

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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May 6, 2015

Dear Advisory Committee Member:

**Subject: Certification, Recertification of Construction Personnel Hoists (CPH) Safety Brakes and Governors, Preventive Maintenance and Servicing (Petition File No. 534)**

A subcommittee was convened on December 5, 2014 in an attempt to reach an agreement following the lack of consensus that resulted from the September 23, 2014 Advisory Committee. The subcommittee consisted of Board staff, a representative from the Division, labor, third party service companies, the president of Alimak Hek, Inc. (Petitioner) and his legal advisor. Prior to the meeting, Board staff requested subcommittee members to submit proposed language to be considered at the meeting. Alimak Hek was the only stakeholder to submit alternative language to replace their original proposal to Title 8, Section 1604.1 of the Construction Safety Orders.

Enclosed are copies of the meeting minutes and the attendance sign-in sheet. As indicated in the meeting minutes, the subcommittee concluded that a consensus or agreement was not achieved to amend the Construction Safety Orders as proposed by the Petitioner. The question of necessity and the requirement for employers to return safety brakes and components exclusively to the manufacturer for service, inspection and maintenance continued to obstruct agreement. At the conclusion of the meeting, Board staff suggested that with the assistance of the Division a revised proposal would be distributed to subcommittee members for review. After distribution of the new language, Alimak Hek did not accept the Board staff's alternative proposed language.

In addition, Division and Board staff has positively ascertained and agree that the Petitioner's assertion that Labor Code Section 7300 applies to all elevators and makes no distinction between standard elevators and public conveyances and a CPH is incorrect. LC 7300 applies to conveyances addressed by the ANSI A17.1 Code. The ANSI A17 Code excludes personnel hoists (CPH) within the scope of the ANSI A10.4, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition. A10.4 applies to hoists that are not an integral part of the building, installed inside or outside a building or structure during construction (CPH). LC Section 7200 is the section that applies to construction elevators. Clearly, there is ample statutory distinction between CPHs and standard public elevators and conveyances. Therefore, the Petitioner's assertion is rejected.

Given this, Board staff intends to terminate any further action related to this petition unless otherwise directed by the Board.

Your assistance and participation as an advisory committee and/or subcommittee member is appreciated by the Board and staff. Should you have questions, please contact me at (916) 274-5729 or at: [mtamayo@dir.ca.gov](mailto:mtamayo@dir.ca.gov).

Sincerely,



Marty Tamayo, CSP, ARM  
Associate Engineer – Standards

Enclosures:

1. Subcommittee meeting minutes
2. Post Subcommittee Roster
3. Alimak Hek's alternative language
4. Board and DOSH staff counter proposed language

cc: (With Attachments)

All Standards Board Members  
Marley Hart, Executive Officer, OSHSB  
Michael Manieri, Principal Engineer, OSHSB  
Juliann Sum, Chief, DOSH  
Eric Berg, Acting Deputy of Health, DOSH  
David Shiraishi, Area Director, Region IX, Federal OSHA  
Kevin Thompson, Cal/OSHA Reporter