

Occupational Safety and Health Standards Board

Public Meeting, Public Hearing and
Business Meeting

December 19, 2024

Rancho Cordova City Hall
American River Room
2729 Prospect Park Drive
Rancho Cordova, 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

**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.

**DECEMBER 19, 2024
10:00 a.m.**

In-person:

Rancho Cordova City Hall
American River Room
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Videoconference:

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

Teleconference:

1. Dial (844) 992-4726
2. Enter the meeting number **1469 63 6425** and follow the prompts
3. Teleconference will be opened to the public at 9:50 a.m.
Note: Please mute your phone by pressing *6 when not speaking.
If you are to provide a comment, press *6 to unmute.

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†: 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. PRESENTATION**

- A. Katrina Hagen, Director, Department of Industrial Relations
Recruitment and Hiring

IV. PUBLIC HEARING

- A. Explanation of procedures
- B. Proposed safety orders (revisions, additions, deletions)
 1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Sections 1635
[Cone and Bar Barricades](#)
- C. Briefing on the Proposal
- D. Public Comment
- E. Board Member Comments and Questions

V. 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 determine to be appropriate by the Board Chair.

For item C 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**
 Section 5204
 Occupational Exposures to Respirable Crystalline Silica

- Briefing by Cal/OSHA on proposed regulation for adoption
- Presentation by Silica Safety Coalition, Glenn Farrel
- Public comment on Occupational Exposures to Respirable Crystalline Silica
- Board discussion and vote

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

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

C. REPORTS

- Executive Officer's Report
- 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). The Board is prohibited to act on items that are not on the noticed 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.

If you cannot attend or stay until the end of the Board meeting but have a comment on a matter not on the agenda, your comment can be read into the record by OSHSB staff. Send your written comment (no more than 500 words) to OSHSB_NAComments@dir.ca.gov by 5:00 p.m. on

December 18, 2024. OSHSB staff will do their best to read comments timestamped prior to 10:45 a.m. on December 19, 2024, when possible.

Any individual or group wishing to make a presentation during the Public Meeting is requested to contact Sarah Money, Executive Assistant, at (916) 274-5721 at least three weeks prior to the meeting to address any logistical concerns.

E. COMMENTS BY BOARD MEMBERS

Although any Board member may identify a topic of interest, 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)

Matters Pending Litigation

- Western States Petroleum Association (WSPA) v. California Occupational Safety and Health Standards Board (OSHSB), et al. United States District Court (Eastern District of California) Case No. 2:19-CV-01270
- WSPA v. OSHSB, et al., County of Sacramento, CA Superior Court Case No. 34-2019-00260210

Personnel

- None

G. RETURN TO OPEN SESSION

- Report from closed session

H. ADJOURNMENT OF THE MEETING

Next Meeting: January 16, 2025
May Lee State Office Complex – Auditorium

651 Bannon Street
Sacramento, CA 95811
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 public hearings, 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 Public Meeting, members of the public can address the Board on items of interest that are either on the Business Meeting agenda or within the Board's jurisdiction but are not on the noticed agenda. The Board is not permitted to take action on items that are not on the noticed agenda but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers.

DISABILITY ACCOMMODATION NOTICE

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

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests

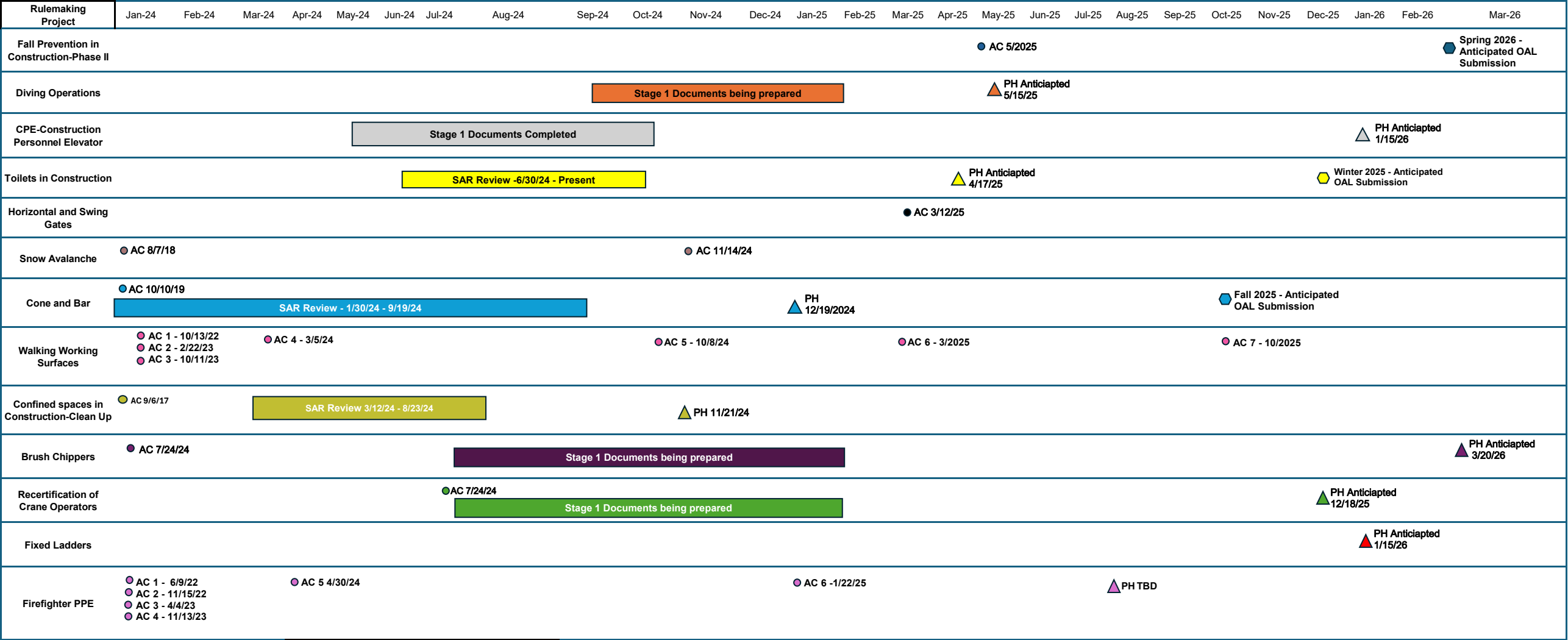
should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the meeting.

TRANSLATION

Requests for translation services should be made no later than five (5) days before the meeting. Request may be made to by email to oshsb@dir.ca.gov.

Legend:
Advisory Committee Meeting - AC
Public Comment Hearing - PH
Secretary Request Action - SAR

OSHSB Rulemaking Timeline
December 2024



Cal/OSHA Rulemaking Packages	Public Hearing	Advisory Committee Meetings 2025	Date	Location
Crystalline Silica COC- Up fo a Vote	19-Dec-24	Firefighter PPE	January 22-23, 2025	San Diego
First Aid	Jun-25	Horizontal and Swing Gates	March 12, 2025	Oakland
Group V-Elevator Safety Orders	Jul-25	Walking Working Surfaces Article 2	March 2025	TBD
TCE (Trichloroethylene)	Sep-25	Fall Prevention in Construction Phase II	May 2025	Oakland
4 PELs (Permissible Exposure	Nov-25	Autonomous Ag Tractors	June 2025	TBD
2 PELs (EGBE & EGBA.)	Nov-26	Walking Working Surfaces Articles 5 and 6	October 2025	TBD

List of Advisory Committee Meetings Planned for 2025:

1. Firefighters' PPE- January 22-23 2025 San Diego, CA.
2. Horizontal and Swing Gates, March 12th 2025 Oakland, CA
3. Walking Working Surfaces Article 2, (first week) March 2025, Location and date TBD
4. Phase II Fall Prevention in Construction – May 2025 (Oakland-TBD)
5. Autonomous Ag Tractors- June 2025 Location and Date TBD
6. Walking Working Surfaces (Article 5&6), October 2025, Location TBD

Occupational Safety and Health Standards Board

Public Hearing

Cone and Bar Barricades

TITLE 8

CONSTRUCTION SAFETY ORDERS

SECTION 1635

[CONE AND BAR BARRICADES](#)

HYPERLINKS TO RULEMAKING DOCUMENTS:

[NOTICE/INFORMATIVE DIGEST](#)

[PROPOSED REGULATORY TEXT](#)

[INITIAL STATEMENT OF REASONS](#)

[BASIS FOR RULEMAKING](#)

CALIFORNIA STANDARDS COMPARISON

DATE:
Page 1 of 6

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR

SCOPE: Applicable throughout state unless otherwise noted.

FEDERAL: §	STATE: General Industry Safety Orders	RATIONALE
<p>General requirements.</p> <p>1926.760(a)(1)</p> <p>Except as provided by paragraph (a)(3) of this section, each employee engaged in a steel erection activity who is on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level shall be protected from fall hazards by guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems.</p>	<p>§1635. Floors, Walls and Structural Steel Framed Buildings.</p> <p style="text-align: center;">*****</p> <p>(c) Special Provisions Applicable to Floor Openings. Section 1632(b) applies to floor openings at locations where steel erection work is taking place. This subsection applies where work is in progress that requires floor openings to be uncovered <u>or created</u>. For such work, all of the following requirements shall apply:</p> <p>(1) The floor or working level where such work is in progress shall be under the exclusive control of the steel erection employer and shall be barricaded to prohibit entry by unauthorized personnel.</p> <p>(2) The floor area adjacent to the floor opening shall be <u>barricaded by guardrails, the cone and bar barricade (CBB) system, or the floor opening shall be covered</u> when not attended by steel erection personnel.</p> <p><u>NOTE TO SUBSECTION (c)(2): See Appendix to Section 1635 for an illustration of the CBB system.</u></p>	<p>The federal standard does not specifically address “work in progress” that requires floor openings to be uncovered or created.</p> <p>The federal standard does not have rules regarding the CBB system. The proposal is equivalent because section 1635(c)(2) states floor openings be barricaded by guardrails, CBB system or covered when not attended by steel erection personnel. Additionally, the CBB system requires the use of personal fall protection, see section 1635(c)(2)(B)4.</p>
	<p><u>(A) Where the CBB system is used instead of a floor cover or guardrails, the materials for the CBB system shall consist of:</u></p> <p><u>1. Cones that are high visibility green with a minimum nominal weight of 10 pounds per cone, minimum nominal height of 28 inches, and labeled with 2 inch</u></p>	

CALIFORNIA STANDARDS COMPARISON

DATE:
Page 2 of 6

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR

SCOPE: Applicable throughout state unless otherwise noted.

FEDERAL: §	STATE: General Industry Safety Orders	RATIONALE
	<p><u>black lettering on both sides of the cone stating: "DANGER FLOOR OPENING".</u></p> <p><u>2. Bars, plastic pipes, or similarly rigid material that are a high visibility color in solid or pattern.</u></p> <p><u>(B) The CBB system shall be installed and used as follows:</u></p> <p><u>1. The cones shall be firmly connected to each other by bar, plastic pipe, or a similarly rigid and substantial connecting medium. The bar shall be placed within 6 inches of the top of the cone.</u></p> <p><u>2. Prior to creating the opening, the CBB system shall be set up and maintained at least 6 feet and no more than 10 feet from the entire unprotected edge of the opening until the task is completed or the opening is covered.</u></p> <p><u>3. The CBB system shall remain in position and maintain its integrity for the duration of its use.</u></p> <p><u>4. Employees setting up, walking inside or working inside the demarcated area shall be protected from falls using personal fall protection in accordance with section 1670.</u></p> <p><u>5. The CBB system shall not be used for falling object protection. Work shall be prohibited directly below the opening barricaded by the CBB system.</u></p>	

CALIFORNIA STANDARDS COMPARISON

DATE:
Page 3 of 6

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR SCOPE: Applicable throughout state unless otherwise noted.

FEDERAL: §	STATE: General Industry Safety Orders	RATIONALE
	<p><u>6. Unauthorized employees shall be prohibited from disturbing or entering an area demarcated by the CBB system.</u></p> <p><u>7. Employees shall be trained in the proper set up and use of the CBB system. Training shall be documented in accordance with Section 3203(b).</u></p>	
	<p>§1635. Floors, Walls and Structural Steel Framed Buildings.</p> <p>(c) Special Provisions Applicable to Floor Openings. Section 1632(b) applies to floor openings at locations where steel erection work is taking place. This subsection applies where work is in progress that requires floor openings to be uncovered <u>or created</u>. For such work, all of the following requirements shall apply:</p> <p>(5) The placement of covers <u>and the CBB system</u> shall be verified by a qualified person prior to each shift and following strong wind conditions.</p>	<p>It is important to inspect the CBB before each shift and after strong winds to ensure proper installation and placement.</p>

CALIFORNIA STANDARDS COMPARISON

DATE:
Page 4 of 6

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR

SCOPE: Applicable throughout state unless otherwise noted.

Appendix to Section 1635

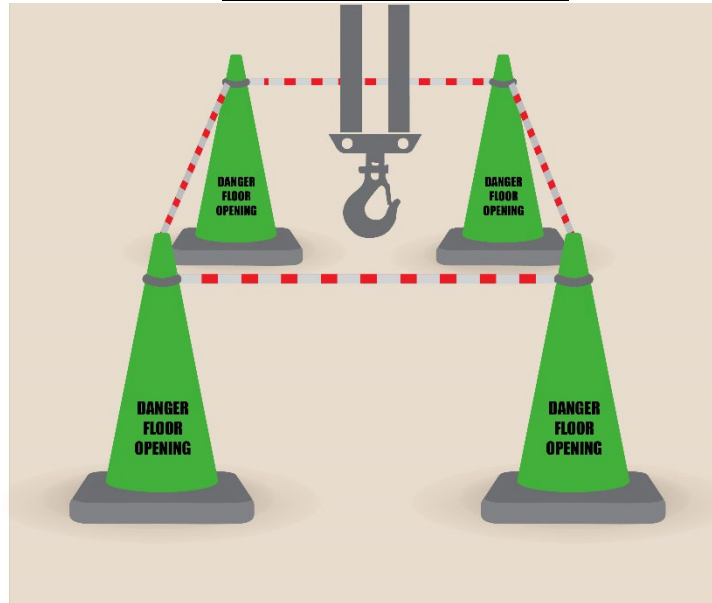


Figure 1635-1. Cone and Bar Barricade (CBB System)

Note: Cone and Bar Barricade requires the use of cones, bars and means of tying off for personal fall protection. The hook represents the requirement to provide personal fall protection.

CALIFORNIA STANDARDS COMPARISON

DATE:
Page 5 of 6

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR

SCOPE: Applicable throughout state unless otherwise noted.



Figure 1635-2. CBB System In-Use

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

CALIFORNIA STANDARDS COMPARISON

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR SCOPE: Applicable throughout state unless otherwise noted.

OCTOBER 10-11, 2019

ADVISORY COMMITTEE MEETING

CONE AND BAR BARRICADES

MINUTES AND ROSTER

Use of Cone and Bar Barricade and Temporary Flooring – Skeleton Steel Construction in Multistory Buildings

Please print legibly

October 10, 2019

Name and Title	Affiliation	Mailing Address	Phone and Fax Number	E-mail address	Alternate (For whom?)
BILL BENHAM	BILL BENHAM CONSULTING LLC	3 CAMELIA DR NAPA, CA	707-227-6747	bill@billbenham consulting.com	
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Russ McCARY	IRON WORKERS SAFETY INST.		925-719-6324	1wrussm @gmail.com	
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Spencer Wojcik	Clark Construction Group General Contractor	1070 Glenn Common Livermore, CA 94551	(209) 839-7055	Spencer.Wojcik @clarkconstruction.com	Mike Hollis.
Karl Pineo	Iron Workers Local 118	2840 El Centro RD 118 Sacramento CA 95837	530-713-1256	KPineo@IW118.org	
Michael Frye	Cal/OSHA	455 Golden Gate SF, CA 94132	415-557-0400	MFrye@dir.ca.gov	
Jason Dennis	Cal/OSHA	2 MacArthur Bl 44700 Santa Ana CA	714 714 942 7664	jdennis@ cir.ca.gov	
Kevin D. Bland, Esq. Ogletree, Deakins, Nash, Smoak & Stewart, P.C. 695 Town Center Dr., Ste. 1500, Costa Mesa, CA 92626 (949) 813-1120 kevin.bland@ogletreedeakins.com Representing: WSC/RCA/CSCA					

Occupational Safety and Health Standards Board
ADVISORY COMMITTEE ATTENDANCE ROSTER

Use of Cone and Bar Barricade and Temporary Flooring – Skeleton Steel Construction in Multistory Buildings

Please print legibly

October 10, 2019

Name and Title	Affiliation	Mailing Address	Phone and Fax Number	E-mail address	Alternate (For whom?)
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Tom Davies CORP. Safety man	HERRICK	2000 Crow Canyon Place #360 SAN RAMON, CA 94583	925-872-1214	tomdaherrick@STEEL.com	
Bry McElhann	Western Steel Council	on file		gmcclelland@ surewest.net	
Cindy Sato	CEA	3000 Watt Ave, Ste. 215 Sacramento, CA	(916) 478-8510 (916) 478-8505	CSato@cea-ca.org	
Amalia N	DOSH				
Larry McCune	DOSH				
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Leslie Matsuka	OSHSB				

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 a Petition by:)

Don Zampa, President)

Greg McClelland, Executive Dir.)

990 Reserve Dr. Suite 104)

Roseville, CA 95678)

Applicant.)

PETITION FILE NO. 570

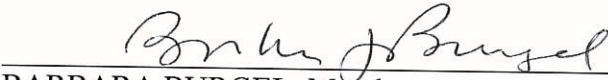
DECISION

The Occupational Safety and Health Standards Board hereby adopts the attached
PROPOSED DECISION.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD



DAVID THOMAS, Chairman



BARBARA BURGEL, Member



DAVE HARRISON, Member



NOLA KENNEDY, Member



CHRIS LASZCZ-DAVIS, Member



LAURA STOCK, Member

By:



Christina Shupe, Executive Officer

DATE: January 17, 2019

Attachments

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
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**AMENDED PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 570)**

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on August 8, 2018, from Don Zampa of the District Council of Iron Workers and Greg McClelland of the Western Steel Council (Petitioner). The Petitioner requests that the Board amend Title 8, California Code of Regulations, Section 1710, Structural Steel Erection.

Labor Code Section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals and render a decision no later than six months following receipt. Further, as required by Labor Code Section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation. The Division has 60 days after receipt to submit an evaluation regarding the proposal.

SUMMARY

The Petitioner requests that the Board amend Subsections 1710(b) and (l) to include new definitions, change decking installation requirements, change fall protection requirements, and incorporate the use of a cone and bar barricade (CBB) system around floor openings in lieu of temporary railings or coverings required by Section 1632. The proposed changes would:

- Allow both planking and decking to be of sufficient strength to carry the working load and be equivalent to structural plank.
- Delete the requirements that planking shall be not less than 2 inches thick full size undressed, and shall be laid tight.
- Allow the employer to secure planking and decking [over the floor opening] as soon as practicable, rather than immediately.
- Amend existing requirements for perimeter safety cable by adding an alternative if fall protection is engineered by a registered California State Structural Engineer.
- Delay the installation of midrail protection to after metal decking is installed and the floor is ready for turnover to the controlling contractor.
- Define the terms "cone and bar barricade" and "access opening".
- Make various technical amendments pertaining to the cutting of metal floor decking to create openings and guarding of openings.
- Regulate the use of cone and bar barricades around floor openings.

The Petitioner asserts that the proposed amendments have been thoroughly tested through years of experience, supported by extensive track record of worker hours demonstrating their safety, and do not require vetting by an advisory committee process.

DIVISION EVALUATION

In its report concerning the Petition, dated December 17, 2018, the Division favors the convening of an advisory committee to discuss the proposed addition of Subsection 1710(l)(8), but believes the proposed changes to Subsections 1710(l)(1) and 1710(l)(3) through 1710(l)(6) should not be considered.

Subsection 1710(b) Definitions.

The proposed new definitions for “access opening” and “cone and bar barricade (CBB)” are not necessary. The terms “access” and “openings” are currently defined separately in Title 8 Section 1504. The proposed definition for CBB provides no additional substantive information that is not in their proposed Subsection 1710(l)(8).

Subsection 1710(l)(1) Temporary Flooring – planking and decking.

The Petitioner proposes changes which would reduce employee safety, are contrary to Labor Code Section 7254 and are not as effective as the federal OSHA regulation. The deletion of the minimum thickness requirements for floor planking and decking would make the requirements unclear for employers. The deletion of the requirement that planking be laid tight would allow gaps to exist between planks and create fall hazards for employees. By delaying the requirement for planking and decking to be secured “as soon as practical,” the time employees are exposed to unstable work surfaces would increase and create additional fall hazards for employees.

Subsection 1710(l)(3) Fall protection at the periphery of buildings.

The proposed change, allowing the use of personal fall protection in lieu of wire rope guardrails at exposed edges of buildings, is not as effective as the federal OSHA regulation and weakens employee protection by exposing employees to an increased risk of falling.

Subsection 1710(l)(4) Midrail protection.

The proposed change would delay the installation of midrail protection until after the steel erector employer determines the decking process is finished and inspected. The proposed change is less effective than the federal OSHA regulations and would weaken employee protection by increasing the time employees work without midrail protection.

Subsection 1710(l)(5) Installation of Metal Decking.

The Petitioner proposes delaying the securing of metal decking from “immediately” to “as soon as practicable.” The proposed change is less effective than the federal OSHA regulation and would weaken employee protection by increasing the time employees are exposed to unstable work surfaces.

Subsection 1710(l)(6) Holes and openings.

While the Petitioner proposes several non-substantive language clarifications, they also propose deleting the strength requirement for filling deck openings and holes. The proposed change is less effective than the federal OSHA regulation and the deletion of the strength requirements would weaken employee protection.

New Subsection 1710(l)(8) Cone and bar barricade system.

The Petitioner proposes the addition of a new subsection to expressly allow the use of the CBB system to warn employees of access openings in lieu of providing guardrails around openings or providing coverings over openings. Currently, the CBB system is permitted under Subsection 1635(c), which allows barricades around holes (in lieu of covers or guardrails) only where work is in progress that requires floor openings to be uncovered. The use of CBB systems should be limited to situations where work is in progress that requires floor openings to be uncovered. The proposals to specify the distance of barricades from openings, require warning labels on CBB systems, and require training of employees should be considered. The proposal to clarify that the provisions of Subsection 1635(c) apply to decking and planking during structural steel erection work should also be considered.

BOARD STAFF EVALUATION

The Board staff evaluation dated December 19, 2018, recommends convening an advisory committee to confirm the necessity for CBB (new Subsection 1710(l)(8)) and to discuss amending the Note for Subsection 1710(l)(3).

Board staff recommends denying the proposed amendments to Subsections 1710(b), 1710(l)(1), 1710(l)(3), and 1710(l)(4) to 1710(l)(6) that would render the California standards to be inconsistent with the Labor Code or be not as effective as the federal standards.

Subsection 1710(l)(1) Temporary Flooring – planking and decking.

Board staff does not agree with the Petitioner's proposed amendment but supports amending Subsection 1710(l)(1) to state verbatim Labor Code Sections 7254 and 7258. If amended as proposed, the economic cost impact of replacing two inches thick full size undressed planks with structural planks would have to be considered. The proposal to remove the requirement that planking shall be laid tight overlooks Labor Code Sections 7253 and 7258 and is not as effective as 29 CFR 1926.754(e)(5)(i). The Petitioner also proposes to modify the timeline for securing planking and decking by adding "as soon as practicable," which conflicts with the 29 CFR 1926.754(e)(5)(i) requirement that securing needs to take place immediately.

Subsection 1710(l)(3) Fall protection at the periphery of buildings.

Board staff disagrees with two of the proposed changes in this subsection. Eliminating the peripheral top rail safety cable requirement if the fall protection system was engineered by a registered structural engineer does not assure that the fall protection system meets all applicable existing regulations. By changing the text to "Guardrail protection may also be used if equal protection is provided," the Petitioner is changing the meaning of the standard.

Board staff does not object to amending the Note to change the reference from Subsection 1710(m)(4) to Section 1670, which refers to fall protection.

Subsection 1710(l)(4) Midrail protection.

The proposal to require midrail installation after the metal decking installation is complete would not be as effective as the federal standard which requires that perimeter safety cables be installed after metal decking installation. In addition, the timeline for the installation of midrails should not be dependent on the arrival of the inspector of record.

Subsection 1710(l)(5) Installation of Metal Decking.

The Petitioner's proposal to remove the requirement for the metal decking to be immediately secured and replace the timeline to "as soon as practicable," would not be as effective as the 29 CFR 1926.754(e)(5)(i) requirement that metal decking be secured immediately after it is placed over the opening.

Subsection 1710(l)(6), Holes and openings.

The Petitioner's proposal would allow floor openings to be created and filled with temporary equipment or structure, which might not have the structural integrity of the permanent structure or equipment.

New Subsection 1710(l)(8), Cone and bar barricade system.

The Petitioner proposes a new subsection regarding the use of CBB, a new concept with no comparable federal standard. The CBB is a communication tool that alerts workers of the presence of a floor opening and where fall protection is required. As such, CBB should not be used without a fall protection component. Board staff is in support of adding CBB as a method of communicating the location of hazards (floor openings) and where control measures are required. Board staff recommends establishing an advisory committee to confirm necessity and assist in staff development of proposed language for the use of the CBB for work covered under Subsection 1635(c).

CONCLUSION AND ORDER

~~Having considered Petition 570 and evaluations of it by the Division and Board staff, the Board hereby GRANTS the Petitioner's request to the limited extent that an advisory committee of stakeholders, inclusive of the Petitioner, is convened to consider: 1) amendment to the Note for Subsection 1710(l)(3) and; 2) the development of language for use of the Cone and Bar Barricade system for work covered under Subsection 1635(e).~~

Motion, as adopted:

The Petition is GRANTED to the limited extent that Board staff is to convene an advisory committee to consider the issues raised by the Petition.

Date: 1-17-2019


Christina Shupe, Executive Officer

Occupational Safety and Health Standards Board

Business Meeting Standards for Adoption

Occupational Exposures to Respirable Crystalline Silica

TITLE 8

GENERAL INDUSTRY SAFETY ORDERS

SECTION 5204

**OCCUPATIONAL EXPOSURES TO RESPIRABLE
CRYSTALLINE SILICA**

HYPERLINKS TO RULEMAKING DOCUMENTS:

[TEXT FOR BOARD CONSIDERATION](#)

[FINAL STATEMENT OF REASONS](#)

[INITIAL STATEMENT OF REASONS](#)

MOVED, That the following resolution be adopted:

WHEREAS, On May 3, 2024, 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, Section 5204, Occupational Exposures to Respirable Crystalline Silica.

WHEREAS, Such Public Hearing was held in person in Vacaville, California and via teleconference and videoconference, on June 20, 2024, and there are now before the Occupational Safety and Health Standards Board the proposed revisions to Title 8, General Industry Safety Orders, Section 5204, Occupational Exposures to Respirable Crystalline Silica; therefore, be it

RESOLVED By the Occupational Safety and Health Standards Board in regular meeting held in person in Rancho Cordova, California and via teleconference and videoconference, on December 19, 2024, that the proposed revisions to Title 8, General Industry Safety Orders, Section 5204, Occupational Exposures to Respirable Crystalline Silica, 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

JOSEPH M. ALIOTO JR., CHAIRMAN

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

BY: _____
Millicent Barajas, Executive Officer

DATED: December 19, 2024

FIRST 15-DAY NOTICE (SEPTEMBER 12, 2024)

**OCCUPATIONAL EXPOSURES TO RESPIRABLE
CRYSTALLINE SILICA**

From: [Bob Phillips](#)
To: [DIR OSHSB](#)
Subject: CRYSTALLINE SILICA
Date: Thursday, September 26, 2024 11:45:42 AM
Attachments: [permanent_regulations_comment_letter_template.pdf](#)

CAUTION: [External Email]

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Please see attached re: proposed permanent regulations for
occupational exposures to respirable crystalline silica
Thank you

Robert Phillips
Exodus Designs & Surfaces
Wk 530-661-1697
Cell 916-730-9814
email: bob@exodusdesigns.net

EXODUS DESIGNS & SURFACES

September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica – OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of the undersigned California countertop fabrication shops Exodus Designs & Surfaces **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year – and that are embodied in their recently-submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**
- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (3) Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (4) Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (5) Create a streamlined registration program for fabricators and fabrication shops.**

The fabrication industry strongly supports prioritization of regulatory oversight and enforcement on workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

There are many compliant fabrication companies across California that adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff – such as eliminating **ALL** dry fabrication and cleaning – it grouped previously compliance and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to comply with the regulatory standards. These are the same companies which serve as the source of the current silicosis epidemic. They typically have no workers’ compensation insurance and routinely misclassify employees as independent contractors.

Another unintended consequence of the Emergency Temporary Standard – which will continue with the proposed permanent regulations if they are unmodified – is that fabrication shop workers at compliant companies will end up leaving to work at other fabrication shops that don’t “require” respirators, because the respirators are considered too uncomfortable to wear all day long. These non-compliant shops will attract more workers and continue to contribute to silicosis cases. There must be a regulatory approach that rewards and incentivizes compliance, while continuing to focus regulatory oversight and enforcement on the non-compliant shops.

Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

MICHAEL WARE AND ROBERT PHILLIPS
MB’S EXODUS dba Exodus Designs & Surfaces

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Misty](#)
To: [DIR OSHSB](#)
Cc: [greg; Barajas, Millicent@DIR](#)
Subject: RE: Please Amend 5204 Standard
Date: Saturday, October 5, 2024 3:11:47 PM
Attachments: [image001.png](#)
[Segaar Co Silica Letter 092624-1.pdf](#)

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Hello,

Please find the PDF one attached.

Thank You,

Misty Knox
Bookkeeper | Segaar Company, Inc.
P: 714.322.5123
www.SegaarCompany.com
James 4:7

From: DIR OSHSB <OSHSB@dir.ca.gov>
Sent: Friday, October 4, 2024 16:45
To: Misty <misty@segaarcompany.com>
Cc: greg <greg@segaarcompany.com>; Barajas, Millicent@DIR <MBarajas@dir.ca.gov>
Subject: RE: Please Amend 5204 Standard

Hi Misty! Your letter seemed to come up blank. Can you please put it in PDF format and resend it? Not sure why the Word document is coming up blank. Thank you.

Sarah Money
Executive Assistant
OSH Standards Board
2520 Venture Oaks Way #350
Sacramento, CA. 95833
Main Office: (916)-274-5721
Direct Line: (916)-274-5739
Cell: (916)-693-7809
smoney@dir.ca.gov



From: Misty <misty@segaarcompany.com>
Sent: Thursday, September 26, 2024 4:37 PM
To: DIR OSHSB <OSHSB@dir.ca.gov>

Cc: greg <greg@segaarcompany.com>

Subject: Please Amend 5204 Standard

CAUTION: [External Email]

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Honorable Joseph Alioto, Jr.,

Please find letter attached.

Best Regards,

Misty Knox

Bookkeeper | Segaar Company, Inc.

P: 714.322.5123

www.SegaarCompany.com

James 4:7



Segaar Company, Inc.

**3380 La Sierra Ave, Suite 104-387
Riverside, CA 92503
951.940.0426**

September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica – OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of Segaar Company, Inc. **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year – and that are embodied in their recently-submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**
- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**



Segaar Company, Inc.

**3380 La Sierra Ave, Suite 104-387
Riverside, CA 92503
951.940.0426**

- (3) Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (4) Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (5) Create a streamlined registration program for fabricators and fabrication shops.**

The fabrication industry strongly supports prioritization of regulatory oversight and enforcement on workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

There are many compliant fabrication companies across California that adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff – such as eliminating **ALL** dry fabrication and cleaning – it grouped previously compliance and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to



Segaar Company, Inc.

**3380 La Sierra Ave, Suite 104-387
Riverside, CA 92503
951.940.0426**

comply with the regulatory standards. These are the same companies which serve as the source of the current silicosis epidemic. They typically have no workers' compensation insurance and routinely misclassify employees as independent contractors.

Another unintended consequence of the Emergency Temporary Standard – which will continue with the proposed permanent regulations if they are unmodified – is that fabrication shop workers at compliant companies will end up leaving to work at other fabrication shops that don't "require" respirators, because the respirators are considered too uncomfortable to wear all day long. These non-compliant shops will attract more workers and continue to contribute to silicosis cases. There must be a regulatory approach that rewards and incentives compliance, while continuing to focus regulatory oversight and enforcement on the non-compliant shops.

Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

Greg Segaar
Segaar Company, Inc.

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Chad Thompson](#)
To: [DIR OSHSB](#)
Subject: Proposed 5204 Standard
Date: Friday, September 27, 2024 9:35:41 AM
Attachments: [Proposed Silica Regulations.pdf](#)

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Dear Chair Alioto,

On behalf of Redding Countertops, I am attaching a letter in support of further modifications to the proposed 5204 standards concerning Occupational Exposure to Respirable Crystalline Silica.

Thank you for your time and consideration.

Best Regards

Chad Thompson
Redding Countertops Inc
9734 Tanqueray Ct.
Redding CA 96003
P. 530.222.2442
F. 530.222.3511
E. cthompson@reddingcountertops.com
www.reddingcountertops.com
Lic. # 816435



9734 Tanqueray Ct., Redding CA 96003

September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica – OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of Redding Countertops, **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are part of the network of fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board approved the Emergency Temporary Standard last year – and that are embodied in their recently submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made before the Board adopts the permanent regulations for occupational exposures to silica:

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**
- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect the implementation of the “TSA pre-check model” for fabrication shops.**

- (3) **Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect the implementation of the “TSA pre-check model” for fabrication shops.**
- (4) **Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect the implementation of the “TSA pre-check model” for fabrication shops.**
- (5) **Create a streamlined registration program for fabricators and fabrication shops.**

The fabrication industry strongly supports the prioritization of regulatory oversight and enforcement of workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for the implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

Many compliant fabrication companies across California adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff – such as eliminating **ALL** dry fabrication and cleaning – it grouped previously compliant and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to comply with the regulatory standards. These are the same companies that serve as the source of the current silicosis epidemic. They typically have no workers’ compensation insurance and routinely misclassify employees as independent contractors.

Another unintended consequence of the Emergency Temporary Standard – which will continue with the proposed permanent regulations if they are unmodified – is that fabrication shop workers at compliant companies will end up leaving to work at other fabrication shops that don't "require" respirators because the respirators are considered too uncomfortable to wear all day long. These non-compliant shops will attract more workers and continue to contribute to silicosis cases. There must be a regulatory approach that rewards and incentivizes compliance while continuing to focus regulatory oversight and enforcement on the non-compliant shops.

Thank you for your consideration of these important on-the-ground perspectives.

Sincerely



Chad Thompson
President
Redding Countertops Inc.

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Cary Hitsman](#)
To: [DIR OSHSB](#)
Subject: Occupational Exposure to Crystalline Silica Letter
Date: Friday, September 27, 2024 10:40:45 AM
Attachments: [OSHSB Letter.pdf](#)

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Please see the attached Occupational Exposure to Crystalline Silica Letter.

Thank you,

Cary Hitsman
Pyramid MTM

Controller

(p) 805.962.8425 (f) 805.962.3459

208 N. Nopal Street | Santa Barbara | CA 93103

www.pyramidmtm.com | [Facebook](#) | [Houzz](#)



September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

**RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica –
OPPOSE UNLESS AMENDED**

Dear Chair Alioto:

On behalf of the undersigned California countertop fabrication shops, **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year – and that are embodied in their recently-submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

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- (4) Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (5) Create a streamlined registration program for fabricators and fabrication shops.**

The fabrication industry strongly supports prioritization of regulatory oversight and enforcement on workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.



Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

There are many compliant fabrication companies across California that adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff – such as eliminating ALL dry fabrication and cleaning – it grouped previously compliance and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to comply with the regulatory standards. These are the same companies which serve as the source of the current silicosis epidemic. They typically have no workers’ compensation insurance and routinely misclassify employees as independent contractors.

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Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

Cary Hftsman

Controller

Pyramid MTM

(p) 805.962.8425 (f) 805.962.3459

208 N. Nopal Street | Santa Barbara | CA 93103

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

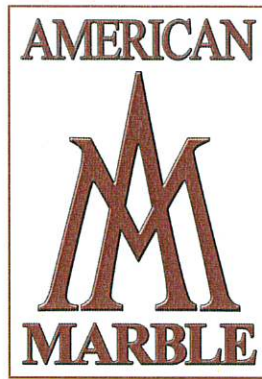
From: [Bill Kammerer](#)
To: [DIR OSHSB](#)
Cc: [Bill Kammerer](#)
Subject: Permanent Regulations Letter
Date: Friday, September 27, 2024 11:18:21 AM
Attachments: [CA OSHA Permanent Regulations Letter.pdf](#)

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Greetings..

Respectfully,
Bill Kammerer
President | American Marble
1280 N Melrose Dr
Vista, CA 92083
P: [\(760\) 560-0550 ext 106](#)
C: [\(619\) 921-6898](#)
License # 722174 (CA), [7265400](#)
California DGS Small Business # [1029059](#)



September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica - OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of American Marble, **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year - and that are embodied in their recently-submitted comment letter on the proposed permanent regulations - the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**

- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.
- (3) Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.
- (4) Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.
- (5) Create a streamlined registration program for fabricators and fabrication shops.

The fabrication industry strongly supports prioritization of regulatory oversight and enforcement on workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a one-size-fits-all approach to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

There are many compliant fabrication companies across California that adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff - such as eliminating ALL dry fabrication and cleaning - it grouped previously compliance and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to comply with the regulatory standards. These are the same companies which serve as the source of the current silicosis epidemic. They typically have no workers’ compensation insurance and routinely misclassify employees as independent contractors.

Another unintended consequence of the Emergency Temporary Standard - which will continue with the proposed permanent regulations if they are unmodified - is that fabrication shop workers at compliant companies will end up leaving to work at other fabrication shops that don't "require" respirators, because the respirators are considered too uncomfortable to wear all day long. These non-compliant shops will attract more workers and continue to contribute to silicosis cases. There must be a regulatory approach that rewards and incentives compliance, while continuing to focus regulatory oversight and enforcement on the non-compliant shops.

Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

Bill Kammerer



President
American Marble

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Adam Harper](#)
To: [DIR OSHSB](#)
Cc: [Robert Dugan](#); [Berg, Eric@DIR](#)
Subject: 15-Day Comments – Title 8 Section 5204 Respirable Crystalline Silica - By CalCIMA
Date: Friday, September 27, 2024 12:20:26 PM
Attachments: [Final Silica Letter 15-day 092724.pdf](#)

CAUTION: [External Email]

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Attached please find our comments on the 15-day draft regulations on this important safety and health topic.

Thank you for including the exception for quarries and open pit mines within the 15-day draft. The letter suggests clarifications to the addition regarding the method of compliance pathway for PEL exceedances under the exception and seeks a few other clarifications of the changes proposed.

Please feel free to contact us should you have any questions.

--



Adam Harper

Senior Director of Policy

455 Capitol Mall Ste. 210 | Sacramento, CA 95814

Cell: (916) 606-1668

Email: aharper@calcima.org

CalCIMA: [Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

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September 27, 2024

Millicent Barajas
Executive Officer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
Via: oshsb@dir.ca.gov

RE: 15-Day Comments – Title 8 Section 5204 Respirable Crystalline Silica

Dear Executive Officer Barajas:

The California Construction and Industrial Minerals Association (CalCIMA) supports Cal/OSHA's efforts to keep California workers safe and healthy. We appreciate the opportunity to comment on the proposed revisions to Section 5204. CalCIMA welcomes the addition of "Exception 2. Outdoor work in quarries or open pit mines is not considered a high-exposure trigger task.

The initial statement of reasons for this revision centered on the workers employed in the fabrication and installation of artificial stone countertops. These workers have experienced an alarming increase in the cases of silicosis, including several deaths. The revisions of Section 5204 will have a far-reaching effect on other industries who produce or handle materials containing crystalline silica.

Due to the regular and frequent inspections of mines by Cal/OSHA's Mining and Tunneling Unit and MSHA's enforcement of respirable crystalline silica (RCS) exposure, mine operators have been conducting exposure monitoring for RCS for decades. MSHA's enforcement of RCS exposure includes periodic exposure monitoring for RCS by their inspectors to validate that miners are not being overexposed to RCS. This scrutiny by both Cal/OSHA's Mining and Tunneling Unit and MSHA has provided mine operators in California with the benefit of having the knowledge and experience to protect their workers from overexposure to RCS.

5204(f)(2) – Methods of Compliance

CalCIMA requests that mining operations with high-exposure trigger task where exposures are above the PEL be excepted from the requirements of 5204(f)(2) and be

WWW.CALCIMA.ORG

455 Capitol Mall, Ste. 210 | Sacramento, CA 95814 | (916) 554-1000
3890 Orange Street, Suite 167 | Riverside, CA 92501 | (951) 941-7981

required to continue to comply with 5204(f)(1). A few examples of the infeasibility of 5204(f)(2) are as follows:

5204(f)(2)(A) Engineering Controls. There are processes in mining operations where the use of water to control exposures as required is not feasible. In these cases, mine operators are using dust collectors or other ventilation methods to control the dust.

5204(f)(2)(B) Housekeeping and Hygiene. It is not practical to place dust, waste, etc. into leak-tight containers, bags or the equivalent at a mine operation due to the large volume of material. It is also not practical to require that every area with material containing RCS be cleaned up at the end of every shift.

5204(f)(2)(D) Prohibitions. In a mine environment, it would be impossible to operate if walking or moving equipment through dust containing RCS was prohibited. Mine operators have been successful at controlling exposures to RCS by using water to clean walkways and watering roadways and yards on the mine site.

5204(b)11 – Qualified Persons

The mining industry has been conducting RCS exposure monitoring for decades. As such, there is a large number of mining employers who have trained persons who are knowledgeable and experienced in RCS exposure monitoring. The change in the definition for a “qualified person” to require a third party independent of the employer does not credit the mining employers with the ability to perform this monitoring. It is understandable for industries, such as the countertop fabricators and installers, who lack this expertise in-house. A third party independent of the employer to conduct this monitoring at a mine site will be burdensome where there are operations at some mines that operate on multiple shifts. The number of workers who may need to be monitored would add significant costs to conduct this monitoring.

In cases where a qualified person would be required, CalCIMA would suggest it be permitted for the employer to hire a qualified person to oversee and coordinate the use of in-house resources to conduct the on-site monitoring, if not already permitted under this revision.

5204 (B)(8) – High-Exposure Trigger Task

CalCIMA seeks clarity regarding the definition of “quarries and open pit mines”. There are areas outside of the “open pit” where processes, such as crushing, are located on a mine site. CalCIMA is asking to clarify if the exception is limited to just the “quarry” or “open pit”, or all areas on the mine site.

It is CalCIMA’s understanding that “High-Exposure Trigger Task” is limited strictly to the tasks in the list: machining, crushing, cutting, drilling, abrading, abrasive blasting,

grinding, chiseling, carving, gouging, polishing, buffing, fracturing, intentional breaking or intentional chipping. Is this correct?

CalCIMA recognizes the importance of the effort Cal/OSHA is making to protect workers health. Thank you in advance for your consideration of the comments we have provided.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Dugan", with a stylized, flowing script.

Robert Dugan
President & CEO

From: [Jeannie Trojanowski](#)
To: [DIR OSHSB](#)
Subject: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica
Date: Friday, September 27, 2024 12:48:47 PM
Attachments: [20240927124111704.pdf](#)

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Please see attached letter.

Thank you,

Emerald Tile & Stone

Jeannie Trojanowski

jeannie@emeraldtileandstone.com

916-632-2600

916-632-2632 Fax



September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica – OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of the undersigned California countertop fabrication shops, and on behalf of Emerald Tile and Stone, **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year – and that are embodied in their recently-submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**
- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**

- (3) **Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (4) **Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (5) **Create a streamlined registration program for fabricators and fabrication shops.**

The fabrication industry strongly supports prioritization of regulatory oversight and enforcement on workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common-sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

There are many compliant fabrication companies across California that adhere to the existing regulations. These companies utilize exclusively wet methods, conduct air monitoring on a regular basis, deploy engineering controls where appropriate, facilitate training, and care deeply about their employees. While the Emergency Temporary Standard had some much-needed help for Cal/OSHA enforcement staff – such as eliminating **ALL** dry fabrication and cleaning – it grouped previously compliance and non-compliant fabrication shops into the same bucket, requiring the same respirator, designated area, and housekeeping/hygiene regulations, regardless of air monitoring results or employee medical testing.

Without the proposed modifications that are being offered to the permanent regulations, the regulatory compliance costs will likely force the currently compliant companies out of California or out of business altogether. Much of the work and the workers will likely be shifted to the current “underground” non-compliant facilities that are not even attempting to comply with the regulatory standards. These are the same companies which serve as the source of the current silicosis epidemic. They typically have no workers’ compensation insurance and routinely misclassify employees as independent contractors.

Another unintended consequence of the Emergency Temporary Standard – which will continue with the proposed permanent regulations if they are unmodified – is that fabrication shop workers at compliant companies will end up leaving to work at other fabrication shops that don’t “require”

respirators, because the respirators are considered too uncomfortable to wear all day long. These non-compliant shops will attract more workers and continue to contribute to silicosis cases. There must be a regulatory approach that rewards and incentives compliance, while continuing to focus regulatory oversight and enforcement on the non-compliant shops.

Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

A handwritten signature in cursive script, reading "Jeannie Trojanowski".

Jeannie Trojanowski, VP
Emerald Tile and Stone

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Nate Kolenski](#)
To: [DIR OSHSB](#)
Subject: Proposed Permanent Regulations Public comment
Date: Friday, September 27, 2024 10:47:00 AM
Attachments: [OSHA BOARD LETTER.pdf](#)

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Please see attached letter with our concerns about the proposed permanent RCS regs.

Regards,
Nate

September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

**RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica –
OPPOSE UNLESS AMENDED**

Dear Chair Alioto:

On behalf of Block Tops, a California countertop fabrication shops **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

Aligned with comments that have been articulated by the stone industry associations since the Board’s approval of the Emergency Temporary Standard last year – and that are embodied in their recently-submitted comment letter on the proposed permanent regulations – the following reflect the top-level modifications that we are proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica:

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Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely accepted Hierarchy of Controls.

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Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Eric Berg', with a long, sweeping horizontal line extending to the right.

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Matt Trojanowski](#)
To: [DIR OSHSB](#)
Subject: Proposed permanent regulations for occupational exposures to respirable crystalline silica
Date: Friday, September 27, 2024 12:54:32 PM
Attachments: [20240927124444495.pdf](#)

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Please see attached

Matt Trojanowski

Emerald Tile and Stone, Inc.

Your message is ready to be sent with the following file or link attachments:

20240927124444495

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September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica – OPPOSE UNLESS AMENDED

Dear Chair Alioto:

On behalf of the undersigned California countertop fabrication shops, and on behalf of Emerald Tile and Stone, **we strongly urge you to reject the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below.** We are the fabrication shops and owners that have on-the-ground, real-time experience with worker safety and compliance with regulatory requirements, and we are very concerned about a regulatory approach that effectively labels all fabrication shops as “bad actors” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

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Thank you for your consideration of these important on-the-ground perspectives.

Sincerely,



Matt Trojanowski, CEO
Emerald Tile and Stone

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief of Health, Cal/OSHA
Michael Wilson, Senior Safety Engineer, Cal/OSHA

From: [Jacob Kraemer](#)
To: [DIR OSHSB](#)
Cc: [Joshua Bobrowsky](#); [Barbara Ferrer](#); [Kevin Anderson](#); [Allen Gomez](#); [Sarkis Semerdjyan](#); [Nichole Quick](#); [Alice Berliner](#)
Subject: (LA County Public Health comment) Occupational Exposures to Respirable Crystalline Silica
Date: Friday, September 27, 2024 5:24:52 PM
Attachments: [Public Comment - Silica Standard \(LAC Public Health\) \(final\).pdf](#)

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On behalf of Dr. Ferrer, Director of the Los Angeles County Department of Public Health, please find attached comments on the modifications to the proposed regulations.

Best Regards,

Jacob Kraemer
Government Affairs
Los Angeles County Department of Public Health
Pronouns: He/Him/His
jkraemer@ph.lacounty.gov

**15-DAY NOTICE OF MODIFICATIONS TO
PROPOSED REGULATIONS**

COMMENTS DUE 09/28/2024

**Aviso de 15-días sobre modificaciones a las
regulaciones propuestas**

Comentarios Deben Recibirse 09/28/2024



Occupational Safety and Health

Standards Board

NOTICE OF PROPOSED MODIFICATIONS TO CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 5204 of the General Industry Safety Orders

Occupational Exposures to Respirable Crystalline Silica

Written comments on these modifications or documents relied upon must be received by **8:00 a.m. on September 28, 2024** by mail or email:

MAIL

Occupational Safety and Health Standards Board
[2520 Venture Oaks Way, Suite 350](#)
[Sacramento, CA 95833](#)

EMAIL

oshsb@dir.ca.gov

Comments received after 8:00 a.m. on September 28, 2024 will not be included in the record and will not be considered by the Board.

Please confine your comments to the modification of the text and the additional documents.

This proposal will be scheduled for adoption at a future Standards Board Business Meeting.

Access the 15-Day Notice for

[Occupational Exposures to Respirable Crystalline Silica](#).

For additional information on Board activities, please visit the [OSHSB website](#).

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Junta de Normas de Seguridad y Salud Ocupacional

AVISO DE MODIFICACIÓN DE LA PROPUESTA DEL CÓDIGO DE REGULACIONES DE CALIFORNIA

TÍTULO 8: Sección 5204 de las Órdenes de Seguridad de la industria en General

Exposición ocupacional a sílice cristalina respirable

Comentarios escritos sobre estas modificaciones o de los documentos de respaldo deben recibirse antes de **las 8:00 a.m. del 28 de septiembre de 2024** por correo o correo electrónico.

CORREO

Occupational Safety and Health Standards Board
[2520 Venture Oaks Way, Suite 350](#)
[Sacramento, CA 95833](#)

CORREO ELECTRÓNICO
oshsb@dir.ca.gov

Los comentarios recibidos después de las 8:00 a.m. del 28 de septiembre 2024 no se incluirán en el registro y no serán considerados por la Junta.

Por favor, limite sus comentarios al texto modificado con respecto a su versión original y los documentos añadidos.

Esta propuesta se programará para su adopción en una futura Reunión de Negocios de la Junta de Normas.

Acceda al Aviso de 15 días para
[Exposición ocupacional a sílice cristalina respirable.](#)

Para obtener información adicional sobre las actividades de la Junta, visite el sitio web de [OSHSB](#).

Únase a nuestra lista de correo

Occupational Safety and Health Standards Board | (916) 274-5721
[2520 Venture Oaks Way, Suite #350, Sacramento, CA 95833](#) | www.dir.ca.gov/oshsb

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BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
County Health Officer

ANISH P. MAHAJAN, M.D., M.S., M.P.H.
Chief Deputy Director

313 North Figueroa Street, Suite 806
Los Angeles, CA 90012
Tel (213) 288-8117 • Fax (213) 975-1273

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BOARD OF SUPERVISORS

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Kathryn Barger
Fifth District

Department Of Industrial Relations
Occupational Safety and Health Standards Boards
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

**SUBJECT: 15-DAY NOTICE PERIOD OF PROPOSED MODIFICATIONS TO
CALIFORNIA CODE OF REGULATIONS OF THE OCCUPATIONAL HEALTH AND
SAFETY STANDARDS BOARD'S TITLE 8: SECTION 5204 OF THE GENERAL
INDUSTRY SAFETY ORDERS OCCUPATIONAL EXPOSURES TO RESPIRABLE
CRYSTALLINE SILICA**

Dear Board Chair Joseph M. Alioto Jr.,

The Los Angeles County Department of Public Health (LACDPH) appreciates the opportunity to provide comment and express support for the proposed Permanent General Industry Standard for Exposure to Respirable Crystalline Silica.

As of August 11, 2024, there are 173 confirmed cases of silicosis in CA. With 60% (103) of those cases located in Los Angeles County. Our jurisdiction is arguably the epicenter of this emerging public health crisis in the artificial stone fabrication industry and see firsthand the impact on primarily low-wage and immigrant workers with limited access to healthcare. Given the impact in our region, we are at the forefront of deploying a coordinated, multi-pronged and multi-agency response, and developing and disseminating educational resources, trainings, and outreach to the most impacted communities, in close partnership with community-based organizations (IDEPSCA & Pacoima Beautiful).

Since June, our two contracted partner organizations have educated 564 workers and 187 worksites. During their outreach efforts, workers have expressed concerns about their health and safety at work. Cal/OSHA protections safeguard workers' physical health and keep employers accountable for providing a safe working environment. However, we would like to emphasize the importance of broadening efforts across the state to educate workers and employers of the risks of long-term silica dust exposure and how to implement preventative measures to mitigate their risk of contracting silicosis. Many workers continue to report a lack of awareness about the

dangers associated with silica dust exposure, and the standards meant to protect them from developing silicosis.

We support the following proposed modifications:

- Further clarification on the meaning of “Artificial Stone” (b)(2)
- Further clarification on the meaning of “Wet Method: to ensure recycled water be filtered (b)(17)
- New subsection to inform employees of their status regarding silicosis, suspected silicosis, or lung cancer (j)(6)(g).
- New subsection to require Physicians or Licensed Health Care Professionals to submit medical reports to the California Department of Public Health Occupational Health Branch (j)(9). This in particular will help notify our department when new cases emerge and guide our outreach and education efforts.
- New subsection to require that air monitoring records include the silica content of the material or product being handled (n)(1).

We urge the reconsideration of the following proposed modifications:

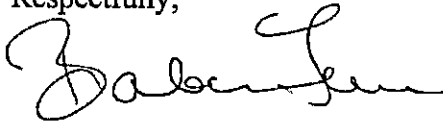
- The proposed modifications would alter the minimum exposure time to high-exposure tasks which trigger the need for medical surveillance from 10 days to 30 days (j)(2)(A). We recommend keeping the medical surveillance requirement threshold to apply after 10 days, given high incidence of employer non-compliance, particularly around the lack of worker health screening. High-exposure trigger tasks, including crushing, cutting, drilling, and other tasks listed, as well as cleaning and handling wastes, dusts, debris, or other materials created during the fabrication processes described in (b)(8), are all common tasks within the artificial stone fabrication industry.
- The proposed modifications reduce the frequency of required medical exams from once a year to one every three years (j)(3)(A). We recommend maintaining the requirement for medicals exams every year, given the importance of identifying silicosis early and eliminating any further exposure once a diagnosis is known.

Every month, LA County identifies new cases of Silicosis, a preventable disease that can cause significant impairment and death for otherwise healthy workers. Workers' access to medical surveillance is a critical component to understanding the full scope of this emerging crisis and connecting impacted workers to support. During our outreach to stone fabrication businesses, we have found that many employers do not regularly screen their employees. Employers can play a critical role in detecting silicosis early to ensure affected workers receive timely medical care and resources.

This standard will provide important guidance to both employers and workers in how best to mitigate risks and protect the health and wellbeing of workers in the industry.

Thank you again for this opportunity to provide comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'Barbara Ferrer', written in a cursive style.

Barbara Ferrer, Ph.D., M.P.H., M.Ed.
Director

From: [Eric Astrachan](#)
To: [DIR OSHSB](#)
Cc: [Grant Davidson](#); [Bill Griesse](#); [Berg, Eric@DIR](#); [Hoffman, Christine@DIR](#); [Graulich, Kevin@DIR](#)
Subject: Tile Council of North America Comments on Occupational Exposures to Respirable Crystalline Silica - Proposed Modifications to Non-Emergency Regulation
Date: Friday, September 27, 2024 9:31:00 PM
Attachments: [Ceramic Tile Industry September Comments on Occupational Exposures to Respirable Crystalline Silica - Proposed Modifications to Non-Emergency Regulation.pdf](#)

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Dear Occupational Safety and Health Standards Board and Chair Alioto,

Please find Tile Council of North America comments attached regarding the proposed modifications to the Non-Emergency Regulations for Section 5204, Occupational Exposures to Respirable Crystalline Silica, submitted on behalf of our 240 members of the ceramic and porcelain tile manufacturing industry in North America.

Thank you for your consideration of our comments.

Best regards,

Eric Astrachan

Executive Director

Tile Council of North America

100 Clemson Research Blvd.

Anderson, SC 29625

Phone: 864-646-8453 Ext 101

www.tcnatile.com

www.whytile.com



Website: www.tcnatile.com . Literature: literature@tcnatile.com

September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Re: Notice of Proposed Modifications to California Code of Regulations - Title 8: Section 5204 of the General Industry Safety Orders

Dear Chair Alioto:

We thank the Occupational Safety and Health Standards Board and CAL/OSHA for considering our prior comments and incorporating such where appropriate in the modifications to the proposed permanent regulation for Section 5204.

As previously noted, in addition to countertop fabrication, Section 5204 applies to tile factories that manufacture ceramic and porcelain tiles and panels. The proposed modifications to Section 5204 correctly clarify that fired ceramic and porcelain tiles and panels are not artificial stone.

As such, Exception 3 in subsection (b)(8) should be removed as there are no operations within a tile factory that involve artificial stone or natural stone. Hence, there are no operations that constitute high exposure trigger tasks for which an exception would be needed. Leaving the exception in place is problematic as it suggests high exposure trigger tasks occur in a tile factory, when in fact they do not.

In a virtual meeting today with CAL/OSHA, this was discussed, and it is our understanding Exception 3 in subsection (b)(8) will be removed and the revised modified proposed standard recirculated.

Thank you for your consideration of our comments.

Sincerely,

Eric S. Astrachan
Executive Director

cc: Members, Occupational Safety and Health Standards Board
Eric Berg, Deputy Chief, Health and Research and Standards, Cal/OSHA
Kevin Graulich, Principal Safety Engineer, Cal/OSHA
Christine Hoffman, Senior Safety Engineer, Cal/OSHA

TILE COUNCIL OF NORTH AMERICA, INC.

100 Clemson Research Boulevard . Anderson, South Carolina 29625 . Phone: 864-646-8453 . Fax: 864-646-2821



Testing Services: testing@ipalaboratories.com . Literature Orders: literature@tcnatile.com

From: [Glenn Farrel](#)
To: [DIR OSHSB](#)
Cc: [marissa@isfanow.org](#); [Jim@naturalstoneinstitute.org](#); [Mark Meriaux](#); [Steve Cruz](#); [Audrey Ratajczak](#)
Subject: Comments on Proposed Permanent Regulations: Occupational Exposures to Respirable Crystalline Silica
Date: Saturday, September 28, 2024 12:18:35 AM
Attachments: [Permanent Regulations Comment Letter - 9-27-24.pdf](#)
[Letter of Opposition Unless Amended September 2024 ISFA.pdf](#)

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Please find attached two comment letters pertaining to the proposed permanent regulations for Occupational Exposures to Respirable Crystalline Silica.

Thank you!

Glenn.

Glenn Farrel
GF Advocacy
Cell: (916) 216-1747
glenn@gfadvocacy.com





September 27, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

**RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica –
OPPOSE UNLESS AMENDED**

Dear Chair Alioto:

On behalf of the undersigned organizations, **we strongly urge you to reject the proposed Section 5204 permanent regulations for Occupational Exposures to Respirable Crystalline Silica, unless they are further modified as suggested below**, to properly allow for a comprehensive regulatory construct and framework that prioritizes protection of workers in the countertop fabrication industry, but also recognizes distinct and important differences between workplace conditions that are safe for workers versus workplace conditions that are more conducive to silica exposures. We continue to have very strong concerns about the regulatory approach in the proposed permanent regulations that effectively paint everyone in the fabrication industry as a “bad actor” and employs an ineffective one-size-fits-all approach to regulatory oversight and enforcement.

The following reflect the top-level modifications that we are collectively proposing be made prior to the Board’s adoption of the permanent regulations for occupational exposures to silica (greater elaboration of these suggestions is included later in this correspondence):

- (1) Develop and implement a “TSA pre-check model” to guide prioritization of regulatory oversight, enforcement, and application of the new proposed permanent regulations that extend beyond the requirements included in Section 5204 as of July 1, 2023.**
- (2) Modify the application of the “regulated areas” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**
- (3) Modify the application of the “housekeeping and hygiene” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.**

(4) Modify the application of the “respiratory protection” provisions of the proposed permanent regulations to reflect implementation of the “TSA pre-check model” for fabrication shops.

(5) Create a streamlined registration program for fabricators and fabrication shops.

As we have consistently articulated, the industry strongly supports prioritization of regulatory oversight and enforcement on fabrication workplace conditions that could pose health risks to employees from respirable crystalline silica. There is very clearly a workable path forward that provides for both protection of workers and common sense regulatory oversight and enforcement.

Workplace conditions related to the fabrication process are the key drivers for respirable crystalline silica exposure. As we have shared – as recently as your September 19 Board meeting where we presented data and research from the Yale School of Medicine – silica exposures and silicosis are preventable through implementation of comprehensive best management practices within the industry. However, the proposed permanent regulations do not fully acknowledge and account for implementation of best management practices to ensure protections against silica exposure for employees. Instead, the proposed permanent regulations reflect a **one-size-fits-all approach** to regulating the countertop fabrication industry, which effectively dilutes the prioritization of regulatory oversight and enforcement.

The proposed permanent regulation requires air testing. The test results should be the determining factor in triggering requirements for additional safety protocols. Workplaces that can demonstrate that employee exposure to respirable crystalline silica is consistently and regularly below the action level should **NOT** be treated the same as workplaces that cannot demonstrate that they are minimizing and mitigating employee exposure. To that end, our proposed modifications to the proposed silica (Section 5204) regulations focus primarily on safe work practices (effective wet methods) and the demonstration of safe workplace conditions for employees (air quality sampling), following the longstanding and widely-accepted Hierarchy of Controls.

The focus on wet cutting, air quality test results, and safe work conditions will orient the regulations to address the potential hazards posed by silica. Under the proposed regulation, there is no consideration if an employer addresses such hazards (with wet cutting) and reduces airborne crystalline silica levels to acceptable levels, as determined by Federal OSHA’s Final Quantitative Risk Assessment and Significance of Risk (Federal Register# 81:16285-16890). The proposed regulation requires the range of safety protocols, regardless of the results of mandatory testing, thereby disincentivizing the innovation of new safety controls. The enhanced protections required for work environments with non-hazardous air will come at great – unnecessary – cost. The regulated areas, PAPRs, and PPE will present significant expense and divert employers’ resources from health efforts protecting employees against actual hazards. Burdensome and unnecessary costs could drive the safe and compliant fabricators out of California, while shifting the work to the few non-compliant fabricators who fail to follow recognized practices and expose their employees to unsafe levels of airborne crystalline silica.

We offer the following specific modifications to the proposed permanent regulations to clarify regulatory oversight:

Proposed Modification #1

To ensure that the full scope of proposed regulations is driven by a priority on abating hazardous workplace conditions, we offer the following approach that is modeled after a well-known and well-accepted practice utilized in the air travel industry – **TSA Pre-Check Model**.

Under this proposed “TSA Pre-Check”-Style model, CalOSHA would develop a rigorous air quality monitoring program for fabricators and fabrication shops that requires:

- Mandatory air quality monitoring/sampling
- Regular and frequent monitoring/sampling
- The establishment of regulatory parameters to ensure the veracity of monitoring/sampling
- Verification of results by third-party
- Reporting of data to CalOSHA

This enhanced and strengthened air quality monitoring structure should be used as a “TSA Pre-Check”-style program that would provide that for fabricators and fabrication shops that are monitoring/sampling **BELOW** the action level, all existing regulations and workplace safety requirements in effect as of July 1, 2023 shall continue to be required, but the enhanced and increased requirements presented in the proposed permanent regulations (above the July 1, 2023 standard) would not be required of these fabricators and fabrication shops.

Any fabricators or fabrication shops that are monitoring/sampling **ABOVE** the action level would be required to undertake implementation of additional and enhanced workplace safety measures beyond those currently in effect as of July 1, 2023 (which includes those requirements embodied within the proposed permanent regulations).

Proposed Modification #2

Amendment to subdivision (e)(1) – Regulated Areas – as follows:

(e) Regulated areas.

(1) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica is, or can reasonably be expected to be, in excess of the PEL. All high-exposure trigger tasks shall be conducted within a regulated area **regardless of employee exposures, exposure assessments, or other objective data unless the employer can demonstrate through sampling every six months that exposure to respirable crystalline silica remains below the action level.**

Proposed Modification #3

Amendment to subdivision (f)(2)(B) – Housekeeping and Hygiene – as follows:

(B) Housekeeping and Hygiene.

1. Wastes, dusts, residues, debris, or other materials that are generated from high-exposure trigger tasks or that otherwise contain or are contaminated with respirable crystalline silica shall be

promptly and properly cleaned up and placed into leak-tight containers, bags, or equivalent. At a minimum, all such wastes, dusts, residues, debris, or other materials shall be cleaned up at the end of each shift or more frequently as needed to ensure there is no visible dust build-up in the workplace. **This subparagraph does not apply to a workplace where the employer can demonstrate through sampling every six months that exposure to respirable crystalline silica remains below the action level.**

2. Wet methods or vacuum cleaners equipped with HEPA filters shall be used to collect all wastes, dusts, residues, debris, or other materials that are generated from high-exposure trigger tasks or that otherwise contain or are contaminated with respirable crystalline silica.

3. Employees engaged in housekeeping tasks **pursuant to subparagraph (1)** shall use respirator protection in accordance with subsection (h)(3).

4. The employer shall provide readily accessible washing facilities in accordance with Section 3366 (Washing Facilities).

Proposed Modification #4

Amendment to subdivision (h)(3) – Respiratory Protection – as follows:

(3) When employees perform high-exposure trigger tasks or work within a regulated area where high-risk exposure tasks occur **and where an employer can demonstrate through sampling every six months that exposure to respirable crystalline silica remains below the action level**, the employer shall provide, and shall ensure that employees properly use, **the following** respiratory protection, in accordance with Section 5144. **For all other workplace conditions, the following respiratory protection requirements shall apply:**

(A) A full face, tight-fitting powered-air purifying respirator (PAPR) or a respirator providing equal or greater protection equipped with a HEPA, N100, R100, or P100 filter. For artificial stone, a HEPA, N100, R100, or P100 filter and organic vapor cartridge shall be used.

EXCEPTION 1: The organic vapor cartridge may be omitted where the employer demonstrates that there are no exposures over the PEL established in Section 5155 for any organic compound known to be present in the artificial stone, based on information provided in the manufacturer's safety data sheet.

EXCEPTION 2: The employer may provide employees with a loose-fitting PAPR, a full facepiece air purifying respirator, or another respirator providing equal or greater protection where the employer demonstrates that employee exposures to respirable crystalline silica are continuously maintained below the action level through representative air sampling conducted at least once every six months in accordance with subsection (d)(3)(A). This exception does not apply if the PLHCP or specialist recommends use of a full face, tight-fitting PAPR or other more protective respirator.

Proposed Modification #5

Create a streamlined registration program for fabricators/fabrication shops.

DIR/CalOSHA should establish a silica safety registration program – all fabricators/fabrication shops must be registered with the State of California as a countertop fabricator/fabrication shop

- Must possess valid business license
- Must possess valid state contractors' license
- Must attest to compliance with any occupational safety and health regulations

Regulations should include “supply chain” provisions that would further support regulatory controls

- Prohibit supplying a slab product to an unregistered fabricator or fabrication shop
- Supplier of slab product to a fabricator or fabrication shop must verify registration
- Supply of slab product to a re-seller or distributor would require a written certification that the person will not engage in fabrication activities without being registered
- Person seeking fabrication services shall verify registration of fabricator or fabrication shop

Regulation should include registration fees that would be sufficient to fund the administrative costs of the registration program and to support regulatory oversight and enforcement.

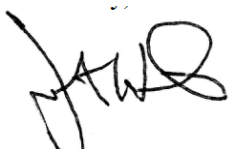
Regulations should include a provision for the establishment of a publicly accessible database of registered fabricators and fabricator shops to ensure viability of the “supply chain” provisions of the regulations.

The proposed modifications embodied within this comment letter reflect a priority on worker safety, but also propose common-sense approaches to ensure that regulatory oversight and enforcement is focused on workplaces where the conditions are not satisfactorily protective of workers or pose substantial risk to worker health and safety. These proposed modifications do not let any fabricator or fabrication shop “off the hook” – rather, the TSA pre-check model that is proposed recognizes that there must absolutely be an ongoing regulatory baseline that is protective of workers and that ensures workplace conditions are protective of worker health.

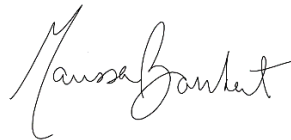
We are available to meet with Board members or staff at your convenience to further discuss our proposed modifications to the permanent regulations. Please feel free to reach out to our representative in Sacramento – Steve Cruz, at steve@cruzstrategies.com or (916) 307-7741.

Thank you for your ongoing consideration of our perspectives.

Sincerely,



James A. Hieb, CAE, Chief Executive Officer
Natural Stone Institute



Marissa Bankert, CEO
International Surface Fabricators Association

cc: Members, Occupational Safety and Health Standards Board
Sulma Guzman, Deputy Director – Office of Legislative and Regulatory Affairs
Christina Shupe, Executive Officer – Occupational Safety and Health Standards Board
Mary Hernandez, Office of Governor Gavin Newsom
Kevin Matulich, Office of Governor Gavin Newsom



Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
oshsb@dir.ca.gov

**RE: Proposed Permanent Regulations for Occupational Exposures to Respirable Crystalline Silica –
OPPOSE UNLESS AMENDED**

Dear Chair Alioto,

Thank you for all your work and collaboration with the surface fabrication industry on regulations that will protect workers from a preventable illness – silicosis. This unprecedented partnership promises to achieve our common goal of reducing and possibly eliminating cases of silicosis through industrywide workplace safety practices.

We are down to the final minutes of drafting what will be very strong regulations governing the surface fabrication industry at every level. We all want to make sure we are doing the right thing for workers, the industry and consumers.

As we evaluate remaining adjustments to the final regulations before they transition from the Emergency Temporary Standard (ETS), we need to focus on three major criteria:

1. Will the final regulations effectively protect workers?
2. Will the industry voluntarily comply with the regulations?
3. Finally, are the regulations a common-sense solution?

Background

Various industry and Public Health research has shown that cases of silicosis are originating in shops that were not complying with existing Federal OSHA 2016 regulations. They already had much higher levels of respirable crystalline silica (RCS) than the action level (AL) and permissible exposure limit (PEL). These shops all had visible DUST that was not being controlled. Some of the noncompliance was due to ignorance and some was due to disregard of the law entirely. The existing regulations were burdensome for enforcement because they allowed for procedures that were guaranteed to contribute to silicosis, without the enforcement agent being able to stop these practices easily. This set the wheels of the ETS in motion. Industry collaborators showed that **completely eliminating ALL dry methods of fabrication and cleanup** would give enforcement an “easy button” to halt operations in the biggest offenders immediately. These offenders were also knowingly operating illegally in other areas of their business and did not have concern for their employees or following the law.



Industry associations and Public Health formed an extensive, multi-language, education outreach campaign to reach operators and employees who were unaware of the danger of not following the existing regulations or best practices for controlling RCS dust. This outreach has been VERY successful in informing operators and employees of the need for engineering controls and elimination of **ALL dry methods of fabrication and cleanup**. Cal/OSHA has since worked to make the old regulations and ETS permanent and even more restrictive.

1. Will the final regulations effectively protect workers?

The federal OSHA 2016 regulations, if properly followed, can effectively protect workers from silicosis. Some of Cal/OSHA and industry's additions through the ETS increase safety for employees even further and data confirms it. Taking a reasonable approach and following proven safe methods of countertop fabrication will continue to provide safe and well-paying jobs to the many thousands of workers employed in the industry. Overburdening the industry with regulations will not have the desired result of protecting workers. Much like wearing two seat belts does not protect another person who is not wearing a seatbelt from injury in a vehicle accident, our goal should be to increase awareness of the need to wear a seatbelt by those not wearing one. This includes employers and employees. Many employers spend their time trying to keep their business operating and their employees paid, and do not have the resources to keep track of all the regulations and laws governing their businesses. The seriousness and publicity of the silicosis issue has made the topic something that can no longer be ignored. Industry and Public Health must unite with effective outreach that will provide needed safety information for employers and benefit all workers.

2. Will the industry voluntarily comply with the regulations?

Cal/OHSA and Public Health frequently estimate the number of countertop shops in California, of any size, to be about 860. Material and tool supplier's customer lists put the estimate at over 3,000. This not only changes the percentages of silicosis case data, but also shows that there are a lot more employers taking safety precautions than previously noted. Continuing the education outreach, simplifying the permanent regulations to encourage voluntary compliance, increasing enforcement efforts, and avoiding new onerous regulations on shops complying with the AL and PEL will do more to prevent silicosis than implementing stricter regulations that will strangle previously compliant shops. The vast majority of operators our industry wants to do the right thing for their employees and customers. They need to be recognized and rewarded – not penalized – for their efforts.

Many aspects of the proposed permanent regulations are unnecessary for shops with air readings below the PEL and especially the AL. Required respirators, constructing a designated area, using only Certified Industrial Hygienists (CIH) for air monitoring and frequent mandatory medical screening, among other requirements, would burden shops of every size with tens of thousands of dollars in new compliance-related costs.

Just requiring a CIH to do every air sampling test every six months will cost even the smallest shops \$3,000-8,000 every year when they can self-test every six months with a certified lab for a few hundred dollars a year and require



a CIH once every three years as a control. Businesses already perform self-testing that requires training. An example is Lead Renovator certification.

Providing reasonable and optional (employees must voluntarily opt in) medical testing every three years would prove that air monitoring is accurate – no cases of silicosis would show compliance with best practices.

The initial costs of respirators can range from \$50 each to over \$2,000 each. The least expensive filter replacements run over \$30 a set and can be soiled in minutes and at best need to be changed every week. Replacement cartridges alone can average \$1,200 a week for a medium-sized shop and even higher for larger shops – even if air monitoring shows below the PEL or even the AL.

Making the permanent regulations simple, cost-effective, and providing a tiered incentive for compliance instead of being overly onerous, *will* encourage and result in a high level of voluntary compliance.

3. Is it a common-sense solution?

Reported cases of silicosis are coming from shops above the AL and PEL. As stated many times, these shops are not following existing regulations through either ignorance or defiance. Increasing regulations on compliant shops will not help employees working at non-compliant shops. There are many unintended consequences of added restrictions on compliant shops. We have seen employees leave shops that are requiring respirators (because of the ETS) to go work for shops that do not require respirators (non-compliant and defiant operators). They leave because the respirators are uncomfortable, hot and sweaty to wear, and they restrict vision to the point of increasing trip and fall incidents.

Requiring a designated area restricts office workers from using the restroom without a respirator in most cases. The five-minute incidental exposure limit over eight hours in a designated area doesn't even allow for travel between the office and restroom for a normal amount of bathroom breaks in a day.

We know where the cases of silicosis come from – shops that were not even complying with the federal OSHA 2016 standards. Cal/OSHA now has an “easy button” for enforcement to identify the biggest threat to workers –

ANY dry fabrication method! Industry associations and Public Health have extensive educational outreach programs that didn't exist until recently. All of this, combined with sensible tiered regulations, will provide the best opportunity for protecting all workers from silicosis.

Cal/OSHA reported about 60 enforcement inspections this year. Using the state's estimate of 860 shops, it would take nearly 15 years to inspect every shop. If the number is closer to our estimate of over 3,000 shops, it would take 50 years to inspect every shop. Some operators will risk the odds of inspection against the cost of compliance and losing employees. **THIS WILL NOT HELP CONTAIN THE CASES OF SILICOSIS.**



Placing additional onerous regulations on the shops that already comply with the 2016 standards and have no current cases of silicosis will also NOT contain the cases of silicosis. It will only force them to close or leave the state, reducing the number of safe options for the workers in this industry to be employed. This will have another unintended consequence: Higher unemployment levels among workers and families who depend on the fabrication industry, thereby creating additional financial burden for the state.

Conclusion

Silicosis is a serious but preventable illness. The recent increase in cases is caused by shops that have not been following responsible and required safety practices. Most often they are violating other mandatory business requirements like providing workers compensation insurance and misclassifying employees as independent contractors to reap a bigger profit and operate cheaper than companies who are following regulations and laws.

Implementing common-sense regulations will help good operators protect their employees without unnecessary hardships. Saddling good operators with additional or unnecessary regulations will not have the desired result of preventing silicosis and may actually increase cases as employees leave to work at non-compliant unsafe shops.

Having strong enforcement of common-sense regulations will help weed out bad operators that are neglecting employee safety. But the key to real change and real results in the fight against silicosis in the industry will come with changes to the supply chain, specifically a licensing program for fabricators. Fabricators that follow safe practices would be licensed and suppliers/manufacturers would only be able to sell to licensed fabricators.

It's not feasible for Cal/OSHA to inspect all the fabricators where silicosis is occurring, but we can make it so unsafe shops cannot buy material to operate. We will continue to work with state legislators to accomplish this.

Regards,

A handwritten signature in black ink that reads 'Marissa Bankert'.

Marissa Bankert

CEO

International Surface Fabricators Association

From: [David Moore](#)
To: [DIR OSHSB](#)
Subject: Direct Reading Instruments over Respiratory Protection, below the AL
Date: Saturday, September 28, 2024 8:00:41 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)

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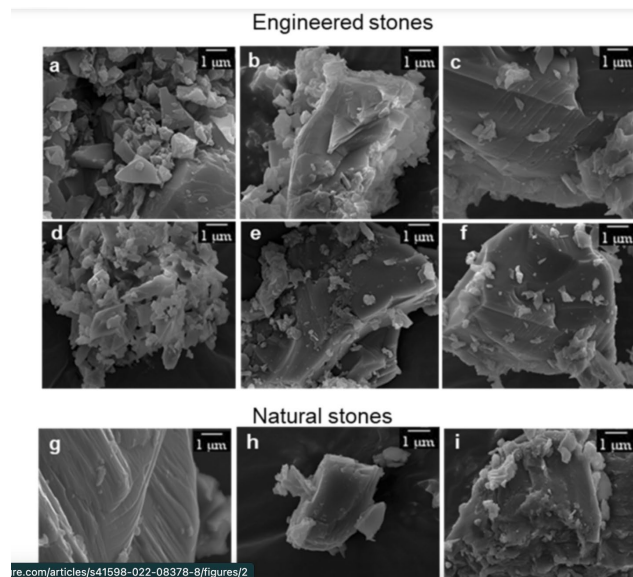
Honorable Occupational Safety and Health Standards Board,

With respect to RCS and silicosis, without adequate sampling data, we are flying blind. This was my experience during the pandemic, when few organizations measured airflow to make a risk assessed determination about their Return to Work. What we need is a means to collect more data, more expeditiously. In order to incentivize the "high-road" shops to lead in this effort, I believe optional respirator usage, below the AL, if levels can be demonstrated to consistently remain below the AL, would be a substantial incentive.

I recognize that a major concern is artificial stone's properties are inherently more toxic. However, I believe the articles used as evidence to suggest this increased morbidity and mortality, are examples of higher airborne concentrations of RCS. Afterall, approximately 700 people died in the [Hawk's Nest Tunnel](#); 100% natural stone. But, if artificial stone is uniquely hazardous, perhaps it warrants it's own, lower PEL/AL?

As I understood Dr Wilson, and Mr Berg's main concern with relaxing respirator usage when airborne concentrations are truly below the AL, is the variability between sampling events, and a lack of belief that the levels are truly below the AL. Once every 6 months isn't representative of an entire year!

The second reason they stated in their presentation is the morphology of engineered stone, "Artificial stone particles showed sharp edges, spikes...so more likely to cause cell damage..."



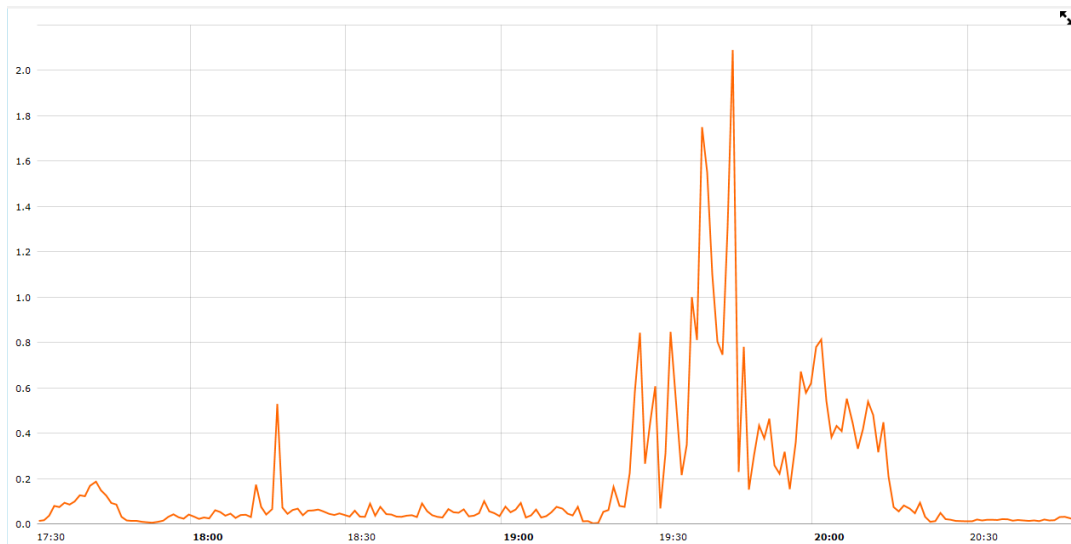
While I'm not a pulmonologist, if you read the [Ramkissoon](#) article cited, it reinforces what we know. "This work has demonstrated that the dust emissions from machined engineered stones contain a [high concentration](#) of very fine particles that contain predominantly quartz and cristobalite, and therefore have the potential for a detrimental impact on respiratory health outcomes."

It was also mentioned the unique damage that engineered stone has on macrophages. But again, if you read the article, it doesn't attribute unique toxicity to engineered stone. It simply reiterates the toxicity of respirable RCS. Not specific to engineered stone, but to respirable RCS.

- The engulfment of foreign particulate matter by [macrophages](#) also commonly leads to the generation of reactive oxygen species (ROS), which are important initiators of the fibrotic development.
- Increased surface area, associated with small particle size, for example UFPs, tend to be more toxic and cause more stress to alveolar [macrophages](#) than bigger particles.
- Early studies proposed that silanols may damage [macrophages](#) and induce inflammation but more recently, Pavan et al. identified a specific subfamily of silanols which are critical determinants of silica toxicity. They showed that the occurrence of specific patterns of silanols on the surface of quartz, the "nearly free silanols" (NFS), promote membranolytic and induce inflammation in rat lung cells. Their research challenged the original paradigm that crystallinity is key to silica toxicity.

If you dig into the [Pavan](#) article, it goes into great detail about how the nearly free silanols (NFS) may be the driver of toxicity. But, it doesn't explicitly state that engineered stone is inherently higher in NFS. Because this is outside of my area of expertise, I don't want to fall prey to the Dunning-Kruger effect, but this feels like the moment during the pandemic, when we were hyper focused on washing hands. When instead, we should have been paying more close attention to ventilation.

I believe direct reading instruments may be the only thing that guides us out of this RCS dust storm. Below is an example report that the [SidePak](#) could spit out with relative ease. I have no commercial stake in this product!



What if shops purchased one of these ~\$2,000 units, and tracked their workers's exposures on a consistent basis? Like using a breathalyzer to be able to drive a car. The "high-road" shops want to do the right thing. Direct reading data will be like having headlights on a car, instead of requiring another seatbelt. Moreover, if the levels are over the AL, then it's time to suit up.

If we determined a [calibration factor](#), and the true RCS level was 15%, then our Aerosol Average would be 28ug/m³. But the TWA would have been 12ug/m³ in this hypothetical case, but with the graph above, we can determine where the elevated exposures are, and drive them down even further.

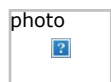
Test Statistics					
Channel	Average	Minimum	Maximum	Cal Factor	TWA
Aerosol (mg/m³)	0.183	0.002 09/06/2024 07:17:39	2.09 09/06/2024 07:44:39	1 Factory 01/26/2020	0.077

Respirators, while necessary at times, can be a source of contamination, if not maintained properly. Moreover, our CSHOs, Occupational Health Branch Industrial Hygienists, County Public Health Officers, Non-Profits, and private consultants, are all potentially exposed to this hazard, and are going to need a means to assess this hazard to know what Control is appropriate.

While CSHOs tend to go to the worst employers, I am fortunate to be able to work with those employers that are intrinsically motivated to protect their workers. I hope we can give them some relief, so they can continue to set the example here.

Respectfully,

David



David M. Moore, MPH, CIH
Principal Consultant / CEO

☐ Protecting People, Place & Planet

SECOND 15-DAY NOTICE (OCTOBER 28, 2024)

**OCCUPATIONAL EXPOSURES TO RESPIRABLE
CRYSTALLINE SILICA**

From: [Crestani Giancarlo](#)
To: [DIR OSHSB](#)
Subject: COMMENTS on the "NOTICE OF PROPOSED MODIFICATION TO CALIFORNIA CODE OF REGULATIONS"
Date: Wednesday, November 6, 2024 6:51:57 AM
Attachments: [image524101.png](#)

CAUTION: [External Email]

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Good afternoon,

I'm referring to your "NOTICE OF PROPOSED MODIFICATION TO CALIFORNIA CODE OF REGULATIONS" (TITLE 8: Section 5204 of the General Industry Safety Orders).

I do not agree on the proposed changes because it is a sort of discrimination against Engineered Stone that, according to your proposal, shall have not more than 0,1% by weight of crystalline silica content in order to be fabricated without any problem and meanwhile other materials (like natural stone, ceramic, porcelain, ..) could have till 10% !

If crystalline silica is really very dangerous (as I know it is) doesn't matter from where it is coming, all materials shall have the same max crystalline silica content to protect all workers during their production and fabrication.

Another point that I do not agree is the idea not to identify ceramics and porcelain as Artificial Stone; they're not a natural material and therefore they are Artificial Stone.

Ceramic and Porcelain cannot be in the material with the exemption.

The above changes seems just a childish trick to put out of any silica crystalline limitation the ceramic and porcelain products.

Thank you and best regards

Giancarlo Crestani
Engineered Stone Sales Director
M +39 335 7169544
T +39 0423 769289



Breton S.p.A.
Via Garibaldi, 27 - 31030 Castello di Godego (TV) - Italy
T +39 0423 7691 - F +39 0423 769600
www.breton.it

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From: [Adam Harper](#)
To: [DIR OSHSB](#)
Subject: 2nd-15-Day Comments – Title 8 Section 5204 Respirable Crystalline Silica - CalCIMA
Date: Thursday, November 7, 2024 10:11:20 AM
Attachments: [Final Silica Letter 2nd 15-day 11-7-24.pdf](#)

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Attached please find CalCIMA's additional comment on the 2nd notice of 15-day changes to Section 5204. Thank you for your diligence and the clarifications and modifications made.

--



Adam Harper

Senior Director of Policy

455 Capitol Mall Ste. 210 | Sacramento, CA 95814

Cell: (916) 606-1668

Email: aharper@calcima.org

CalCIMA: [Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

[REGISTER FOR THE 2024 EDUCATION CONFERENCE HERE](#)



November 7, 2024

Sarah Money
Executive Assistant
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
Via: oshsb@dir.ca.gov

RE: 2nd-15-Day Comments – Title 8 Section 5204 Respirable Crystalline Silica

Dear Ms. Money,

The California Construction and Industrial Minerals Association [CalCIMA] would like to express our gratitude and support for the exception to the provisions of high exposure trigger tasks for quarries, mines, and concrete and cement facilities in the proposed modifications to the Respirable Crystalline Silica standard. We appreciate your consideration based on the infeasibility of compliance with many of the requirements for high exposure trigger tasks that were centered on improving the conditions for workers employed in the in the fabrication and installation of artificial stone countertops. Thank you.

Another industry that is faced with the same infeasibility of compliance with the requirements for high exposure trigger tasks are the asphalt and concrete recycling operations. CalCIMA is requesting an exception from the provisions of the high exposure trigger task like the exception provided for quarries, mines, and concrete and cement facilities due to the similarities between the industries. A few examples of the infeasibility are found in methods of compliance in 5204[f][2]:

5204[f][2][A] Engineering Controls. There are processes in recycling asphalt and concrete where the use of water to control exposures as required are not feasible. In these cases, the employers use dust collectors or other ventilation methods to control the dust.

5204[f][2][B] Housekeeping and Hygiene. It is not practical to place dust, waste, etc. in leak-tight containers, bags or the equivalent at a recycling operation due to the large volume of material. It is also not practical to require every area with material containing RCS be cleaned up at the end of every shift.

WWW.CALCIMA.ORG

455 Capitol Mall, Ste. 210 | Sacramento, CA 95814 | (916) 554-1000
3890 Orange Street, Suite 167 | Riverside, CA 92501 | (951) 941-7981

5204[f][2][D] Prohibitions. In an asphalt or concrete recycling operation, it would be impossible to operate if walking or moving equipment through dust containing RCS was prohibited. Employers at recycling operations have been successful at controlling exposures by using water to clean walkways and watering roads and yards at the recycling site.

CalCIMA recognizes the importance of the effort Cal/OSHA is making to protect workers' health. Thank you in advance for your consideration of the comments we have provided.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Dugan", is written over the printed name and title.

Robert Dugan
President & CEO

From: [Leah Black](#)
To: [DIR OSHSB](#)
Subject: RCS Health and Safety Regulation - Caesarstone USA Inc
Date: Wednesday, November 13, 2024 7:30:55 AM
Attachments: [doc00452720241113101236.pdf](#)

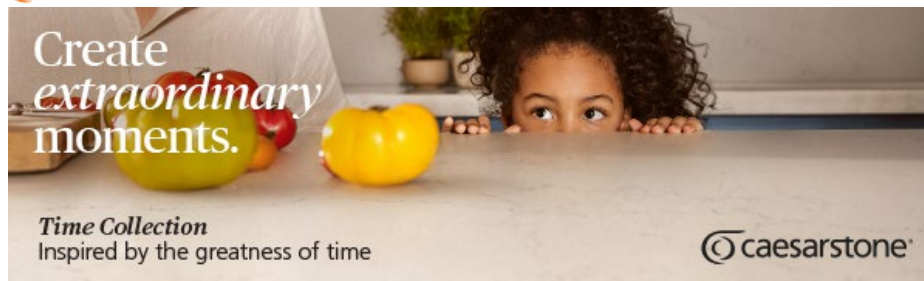
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Good day,

Please see the attached letter.

Best,
Leah Black
Executive Assistant
Caesarstone, US
Mobile: 949.379.0683 | www.caesarstoneus.com



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Thank you.

Our external privacy policy is available at <https://global.caesarstone.com/terms-and-conditions/privacy-policy/>



November 12, 2024

To:

Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833By

By email: oshsb@dir.ca.gov

RE: Written Comments to the Proposed Modification to Title 8, Section 5204 – Occupational Exposures to Respirable Crystalline Silica

Dear Members of the Occupational Safety and Health Standards Board,

On behalf of Caesarstone USA, Inc., I am writing to express our strong opposition to the proposed modification to California Code of Regulations Title 8, Section 5204, specifically regarding the exemption of porcelain materials from the scope of safety requirements associated with occupational exposures to respirable crystalline silica.

Caesarstone USA holds a deep commitment to protecting the health and safety of workers within the stone fabrication industry. As an experienced industry leader in quartz surfaces, we are aware of the risks posed by respirable crystalline silica exposure across various materials, including porcelain.

We have read the proposed modifications to the Code and wish to comment on one of the major alternation suggested – the porcelain exemption. as detailed below, we are concerned that the proposed exemption for porcelain overlooks a critical safety risk that warrants regulation under the same stringent standards applied to artificial stone.

Porcelain materials contain approximately 20% crystalline silica, a significant proportion that, when processed, poses a substantial risk for silicosis and other silica-related illnesses, if appropriate safety measures are not in place. It is well-known that fabrication activities, such as cutting, drilling, and polishing, release fine crystalline silica dust particles into the air that workers can easily inhale. Given the significant content of crystalline silica in porcelain, it is essential to recognize this material as a form of “artificial stone” and to mandate safety measures that align with those required for other materials identified under this category.

Exempting porcelain from the established safety standards contradicts the evidence-based approach that has governed silica exposure regulations. Silicosis is a preventable but irreversible condition, and reducing safety protocols based on the production process of the slab—whether pressed or fired—rather than the crystalline silica content itself poses significant risks to workers in the fabrication industry. Exposure levels when fabricating porcelain products can exceed the permissible exposure limit (PEL) if adequate precautions are not in place—just as with quartz and other artificial stones. This underscores the need for comprehensive safety measures, including respiratory protection, dust control, and ongoing medical surveillance.

Furthermore, this exemption could lead to inconsistent regulatory enforcement, where comparable materials with significant crystalline silica content are held to different safety standards. By mandating that porcelain be included within the scope of Section 5204, California would be advancing a uniform, equitable, and preventative approach to silica exposure management across all relevant materials, thereby enhancing worker protection industry-wide.



We respectfully urge the Board to reconsider the proposed exemption for porcelain and to require that materials containing crystalline silica, including porcelain, are subject to the same protective regulations established for artificial stone. Doing so would better safeguard the health and well-being of thousands of workers who engage in fabrication processes that expose them to respirable crystalline silica dust daily.

Thank you for considering our comments. We look forward to a regulatory framework that fully addresses the shared responsibility of protecting California's workforce from the significant health risks associated with crystalline silica exposure.

Sincerely,

A handwritten signature in black ink that reads 'Erik Christensen'. The signature is fluid and cursive, with a large, sweeping 'E' and 'C'.

Erik Christensen, President
Caesarstone USA Inc.

From: [Michael Geyer](#)
To: [DIR OSHSB](#)
Subject: Standards Board Consideration - Title 8, Section 5204 Modifications
Date: Wednesday, November 13, 2024 2:22:21 PM
Attachments: [Cal-OSHA - Ltr Response to Silica Mods.pdf](#)

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Greetings ...

My comments for the Standards Board consideration re Section 5204 are included in the attached PDF.

Best regards.

Michael Geyer

Michael Geyer PE, CIH, CSP
Project Director
KERNTEC Industries, Inc.
Bakersfield, California
www.kerntecindustries.com
mgeyer@kerntecindustries.com
Cell: (661) 331-6006

November 13, 2024**File No. 0190000.01**

California Dept. of Industrial Relations
Occupational Safety & Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Subject: Notice of Proposed Modification to: CCR, Title 8: Section 5204, Occupational Exposures to Respirable Crystalline Silica

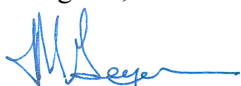
Greetings: Thank you for the opportunity to comment. I am submitting two.

#1 - Definition #11 – Qualified Person. I take exception to the inclusion "...third party independent of the employer ..." This is very self-serving to a small group of qualified individuals, and it is disrespectful to those employers who have developed in-house expertise to conduct exposure assessments for silica. I recommend it be removed from the standard.

#2 – Not a recommendation, but a word of caution. The standard's Action Level of 25-micrograms per cubic meter of air (ug/m^3) is much more common than I believe the Board realizes, especially in southern California. Much of California lacks sufficient vegetative cover to prevent silica particulates from becoming airborne during periods of high velocity winds. A recent occurrence of a high-wind event took place in the San Joaquin Valley Monday afternoon, November 11, 2024, which far exceeded the Action Level. High velocity winds events are common in California – it is why wind-energy systems are popular here. I have been working with many employers striving to comply with this standard, and many are finding that upwind sources of airborne silica are significant. Whereas most environmental standards allow an employer to separate upwind exposure from facility/workplace exposure, occupational safety standards do not. Given the Action Level of $25\text{-ug}/\text{m}^3$, more and more workplaces I support are experiencing Action Level concentrations of airborne silica, upwind, at their property line. This is especially true when adjacent properties are agricultural fields, a construction site, grazing lands, oil production leases, or other areas with barren soil, which is common in California. I urge the Board to proceed with caution because this standard is dipping into a realm of anthropogenic and nonanthropogenic forces, both contributing to the concentration of airborne silica workers and the public are exposed to. Is the silica standard going to become similar to California's Wildfire Smoke standard (Title 8, Section 5141.1) whereby all employees working outdoors when the wind blows, and dust is visible, need to don an N-95? Are all employers with employees working outdoors going to be required to conduct airborne silica exposure assessments, regardless of industry? Rhetorical questions.

Respectfully submitted.

Regards,



Michael Geyer, PE, CIH, CSP
Project Director-President
KERNTEC Industries, Inc.

From: [Eric Astrachan](#)
To: [DIR OSHSB](#)
Cc: [Grant Davidson](#); [Bill Griesse](#); [Berg, Eric@DIR](#); [Hoffman, Christine@DIR](#); [Grawlich, Kevin@DIR](#)
Subject: Ceramic Tile Industry Comments on Occupational Exposures to Respirable Crystalline Silica - Revised Second Notice of Proposed Modifications to California Code of Regulations
Date: Wednesday, November 13, 2024 2:52:27 PM
Attachments: [TCNA Comments to CAL OSHA Standards Board - Revised 2nd Proposed Modifications Re Occupational Exposures to Respirable Crystalline Silica.pdf](#)

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Dear Occupational Safety and Health Standards Board and Chair Alioto,

Please find Tile Council of North America comments attached in response to the Revised Second Notice of Proposed Modifications to the California Code of Regulations, regarding Occupational Exposures to Respirable Crystalline Silica, submitted on behalf of our 240 members of the ceramic and porcelain tile manufacturing industry in North America.

Thank you for your consideration of our comments.

Best regards,

Eric Astrachan

Executive Director

Tile Council of North America

100 Clemson Research Blvd.

Anderson, SC 29625

Phone: 864-646-8453 Ext 101

www.tcnatile.com

www.whytile.com



Website: www.tcnatile.com . Literature: literature@tcnatile.com

November 13, 2024

Honorable Joseph Alioto, Jr., Chair
Occupational Safety and Health Standards Board
California Department of Industrial Relations
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

**RE: Ceramic Tile Industry Comments on Occupational Exposures to Respirable Crystalline Silica
- Revised Second Notice of Proposed Modifications to California Code of Regulations**

Dear Chair Alioto:

On behalf of the Tile Council of North America and its members, we are writing in support of the proposed modifications to California Code of Regulations, Title 8: Section 5204 of the General Industry Safety Orders as circulated on 10/28/24 as they apply to the manufacture of fired ceramic and fired porcelain tiles and panels.

We commend CAL/OSHA staff, notably the Health and Research and Standards Unit, and Cal/OSHA Enforcement for their work on these modifications and their attention to the critical details causing the silicosis epidemic in California.

Separately, we urge consideration of the September 27, 2024, letter from the Natural Stone Institute and their September 19, 2024, presentation of data and research from the Yale School of Medicine that showed silica exposures and silicosis are preventable through implementation of comprehensive best management practices within the countertop fabrication industry.

Thank you for your consideration of our comments.

Sincerely,

Eric S. Astrachan
Executive Director
Tile Council of North America

About the Tile Council of North America:

TCNA is a leader in the development of tile industry standards and guidelines for health and safety, sustainability, material and environmental transparency, international certification, and quality. TCNA members represent well-over 95% of tile industry manufacturing in North America, while our stakeholder and standards development outreach directs major labor, environmental, health, and safety initiatives.

TILE COUNCIL OF NORTH AMERICA, INC.

100 Clemson Research Boulevard . Anderson, South Carolina 29625 . Phone: 864-646-8453 . Fax: 864-646-2821



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Occupational Safety and Health Standards Board

Business Meeting Proposed Variance Decisions

**CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS
DECEMBER 19, 2024, MONTHLY BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED DECISIONS FOR BOARD CONSIDERATION, HEARD ON December 4, 2024

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
1. 21-V-405M1	Rancho El Camino LP	Elevator	GRANT
2. 22-V-310M1	IQHQ - RaDD I, LLC	Elevator	GRANT
3. 22-V-361M1	MIG Real Estate	Elevator	GRANT
4. 23-V-227M1	2400 Adeline Development LLC	Elevator	GRANT
5. 23-V-375M1	301 Bryant HOA	Elevator	GRANT
6. 23-V-394M1	710 Broadway, LLC	Elevator	GRANT
7. 23-V-597M1	Century WLAVA 1 LP	Elevator	GRANT
8. 24-V-157M1	Hunters Point Block 56, L.P.	Elevator	GRANT
9. 24-V-223M1	Wisteria Warner Center CCRC LLC	Elevator	GRANT
10. 24-V-468	Carlton, L.P.	Elevator	GRANT
11. 24-V-469	RAFA LA Development LLC	Elevator	GRANT
12. 24-V-470	8717 South Central LLC	Elevator	GRANT
13. 24-V-471	Pie Investments, LLC. / The Lux Noho, LLC.	Elevator	GRANT
14. 24-V-472	GB Encore LLC	Elevator	GRANT
15. 24-V-473	1752 Shattuck LLC	Elevator	GRANT
16. 24-V-474	David Scott Nale 2000 Trust	Elevator	GRANT
17. 24-V-475	Good Samaritan Hospital	Elevator	GRANT
18. 24-V-477	GDC-CM Wilson, LP	Elevator	GRANT
19. 24-V-478	MP Boardwalk Associates, L.P.	Elevator	GRANT
20. 24-V-479	California State University Chico	Elevator	GRANT
21. 24-V-480	Regents of the University of California	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
22. 24-V-481	UCSD FAC MGMT	Elevator	GRANT
23. 24-V-482	Rady Children's Hospital San Diego	Elevator	GRANT
24. 24-V-483	Rise 8th Ave LP	Elevator	GRANT
25. 24-V-487	Long Beach Investors LLC	Elevator	GRANT
26. 24-V-488	7655 San Pedro, LLC	Elevator	GRANT
27. 24-V-489	Sunshine Encinitas, LLC	Elevator	GRANT
28. 24-V-490	Prologis L.P.	Elevator	GRANT
29. 24-V-491	UC Berkeley	Elevator	GRANT
30. 24-V-492	Western Placer USD	Elevator	GRANT
31. 24-V-493	Villa Noble WeHo LLC	Elevator	GRANT
32. 24-V-494	Villa Noble WeHo LLC	Elevator	GRANT
33. 24-V-495	The Magnolias LP	Elevator	GRANT
34. 24-V-496	Manchester Land Associates, L.P.	Elevator	GRANT
35. 24-V-497	HSRE-PMB Irvine LLC	Elevator	GRANT
36. 24-V-498	2220 Encinitas, LLC A Delaware Limited Liability Company	Elevator	GRANT
37. 24-V-499	Ocean View Partnership, L.P. & PBA Development, LLC	Elevator	GRANT
38. 24-V-500	Chaffey Community College District	Elevator	GRANT
39. 24-V-501	Stanton 2.0, LLC	Elevator	GRANT
40. 24-V-502	Stanton 2.0, LLC	Elevator	GRANT
41. 24-V-503	Heghine Gasparyan	Elevator	GRANT
42. 24-V-504	Vista Capital, LP	Elevator	GRANT
43. 24-V-505	View at Julian, LP	Elevator	GRANT
44. 24-V-506	Y & Y Tower LLC	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
45. 24-V-507	St John Knits, Inc.	Elevator	GRANT
46. 24-V-508	Ekim Builders Inc	Elevator	GRANT
47. 24-V-509	Long Beach Investors LLC	Elevator	GRANT
48. 24-V-510	950 Hough Investors, LLC	Elevator	GRANT
49. 24-V-511	10914 South Main Street LLC	Elevator	GRANT
50. 24-V-512	Durand Sherman LLC	Elevator	GRANT
51. 24-V-513	California State University, Dominguez Hills	Elevator	GRANT
52. 24-V-514	1192 35th LA LLC	Elevator	GRANT
53. 24-V-515	Nash-Holland 3rd & Fairfax Investors, LLC a Delaware Company Limited Liability Company	Elevator	GRANT
54. 24-V-516	G. Scott Lund and Jennifer Lund	Elevator	GRANT
55. 24-V-517	Phil Kramer, CEO, Housing Matters	Elevator	GRANT
56. 24-V-518	W-16 LLC	Elevator	GRANT
57. 24-V-519	Folsom Hotel Development, LP	Elevator	GRANT
58. 24-V-520	City of Vista	Elevator	GRANT
59. 24-V-521	Natalia De Michele Healthpeak Properites, Inc.	Elevator	GRANT
60. 24-V-522	Arden Armory Affordable LP	Elevator	GRANT
61. 24-V-523	1045 Mason Street Homeowners Association	Elevator	GRANT
62. 24-V-524	Asmallk LLC	Elevator	GRANT
63. 24-V-525	Gundry Partners LP	Elevator	GRANT
64. 24-V-526	Long Beach Community College	Elevator	GRANT
65. 24-V-527	Los Angeles County Facilities 2, Inc.	Elevator	GRANT
66. 24-V-528	Rowland Town Center LLC	Elevator	GRANT

Docket Number	Applicant Name	Safety Order(s) at Issue	Proposed Decision Recommendation
67. 24-V-529	Rowland Town Center LLC	Elevator	GRANT
68. 24-V-530	Rowland Town Center LLC	Elevator	GRANT
69. 24-V-531	PERA Urban West Corp	Elevator	GRANT
70. 24-V-532	E P Dennison LLC	Elevator	GRANT
71. 24-V-533	HHP - Walnut LLC	Elevator	GRANT
72. 24-V-534	Found Middle LP	Elevator	GRANT
73. 24-V-535	UCSD FAC MGMT	Elevator	GRANT
74. 24-V-536	UCSD FAC MGMT	Elevator	GRANT
75. 24-V-537	Clement 1 LLC	Elevator	GRANT
76. 24-V-538	Bulgari Corporation of America	Elevator	GRANT
77. 24-V-539	St. John Missionary Baptist Church	Elevator	GRANT
78. 24-V-540	Tahoe Donner Association	Elevator	GRANT
79. 24-V-541	1600 Commonwealth, LP	Elevator	GRANT
80. 24-V-542	21300 Oxnard Master Site, LP	Elevator	GRANT
81. 24-V-543	Midpen Housing	Elevator	GRANT
82. 24-V-544	Kaiser Permanente LLC	Elevator	GRANT

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

In the Matter of Application to Modify
Permanent Variance by:

Rancho El Camino LP

Permanent Variance No.: 21-V-405M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: Rancho El Camino LP	Permanent Variance No.: 21-V-405M1 <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 Location: Zoom
---	---

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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
21-V-405	Rancho El Camino LP	3402 El Camino Real 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 December 04, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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 December 04, 2024, 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 21-V-405.
2. Application section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 21-V-405 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.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. 21-V-405.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 21-V-405 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. 21-V-405, to be:

3406 El Camino Real
Santa Clara, CA

D. Decision and Order

1. Permanent Variance Application No. 21-V-405M1 is conditionally GRANTED, thereby modifying Board records, such that, without change in variance location, each elevator being the subject of Permanent Variance Nos. 21-V-405, and 21-V-405M1, shall have the following address designation:

3406 El Camino Real
Santa Clara, CA

2. Permanent Variance No. 21-V-405, being only modified as to the subject location address specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into this Decision and Order of Permanent Variance No. 21-V-405M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

IQHQ - RaDD I, LLC

Permanent Variance No.: 22-V-310M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: IQHQ - RaDD I, LLC	Permanent Variance No.: 22-V-310M1 <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
22-V-310	IQHQ RaDD I, LLC	IQHQ RaDD - Block 2B 800 Pacific Coast Highway San Diego, 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 December 4, 2024 via videoconference by The Occupational Safety and Health Standards Board (“Board”) with Hearing Officer Michelle Iorio, both presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Matt Jaskiewicz with Mitsubishi Electric, Elevator Division 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:

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

Exhibit Number	Description of Exhibit
PD-1	Application to Modify Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Cal/OSHA Review of Modification 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 December 04, 2024, 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-310.
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-310 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 File No. 22-V-310.
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-310 was, in part, based.
5. The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 22-V-310, to be:

800 Pacific Highway
San Diego, CA

D. Decision and Order:

1. Permanent Variance Application No. 22-V-310M1 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-310, and 22-V-310M1, shall have the following address designation:

800 Pacific Highway
San Diego, CA

2. Permanent Variance No. 22-V-310, 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-310M1.

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

Dated: December 4, 2024


Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

MIG Real Estate

Permanent Variance No.: 22-V-361M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: MIG Real Estate	Permanent Variance No.: 22-V-361M1 PROPOSED DECISION Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Address of Record	Number of Elevators
22-V-361	MIG Real Estate	MIG Fremont Garage 39176 Fremont Boulevard Fremont, 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 December 04, 2024, via videoconference, the Board, with Hearing Officer Michelle Iorio, 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 Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates appeared on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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 December 04, 2024, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings and Basis:

1. The Applicant requests modification as to the quantity of elevators being the subject of previously granted Permanent Variance No. 22-V-361.
2. Cal/OSHA has evaluated the immediate request for modification of variance, finds no issue with it, and recommends that the application for modification be granted subject to the same conditions of the Decision and Order in Permanent Variance File No. 22-V-361.
3. The Board finds the declaration of the Applicant Signatory to be credible, uncontroverted, and consistent with available, sufficient facts, and finds modification of Permanent Variance 22-V-361, increasing the quantity of subject elevators from two to three, to be of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 22-V-361 was, in part, based.

D. Decision and Order:

1. Application for Modification of Permanent Variance, No. 22-V-361M1, is conditionally GRANTED, as specified below, such that a total of three elevators are the subject of Permanent Variance No. 22-V-361M1.
2. Permanent Variance No. 22-V-361, being only modified as to the subject quantity of elevators specified in above Decision and Order section 1, is otherwise unchanged and remaining in full force and effect, as hereby incorporated by reference into Modification of Permanent Variance 22-V-361M1.
3. The applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per sections 411.2 and 411.3.
4. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), 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: December 4, 2024

Michelle Iorio
Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

2400 Adeline Development LLC

Permanent Variance No.: 23-V-277M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: 2400 Adeline Development LLC	Permanent Variance No.: 23-V-227M1 <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
23-V-227	2400 Adeline Development LLC	1820 Broadway Santa Monica, 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 December 04, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, 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:

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

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 December 04, 2024, 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-227.
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-227 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-227.
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-227 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-227, to be:

2400 Adeline St.
Oakland, CA

D. Decision and Order

1. Permanent Variance Application No. 23-V-227M1 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-227, and 23-V-227M1, shall have the following address designation:

2400 Adeline St.
Oakland, CA

2. Permanent Variance No. 23-V-227, 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-227M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

301 Bryant HOA

Permanent Variance No.: 23-V-375M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: 301 Bryant HOA	Permanent Variance No.: 23-V-375M1 <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
23-V-375	301 Bryant HOA	301 Bryant Street San Francisco, CA

2. This proceeding is conducted in accordance with Labor Codes 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 December 4, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Funei Saetern KONE Inc., 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:

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

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 December 4, 2024, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. The Applicant asserts that building conditions for the one (1) passenger elevator, at the address of record, has been revised to accommodate an elevator platform guard (Apron) which complies with the Elevator Safety Orders. A permanent variance from CCR, Title 8, 3141 [ASME A17.1-2004, sections 2.15.9.2(a) and 2.4.1.5], permitting the use of a 2-section retractable platform guard and permitting car mounted equipment striking the pit floor, is no longer necessary.
2. The Applicant requests a modification to exclude a variance from the provisions of California Code of Regulations (CCR), Title 8, Group IV, Section 3141[ASME A17.1-2004, Sections 2.15.9.2(a) and 2.4.1.5] of the Elevator Safety Orders regarding the platform guard (Apron), and car mounted equipment striking the pit for the one (1) Kone MonoSpace 500 MRL passenger elevator located at the address of record, the subject of previously granted Permanent Variance 23-V-375.
3. 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 variance conditions regarding the platform guard (Apron), and car mounted equipment striking the pit for the one (1) Kone MonoSpace 500 MRL passenger elevator located at the address of record, the subject of previously granted Permanent Variance 23-V-375, in fact is more completely, and correctly the variance conditions specified in below subsection D.1.
4. Cal/OSHA has evaluated the request for modification of the variance conditions, 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-375, excluding stricken conditions related to the platform guard (Apron).
5. 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-375 was, in part, based.

D. Decision and Order

1. Permanent Variance Application No. 23-V-375M1 is conditionally GRANTED, thereby modifying Board records, such that the elevator being the subject of Permanent Variance Nos. 23-V-375, and 23-V-375M1, shall have the following conditions as stated in Permanent Variance 23-V-375, excluding ~~stricken~~ conditions, related to the platform guard (Apron):

“E. Decision and Order:

Each Application being the subject of this proceeding, per the table in Jurisdictional and Procedural Matters, section 1 above, is conditionally GRANTED, to the extent that each such Applicant shall be issued permanent variance from section 3141 shall be GRANTED subject to the following conditions and limitations:

Elevator Safety Orders:

- *Minimum Diameter of Suspension Ropes: 2.20.4 (Only to the extent necessary to permit the use of 8 mm [0.0315 in.] diameter suspension ropes, where the Elevator Safety Orders require a minimum diameter of 9.5 mm [.0375]).*
- ~~*Platform Guard: 2.15.9.2 (Only to the extent necessary to permit the use of a two-section retractable platform guard (apron) where the depth of the pit is not sufficient enough to prevent the platform guard from contacting the floor when the car is resting on it's fully compressed buffers or bumpers); and*~~
- ~~*Bottom Car Clearances: 2.4.1.5 (Only to the extent necessary to permit the two-section retractable platform guard (apron) to contact the pit floor);*~~

Conditions:

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

6. *The elevator rated speed shall not exceed those speeds specified per the Decision and Order Appendix 1 Table.*
7. *The maximum suspended load shall not exceed those weights (plus 5%) specified per the Decision and Order Appendix 1 Table.*
8. *The opening to the hoistway shall be effectively barricaded when car top inspection, maintenance, servicing, or testing of the elevator equipment in the hoistway is required. If the service personnel must leave the area for any reason, the hoistway and control room doors shall be closed.*
9. *The installation shall meet the suspension wire rope factor of safety requirements of ASME A17.1-2013 Section 2.20.3.*
10. *The Applicant shall comply with suspension means replacement reporting condition per hereby incorporated Decision and Order Appendix 2.*
11. ~~*In lieu of the straight vertical face (one-piece) platform guards (aprons) required by Section 3141 [ASME A17.1-2004, Section 2.15.9.2], a two-section retractable platform guard consisting of a stationary, upper-section guard plate and a moveable, lower-section guard plate shall be installed to conform to the following:*~~
 - ~~*a. The stationary, upper section guard plate shall have a straight vertical face, extending below the floor surface of the platform; the height shall be not less than 920 mm (36.2 in).*~~
 - ~~*b. The movable, lower section guard plate shall:*~~
 - ~~*i. Comply with ASME A17.1-2004, section 2.15.9.3;*~~
 - ~~*ii. Be provided a rubber bumper at the center of the bottom edge of the plate to absorb the impact when the toe guard strikes the concrete pit floor;*~~
 - ~~*iii. Be provided with an electrical switch that indicates to the control system that the retractable platform guard is in its extended position (when car is away from the bottom landing), and be provided with a second electrical switch that indicates to the control system that the moveable lower section is in its retracted position (when the car is at the bottom landing), thereby overriding the first switch. Failure of either of these electrical switches or of the mechanical parts that activate these electrical switches shall cause the controller to remove power from the driving machine and brake.*~~
 - ~~*e. The two-section retractable platform guard shall be provided with smooth metal guard plates of not less than 1.5 mm (0.059 in) thick steel, or material of equivalent strength and stiffness, adequately reinforced and braced to the car platform and conforming to ASME A17.1-2004, sections 2.15.9.1 and 2.15.9.4.*~~
 - ~~*d. The overall height of the two-section retractable platform guard shall be not less than 1220 mm (48 in) when the moveable lower section is in the fully extended (deployed) position.*~~
 - ~~*e. The elevator rated speed shall be equal to or less than 200 feet per minute.*~~

~~f. 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.~~

12. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing or testing the elevators shall be provided a copy of this variance decision.
13. The Division shall be notified when the elevator is ready for inspection. The elevator shall be inspected by the Division and a "Permit to Operate" issued before the elevator is placed in service.
14. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives are to be notified of docketed permanent variance applications pursuant to sections 411.2 and 411.3.
15. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), the Division, or by the Board on its own motion, in accordance with its procedural rules."

Appendix 1

	Monospace 500 Suspension Ropes Appendix 1 Table			
OSHSB File No.	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
23-V-375	Passenger	7	350	10243

- a. Permanent Variance No. 23-V-375, being only modified as to exclude the variance conditions 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-375M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

710 Broadway, LLC

Permanent Variance No.: 23-V-394M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: 710 Broadway, LLC	Permanent Variance No.: 23-V-394M1 <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
23-V-394	710 Broadway	710 Broadway Santa Monica, 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 December 4, 2024 via videoconference by The Occupational Safety and Health Standards Board (“Board”) with Hearing Officer Michelle Iorio, both presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, Matt Jaskiewicz with Mitsubishi Electric, Elevator Division 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:

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

Exhibit Number	Description of Exhibit
PD-1	Application to Modify Permanent Variance
PD-2	OSHSB Notice of Hearing
PD-3	Cal/OSHA Review of Modification 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 December 04, 2024, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

- 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-394.
- 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-394 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.1.
- 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 File No. 23-V-394.
- 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-394 was, in part, based.
- The Board finds the correct address by which to designate the location of each elevator the subject of Permanent Variance No. 23-V-394, to be:

700 Broadway
Santa Monica, CA

D. Decision and Order:

- Permanent Variance Application No. 23-V-394M1 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-394, and 23-V-394M1, shall have the following address designation:

700 Broadway
Santa Monica, CA

2. Permanent Variance No. 23-V-394, 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-394M1.

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

Dated: December 4, 2024



Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

Century WLAVA 1 LP

Permanent Variance No.: 23-V-597M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: Century WLAVA 1 LP	Permanent Variance No.: 23-V-597M1 <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
23-V-597	Century WLAVA 1 LP	West LA VA- Building 404 11301 Wilshire Blvd. 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 December 04, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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 December 04, 2024, 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-597.
2. Application section 3, declared to be wholly truthful under penalty of perjury by Application signatory, states facts upon which reasonably may be based a finding that the address, specified in the records of the Board, at which Permanent Variance 23-V-597 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.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. 23-V-597.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 23-V-597 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-597, to be:

West LA VA - Building 404
11400 Vandergrift Ave.
Los Angeles, CA

D. Decision and Order

1. Permanent Variance Application No. 23-V-597M1 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-597, and 23-V-597M1, shall have the following address designation:

West LA VA - Building 404
11400 Vandergrift Ave.
Los Angeles, CA

2. Permanent Variance No. 23-V-597, 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-597M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

Hunters Point Block 56, L.P.

Permanent Variance No.: 24-V-157M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: Hunters Point Block 56, L.P.	Permanent Variance No.: 24-V-157M1 <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
24-V-157	Hunters Point Block 56, L.P.	11 Innes Ct. 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 December 04, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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 December 04, 2024, 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-157.
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-157 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.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-157.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 24-V-157 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-157, to be:

275 Coleman St.
San Francisco, CA

D. Decision and Order

1. Permanent Variance Application No. 24-V-157M1 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-157, and 24-V-157M1, shall have the following address designation:

275 Coleman St.
San Francisco, CA

2. Permanent Variance No. 24-V-157, 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-157M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application to Modify
Permanent Variance by:

Wisteria Warner Center CCRC LLC

Permanent Variance No.: 24-V-223M1
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: Wisteria Warner Center CCRC LLC	Permanent Variance No.: 24-V-223M1 <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Preexisting Variance Address of Record
24-V-223	Wisteria Warner Center CCRC LLC	21300 Burbank Blvd. Woodland Hills, 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 December 04, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.
2. At the hearing Wolter Geesink with Otis Elevator Company, and Dan Leacox of Leacox & Associates, appeared on behalf of the Applicant, Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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 December 04, 2024, 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-223.
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-223 is in effect, in fact is more completely, and correctly the different combination of addresses specified in below subsection D.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-223.
4. The Board finds the above subpart D.2 referenced declaration to be credible, uncontroverted, and consistent with available, sufficient facts, and of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 24-V-223 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-223, to be:

21300 W. Burbank Blvd.
Woodland Hills, CA

D. Decision and Order

1. Permanent Variance Application No. 24-V-223M1 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-223, and 24-V-223M1, shall have the following address designation:

21300 W. Burbank Blvd.
Woodland Hills, CA

2. Permanent Variance No. 24-V-223, 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-223M1.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application for
Permanent Variance regarding:

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

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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

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

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

In the Matter of Application for Permanent Variance Regarding: Schindler 3300 with SIL-Rated Drive to De-energize Drive Motor (Group IV)	Permanent Variance No: See section A.1 table below <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-468	Carlton, L.P.	5407 S. Western Ave. Los Angeles, CA	1
24-V-469	RAFA LA Development LLC	1833 N. Garey Ave. Pomona, CA	1
24-V-470	8717 South Central LLC	8717 South Central Ave. Los Angeles, CA	1
24-V-471	Pie Investments, LLC. / The Lux Noho, LLC.	11436 Hatteras St. North Hollywood, CA	1
24-V-472	GB Encore LLC	401 W. Grand Ave. Grover Beach, CA	1
24-V-474	David Scott Nale 2000 Trust	130 Turk St. San Francisco, CA	1

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

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

B. Procedural

1. This hearing was held on December 4, 2024 via videoconference by the Board with Hearing Officer, Michelle Iorio, 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 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 of Proposed Decision

4. Official notice taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On December 04, 2024, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

Relevant Safety Order Provisions

Applicant seeks a permanent variance from section 3141 [ASME A17.1-2004, sections 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.5.4, 2.26.1.4.4(a), 8.4.10.1.1(a)(2)(B), 2.14.1.7.1, and 2.26.9.6.1]. The relevant language of those sections are below.

Suspension Means

Section 3141 [ASME A17.1-2004, section 2.20.1, Suspension Means] states in part:

Elevator cars shall be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame specified in 2.15.1. Ropes that have previously been installed and used on another installation shall not be reused. Only iron (low-carbon steel) or steel wire ropes, having the commercial classification "Elevator Wire Rope," or wire rope specifically constructed for elevator use, shall be used for the suspension of elevator cars and for the suspension of counterweights. The wire material for ropes shall be manufactured by the open-hearth or electric furnace process, or their equivalent.

Section 3141 [ASME A17.1-2004, section 2.20.2.1(b), On Crosshead Data Plate] states in part:

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

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

Section 3141 [ASME A17.1-2004, section 2.20.2.2(a) and (f) On Rope Data Tag] states in part:

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

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

[...]

(f) whether the ropes were non preformed or preformed

Section 3141 [ASME A17.1-2004, section 2.20.3, Factor of Safety] states:

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

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

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

where:

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

S= manufacturer's rated breaking strength of one rope

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

Section 3141 [ASME A17.1-2004, section 2.20.4, Minimum Number and Diameter of Suspension Ropes] states:

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

Where a car counterweight is used, the number of counterweight ropes used shall be not less than two.

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

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

Section 3141 [ASME A17.1-2004, section 2.20.9.3.4] states:

Cast or forged steel rope sockets, shackle rods, and their connections shall be made of unwelded steel, having an elongation of not less than 20% in a gauge length of 50 mm (2 in.), when measured in accordance with ASTM E 8, and conforming to ASTM A 668, Class B for forged steel, and ASTM A 27, Grade 60/30 for cast steel, and shall be stress relieved. Steels of greater strength shall be permitted, provided they have an elongation of not less than 20% in a length of 50 mm (2 in.).

Section 3141 [ASME A17.1-2004, section 2.20.9.5.4] states:

When the rope has been seated in the wedge socket by the load on the rope, the wedge shall be visible, and at least two wire-rope retaining clips shall be provided to attach the termination side to the load-carrying side of the rope (see Fig. 2.20.9.5). The first clip shall be placed a maximum of 4 times the rope diameter above the socket, and the second clip shall be located within 8 times the rope diameter above the first clip. The purpose of the two clips is to retain the wedge and prevent the rope from slipping in the socket should the load on the rope be removed for any reason. The clips shall be designed and installed so that they do not distort or damage the rope in any manner.

Inspection Transfer Switch

Section 3141[ASME A17.1-2004, section 2.26.1.4.4(a), Machine Room Inspection Operation] states:

When machine room inspection operation is provided, it shall conform to 2.26.1.4.1, and the transfer switch shall be

(a) located in the machine room[.]

Seismic Reset Switch

Section 3141[ASME A17.1-2004, section 8.4.10.1.1(a)(2)(b), Earthquake Equipment] states:

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

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

(2) seismic zone 2 or greater:

(a) a displacement switch for each elevator

(b) an identified momentary reset button or switch for each elevator, located in the control panel in the elevator machine room

Car-top Railings

Section 3141[ASME A17.1-2004, section 2.14.1.7.1] states:

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

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

Section 3141[ASME A17.1-2004, section 2.26.9.6.1] states:

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

C. Findings of Fact

1. Each Applicant intends to utilize Schindler model 3300 MRL elevator cars, in the quantity, at the locations, specified per the above Section A.1 table.
2. The installation contract for these elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
3. The Schindler model 3300 MRL elevator cars are not supported by circular steel wire ropes, as required by the Elevator Safety Orders (ESO). They utilize non-circular elastomeric-coated steel belts and specialized suspension means fastenings.
4. No machine room is provided, preventing the inspection transfer switch from being located in the elevator machine room. The lack of machine room also prevents the seismic reset switch from being located in the elevator machine room.
5. Applicant proposes to relocate the inspection transfer switch and seismic reset switch in an alternative enclosure.

6. The driving machine and governor are positioned in the hoistway and restrict the required overhead clearance to the elevator car top.
7. Applicant proposes to insert the car-top railings at the perimeter of the car top.
8. Applicant intends to use an elevator control system, model CO NX100NA, with a standalone, solid-state motor control drive system that includes devices and circuits having a Safety Integrity Level (SIL) rating to execute specific elevator safety functions.

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 being 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 to the following conditions:

Elevator Safety Orders:

- Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, and 2.20.9.5.4 (Only to the extent necessary to permit the use of the Elastomeric-coated Steel Belts proposed by the Applicant, in lieu of circular steel suspension ropes.);
- Inspection transfer switch: 2.26.1.4.4(a) (Only to the extent necessary to permit the inspection transfer switch to reside at a location other than the machine room);
- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (Only to the extent necessary to permit the seismic reset switch to reside at a location other than the machine room. room);
- Car-Top Railing: 2.14.1.7.1 (Only to the extent necessary to permit the use of the car-top railing system proposed by the Applicant, where the railing system is located inset from the elevator car top perimeter);
- Means of Removing Power: 2.26.9.6.1 (Only to the extent necessary to permit the use of SIL-rated devices and circuits as a means to remove power from the AC driving motor, where the redundant monitoring of electrical protective devices is required by the Elevator Safety Orders).

Conditions:

1. The elevator suspension system shall comply to the following:
 - a. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:
 - 2.20.4.3 – Minimum Number of Suspension Members
 - 2.20.3 – Factor of Safety
 - 2.20.9 – Suspension Member Fastening
 - b. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the STM members and fastenings and related monitoring and detection systems and criteria for STM replacement, and the Applicant shall make those procedures and criteria available to the Certified Competent Conveyance Mechanic (CCCM) at the location of the elevator, and to Cal/OSHA upon request.

STM member mandatory replacement criteria shall include:

- i. Any exposed wire, strand or cord;
 - ii. Any wire, strand or cord breaks through the elastomeric coating;
 - iii. Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric-coated steel suspension member;
 - iv. Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends;
- c. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.
- d. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: if a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.
- e. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.
- f. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).
- g. An elevator controller integrated bend cycle monitoring system shall monitor actual STM bend cycles, by means of continuously counting, and storing in nonvolatile memory, the number of trips that the STM makes traveling, and thereby being bent,

over the elevator sheaves. The bend cycle limit monitoring means shall automatically stop the car normally at the next available landing before the bend cycle correlated residual strength of any single STM member drops below 80 percent of full rated strength. The monitoring means shall prevent the car from restarting. The bend cycle monitoring system shall be tested annually in accordance with the procedures required by condition 1b above.

- h. The elevator shall be provided with a device to monitor the remaining residual strength of each STM member. The device shall conform to the requirements of Cal/OSHA Circular Letter E-10-04, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.
 - i. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, section 2.20.2.1.
 - j. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, section 2.20.2.2.
 - k. Comprehensive visual inspections of the entire length of each and all installed suspension members, to the criteria developed in condition 1b, shall be conducted and documented every six months by a CCCM.
 - l. The Applicant shall be subject to the requirements set out in Exhibit 2 of this Decision and Order, "Suspension Means Replacement Reporting Condition," Incorporated herein by this reference.
 - m. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, sections 8.6.1.2 and 8.6.1.4, respectively.
- 2. If the inspection transfer switch required by ASME A17.1-2004, section 2.26.1.4.4 does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
 - 3. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
 - 4. If there is an inset car-top railing:
 - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car-top railing.
 - b. The distance that the railing can be inset shall be limited to not more than 6 inches.

- c. All exposed areas of the car top outside the car-top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.
- d. The top of the beveled area and/or car top outside the railing shall be clearly marked. The markings shall consist of alternating 4-inch diagonal red and white stripes.
- e. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing. Each sign shall state:

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

- f. The Group IV requirements for car-top clearances shall be maintained (car-top clearances outside the railing will be measured from the car top and not from the required bevel).
5. The SIL-rated devices and circuits used to inhibit electrical current flow in accordance with ASME A17.1-2004, section 2.26.9.6.1 shall comply with the following:
- a. The SIL-rated devices and circuits shall consist of a Variodyn SIL-3 rated Regenerative, Variable Voltage Variable Frequency (VVVF) motor drive unit, model VAF013 or VAF023, labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization, and the SIL certification number (968/FSP 1556.00), and followed by the applicable revision number (as in 968/FSP 1556.00/19).
 - b. The devices and circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013, section 2.26.4.3.2.
 - c. The access door or cover of the enclosures containing the SIL-rated components shall be clearly labeled or tagged on their exterior with the statement:

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

- d. Unique maintenance procedures or methods required for the inspection, testing, or replacement of the SIL-rated circuits shall be developed and a copy maintained in the elevator machine/control room/space. The procedures or methods shall include clear color photographs of each SIL-rated component, with notations identifying parts and locations.

- e. Wiring diagrams that include part identification, SIL, and certification information shall be maintained in the elevator machine/control room/space.
 - f. A successful test of the SIL-rated devices and circuits shall be conducted initially and not less than annually in accordance with the testing procedure. The test shall demonstrate that SIL-rated devices, safety functions, and related circuits operate as intended.
 - g. Any alterations to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the alteration of SIL-rated devices, the alterations shall be made in conformance with ASME A17.1-2013, section 8.7.1.9.
 - h. Any replacement of the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the replacement of SIL-rated devices, the replacement shall be made in conformance with ASME A17.1-2013, section 8.6.3.14.
 - i. Any repairs to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the repair of SIL-rated devices, the repairs shall be made in conformance with ASME A17.1-2013, section 8.6.2.6.
 - j. Any space containing SIL-rated devices and circuits shall be maintained within the temperature and humidity range specified by Schindler Elevator Corporation. The temperature and humidity range shall be posted on each enclosure containing SIL-rated devices and circuits.
 - k. Field changes to the SIL-rated system are not permitted. Any changes to the SIL-rated system's devices and circuitry will require recertification and all necessary updates to the documentation and diagrams required by conditions d. and e. above.
6. 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.
7. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the docketed application for permanent variance per California Code of Regulations, sections 411.2 and 411.3.
8. 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: December 4, 2024

Michelle Iorio
Michelle Iorio, Hearing Officer

EXHIBIT 1

October 6, 2010

CIRCULAR LETTER E-10-04

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

SUBJECT: Coated Steel Belt Monitoring

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

The California Labor Code section 7318 allows 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

EXHIBIT 2

Suspension Means – Replacement Reporting Condition

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to 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 Pl., Suite 700, Santa Ana, CA 92707, Attn: Engineering section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
 - a. The State-issued conveyance number, complete address, and PERMANENT VARIANCE NO. file number that identifies the permanent variance.
 - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
 - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
 - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
 - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
 - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
 - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
 - h. All information provided on the crosshead data plate per ASME A17.1-2004, section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.

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

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

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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

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

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

In the Matter of Application for Permanent Variance regarding: Schindler Model 3300 Elevators, W/Variant Governor Ropes and Sheaves (Group IV)	Permanent Variance No.: See section A.1 table below <u>PROPOSED DECISION</u> Hearing Date: December 04, 2024 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 Regulations¹, as follows:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-473	1752 Shattuck LLC	1752 Shattuck Ave. Berkely, CA	2
24-V-475	Good Samaritan Hospital	2425 Samaritan Dr. San Jose, 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 December 4, 2024, via videoconference, by the Board with Hearing Officer, Michelle Iorio, both presiding and hearing the matter on its merit in accordance with section 426.

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

3. At the hearing, Jennifer Linares, with the Schindler Elevator Company, appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
4. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

Exhibit Number	Description of Exhibit
PD-1	Permanent variance applications per table in Jurisdictional and Procedural Matters
PD-2	OSHSB Notice of Hearing
PD-3	Cal/OSHA Review of variance application
PD-4	Review Draft-1 Proposed Decision

5. 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 December 4, 2024, the hearing and record was closed, and the matter taken under submission by the Hearing Officer.

C. Relevant Safety Order Provisions

Applicant seeks a permanent variance from section 3141 [ASME A17.1-2004, sections 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, 2.20.9.5.4, 2.26.1.4.4(a), 8.4.10.1.1(a)(2)(b), 2.14.1.7.1, 2.18.7.4, and 2.26.9.6.1] of the Elevator Safety Orders, with respect to the suspension ropes and connections, inspection transfer switch relocation, seismic reset switch relocation, the location and construction of car-top railings, governor-sheave diameter, and means of removing power from the driving machine motor for one (1) Schindler model 3300 MRL elevator.

The relevant language of those sections are below.

1. Suspension Means

Section 3141 [ASME A17.1-2004, section 2.20.1, Suspension Means] states in part:

Elevator cars shall be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame specified in 2.15.1. Ropes that have previously been installed and used on another installation shall not be reused. Only iron (low-carbon steel) or steel wire ropes, having the commercial classification “Elevator Wire Rope,” or wire rope specifically constructed for elevator use, shall be used for the suspension of elevator cars and for the suspension of counterweights. The wire material for ropes shall be

manufactured by the open-hearth or electric furnace process, or their equivalent.

Section 3141 [ASME A17.1-2004, section 2.20.2.1(b), On Crosshead Data Plate] states in part:

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

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

Section 3141 [ASME A17.1-2004, section 2.20.2.2(a) and (f) On Rope Data Tag] states in part:

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

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

[...]

(f) whether the ropes were non preformed or preformed

Section 3141 [ASME A17.1-2004, section 2.20.3, Factor of Safety] states:

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

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

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

where:

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

S= manufacturer's rated breaking strength of one rope

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

Section 3141 [ASME A17.1-2004, section 2.20.4, Minimum Number and Diameter of Suspension Ropes] states:

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

Where a car counterweight is used, the number of counterweight ropes used shall be not less than two.

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

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

Section 3141 [ASME A17.1-2004, section 2.20.9.3.4] states:

Cast or forged steel rope sockets, shackle rods, and their connections shall be made of unwelded steel, having an elongation of not less than 20% in a gauge length of 50 mm (2 in.), when measured in accordance with ASTM E 8, and conforming to ASTM A 668, Class B for forged steel, and ASTM A 27, Grade 60/30 for cast steel, and shall be stress relieved. Steels of greater strength shall be permitted, provided they have an elongation of not less than 20% in a length of 50 mm (2 in.).

Section 3141 [ASME A17.1-2004, section 2.20.9.5.4] states:

When the rope has been seated in the wedge socket by the load on the rope, the wedge shall be visible, and at least two wire-rope retaining clips shall be provided to attach the termination side to the load-carrying side of the rope (see Fig. 2.20.9.5). The first clip shall be placed a maximum of 4 times the rope diameter above the socket, and the second clip shall be located within 8 times the rope diameter above the first clip. The purpose of the two clips is to retain the wedge and prevent the rope from slipping in the socket should the load on the rope be removed for any reason. The clips shall be designed and installed so that they do not distort or damage the rope in any manner.

2. Requested Transfer Switch Placement Variance

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

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

Section 3141[ASME A17.1-2004, section 2.26.1.4.4(a), Machine Room Inspection Operation] states:

When machine room inspection operation is provided, it shall conform to 2.26.1.4.1, and the transfer switch shall be

(a) located in the machine room[.]

3. Requested Seismic Reset Switch Placement Variance

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

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

Section 3141[ASME A17.1-2004, section 8.4.10.1.1(a)(2)(b), Earthquake Equipment] states:

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

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

(2) seismic zone 2 or greater:

(a) a displacement switch for each elevator

(b) an identified momentary reset button or switch for each elevator, located in the control panel in the elevator machine room

4. Requested Car Top Railing Inset Variance

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

Section 2.14.1.7.1—Top of Car Perimeter Railing Placement

Section 3141[ASME A17.1-2004, section 2.14.1.7.1] states:

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

5. Pitch Diameter of Governor Sheaves

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

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

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

Rated Speed m/s (ft./min)	Number of Strands	Multiplier
1.00 or less (200 or less)	6	42
1.00 or less (200 or less)	8	30
Over 1.0 (over 200)	6	46
Over 1.0 (over 200)	8	32

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

Section 3141[ASME A17.1-2004, section 2.26.9.6.1] states:

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

D. Findings of Fact

1. Each respective Applicant intends to utilize Schindler model 3300 MRL elevator cars, in the quantity, at the locations specified in Jurisdictional and Procedural Matters, section 1.
2. The installation contract for these elevators was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
3. The Schindler model 3300 MRL elevator cars are not supported by circular steel wire ropes, as required by the Elevator Safety Orders. They utilize non-circular elastomeric-coated steel belts and specialized suspension means fastenings.

4. No machine room is provided, preventing the inspection transfer switch from being located in the elevator machine room. The lack of machine room also prevents the seismic reset switch from being located in the elevator machine room.
5. Applicant proposes to relocate the inspection transfer switch and seismic reset switch in an alternative enclosure.
6. Due to the use of a 6 mm (0.25 in.) governor rope with 6-strand construction, the provided governor sheave pitch diameter is less than that required by the Elevator Safety Orders.
7. The driving machine and governor are positioned in the hoistway and restrict the required overhead clearance to the elevator car top.
8. Applicant proposes to insert the car-top railings at the perimeter of the car top.
9. Applicant intends to use an elevator control system, model CO NX100NA or CO NX300NA, with a standalone, solid-state motor control drive system that includes devices and circuits having a Safety Integrity Level (SIL) rating to execute specific elevator safety functions.

E. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicant's proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of the Elevator Safety Order 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, each Applicant listed in the above table in Jurisdictional and Procedural Matters shall have permanent variances from sections 3041, subdivision (e)(1)(C) and 3141.7, subdivision (b) subject of the following conditions:

Elevator Safety Orders:

- Suspension Means: 2.20.1, 2.20.2.1, 2.20.2.2(a), 2.20.2.2(f), 2.20.3, 2.20.4, 2.20.9.3.4, and 2.20.9.5.4 (Only to the extent necessary to permit the use of the Elastomeric-coated Steel Belts proposed by the Applicant, in lieu of circular steel suspension ropes.);
- Inspection transfer switch: 2.26.1.4.4(a) (Only to the extent necessary to permit the inspection transfer switch to reside at a location other than the machine room);

- Seismic reset switch: 8.4.10.1.1(a)(2)(b) (Only to the extent necessary to permit the seismic reset switch to reside at a location other than the machine room. room);
- Car-Top Railing: 2.14.1.7.1 (Only to the extent necessary to permit the use of the car-top railing system proposed by the Applicant, where the railing system is located inset from the elevator car top perimeter);
- Governor Rope and Sheave: The Applicant shall conditionally hold permanent variance from certain requirements of section 3141, incorporated section of ASME A17.1-2004, to the limited extent variance is necessary to allow for the below specified governor rope and governor sheave parameters: section 2.18.7.4.
- Means of Removing Power: 2.26.9.6.1 (Only to the extent necessary to permit the use of SIL-rated devices and circuits as a means to remove power from the AC driving motor, where the redundant monitoring of electrical protective devices is required by the Elevator Safety Orders).

Conditions:

1. The elevator suspension system shall comply to the following:
 - a. The suspension traction media (STM) members and their associated fastenings shall conform to the applicable requirements of ASME A17.1-2013, sections:
 - 2.20.4.3 – Minimum Number of Suspension Members
 - 2.20.3 – Factor of Safety
 - 2.20.9 – Suspension Member Fastening
 - b. The Applicant shall not utilize the elevator unless the manufacturer has written procedures for the installation, maintenance, inspection and testing of the STM members, fastenings, related monitoring and detection systems, and criteria for STM replacement. The Applicant shall make those procedures and criteria available to the Certified Competent Conveyance Mechanic (CCCM) at the location of the elevator, and to the Cal/OSHA upon request.

STM member mandatory replacement criteria shall include:

- i. Any exposed wire, strand or cord;
 - ii. Any wire, strand or cord breaks through the elastomeric coating;
 - iii. Any evidence of rouging (steel tension element corrosion) on any part of the elastomeric-coated steel suspension member;
 - iv. Any deformation in the elastomeric suspension member such as, but not limited to, kinks or bends;
- c. Traction drive sheaves must have a minimum diameter of 72 mm. The maximum speed of STM members running on 72 mm, 87 mm and 125 mm drive sheaves shall be no greater than 2.5 m/s, 6.0 m/s and 8.0 m/s respectively.

- d. If any one STM member needs replacement, the complete set of suspension members on the elevator shall be replaced. Exception: if a new suspension member is damaged during installation, and prior to any contemporaneously installed STM having been placed into service, it is permissible to replace the individual damaged suspension member. STM members that have been installed on another installation shall not be re-used.
- e. A traction loss detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.1. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.12.
- f. A broken suspension member detection means shall be provided that conforms to the requirements of ASME A17.1-2013, section 2.20.8.2. The means shall be tested for correct function annually in accordance with ASME A17.1-2013, section 8.6.4.19.13(a).
- g. An elevator controller integrated bend cycle monitoring system shall monitor actual STM bend cycles, by means of continuously counting, and storing in nonvolatile memory, the number of trips that the STM makes traveling, and thereby being bent, over the elevator sheaves. The bend cycle limit monitoring means shall automatically stop the car normally at the next available landing before the bend cycle correlated residual strength of any single STM member drops below 80 percent of full rated strength. The monitoring means shall prevent the car from restarting. The bend cycle monitoring system shall be tested annually in accordance with the procedures required by condition 1b above.
- h. The elevator shall be provided with a device to monitor the remaining residual strength of each STM member. The device shall conform to the requirements of Cal/OSHA Circular Letter E-10-04, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.
- i. The elevator crosshead data plate shall comply with the requirements of ASME A17.1-2013, section 2.20.2.1.
- j. A suspension means data tag shall be provided that complies with the requirements of ASME A17.1-2013, section 2.20.2.2.
- k. Comprehensive visual inspections of the entire length of each and all installed suspension members, to the criteria developed in condition 1b, shall be conducted and documented every six months by a CCCM.
- l. The Applicant shall be subject to the requirements set out in Exhibit 2 of this Decision and Order, "Suspension Means Replacement Reporting Condition," Incorporated herein by this reference.

- m. Records of all tests and inspections shall be maintenance records subject to ASME A17.1-2004, sections 8.6.1.2 and 8.6.1.4, respectively.
- 2. If the inspection transfer switch required by ASME A17.1-2004, section 2.26.1.4.4 does not reside in a machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
- 3. If the seismic reset switch does not reside in the machine room, that switch shall not reside in the elevator hoistway. The switch shall reside in the control/machinery room/space containing the elevator's control equipment in an enclosure secured by a lock openable by a Group 1 security key. The enclosure is to remain locked at all times when not in use.
- 4. If there is an inset car-top railing:
 - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on the railings to perform adjustments, maintenance, repairs or inspections. The Applicant shall not permit anyone to stand or climb over the car-top railing.
 - b. The distance that the railing can be inset shall be limited to not more than 6 inches.
 - c. All exposed areas of the car top outside the car-top railing where the distance from the railing to the edge of the car top exceeds 2 inches, shall be beveled with metal, at an angle of not less than 75 degrees with the horizontal, from the mid or top rail to the outside of the car top, such that no person or object can stand, sit, kneel, rest, or be placed in the exposed areas.
 - d. The top of the beveled area and/or car top outside the railing shall be clearly marked. The markings shall consist of alternating 4-inch diagonal red and white stripes.
 - e. The applicant shall provide durable signs with lettering not less than 1/2 inch on a contrasting background on each inset railing. Each sign shall state:

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

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

5. The speed governor rope and sheaves shall comply with the following:
 - a. The governor shall be used in conjunction with a steel 6 mm (0.25 in.) diameter governor rope with 6 strand, regular lay construction.
 - b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
 - c. The governor sheaves shall have a pitch diameter of not less than 200 mm (7.87 in.).
6. The SIL-rated devices and circuits used to inhibit electrical current flow in accordance with ASME A17.1-2004, section 2.26.9.6.1 shall comply with the following:
 - a. The SIL-rated devices and circuits shall consist of a Variodyn SIL3 rated Regenerative, Variable Voltage Variable Frequency (VVVF) motor drive unit, model VAF013, VAF023, or VAF043 labeled or marked with the SIL rating (not less than SIL 3), the name or mark of the certifying organization, and the SIL certification number (968/FSP 1556.00), and followed by the applicable revision number (as in 968/FSP 1556.00/19).
 - b. The devices and circuits shall be certified for compliance with the applicable requirements of ASME A17.1-2013, section 2.26.4.3.2.
 - c. The access door or cover of the enclosures containing the SIL-rated components shall be clearly labeled or tagged on their exterior with the statement:

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

- d. Unique maintenance procedures or methods required for the inspection, testing, or replacement of the SIL-rated circuits shall be developed and a copy maintained in the elevator machine/control room/space. The procedures or methods shall include clear color photographs of each SIL-rated component, with notations identifying parts and locations.
- e. Wiring diagrams that include part identification, SIL, and certification information shall be maintained in the elevator machine/control room/space.
- f. A successful test of the SIL-rated devices and circuits shall be conducted initially and not less than annually in accordance with the testing procedure. The test shall demonstrate that SIL-rated devices, safety functions, and related circuits operate as intended.

- g. Any alterations to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the alteration of SIL-rated devices, the alterations shall be made in conformance with ASME A17.1-2013, section 8.7.1.9.
 - h. Any replacement of the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the replacement of SIL-rated devices, the replacement shall be made in conformance with ASME A17.1-2013, section 8.6.3.14.
 - i. Any repairs to the SIL-rated devices and circuits shall be made in compliance with the Elevator Safety Orders. If the Elevator Safety Orders do not contain specific provisions for the repair of SIL-rated devices, the repairs shall be made in conformance with ASME A17.1-2013, section 8.6.2.6.
 - j. Any space containing SIL-rated devices and circuits shall be maintained within the temperature and humidity range specified by Schindler Elevator Corporation. The temperature and humidity range shall be posted on each enclosure containing SIL-rated devices and circuits.
 - k. Field changes to the SIL-rated system are not permitted. Any changes to the SIL-rated system's devices and circuitry will require recertification and all necessary updates to the documentation and diagrams required by conditions d. and e. above.
7. 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.
8. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the docketed application for permanent variance per sections 411.2 and 411.3.
9. This Decision and Order shall remain in effect unless 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.

DATED: December 04, 2024



Michelle Iorio, Hearing Officer

EXHIBIT 1

October 6, 2010

CIRCULAR LETTER E-10-04

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

SUBJECT: Coated Steel Belt Monitoring

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

The California Labor Code section 7318 allows 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

EXHIBIT 2

Suspension Means – Replacement Reporting Condition

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to 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 Pl., Suite 700, Santa Ana, CA 92707, Attn: Engineering Section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
 - a. The State-issued conveyance number, complete address, and 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, 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:

KONE Monospace 300 Elevators (Group IV)

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

KATHLEEN CRAWFORD, Member

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

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

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

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

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: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-477	GDC-CM Wilson, LP	5220 Wilson St. La Mesa, CA	1
24-V-479	California State University Chico	3940 West 1st St. Chico, CA	1
24-V-516	G. Scott Lund and Jennifer Lund	18 Lower Ragsdale Dr. Monterey, CA	1

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 December 04, 2024, via videoconference, by the Occupational Safety and Health Standards Board (“Board”), with Hearing Officer Michelle Iorio, both presiding and hearing the matter on its merit, in accordance with section 426.

¹ 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 December 4, 2024, 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 Title 8, section 3141, incorporated ASME A17.1-2004, section 2.18.5.1.
9. ASME A17.1-2004, section 2.18.5.1, specifies, in relevant part:

2.18.5.1 Material and Factor of Safety.

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

10. The Board takes notice of 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, in the procedural manner prescribed.

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

Dated: December 4, 2024



Michelle Iorio, Hearing Officer

Appendix 1

Monospace 300 Suspension Ropes Appendix 1 Table

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
24-V-477	1	7	150	12247
24-V-479	1	7	150	12247
24-V-516	1	5	150	8748

Appendix 2

Suspension Means Replacement Reporting Condition

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to 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: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

KATHLEEN CRAWFORD, Member

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

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

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

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

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: December 04, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-478	MP Boardwalk Associates, L.P.	314 Jessie St., Bldg. #1 Santa Cruz, CA	2
24-V-480	Regents of the University of California	847 Health Sciences Quad Irvine, CA	2
24-V-514	1192 35th LA LLC	1192 W. 35th St. Los Angeles, CA	1
24-V-515	Nash-Holland 3rd & Fairfax Investors, LLC a Delaware Company Limited Liability Company	355 S. Ogden Dr. Los Angeles, CA	6
24-V-517	Phil Kramer, CEO, Housing Matters	119 Coral St. Santa Cruz, CA	2
24-V-518	W-16 LLC	3200 Pleasant Grove Blvd. Roseville, CA	1
24-V-519	Folsom Hotel Development, LP	510 Palladio Pkwy. Folsom, CA	2
24-V-520	City of Vista	1962 E. Vista Way Vista, CA	1

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

24-V-521	Natalia De Michele Healthpeak Properites, Inc.	1120 Veterans Blvd. South San Francisco, CA	1
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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 December 04, 2024, via videoconference, by the Board, with Hearing Officer Michelle Iorio, 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:

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 December 04, 2024, 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 500 type elevator, in the quantity, at the location, specified per the above section A.1 table.
2. The installation contract for this elevator was or will be signed on or after May 1, 2008, thus making the elevator subject to the Group IV Elevator Safety Orders.
3. Each Applicant proposes to use hoisting ropes that are 8 mm in diameter which also consist of 0.51 mm diameter outer wires, in variance from the express requirements of ASME A17.1-2004, section 2.20.4.
4. In relevant part, ASME A17.1-2004, section 2.20.4 states:

2.20.4 Minimum Number and Diameter of Suspension Ropes

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

5. An intent of the afore cited requirement of ASME A17.1-2004, section 2.20.4, is to ensure that the number, diameter, and construction of suspension ropes are adequate to provided safely robust and durable suspension means over the course of the ropes' foreseen service life.
6. KONE has represented to 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.
7. Also, each Applicant proposes as a further means of maintaining safety equivalence, monitoring the rope in conformity with the criteria specified within the *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators* (per Application attachment "B", or as thereafter revised by KONE subject to 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 Elevator Safety Order section 3141.7, subpart (a)(10):

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

11. Applicants propose use of 6mm governor rope having a safety factor of 5 or greater, in conformity with section 3141.7(a)(10), the specific parameters of which, being expressly set out within 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 submissions to the record (Exhibits PD-3 and PD-4 respectively), and stated positions 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: December 4, 2024

Michelle Iorio
Michelle Iorio, Hearing Officer

Appendix 1

Monospace 500 Suspension Appendix 1 Table.

Variance Number	Elevator ID	Minimum Quantity of Ropes (per Condition 3)	Maximum Speed in Feet per Minute (per Condition 6)	Maximum Suspended Load (per Condition 7)
24-V-478	1	7	150	12247
24-V-478	2	7	150	12247
24-V-480	Elevator 3	7	200	11556
24-V-480	Elevator 2	7	200	11556
24-V-514	Elevator 1	5	200	8254
24-V-515	RES #1	8	350	11706
24-V-515	RES #2	8	350	11706
24-V-515	RES #3	8	350	11706
24-V-515	RES #4	8	350	11706
24-V-515	RET #6	6	150	10497
24-V-515	RET #7	6	150	10497
24-V-517	1	7	200	11556
24-V-517	2	7	200	11556
24-V-518	1	7	150	12247
24-V-519	1	8	200	13207
24-V-519	2	8	200	13207
24-V-520	1	5	150	8748
24-V-521	1	7	200	11556

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.

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

In the Matter of Application for
Permanent Variance regarding:

Mitsubishi Elevators (Group IV)

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

KATHLEEN CRAWFORD, Member

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

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

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

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

In the Matter of Application for Permanent Variance Regarding: Mitsubishi Elevators (Group IV)	Permanent Variance Nos.: See section A.1 table below <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-481	UCSD FAC MGMT	9500 Gilman Dr. La Jolla, CA	4
24-V-534	Found Middle LP	1212 Maryland St. San Francisco, CA	2
24-V-535	UCSD FAC MGMT	9540 Gilman Dr. La Jolla, CA	2
24-V-536	UCSD FAC MGMT	9520 Gilman Dr. La Jolla, CA	3

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 December 04, 2024 via videoconference by the Board with Hearing Officer Michelle Iorio, both presiding and hearing the matter on its merit in accordance with section 426.

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

2. At the hearing, Matt Jaskiewicz with Mitsubishi Electric, Elevator Division appeared on behalf of each Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. At the hearing, documentary and oral evidence was received, and by stipulation of all parties, documents were accepted 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 December 04, 2024, the hearing and record closed and the matter taken under submission by the Hearing Officer.

C. Findings of Fact

1. Each section A table specified Applicant intends to utilize Mitsubishi elevators at the location and in the number stated in the table in Item A. The installation contracts for these elevators were signed on or after May 1, 2008, thus making the elevators subject to the Group IV Elevator Safety Orders.
2. The Board takes official notice and incorporates herein, Subsections D.3 through D.5 of the February 20, 2014, Decision of the Board in Permanent Variance File No. 13-V-270.
3. As reflected in the record of this matter, including Cal/OSHA evaluation as PD-3, and testimony at hearing, it is the professionally informed opinion of Cal/OSHA, that grant of requested variance, subject to conditions and limitations in substantial conforming with those set out per below Decision and Order, will provide Occupational Safety and Health equivalent or superior to that provided by the safety order requirements from which variance is sought.

C. Conclusive Findings

A preponderance of the evidence supports the finding that each Applicant’s proposal, subject to all conditions and limitations set forth in the below Decision and Order, will provide equivalent safety and health to that which would prevail upon full compliance with the requirements of 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. The car top railing may be inset only to the extent necessary to clear obstructions when the conveyance is located at the top landing to perform work on the machine and/or governor.
2. Serviceable equipment shall be positioned so that mechanics, inspectors, and others working on the car top can remain positioned on the car top within the confines of the railings and do not have to climb on or over railings to perform adjustment, maintenance, minor repairs, inspections, or similar tasks. Persons performing those tasks are not to stand on or climb over railing, and those persons shall not remove handrails unless the equipment has been secured from movement and approved personal fall protection is used.
3. All exposed areas outside the car top railing shall preclude standing or placing objects or persons which may fall, and shall be beveled from an intermediate or bottom rail to the outside of the car top.
4. The top surface of the beveled area shall be clearly marked. The markings shall consist of alternating 4-inch red and white diagonal stripes.
5. The Applicant shall provide a durable sign with lettering not less than ½-inch high on a contrasting background. The sign shall be located on the inset top railing; the sign shall be visible from the access side of the car top, and the sign shall state:

CAUTION

DO NOT STAND ON OR CLIMB OVER RAILING.

**PERSONNEL ARE PROHIBITED FROM REMOVING HANDRAIL
UNLESS THE EQUIPMENT HAS BEEN SECURED FROM MOVEMENT
AND APPROVED PERSONAL FALL PROTECTION IS USED.**

6. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing will be measured from the car top and not from the required bevel).
7. A mechanical means (e.g., locking bar mechanism) that will secure the car to the guide rail to prevent unintended movement shall be provided and used during machine and/or governor car-top work. The mechanical means (e.g., locking bar mechanism) shall have a safety factor of not less than 3.5 for the total unbalanced load.

8. An electrical switch or a lockout/tagout procedure shall be provided that will remove power from the driving machine and brake when the mechanical means (e.g., locking bar mechanism) is engaged.
9. In order to inhibit employees from working outside the car top railing, sections shall not be hinged and they shall be installed by means that will inhibit (but not necessarily completely preclude) removal. The Applicant shall ensure that all persons performing work that requires removal of any part of the car top railing are provided with fall protection that is appropriate and suitable for the assigned work. That fall protection shall consist of a personal fall arrest system or fall restraint system that complies with section 1670.
10. The bevel utilized by the Applicant in accordance with the variance granted from ASME A17.1-2004, section 2.10.2.4 shall slope at not less than 75 degrees from the horizontal to serve as the toe board; however, that slope may be reduced to a minimum of 40 degrees from the horizontal as may be required for sections where machine encroachment occurs.
11. If the Applicant directs or allows its employees to perform tasks on the car top, the Applicant shall develop, implement, and document a safety training program that shall provide training to Applicant employees. Components of the training shall include, but not necessarily be limited to, the following: car blocking procedures; how examination, inspection, adjustment, repair, removal and replacement of elevator components are to be performed safely, consistent with the requirements of the variance conditions; applicable provisions of the law and other sources of safety practices regarding the operation of the elevator. A copy of the training program shall be located in the control room of each elevator that is the subject of this variance, and a copy of the training program shall be attached to a copy of this variance that shall be retained in any building where an elevator subject to this variance is located. The Applicant shall not allow Certified Qualified Conveyance Company (CQCC) or other contractor personnel to work on the top of any elevator subject to this variance unless the Applicant first ascertains from the CQCC or other contractor that the personnel in question have received training equivalent to, or more extensive than, the training components referred to in this condition.
12. Any CQCC performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
13. 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.
14. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way and to the same extent that employees and authorized representatives

are to be notified of docketed permanent variance applications pursuant to sections 411.2 and 411.3.

15. 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 manner prescribed.

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

Dated: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application for
Permanent Variance regarding:

TK Elevator Evolution (Group IV)

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

KATHLEEN CRAWFORD, Member

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

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

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

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

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: December 4, 2024 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 Regulations¹, as follows:

Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-482	Rady Children's Hospital San Diego	3020 Children's Way San Diego, CA	5
24-V-483	Rise 8th Ave LP	3927 8th 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 December 4, 2024 via videoconference by the Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. At the hearing, James Day with TK Elevator appeared on behalf of the Applicant. Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health ("Cal/OSHA").

¹ 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(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 December 4, 2024, 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[.1](a))

2.26.1.4.1 General Requirements

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

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

8.4.10.1.1 Earthquake Equipment (See Also Fig. 8.4.10.1.1)

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

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

(2) seismic zone 2 or greater:

(a) a displacement switch for each elevator

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

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 CCEM 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: December 04, 2024

Michelle Iorio
Michelle Iorio, Hearing Officer

ADDENDUM 1

SUSPENSION MEANS REPLACEMENT REPORTING REQUIREMENTS

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to 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: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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

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

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

In the Matter of Application for Permanent Variance Regarding: Otis Gen2S/Gen3Edge/Gen3Core Elevator & Medical Emergency Elevator Car Dimensions (Group IV)	Permanent Variance Nos.: See section A.1 table below <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 Location: Zoom
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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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-487	Long Beach Investors LLC	Building C (2 Elevators) Building D (1 Elevator) 700 W. Broadway Long Beach, CA	3
24-V-488	7655 San Pedro, LLC	7655 S. San Pedro St. Los Angeles, CA	1
24-V-489	Sunshine Encinitas, LLC	155 Quail Gardens Dr. Encinitas, CA	2
24-V-491	UC Berkeley	School of Optometry 3800 San Pablo Ave. Emeryville, CA	1
24-V-493	Villa Noble WeHo LLC	8001 Santa Monica Blvd. West Hollywood, CA	3
24-V-495	The Magnolias LP	17965 Monterey Rd. Morgan Hill, CA	2
24-V-496	Manchester Land Associates, L.P.	823 W. Manchester Ave. Los Angeles, CA	1

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

24-V-497	HSRE-PMB Irvine LLC	Lifepoint UCI Health Rehabilitation Hospital 2200 Morse Ave. Irvine, CA	3
24-V-499	Ocean View Partnership, L.P. & PBA Development, LLC	2347 Ocean View Los Angeles, CA	1
24-V-503	Heghine Gasparyan	10849 Blix St. Los Angeles, CA	1
24-V-504	Vista Capital, LP	1825 North New Hampshire Ave. Los Angeles, CA	1
24-V-505	View at Julian, LP	950 West Julian St. San Jose, CA	4
24-V-508	Ekim Builders Inc	2301 Ulric St. San Diego, CA	1
24-V-509	Long Beach Investors LLC	Building B 740 W. Broadway Long Beach, CA	2
24-V-510	950 Hough Investors, LLC	950 Hough Ave. Lafayette, CA	1
24-V-511	10914 South Main Street LLC	10914 S. Main St. Los Angeles, CA	1
24-V-512	Durand Sherman LLC	9116 S. Vermont Ave. Los Angeles, CA	1
24-V-513	California State University, Dominguez Hills	1000 E. Victoria St. Carson, CA	2
24-V-522	Arden Armory Affordable LP	440 Arden Way Sacramento, CA	2
24-V-523	1045 Mason Street Homeowners Association	1045 Mason St. San Francisco, CA	1
24-V-524	Asmallk LLC	1351 Brunner St. San Diego, CA	1
24-V-525	Gundry Partners LP	1342 Berkeley St. Santa Monica, CA	1
24-V-526	Long Beach Community College	Building G Music and Theater Complex 4901 E. Carson St. Long Beach, CA	2

24-V-532	E P Dennison LLC	3910 S. Normandie Ave. Los Angeles, CA	1
24-V-533	HHP - Walnut LLC	1878 E. Walnut St. Pasadena, CA	1
24-V-537	Clement 1 LLC	5110 N. Bakman Ave. Los Angeles, CA	1
24-V-538	Bulgari Corporation of America	200 Grant Ave. San Francisco, CA	1
24-V-540	Tahoe Donner Association	Tahoe Donner Downhill Ski Lodge 11603 Slalom Way Truckee, CA	1
24-V-542	21300 Oxnard Master Site, LP	21300 W. Oxnard St. Woodland Hills, CA	2
24-V-543	Midpen Housing	750 Golden Gate Ave. San Francisco, 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 December 4, 2024, via videoconference, by the Board, with Hearing Officer Michelle Iorio, 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; 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 December 04, 2024, 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/Gen3Core 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 submissions 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: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

ADDENDUM 1

October 6, 2010

CIRCULAR LETTER E-10-04

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

SUBJECT: Coated Steel Belt Monitoring

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

The California Labor Code section 7318 allows 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: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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: December 4, 2024 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 Regulations¹, as follows

Permanent Variance No.	Applicant Name	Variance Location Address
24-V-490	Prologis L.P.	4902 S. Baker Ave. Ontario, CA
24-V-492	Western Placer USD	Phoenix HS Classroom Addition 870 J St. Lincoln, CA
24-V-494	Villa Noble WeHo LLC	8001 Santa Monica Blvd. West Hollywood, CA
24-V-498	2220 Encinitas, LLC A Delaware Limited Liability Company	2222 Encinitas Blvd. Encinitas, CA
24-V-500	Chaffey Community College District	Chino Instructional Building 5897 College Park Ave Chino, CA
24-V-501	Stanton 2.0, LLC	Cloud House - Parking Structure 12345 Beach Blvd. Stanton, CA
24-V-502	Stanton 2.0, LLC	Cloud House - Apartment 12345 Beach Blvd. Stanton, CA

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

24-V-506	Y & Y Tower LLC	105 S. St Andrews Los Angeles, CA
24-V-507	St John Knits, Inc.	5515 E. LA Palma Ave. Anaheim, CA
24-V-528	Rowland Town Center LLC	1115 Grand Place Rowland Heights, CA
24-V-529	Rowland Town Center LLC	1127 Grand Place Rowland Heights, CA
24-V-530	Rowland Town Center LLC	1145 Grand Place Rowland Heights, CA
24-V-539	St. John Missionary Baptist Church	Family Life Center 19 8th St. Richmond, CA
24-V-541	1600 Commonwealth, LP	1650 W. Commonwealth Ave. Fullerton, CA
24-V-544	Kaiser Permanente LLC	4531 Dale Rd. Modesto, 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.
3. This hearing was held on December 4, 2024, via videoconference, by the Board, with Hearing Officer, Michelle Iorio, 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.
4. 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").
5. Oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

6. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue.

On December 4, 2024, the hearing and record closed, and the matter taken under submission by the Hearing Officer.

B. Findings of Fact and Applicable Regulations

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, 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: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

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

In the Matter of Application for
Permanent Variance regarding:

Otis Gen2O and/or Gen3Peak with Variant
Governor Rope and Sheaves (Group IV)

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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 Gen2O and/or Gen3Peak with Variant Governor Rope and Sheaves (Group IV)	Permanent Variance No: See section A.1 table below <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Elevators
24-V-527	Los Angeles County Facilities 2, Inc.	550 S. Vermont Ave. Los Angeles, CA	5

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 December 4, 2024 via videoconference by the Board with Hearing Officer Michelle Iorio, 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; 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:

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

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	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 December 4, 2024, 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’s safety engineers, by way of written submission 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.
 11. If there is an inset car top railing:
 - a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs, or inspections. The Applicant shall not permit anyone to stand on or climb over the car top railing.
 - b. The distance that the car top railing may be inset from the car top perimeter shall be limited to no more than 6 inches.
 - c. All exposed areas of the car top outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.

- d. The top of the beveled area and/or the car top outside the railing, shall be clearly marked. The markings shall consist of alternating four-inch diagonal red and white stripes.
- e. The Applicant shall provide, on each inset railing, durable signs with lettering not less than ½ inch on a contrasting background. Each sign shall state:

CAUTION

DO NOT STAND ON OR CLIMB OVER RAILING

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top, and not from the required bevel).
12. The speed governor rope and sheaves shall comply with the following:
- a. The governor shall be used in conjunction with a 8 mm (0.315 in.) diameter steel governor rope with 8-strand, regular lay construction.
 - b. The governor rope shall have a factor of safety of 8 or greater as related to the strength necessary to activate the safety.
 - c. The governor sheaves shall have a pitch diameter of not less than 240 mm (9.45 in.).
13. Each elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen3 Peak elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.
14. All medical emergency service elevators shall comply with the following:
- a. The requirements of the 2019 California Building Code (CBC), section 3002.4.1a;
The medical emergency service elevator shall accommodate the loading and transport of two emergency personnel, each requiring a minimum clear 21- inch (533 mm) diameter circular area and an ambulance gurney or stretcher [minimum size 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5 inch (127 mm) radius corners] in the horizontal, open position.
 - b. All medical emergency service elevators shall be identified in the building construction documents in accordance with the 2019 CBC, section 3002.4a.
 - c. Dimensional drawings and other information necessary to demonstrate compliance with these conditions shall be provided to Cal/OSHA, at the time of inspection, for all medical emergency service elevator(s).

15. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
16. 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.
17. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
18. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per sections 411.2 and 411.3.
19. 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: December 4, 2024

Michelle Lorio
Michelle Lorio, 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 Gen2O and/or Gen3Peak Alteration
(Group IV)

Permanent Variance No.: see section A.1
table of
Proposed Decision Dated: December 4, 2024

DECISION

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

JOSEPH M. ALIOTO JR., Chairman

KATHLEEN CRAWFORD, Member

DAVID HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

DAVID THOMAS, Member

DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Date of Adoption: December 19, 2024

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 Gen2O and/or Gen3Peak Alteration (Group IV)	Permanent Variance No: See Section A.1 Table Below <u>PROPOSED DECISION</u> Hearing Date: December 4, 2024 Location: Zoom
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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 Regulations¹, as follows:

Permanent Variance No.	Applicant Name	Variance Location Address	No. of Conveyances
24-V-531	PERA Urban West Corp	1350 Treat Blvd. Walnut Creek, CA	3

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 December 4, 2024, via videoconference, by the Board with Hearing Officer Michelle Iorio, 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 Company, 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:

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

Exhibit Number	Description of Exhibit
PD-1	Application(s) for Permanent Variance per section A.1 table
PD-2	OSHSB Notice of Hearing
PD-3	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 December 4, 2024, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Applicable Regulations

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. Applicability of Alteration Requirements; 8.7.1.1(b) (to permit variance from the code sections below)
 - b. 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.);
 - c. 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);
 - d. 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);
 - e. 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);

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, 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.
2. The alterations will be performed after May 1, 2008, and the contracts for the alterations were or will be signed on or after May 1, 2008, making those alterations subject to the Group IV Elevator Safety Orders.
3. Cal/OSHA safety engineers, by way of written submissions to the record (Exhibit PD-3), and positions 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.

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 sections 3141 and 3141.2(a), only to the extent necessary to allow variances from the following provisions of ASME A17.1-2004 made applicable by those provisions:

- 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);

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.
11. If there is an inset car top railing:
- a. Serviceable equipment shall be positioned so that mechanics and inspectors do not have to climb on railings to perform adjustment, maintenance, repairs, or inspections. The Applicant shall not permit anyone to stand on or climb over the car top railing.
 - b. The distance that the car top railing may be inset from the car top perimeter shall be limited to no more than 6 inches.

- c. All exposed areas of the car top outside the car top railing shall preclude standing or placing objects or persons which may fall and shall be beveled from the mid- or top rail to the outside of the car top.
- d. The top of the beveled area and/or the car top outside the railing, shall be clearly marked. The markings shall consist of alternating four-inch diagonal red and white stripes.
- e. The Applicant shall provide, on each inset railing, durable signs with lettering not less than ½ inch on a contrasting background. Each sign shall state:

CAUTION

DO NOT STAND ON OR CLIMB OVER RAILING

- f. The Group IV requirements for car top clearances shall be maintained (car top clearances outside the railing shall be measured from the car top, and not from the required bevel).
- 12. Each elevator shall be serviced, maintained, adjusted, tested, and inspected only by Certified Competent Conveyance Mechanics who have been trained to, and are competent to, perform those tasks on the Gen2(O) and/or Gen3 Peak elevator system the Applicant proposes to use, in accordance with the written procedures and criteria required by Condition No. 4 and the terms of this permanent variance.
 - 13. Any Certified Qualified Conveyance Company performing inspections, maintenance, servicing, or testing of the elevators shall be provided a copy of this variance decision.
 - 14. 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 the elevator is placed in service.
 - 15. The Applicant shall be subject to the suspension means replacement reporting condition stated in Addendum 2; that condition is incorporated herein by this reference.
 - 16. The Applicant shall notify its employees or their authorized representative(s), or both, of this order in the same way that the Applicant was required to notify them of the application for permanent variance, per sections 411.2 and 411.3.
 - 17. This Decision and Order shall remain in effect unless modified or revoked upon application by the Applicant, affected employee(s), 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: December 4, 2024

Michelle Iorio

Michelle Iorio, Hearing Officer

ADDENDUM 1

October 6, 2010

CIRCULAR LETTER E-10-04

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

SUBJECT: Coated Steel Belt Monitoring

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

The California Labor Code section 7318 allows 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.

Occupational Safety and Health Standards Board

Business Meeting Executive Officer's Report