speed governor system, proposed by the Applicant, where the rope sheave pitch diameter is less than what is required by the Elevator Safety Orders).
- Minimum Inside Car Platform Dimensions: 3041(e)(1)(C) and 3141.7(b) (to comply with the performance-based requirements of the 2019 California Building Code section 3002.4.1a)

The variance shall be subject to, and limited by, the following additional conditions:

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

- a. The coated steel belt shall have a factor of safety at least equal to the factor of safety that ASME A17.1-2004, section 2.20.3, would require for wire ropes if the elevator were suspended by wire ropes rather than the coated steel belt.
  - b. Steel-coated belts that have been installed and used on another installation shall not be reused.
  - c. The coated steel belt shall be fitted with a monitoring device which has been accepted by Cal/OSHA 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 Cal/OSHA.
  - 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 Cal/OSHA.
  - g. The installation of belts and connections shall be in conformance with the manufacturer's specifications, which shall be provided to Cal/OSHA.
3. With respect to each elevator subject to this variance, the applicant shall comply with Cal/OSHA Circular Letter E-10-04, a copy of which is attached hereto as Addendum 1 and incorporated herein by this reference.
4. The Applicant shall not utilize each elevator unless the manufacturer has written procedures for the installation, maintenance, inspection, and testing of the belts and monitoring device, and criteria for belt replacement, and shall make those procedures and criteria available to Cal/OSHA 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.

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).
11. 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.).
12. Each elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen3 Peak elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.

All medical emergency service elevators shall comply with the following:

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

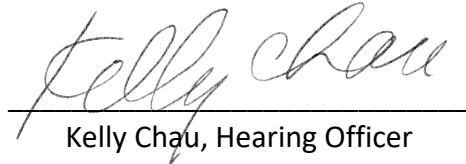
*The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21- inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5 inch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

- b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, section 3002.4a.
- c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to Cal/OSHA, at the time of inspection, for all medical emergency service elevator(s).

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. Cal/OSHA shall be notified when each elevator is ready for inspection. Each elevator shall be inspected by Cal/OSHA, and a Permit to Operate shall be issued before each elevator is placed in service.
15. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
16. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per sections 411.2 and 411.3.
17. This Decision and Order shall remain in effect unless duly modified or revoked upon application by the Applicant, affected employee(s), Cal/OSHA, or by the Board on its own motion.

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

DATED: 6/25/2025

  
Kelly Chau, 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 Cal/OSHA 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 Cal/OSHA 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 Cal/OSHA, 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 Cal/OSHA 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 Cal/OSHA to permit new conveyances utilizing Coated Steel Belts.

Debra Tudor  
Principal Engineer  
Cal/OSHA-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 Cal/OSHA 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 Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA 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 Permanent Variance 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 Cal/OSHA regarding the replacement of the suspension means or fastenings.

3. In addition to the submission of the report to Cal/OSHA, 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 Cal/OSHA referencing the information contained in item 2a above.

- 1.

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

In the Matter of Application for Permanent  
Variance by:

City of Los Angeles

Permanent Variance No.: 25-V-158  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

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

In the Matter of Application for Permanent Variance by:  City of Los Angeles	Permanent Variance No.: 25-V-158  Proposed Decision  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. The City of Los Angeles has applied for a permanent variance from provisions of title 8 of the California Code of Regulations<sup>1</sup>, regarding vertical platform (wheelchair) lifts, with respect to one Savaria Model V-1504 vertical platform (wheelchair) lift proposed to be located at:

478 W. 6th St.  
San Pedro, CA 90731

2. The safety orders at issue are stated in the prefatory part of the Decision and Order. This proceeding is conducted in accordance with Labor Code section 143 and 401, et seq. of the Occupational Safety and Health Standards Board's ("Board" or "OSHSB") procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference by the Board with Hearing Officer, Kelly Chau, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Nathalie Rodriguez, with 2H Construction, appeared on behalf of Applicant. Mark Wickens and David Morris appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

<b>Exhibit Number</b>	<b>Description of Exhibit</b>
PD-1	Application for Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Cal/OSHA Review of Variance Application
PD-4	Review Draft-1 Proposed Decision
PD-5	Applicant Declaration

4. Official notice is taken of the Board’s files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. The Applicant proposes to install one Savaria Model V-1504 vertical platform (wheelchair) lift at a location having the address of:

478 W. 6<sup>th</sup> St.  
San Pedro, CA 90731

2. Applicant requests variance solely from section 3142(a) and section 3142.1.
3. The subject vertical lift is proposed to be a Savaria Model V-1504, with a vertical travel range of approximately 168 inches. That range of travel exceeds the 12 foot maximum vertical rise allowed by ASME A18.1-2003, section 2.7.1—the State of California standard in force at the time of this Decision.
4. Cal/OSHA’s evaluation states that the more recent consensus code ASME A18.1-2005 allows for vertical platform lifts to have a travel not exceeding 14 feet (168 in.).
5. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted. (e.g. Permanent Variance Nos. 13-V-260, 15-V-097, 15-V-297, 17-V-198)
6. It is the well informed professional opinion of Cal/OSHA (per Exhibit PD-3) that equivalent safety will be achieved upon grant of presently requested permanent variance, subject to conditions materially equivalent to those imposed by Board adopted Decision and Order, In matters of application for Permanent Variance Nos. 15-V-297 and 18-V-069.
7. With respect to the equivalence or superior of safety, conditions and limitations

of the below Decision and Order are in material conformity with those of previously issued Permanent Variance Nos. 15-V-297 and 18-V-069.

D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

E. Decision and Order

The Application for Permanent Variance of The City of Los Angeles, Permanent Variance No. 25-V-158, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, City of Los Angeles, shall have permanent variance from sections 3142(a) and 3142.1 incorporated ASME A18.1-2003, section 2.7.1, inasmuch as each restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one Savaria Model V-1504 Vertical Platform Lift, to be located at:

478 W. 6<sup>th</sup> St.  
San Pedro, CA 90731

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

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

the routine preventive maintenance required by section 3094.5(a)(1) shall be performed at least quarterly and shall include but not be limited to:

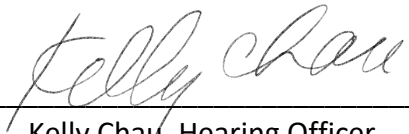
- (a) Platform driving means examination;
  - (b) Platform examination;
  - (c) Suspension means examination;
  - (d) Platform alignment;
  - (e) Vibration examination;
  - (f) Door/gate electrical; and
  - (g) Mechanical lock examination.
5. The lift shall be tested annually for proper operation under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



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

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

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

In the Matter of Application for Permanent  
Variance by:

Anthem Hotel

Permanent Variance No.: 25-V-159  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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

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

In the Matter of Application for Permanent Variance by:  Anthem Hotel	Permanent Variance No.: 25-V-159  Proposed Decision  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. Anthem Hotel (“Applicant”) has applied for a permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, regarding vertical platform (wheelchair) lifts, with respect to one vertical platform (wheelchair) lift proposed to be located at:

3900 W. Century Blvd.  
Inglewood, CA 90303

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference by the Occupational Safety and Health Standards Board with Hearing Officer, Kelly Chau, presiding and hearing the matter on its merit in accordance with section 426.
2. Appearing at hearing were Craig Fiore with McKinley Elevator Corporation appearing on behalf of the Applicant; Mark Wickens and David Morris, appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

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

3900 W. Century Blvd.  
Inglewood, CA 90303

2. Applicant requests variance solely from section 3142(a) and section 3142.1.
3. The subject vertical lift is proposed to be a Garaventa Lift, Model GVL-EN-168 or GVL-SW-168, with a vertical travel range of approximately 168 inches. That range of travel exceeds the 12-foot maximum vertical rise allowed by ASME A18.1-2003, section 2.7.1—the State of California standard in force at the time of this Decision.
4. The Cal/OSHA evaluation states that the more recent consensus code, ASME A18.1-2005, allows for vertical platform lifts to have a travel not exceeding 14 feet (168 in.).
5. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, without subsequent safety problems attributable to such variance being reported. (e.g. Permanent Variance Nos. 13-V-260, 15-V-097, 15-V-297, 18-V-069)
6. It is the well informed professional opinion of Cal/OSHA (per Exhibit PD-3) that equivalent safety will be achieved upon grant of presently requested permanent variance, subject to conditions materially equivalent to those imposed by Board adopted Decision and Order, In Matters of Application for Permanent Variance Nos. 15-V-297 and 18-V-069.

7. With respect to the equivalence or superior of safety, conditions and limitations of the below Decision and Order are in material conformity with those of previously issued Permanent Variance Nos. 15-V-297 and 18-V-069.

D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

E. Decision and Order

OSHSB Application No. 25-V-159, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, Anthem Hotel shall have permanent variance from sections 3142(a) and 3142.1 incorporated ASME A18.1-2003, section 2.7.1, inasmuch as each restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Garaventa Lift, Model GVL-EN-168 or GVL-SW-168 Vertical Platform Lift, to be located at:

3900 W. Century Blvd.  
Inglewood, CA 90303

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

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


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

and attendees shall be maintained for at least 1 year and provided to Cal/OSHA upon request.

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

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
\_\_\_\_\_  
Kelly Chau, Hearing Officer

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

In the Matter of Application for Permanent  
Variance by:

C&C Universal Properties

Permanent Variance No.: 25-V-160  
Proposed Decision Dated: June 25, 2025

DECISION

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

\_\_\_\_\_  
JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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

\_\_\_\_\_  
DAVID THOMAS, Member

\_\_\_\_\_  
DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: July 17, 2025

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

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



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

In the Matter of Application for Permanent Variance by:  C&C Universal Properties	Permanent Variance No.: 25-V-160  Proposed Decision  Hearing Date: June 25, 2025 Location: Zoom
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A. Subject Matter

1. C&C Universal Properties (“Applicant”) has applied for a permanent variance from provisions of the Elevator Safety Orders, found at title 8 of the California Code of Regulations<sup>1</sup>, regarding vertical platform (wheelchair) lifts, with respect to one vertical platform (wheelchair) lift proposed to be located at:

1805 E. Beamer St.  
Woodland, CA

2. This proceeding is conducted in accordance with Labor Code section 143 and section 401, et seq. of the Occupational Safety and Health Standards Board’s (“Board” or “OSHSB”) procedural regulations.

B. Procedural

1. This hearing was held on June 25, 2025, via videoconference by the Occupational Safety and Health Standards Board with Hearing Officer, Kelly Chau, presiding and hearing the matter on its merit in accordance with section 426.
2. Appearing at hearing were Craig Fiore with McKinley Elevator Corporation appearing on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On June 25, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

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

1805 E. Beamer St.  
Woodland, CA

2. Applicant requests variance solely from section 3142(a) and section 3142.1.
3. The subject vertical lift is proposed to be a Garaventa Lift, Model GVL-EN-168 or GVL-SW-168, with a vertical travel range of approximately 168 inches. That range of travel exceeds the 12-foot maximum vertical rise allowed by ASME A18.1-2003, section 2.7.1—the State of California standard in force at the time of this Decision.
4. The Cal/OSHA evaluation states that the more recent consensus code, ASME A18.1-2005, allows for vertical platform lifts to have a travel not exceeding 14 feet (168 in.).
5. Permanent variances regarding the extended travel of vertical platform lifts, of similar configuration to that of the subject proposed model, have been previously granted, without subsequent safety problems attributable to such variance being reported. (e.g. Permanent Variance Nos. 13-V-260, 15-V-097, 15-V-297, 18-V-069)
6. It is the well informed professional opinion of Cal/OSHA (per Exhibit PD-3) that equivalent safety will be achieved upon grant of presently requested permanent variance, subject to conditions materially equivalent to those imposed by Board adopted Decision and Order, In Matters of Application for Permanent Variance Nos. 15-V-297 and 18-V-069.

7. With respect to the equivalence or superior of safety, conditions and limitations of the below Decision and Order are in material conformity with those of previously issued Permanent Variance Nos. 15-V-297 and 18-V-069.

D. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicants' proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Orders from which variance is being sought.

E. Decision and Order

OSHSB Variance Application No. 25-V-160, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, C&C Universal Properties, shall have permanent variance from sections 3142(a) and 3142.1 incorporated ASME A18.1-2003, section 2.7.1, inasmuch as each restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Garaventa Lift, Model GVL-EN-168 or GVL-SW-168 Vertical Platform Lift, to be located at:

1805 E. Beamer St.  
Woodland, CA

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

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

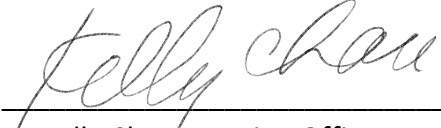
4. A maintenance contract shall be executed between the owner/operator and a Certified Qualified Conveyance Company (CQCC). The contract shall stipulate that the routine preventive maintenance required by section 3094.5(a)(1) shall be performed at least quarterly and shall include but not be limited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

and attendees shall be maintained for at least 1 year and provided to Cal/OSHA upon request.

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

Pursuant to section 426(b), the Proposed Decision is submitted to the Board for consideration of adoption.

Dated: June 25, 2025

  
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Kelly Chau, Hearing Officer

# Occupational Safety and Health Standards Board

## Business Meeting Executive Officer's Report

# Occupational Safety and Health Standards Board

Business Meeting  
Legislative Update

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

AB-589 Firefighters: personal protective equipment. (2025-2026) – NO UPDATE

	<b>AB-589 Firefighter: personal protective equipment. (2025-2026)</b>	
	(Gallagher)	
	<b>Date</b>	<b>Action</b>
	04/22/25	Re-referred to Com. on L. & E.
	04/21/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
	04/21/25	In committee: Set, first hearing. Hearing canceled at the request of author.
	02/24/25	Referred to Com. on L. & E.
	02/13/25	From printer. May be heard in committee March 15.
	02/12/25	Read first time. To print.
<b>AB-589</b>	<u>Summary:</u>  AB 589, as amended, Gallagher. Firefighters: personal protective equipment.  The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The act grants to the Occupational Safety and Health Standards Board, an independent entity within the department, exclusive authority to adopt occupational safety and health standards within the state.  Beginning July 1, 2018, and every 5 years thereafter, the act requires the board, in consultation with the department, to complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to certain personal protective equipment and requires the board to consider modifying existing safety orders and to render a decision regarding the adoption of necessary changes to safety orders, or other applicable standards and regulations, no later than July 1 of the subsequent year, if the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders.	



**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

	<p>This bill would prohibit the board from adopting a safety order or regulation that requires the personal protective equipment described above and used exclusively by certain fire districts to be replaced more frequently than once every 15 years unless the board finds the personal protective equipment is unsafe due to wear and tear, poses an immediate safety hazard, or contains perfluoroalkyl and polyfluoroalkyl substances or any other currently known hazardous material.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p>
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AB-596 Occupational safety: face coverings. (2025-2026) – **UPDATE**

<b>AB-596</b>	<b>AB-596 Occupational safety: face coverings. (2025-2026)</b>  (McKinnor)	
	<b>Date</b>	<b>Action</b>
	06/24/25	Read second time. Ordered to third reading.
	06/23/25	From committee: Be ordered to second reading pursuant to Senate Rule 28.8.
	06/12/25	Read second time and amended. Re-referred to Com. on APPR.
	06/11/25	From Committee: Amend, and do not pass as amended and re-refer to Com. on APPR.( Ayes 5. Noes 0.) (June 11)
	05/28/25	Referred to Com. on L., P.E. & R.
	04/29/25	In Senate. Read first time. To Com. on RLS. for assignment.
	04/28/25	Read third time. Passed. Ordered to the Senate.
	04/24/23	Read second time. Ordered to third reading.
	04/23/25	From committee: Do pass. (Ayes 11. Noes 2.) (April 23).
	03/19/25	From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 19). Re-referred to Com. on APPR.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

03/11/25	Re-referred to Com. on L. & E.
03/10/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
02/24/25	Referred to Com. on L. & E.
02/14/25	From printer. May be heard in committee March 16.
02/13/25	Read first time. To print.

Summary:

AB 596, as amended, McKinnor. Occupational safety: face coverings.

Existing law established and requires the Division of Occupational Safety and Health within the Department of Industrial Relations to enforce all occupational safety and health standards, as specified. Existing law establishes the Occupational Safety and Health Standards Board within the department to promulgate and enforce occupational safety and health standards for the state. A violation of these standards and regulations under specific circumstances is a crime.

Until February 3, 2025, existing regulations promulgated by the board, in all areas of employment except as specified, prohibit an employer from preventing any employee from wearing a face covering, including a respirator, as specified, unless it would create a safety hazard. Existing regulations define various terms for purposes of this prohibition.

This bill would prohibit an employer from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety hazard. Notwithstanding that provision, the bill would authorize an employer, for identification purposes, to ask any person on the worksite to momentarily remove their face covering, as provided. Consistent with the above-referenced regulations, the bill would define terms for purposes of these provisions.

Because a violation of the above-described prohibition constitutes a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

	Board staff is monitoring for potential impacts on Board operations.
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AB-696 Lithium-ion vehicle batteries: emergencies: advisory group. (2025-2026) – **UPDATE**

<b>AB-696</b>	<b>AB-696 Lithium-ion vehicle batteries: emergencies: advisory group. (2025-2026)</b>  (Ransom) (Principal Coauthor: Lackey)	
	<b>Date</b>	<b>Action</b>
	06/30/25	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.
	06/18/25	Referred to Coms. on G.O. and E.Q.
	06/05/25	In Senate. Read first. To Com. on RLS for assignment.
	06/04/25	Read third time. Passed. Ordered to the Senate. (Ayes 79. Noes 0.)
	05/27/25	Read second time. Ordered to third reading.
	05/23/25	Read second time and amended. Ordered returned to second reading.
	05/23/25	From committee: Amend and do pass as amended. (Ayes 11. Noes 0.) (May 23).
	05/23/23	Assembly Rule 63 suspended. (Ayes 51. Noes 16.)
	04/09/25	In committee: Set, first hearing. Referred to APPR. suspense file.
	03/26/25	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (March 25). Re-referred to Com. on APPR.
	03/12/25	Re-referred to Com. on E.S. & T.M.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

03/11/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on E.S. & T.M. Read second time and amended.
03/03/25	Referred to Com. on E.S.& T.M. and NAT. RES.
02/15/25	From printer. May be heard in committee March 17.
02/14/25	Read first time. To print.

Summary:

AB 696, as amended, Ransom. Lithium-ion vehicle batteries: emergencies: advisor group.

Existing law requires the Secretary for Environmental Protection, until January 1, 2027, to convene the Lithium-Ion Car Battery Recycling Advisory Group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state and requires the secretary to appoint members to the committee from specified departments, vocations, and organizations.

Existing law, the California Emergency Services Act, establishes the Office of Emergency Services within the Governor's office, under the supervision of the Director of Emergency Services, and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

This bill would require the Director of Emergency Services, on or before December 31, 2026, to convene the Lithium-Ion Car Battery Advisory Group to review, and advise the Legislature on, policies pertaining to the safety and management of lithium-ion vehicle batteries involved in an emergency situation, as provided. The bill would require the director to appoint members to the advisory group from specified departments, agencies, vocations, and organizations. The bill would require the advisory group to meet at least quarterly until July 1, 2028, and to consult with universities and research institutions that have conducted research in the area of lithium-ion batteries, with manufacturers of electric and hybrid vehicles, and both state and local first responders. The bill would require the group to develop standards, on or before July 1, 2028, based on local, state, and national guidance and research, aimed at ensuring that best standards and practices are created that allow first responders to respond to lithium-ion vehicle battery emergencies in a safe and efficient manner. The bill would repeal these provisions on January 1, 2029.

Board staff is monitoring for potential impacts on Board operations.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

AB-841 State Fire Marshal: personal protective equipment: battery fires. (2025-2026) –  
**UPDATE**

<b>AB-841</b>	<b>AB-841 State Fire Marshal: personal protective equipment: battery fires. (2025-2026)</b>	
	(Patel) (Coauthor: Ramos)	
	<b>Date</b>	<b>Action</b>
	07/01/25	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.
	06/11/25	Referred to Com. on G.O.
	06/03/25	In Senate. Read first time. To Com. on RLS. for assignment.
	06/02/25	Read third time. Passed. Ordered to the Senate. (Ayes 79. Noes 0.)
	05/27/25	Read second time. Ordered to third reading.
	05/23/25	From committee: Do pass. (Ayes 14. Noes 0.) (May 23).
	05/07/25	In committee: Set, first hearing. Referred to APPR. suspense file.
	04/24/25	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (April 23). Re-referred to Com. on APPR.
	04/22/25	Re-referred to Com. on L. & E.
	04/21/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
	04/08/25	From committee: Do pass and re-refer to Com. on L. & E. (Ayes 7. Noes 0.) (April 7). Re-referred to Com. on L. & E.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

	02/20/25	From printer. May be heard in committee March 22.
	02/19/25	Read first time. To print.
	<p><u>Summary:</u></p> <p>AB 841, as amended, Patel. State Fire Marshal: personal protective equipment: battery fires.</p> <p>Existing law authorizes the State Fire Marshal to make changes as may be necessary to standardize all existing fire protective equipment throughout the state. This bill would require the State Fire Marshal, in consultation with the Division of Occupational Safety and Health, to develop a working group with specified membership to make recommendations regarding personal protective equipment used in responding to lithium-ion battery fires. The bill would require, at a minimum, the working group to review, and for the purpose of making the recommendations to consider, the latest personal protective equipment to limit exposure to lithium and other heavy metals, technology to clean personal protective equipment, whether different types of personal protective equipment should be used for different types of lithium-ion battery fires, and current decontamination practices at the fire scene, as specified. The bill would require the recommendations to be submitted to the Legislature on or before September 1, 2026.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p>	

AB-1181 Firefighters: personal protective equipment. (2025-2026) – **UPDATE**

<b>AB-1181</b>	<b>AB-1181 Firefighters: personal protective equipment. (2025-2026)</b>	
	(Haney and Harabedian) (Coauthor: Papan)	
	<b>Date</b>	<b>Action</b>
	06/30/25	In committee: Referred to APPR. suspense file.
	06/18/25	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 5. Noes 0.) (June 18). Re-referred to Com. on APPR.

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

06/12/25		From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L., P.E. & R.
06/11/25		Referred to Com. on L., P.E. & R.
06/03/25		In Senate. Read first time. To Com. on RLS. for assignment.
06/02/25		Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0.)
05/27/25		Read second time. Ordered to third reading.
05/23/25		Read second time and amended. Ordered returned to second reading.
05/23/25		From committee: Amend and do pass as amended. (Ayes 11. Noes 0.) (May 23).
05/23/25		Assembly Rule 63 suspended. (Ayes 51. Noes 16.)
05/07/25		In committee: Set, first hearing. Referred to APPR. suspense file.
04/03/25		From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 2). Re-referred to Com. on APPR.
03/17/25		Re-referred to Com. on L. & E.
03/13/25		From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
03/13/25		Referred to Com. on L. & E.
02/24/25		Read first time.
02/22/25		From printer. May be heard in committee March 24.
02/21/25		Introduced. To print.
<u>Summary:</u>		
AB 1181, as amended, Haney. Firefighters: personal protective equipment.		

**Legislative Update**  
**Prepared July 03, 2025, for the July 17, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

	<p>The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The act grants to the Occupational Safety and Health Standards Board, an independent entity within the department, exclusive authority to adopt occupational safety and health standards within the state.</p> <p>Beginning July 1, 2018, and every 5 years thereafter, the act requires the board, in consultation with the department, to complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to certain personal protective equipment (PPE) and requires the board to consider modifying existing safety orders and to render a decision regarding the adoption of necessary changes to safety orders, or other applicable standards and regulations, no later than July 1 of the subsequent year, if the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders.</p> <p>This bill would, in addition to the above-described requirement, require the board to modify its existing safety order regarding firefighter personal protective equipment by January 1, 2027, to address National Fire Protection Association performance standards for PPE that are not relevant or applicable to how firefighters utilize their PPE and that result in the use of perfluoroalkyl and polyfluoroalkyl <i>substances</i>, fluoropolymers, flame retardants, and other hazardous substances in firefighting personal protective garments and auxiliary firefighting PPE, as provided. The bill would also require, by July 1, 2026, the Division of Occupational Safety and Health to report on progress toward implementation of the modified PPE safety standards, as provided. The bill would also make related findings and declarations.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p>
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AB-1371 Occupational safety and health: employee refusal to perform hazardous tasks. (2025-2026) – NO UPDATE

<b>AB-1371</b>	<b>AB-1371 Occupational safety and health: employee refusal to perform hazardous tasks. (2025-2026)</b>	
	(Sharp-Collins)	
	<b>Date</b>	<b>Action</b>
	03/13/25	Referred to Com. on L. & E.



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02/24/25	Read first time.
02/22/25	From printer. May be heard in committee March 24.
02/21/25	Introduced. To print.

**Summary:**

AB 1371, as introduced, Sharp-Collins. Occupational safety and health: employee refusal to perform hazardous tasks.

Existing law, the California Occupational Safety and Health Act of 1973, requires employers to comply with certain safety and health standards, as specified, and charges the Division of Occupational Safety and Health in the Department of Industrial Relations with enforcement of the act. Existing law prohibits an employer from laying off or discharging an employee for refusing to perform work that would violate prescribed safety standards where the violation would create a real and apparent hazard to the employee or other employees. Existing law defines “employee” for purposes of those provisions to include a domestic work employee, except as specified.

This bill would revise and recast those provisions to, among other things, allow an employee, acting in good faith, to refuse to perform a task assigned by an employer if it would violate those prescribed safety standards or if the employee has a reasonable apprehension that the performance of the assigned task would result in injury or illness to the employee or other employees. The bill would make the employee’s refusal contingent on the employee or another employee, if reasonably practical, having communicated or attempted to notify the employer of the safety or health risk and the employer having failed to provide a response that is reasonably calculated to allay the employee’s concerns. The bill would require the employer to pay the employee full wages during their scheduled work hours until, among other things, the employee can reasonably conclude that the task will no longer result in the risk of serious injury or illness to the employee or other employees. The bill would prohibit an employer from using an employee’s refusal to perform an assigned task as grounds for any disciplinary action, and would make certain retaliation protections applicable to the bill’s provisions. The bill would delete the provision defining “employee” to include a domestic work employee.

Board staff is monitoring for potential impacts on Board operations.

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AB-1424 Corrections. (2025-2026) – NO UPDATE

<b>AB-1424</b>	<b>AB-1424 Corrections. (2025-2026)</b>	
	(Rodriguez)	
	<b>Date</b>	<b>Action</b>
	05/23/25	In committee: Hearing postponed by committee.
	05/07/25	In committee: Set, first hearing. Referred to APPR. suspense file.
	04/24/25	From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (April 23). Re-referred to Com. on APPR.
	04/09/25	From committee: Do pass and re-refer to Com. on L. & E. (Ayes 6. Noes 2.) (April 8). Re-referred to Com. on L. & E.
	03/25/25	Re-referred to Com. on PUB. S.
	03/24/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.
	03/24/25	Referred to Coms. on PUB. S. and L. & E.
	02/24/25	Read first time.
	02/22/25	From printer. May be heard in committee March 24.
	02/21/25	Introduced. To print.
	<p><u>Summary:</u></p> <p>AB 1424, as amended, Celeste Rodriguez. Corrections.</p> <p>Under existing law, the California Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. Under existing law, certain violations of those provisions or a standard, order, or special order authorized by those provisions are a crime.</p> <p>Existing law establishes the Department of Corrections and Rehabilitation and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law establishes the Office of Emergency Services within the office of the Governor and requires the office to be responsible</p>	

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for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

This bill would require the division, by December 1, 2026, to submit a rulemaking proposal for the Occupational Safety and Health Standards Board's review and adoption, specifically applicable to workers in any prison or institution under the jurisdiction of the Department of Corrections and Rehabilitation, as specified.

This bill would require the Department of Corrections and Rehabilitation to comply with these provisions and any order, rule, or regulation adopted by the Occupational Safety and Health Standards Board pursuant to them. Because this bill would expand the definition of an existing crime, this bill would impose a state-mandated local program.

This bill would require the Department of Corrections and Rehabilitation to take various actions relating to climate control and working conditions in prisons, including, among other things, ensuring that facilities are equipped with adequate cooling systems, adding shade structures, ensuring that facilities install temperature monitoring systems, as specified, and establishing and regularly updating an emergency response and evacuation plan for each correctional facility to protect the safety of incarcerated individuals during extreme weather events. The bill would require the department to implement an annual training for all staff on preventing, identifying, and managing heat-related illnesses. The bill would require the department to create a working group, as specified, to ensure regular maintenance, upkeep, accessibility of use, and implementation of these actions related to climate control and working conditions. The bill would require the department, on January 1, 2027, and each January 1 thereafter, to submit a report to the Governor, the Legislature, and the Office of Emergency Services, detailing the progress in implementation of these measures.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Board staff is monitoring for potential impacts on Board operations.

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AB-1442 Essential Worker Commission. (2025-2026) – NO UPDATE

<b>AB-1442</b>	<b>AB-1442 Essential Worker Commission. (2025-2026)</b>	
	(Avila Farías, Alvarez, Carrillo, and Solache) (Coauthors: Ransom, Blanca Rubio, and Wilson)	
	<b>Date</b>	<b>Action</b>
	04/23/25	In committee: Set, first hearing. Hearing canceled at the request of author.
	04/01/25	Re-referred to Com. on L. & E.
	03/28/25	From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended.
	03/28/25	Referred to Com. on L. & E.
	02/24/25	Read first time.
	02/22/25	From printer. May be heard in committee March 24.
	02/21/25	Introduced. To print.
<u>Summary:</u>		
AB 1442, as amended, Ávila Farías. Essential Worker Commission.		
Existing law establishes the Labor and Workforce Development Agency, consisting of various offices and entities, including the office of the Secretary of Labor and Workforce Development, the Agricultural Labor Relations Board, and the California Workforce Development Board.		
This bill would establish the Essential Worker Commission within the Labor and Workforce Development Agency, to review, investigate, and analyze issues relating to essential workers in the state, including workplace safety and health protections and wages and benefits for undocumented workers. The bill would require the Essential Worker Commission, based on that review, investigation, and analysis, to establish the Essential Worker Legal Work Program to provide essential workers with legal pathways to remain in California and work lawfully.		
Board staff is monitoring for potential impacts on Board operations.		

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SB-20 Occupational safety: fabrication activities on stone slab products. (2025-2026) – NO UPDATE

<b>SB-20</b>	<b>SB-20 Occupational safety: fabrication activities on stone slab products. (2025-2026)</b> <div style="text-align: right;">(Menjivar)</div> <div style="text-align: right;">(Principal coauthor: Rodriguez)</div>	
	Date	Action
	06/09/25	Referred to Com. on L. & E.
	06/03/25	In Assembly. Read first time. Held at Desk.
	06/02/25	Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly.
	05/27/25	Read second time. Ordered to third reading.
	05/23/25	Read second time and amended. Ordered to second reading.
	05/23/25	From committee: Do pass as amended. (Ayes 6. Noes 0.) (May 23).
	05/16/25	Set for hearing May 23.
	04/21/25	April 21 hearing: Placed on APPR. suspense file.
	04/04/25	Set for hearing April 21.
	04/01/25	Re-referred to Com. on APPR.
	04/01/25	Withdrawn from committee.
	03/27/25	Read second time and amended. Re-referred to Com. on HEALTH.
	03/26/25	From committee: Do pass as amended and re-refer to Com. on HEALTH. (Ayes 5. Noes 0.) (March 26).
	03/18/25	Set for hearing March 26.
	03/13/25	From committee with author's amendments. Read second time and amended. Re-referred to Com. on L., P.E. & R.
	01/29/25	Referred to Coms. on L., P.E. & R. and HEALTH.

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12/03/24	From printer. May be acted upon on or after January 2.
12/02/24	Introduced. Read first time. To Com. on RLS. for assignment. To print.
<p><u>Summary:</u></p> <p>SB 20, as amended, Menjivar. Occupational safety: fabrication activities on slab solid surface products.</p> <p>Existing law establishes the Department of Industrial Relations in the Labor and Workforce Development Agency and requires the department to be conducted under the control of an executive officer known as the Director of Industrial Relations. Existing law states that the function of the department, among other things, is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment and vests the department with responsibility for administering the state plan for the development and enforcement of occupational safety and health standards relating to issues covered by corresponding standards adopted pursuant to federal law.</p> <p>Existing law establishes the Occupational Safety and Health Standards Board within the department to adopt occupational safety and health standards for the state, including standards dealing with exposure to harmful airborne contaminants. Existing law requires the Division of Occupational Safety and Health within the department to enforce all occupational safety and health standards, as specified. A violation of these standards and regulations under specific circumstances is a crime.</p> <p>This bill would impose restrictions on specified fabrication activities on certain slab solid surface products that are used for countertop installation or customization and surface applications. Specifically, a person or entity engaged in those fabrication activities would be prohibited from using dry methods, and would be required to use effective wet methods, as specified. The bill would make a violation of these provisions grounds for, among other disciplinary action, an immediate order by the division prohibiting continued fabrication activities on those stone slab products, but would specify that violation is not a crime.</p> <p>The bill would require, on or before July 1, 2026, the department to adopt a training curriculum regarding the safe performance of fabrication activities on stone slab products that meets specified requirements, including classroom instruction, and to verify that an individual has completed that curriculum. Beginning July 1, 2027, the bill would require certain individuals, including an owner or operator of a slab solid</p>	

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surface product fabrication shop, to be enrolled in or have completed the training curriculum, except as specified, before fabrication activity or employment begins, as described.

The bill would require, on or before January 1, 2027, the department to develop an application and certification process for fabrication shops to lawfully engage in stone slab product fabrication activities. The bill would authorize fabrication shops to engage in those fabrication activities during the pendency of the application development and certification process. The bill would require the department to develop an initial deposit process for fabrication shops to, during the pendency of the application development and certification process, submit a deposit fee for the application and certification subject to specified requirements, including that the deposit amount goes towards the initial certification fee collected by the department.

The bill would require, beginning July 1, 2027, the department to grant a 3-year certification to a fabrication shop that demonstrates satisfaction of specified criteria involving workplace safety conditions and precautions, and would authorize certification renewal, as specified. Among other conditions, the bill would establish certain regulatory fees in amounts to be determined and adjusted by the department, as specified, for the certification and renewal thereof. The bill would authorize the department to suspend or revoke a certification in certain cases, including for gross negligence, as specified. The bill would require the department, in consultation with the Division of Occupational Safety and Health and the State Department of Public Health, to track and keep a record of specified information on fabrication shops, including the number of citations issued to any of the fabrication shops for failure to comply with any temporary or future standards relating to respirable crystalline silica, as specified. The bill would prohibit a person or entity, or an employee thereof, from engaging in fabrication activities on slab solid surface products unless they conduct the fabrication activities at a fabrication shop that has submitted a valid initial deposit to the department, or, after July 1, 2027, has submitted an application for initial certification or renewal and the application is pending or that has a valid certification, as provided. The bill would specify that a violation of that prohibition may be reported to the Division of Labor Standards Enforcement, but is not a crime.

The bill would prohibit, beginning July 1, 2027, a person from supplying a slab solid surface product directly to a person, entity, or business engaged in fabrication activities on those products if the person, entity, or business does not have a valid, or pending application for, certification. The bill would require a person that supplies a slab solid surface product to a person, entity, or business engaged in fabrication activities on those products to verify that the person, entity, or business has a certification, as specified. The bill would require a person that supplies a slab solid surface product to a person, entity, or business that is not engaged in fabrication

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activities to rely on written certification issued under penalty of perjury that, among other things, they will not directly engage in fabrication activities with the product without a certification. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would require a person that seeks services that require fabrication activities and enters into a contract with a person, entity, or business to undertake fabrication activities to verify that the person, entity, or business has a valid certificate before engaging with and providing slab solid surface products to that person, entity, or business. The bill would specify that a violation of the above-described restrictions on supplying a slab solid surface product may be grounds for penalties as determined by the division, as specified, but is not a crime.

The bill would establish the Slab Fabrication Activity Account in the Occupational Safety and Health Fund in the State Treasury, and require all fees, penalties, or other moneys collected by the department under the above-described provisions to be deposited into the account. The bill would authorize moneys in the account to be expended by the department for the purposes of administering the above-described provisions, and would make that authorization contingent on an appropriation of funds for that express purpose.

The bill would define various terms for these purposes. The bill would make findings and declarations related to these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Board staff is monitoring for potential impacts on Board operations.



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SB-234 Wildfires: workgroup: toxic heavy metals. (2025-2026) – **UPDATE**

<b>SB-234</b>	<b>SB-234 Wildfires: workgroup: toxic heavy metals. (2025-2026)</b> (Niello) (Coauthor: Allen)	
	<b>Date</b>	<b>Action</b>
	07/02/25	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 7. Noes 0.) (July 1). Re-referred to Com. on APPR.
	06/27/25	From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S & T.M.
	06/24/25	From committee: Do pass and re-refer to Com. on E.S & T.M. with recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 23). Re-referred to Com. on E.S & T.M.
	06/05/25	Referred to Coms. on NAT. RES. and E.S & T.M.
	05/28/25	In Assembly. Read first time. Held at Desk.
	05/28/25	Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly.
	05/27/25	Read second time. Ordered to third reading.
	05/23/25	Read second time and amended. Ordered to second reading.
	05/23/25	From committee: Do pass as amended. (Ayes 6. Noes 0.) (May 23).
	05/16/25	Set for hearing May 23.
	05/12/25	May 12 hearing: Placed on APPR. suspense file.
	05/02/25	Set for hearing May 12.
	05/01/25	From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0. Page 963.) (April 30). Re-referred to Com. on APPR.

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04/09/25	From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.
04/02/25	Set for hearing April 30.
03/25/25	From committee: Do pass and re-refer to Com. on E.Q. with recommendation: To consent calendar. (Ayes 7. Noes 0. Page 532.) (March 25). Re-referred to Com. on E.Q.
03/12/25	Set for hearing March 25.
02/05/25	Referred to Coms. on N.R. & W. and E.Q.
01/29/25	From printer. May be acted upon on or after February 28.
01/28/25	Introduced. Read first time. To Com. on RLS. for assignment. To print.
<p><u>Summary:</u></p> <p>SB 234, as amended, Niello. Wildfires: workgroup: toxic heavy metals.</p> <p>Existing law requires the Department of Forestry and Fire Protection to do certain things with respect to fire prevention, including organizing fire crews and patrols.</p> <p>This bill would require, upon appropriation by the Legislature, the Department of Forestry and Fire Protection, the Office of Emergency Services, and the Department of Toxic Substances Control, in consultation with specified entities, to form a workgroup related to exposure to toxic heavy metals after a wildfire. The bill would require the workgroup to do certain things, including establishing best practices and recommendations for wildfire-impacted communities, first responders, and other personnel engaged in wildfire response and cleanup to avoid exposure to heavy metals after a wildfire, including outreach. The bill would authorize the Department of Forestry and Fire Protection to contract with public universities, research institutions, and other technical experts to support the work of the workgroup. The bill would require the Department of Forestry and Fire Protection, the Office of Emergency Services, and the Department of Toxic Substances Control to report their findings to the Legislature not more than 3 years after the convening of the first meeting of the workgroup.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p>	

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H.R.86 NOSHA Act. (2025-2026) – NO UPDATE

<b>H.R. 86</b>	<b>H.R. 86 NOSHA Act. (2025-2026)</b>	
	(Biggs)	
	<b>Date</b>	<b>Action</b>
	01/03/25	Referred to the House Committee on Education and Workforce.
	01/03/25	Introduced in House
	<p><u>Summary:</u></p> <p>H.R., as introduced, Biggs. NOSHA Act.</p> <p>This bill abolishes the Occupational Safety and Health Administration (OSHA) and its functions. OSHA, which is part of the Department of Labor, sets and enforces workplace safety and health standards and provides related training, outreach, education, and assistance.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p>	