

# Occupational Safety and Health Standards Board

Public Meeting, Public Hearing, and  
Business Meeting

**May 15, 2025**

City of Redding  
City Council Chambers  
777 Cypress Avenue  
Redding, California

AND

Via teleconference / videoconference

# Occupational Safety and Health Standards Board

## Meeting Agenda

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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

**MISSION STATEMENT**

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

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

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

**MAY 15, 2025  
10:00 a.m.**

**In-person:**

City of Redding  
City Council Chambers  
777 Cypress Avenue  
Redding, CA 96001

**Videoconference:**

1. Go to [www.webex.com](http://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. PUBLIC HEARING**

- A. Explanation of procedures
- B. Proposed safety orders (revisions, additions, deletions)

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**  
Section 1514  
**[Proper Fit of Personal Protective Equipment - Horcher](#)**

- C. Briefing on the Proposal
- D. Board Member Comments and Questions
- E. Public Comment

#### IV. **BUSINESS MEETING**

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

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

##### A. **PROPOSED VARIANCE DECISIONS FOR ADOPTION**

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

##### B. **REPORTS**

- Executive Officer's Report
- Legislative Update
- Cal/OSHA Report
- Subcommittee Report – Advisory Committee
- Board Discussion regarding forming Subcommittee on Federal OSHA changes and state response
  - i. Public comment on Board discussion

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

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

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

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

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

**D. COMMENTS BY BOARD MEMBERS**

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

**E. CLOSED SESSION**

- Public comment on Closed Session Agenda Items

Pending Decisions

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

Personnel**F. RETURN TO OPEN SESSION**

- Report from closed session

**G. ADJOURNMENT OF THE MEETING**

**Next Meeting:** June 26, 2025  
Cabrillo Pavilion Event Center  
1118 E. Cabrillo Blvd.  
Santa Barbara, CA 93103  
10:00 a.m.

**CLOSED SESSION**

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

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

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

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

**Business Meeting Non-Agendized**

During the Business Meeting Non-Agendized, members of the public can address the Board on items of interest that are within the Board's jurisdiction but are not on the noticed agenda. The Board is not permitted to take action on items that are not on the noticed agenda but may refer items to staff for future consideration. The Board reserves the right to limit the time for speakers.

**DISABILITY ACCOMMODATION NOTICE**

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

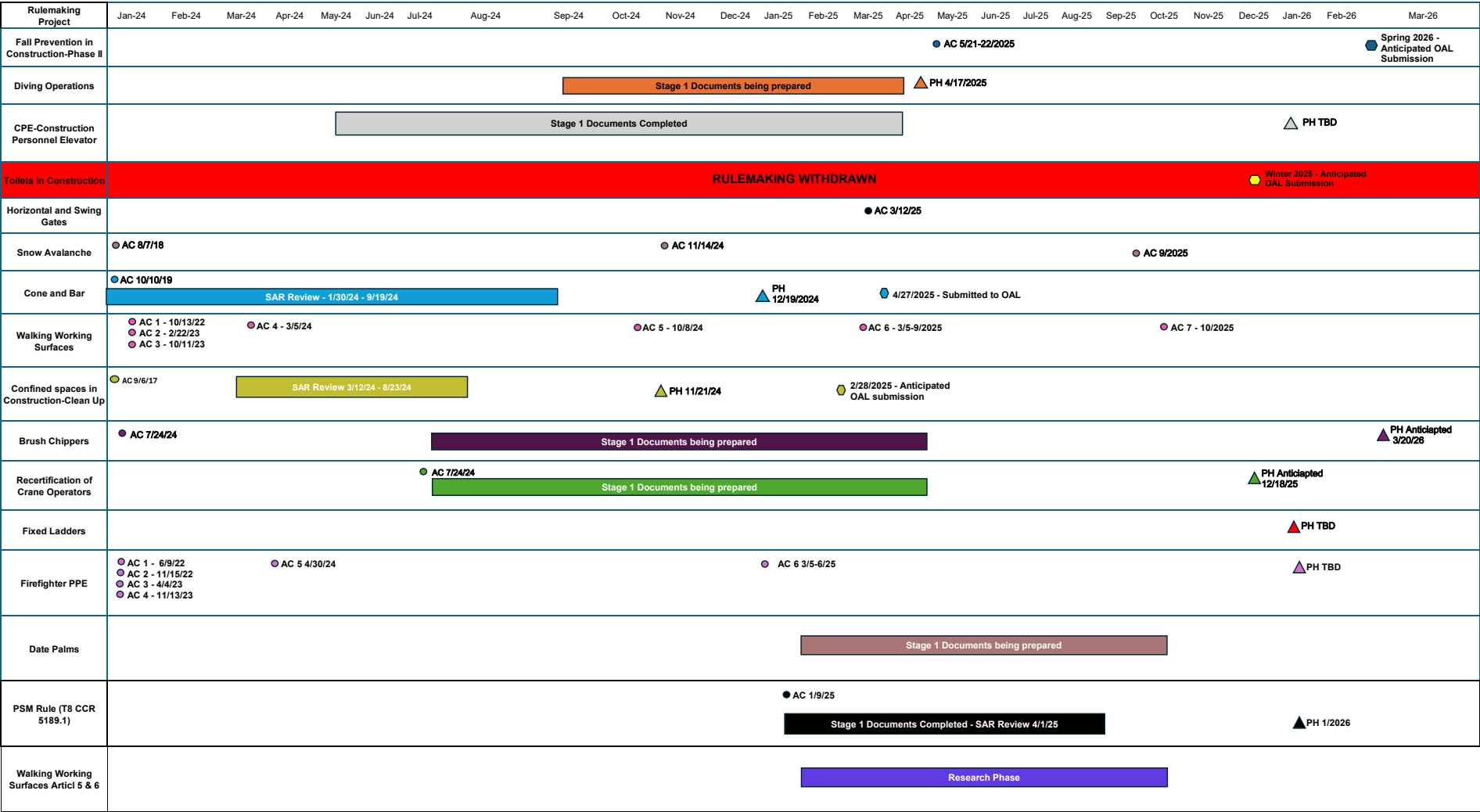
If disability-related modifications or accommodations are required to participate in the meeting, please contact: [DIO@DIR.CA.GOV](mailto:DIO@DIR.CA.GOV). To ensure the availability of your requested accommodation, please submit your request at least 10 days in advance.

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

**TRANSLATION**

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

OSHSB Rulemaking Timeline  
May 2025



| Cal/OSHA Rulemaking Packages  | Public Hearing Anticipated |
|---|----------------------------|
| First Aid   | Jun-25                     |
| Group V-Elevator Safety Orders  | Jul-25                     |
| TCE (Trichloroethylene)   | Sep-25                     |
| 4 PELs (Permissible Exposure Limits: Cyclohexane, TBE, N-Propanol, TMA) | Nov-25                     |
| 2 PELs (EGBE & EGBA.)   | Nov-26                     |

| Advisory Committee Meetings 2025          | Date            | Location         |
|---|-----------------|------------------|
| Autonomous Ag Tractors                    | May 8-9, 2025   | Hybrid - Oakland |
| Fall Prevention in Construction Phase II  | May 21-22, 2025 | Oakland          |
| Firefighter PPE                           | June 3-4, 2025  | San Diego        |
| Walking Working Surfaces Articles 5 and 6 | October 2025    | TBD              |

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



## 2025 Advisory Committee Meetings

1. Autonomous Ag Tractors  
May 8 & 9, 2025  
Oakland, CA
2. Fall Prevention in Construction  
Phase II  
May 21 & 22, 2025  
Oakland, CA
3. Firefighters' PPE  
Labor Code 147.4 (c)  
GISO Article 10.1  
June 3 & 4, 2025  
San Diego, CA

# Occupational Safety and Health Standards Board

## Public Hearing

### Proper Fit of Personal Protective Equipment (HORCHER)

**TITLE 8**

**CONSTRUCTION SAFETY ORDERS**

**SECTION 1514**

**[PROPER FIT OF PERSONAL PROTECTIVE EQUIPMENT  
\(HORCHER\)](#)**

**HYPERLINKS TO RULEMAKING DOCUMENTS:**

**[NOTICE/INFORMATIVE DIGEST](#)**

**[PROPOSED REGULATORY TEXT](#)**

# CALIFORNIA STANDARDS COMPARISON

December 24, 2024

Page 1 of 1

SOURCE OF FEDERAL OSHA STANDARD(S): 29 CFR

SCOPE: Applicable throughout state unless otherwise noted.

| FEDERAL: § 1926.95  | STATE: Construction Safety Orders   | RATIONALE   |
|---|---|---|
| <p>Sec. 1926.95 Criteria for personal protective equipment.</p> <p>*****</p> <p>(c) Design and selection. Employers must ensure that all personal protective equipment:</p> <p>(1) Is of safe design and construction for the work to be performed; and</p> <p>(2) Is selected to ensure that it properly fits each affected employee.</p> <p>*****</p> | <p><b>§1514. Personal Protective Devices.</b></p> <p>(a) The employer shall require employees to use the required personal protective equipment.</p> <p>(b) Personal protective equipment required by these orders shall be approved for its intended use as provided in Section 1505 and distinctly marked so as to facilitate identification of the manufacturer.</p> <p>EXCEPTION: Employer manufactured shields, barriers, etc.</p> <p>(c) Personal protective equipment shall be used in accordance with the manufacturer's instructions.</p> <p>(d) The employer shall assure that all required safety devices and safeguards, whether employer or employee provided, including personal protective equipment for the eyes, face, head, hand, foot, and extremities (limbs), protective clothing, respiratory protection, protective shields and barriers, comply with the applicable Title 8 standards and are maintained in a safe, sanitary condition.</p> <p>(e) Protectors shall be of such design, fit and durability as to provide adequate protection against the hazards for which they are designed. They shall be <u>of safe design, construction,</u> reasonably comfortable and shall not unduly encumber the employee's movements necessary to perform <del>his or her</del> <u>their</u> work.</p> <p><u>(f) All personal protective equipment shall be selected to ensure that it properly fits each affected employee.</u></p> | <p>California revisions to section 1514 are at least as effective as 29 CFR section 1926.95 final rule revision published in the federal register on <b>12/12/2024</b> - 89:100321-100346</p> <p>Safe design and construction added to subsection (e) to be ALAE as federal subsection (c)(1)</p> <p>New subsection (f) added to be ALAE as federal subsection (c)(2)</p> |

# Occupational Safety and Health Standards Board

**Business Meeting**

# Occupational Safety and Health Standards Board

## Business Meeting Proposed Variance Decisions

**CONSENT CALENDAR—PROPOSED VARIANCE DECISIONS  
MAY 15, 2025, MONTHLY BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**PROPOSED DECISIONS FOR BOARD CONSIDERATION, HEARD ON April 23, 2025**

| <b>Docket Number</b> | <b>Applicant Name</b>                          | <b>Safety Order(s) at Issue</b> | <b>Proposed Decision Recommendation</b> |
|----------------------|--|---------------------------------|---|
| 1. 23-V-346M1        | HQP Investors LLC                              | Elevator                        | GRANT                                   |
| 2. 23-V-347M1        | HQP Investors LLC                              | Elevator                        | GRANT                                   |
| 3. 24-V-223M2        | Wisteria Warner Center CCRC LLC                | Elevator                        | GRANT                                   |
| 4. 24-V-335M1        | Del Sur Family Housing L.P.                    | Elevator                        | GRANT                                   |
| 5. 24-V-506M1        | Y & Y Tower LLC                                | Elevator                        | GRANT                                   |
| 6. 25-V-058          | C&C Universal Properties                       | Elevator                        | GRANT                                   |
| 7. 25-V-059          | 1400 Long Beach, LP                            | Elevator                        | GRANT                                   |
| 8. 25-V-061          | Sweetwater Union High School District          | Elevator                        | GRANT                                   |
| 9. 25-V-062          | GMH Communities                                | Elevator                        | GRANT                                   |
| 10. 25-V-064         | Cahuenga Boulevard Owner, LLC                  | Elevator                        | GRANT                                   |
| 11. 25-V-065         | Cahuenga Boulevard Owner, LLC                  | Elevator                        | GRANT                                   |
| 12. 25-V-066         | Weave Property, LLC                            | Elevator                        | GRANT                                   |
| 13. 25-V-075         | City of Ontario                                | Elevator                        | GRANT                                   |
| 14. 25-V-076         | Haroni Investments LLC.                        | Elevator                        | GRANT                                   |
| 15. 25-V-077         | Mercy Housing California 112, L.P.             | Elevator                        | GRANT                                   |
| 16. 25-V-078         | San Luis Obispo Non Profit Housing Corporation | Elevator                        | GRANT                                   |
| 17. 25-V-079         | City of Ontario                                | Elevator                        | GRANT                                   |
| 18. 25-V-080         | 1305 Cherokee LLC                              | Elevator                        | GRANT                                   |
| 19. 25-V-081         | San Jose Sunol Street, LP                      | Elevator                        | GRANT                                   |
| 20. 25-V-082         | Eagle Eye Holdings, LLC                        | Elevator                        | GRANT                                   |

| <b>Docket Number</b> | <b>Applicant Name</b>                             | <b>Safety Order(s) at Issue</b> | <b>Proposed Decision Recommendation</b> |
|----------------------|---|---------------------------------|---|
| 21. 25-V-083         | Project Angel Food, A California Non-Profit Corp. | Elevator                        | GRANT                                   |
| 22. 25-V-084         | Los Angeles Community College District            | Elevator                        | GRANT                                   |
| 23. 25-V-085         | Loma Linda University Children's Hospital         | Elevator                        | GRANT                                   |
| 24. 25-V-086         | P&P Western LLC                                   | Elevator                        | GRANT                                   |
| 25. 25-V-088         | Shining Rowland Company LLC                       | Elevator                        | GRANT                                   |
| 26. 25-V-089         | 1233 Hueneme, LLC                                 | Elevator                        | GRANT                                   |
| 27. 25-V-090         | AEI Investments, LLC                              | Elevator                        | GRANT                                   |
| 28. 25-V-091         | 18722 Sherman Way, L.P.                           | Elevator                        | GRANT                                   |
| 29. 25-V-092         | Legado at The Met, LLC                            | Elevator                        | GRANT                                   |
| 30. 25-V-093         | 1723 18th St. LLC                                 | Elevator                        | GRANT                                   |
| 31. 25-V-094         | Oak Knoll Resort LLC                              | Elevator                        | GRANT                                   |
| 32. 25-V-095         | 3030 Telegraph Fund 2, LLC                        | Elevator                        | GRANT                                   |
| 33. 25-V-097         | Kern County Superintendent of Schools             | Elevator                        | GRANT                                   |
| 34. 25-V-098         | P&P Western LLC                                   | Elevator                        | GRANT                                   |
| 35. 25-V-101         | Rowena 39, LLC                                    | Elevator                        | GRANT                                   |
| 36. 25-V-102         | Gospel Center Rescue Mission                      | Elevator                        | GRANT                                   |
| 37. 25-V-103         | San Diego Unified School District                 | 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:

HQP Investors LLC, a California Limited  
Liability Company

Permanent Variance No.: 23-V-346M1  
Proposed Decision Dated: April 23, 2025

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: May 15, 2025

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

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

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

|  |   |
|--|---|
| In the Matter of Application to Modify<br>Permanent Variance by:<br><br>HQP Investors LLC, a California Limited<br>Liability Company | Permanent Variance No.: 23-V-346M1<br><br>PROPOSED DECISION<br><br>Hearing Date: April 23, 2025<br>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 Regulations<sup>1</sup>, as follows:

| Permanent<br>Variance No. | Applicant Name  | Variance Address of Record   | Number of<br>Elevators |
|---------------------------|---|--|------------------------|
| 23-V-346                  | HQP Investors LLC, a<br>California Limited Liability<br>Company | Headquarters Point, BLDG A<br>4902 Headquarters Point<br>San Diego, CA | 6                      |

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 April 23, 2025, 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:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, 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. 23-V-346.
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. 23-V-346.
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 23-V-346, reducing the quantity of subject elevators from six to three, to be of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 23-V-346 was, in part, based.

D. Decision and Order:

1. Application for Modification of Permanent Variance, No. 23-V-346M1, is conditionally GRANTED, as specified below, such that a total of three elevators are the subject of Permanent Variance No. 23-V-346M1.
2. Permanent Variance No. 23-V-346, 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 23-V-346M1.
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: April 23, 2025

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:

HQP Investors LLC, a California Limited  
Liability Company

Permanent Variance No.: 23-V-347M1  
Proposed Decision Dated: April 23, 2025

DECISION

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

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JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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STANDARDS BOARD WITHIN TWENTY (20)  
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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<br>Permanent Variance by:<br><br>HQP Investors LLC, a California Limited<br>Liability Company | Permanent Variance No.: 23-V-347M1<br><br>PROPOSED DECISION<br><br>Hearing Date: April 23, 2025<br>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 Regulations<sup>1</sup>, as follows:

| Permanent<br>Variance No. | Applicant Name  | Variance Address of Record   | Number of<br>Elevators |
|---------------------------|---|--|------------------------|
| 23-V-347                  | HQP Investors LLC, A<br>California Limited Liability<br>Company | Headquarters Point, BLDG B<br>4910 Headquarters Point<br>San Diego, CA | 6                      |

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 April 23, 2025, 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:

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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 April 23, 2025, 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. 23-V-347.
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. 23-V-347.
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 23-V-347, reducing the quantity of subject elevators from six to three, to be of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 23-V-347 was, in part, based.

D. Decision and Order:

1. Application for Modification of Permanent Variance, No. 23-V-347M1, is conditionally GRANTED, as specified below, such that a total of three elevators are the subject of Permanent Variance No. 23-V-347M1.
2. Permanent Variance No. 23-V-347, 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 23-V-347M1.
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: April 23, 2025

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-223M2  
Proposed Decision Dated: April 23, 2025

DECISION

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

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JOSEPH M. ALIOTO JR., Chairman

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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

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

|   |   |
|---|---|
| In the Matter of Application to Modify<br>Permanent Variance by:<br><br>Wisteria Warner Center CCRC LLC | Permanent Variance No.: 24-V-223M2<br><br>PROPOSED DECISION<br><br>Hearing Date: April 23, 2025<br>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 Regulations<sup>1</sup>, as follows:

| Permanent Variance No. | Applicant Name                  | Variance Address of Record                   | Number of Elevators |
|------------------------|---------------------------------|--|---------------------|
| 24-V-223M1             | Wisteria Warner Center CCRC LLC | 21300 W. Burbank Blvd.<br>Woodland Hills, CA | 10                  |
| 24-V-223               | Wisteria Warner Center CCRC LLC | 21300 Burbank Blvd.<br>Woodland Hills, CA    | 10                  |

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 April 23, 2025, 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:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, 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. 24-V-223M1 and 24-V-223.
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. 24-V-223M1 and 24-V-223.
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 24-V-223M1 and 24-V-223, increasing the quantity of subject elevators from ten to twelve, to be of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 24-V-223M1 and 24-V-223 was, in part, based.

D. Decision and Order:

1. Application for Modification of Permanent Variance, No. 24-V-223M2, is conditionally GRANTED, as specified below, such that a total of twelve elevators are the subject of Permanent Variance No. 24-V-223M2.
2. Permanent Variance No. 24-V-223M1 and 24-V-223, 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 24-V-223M2.
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: April 23, 2025

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:

Del Sur Family Housing L.P.

Permanent Variance No.: 24-V-335M1  
Proposed Decision Dated: April 23, 2025

DECISION

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

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

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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DEREK URWIN, Member

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

Note: A copy of this Decision must be  
posted for the Applicant's employees to  
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<br>Permanent Variance by:<br><br>Del Sur Family Housing L.P. | Permanent Variance No.: 24-V-335M1<br><br>PROPOSED DECISION<br><br>Hearing Date: April 23, 2025<br>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 Regulations<sup>1</sup>, as follows:

| Permanent Variance No. | Applicant Name               | Variance Address of Record           | Number of Elevators |
|------------------------|------------------------------|--------------------------------------|---------------------|
| 24-V-335               | Del Sur Family Housing, L.P. | 16610 Templeton St.<br>San Diego, CA | 2                   |

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

B. Procedural

1. This hearing was held on April 23, 2025, 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:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, 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. 24-V-335.
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. 24-V-335.
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 24-V-335, reducing the quantity of subject elevators from two to one, to be of no bearing as to the finding of equivalent occupational health and safety upon which Grant of preexisting Permanent Variance 24-V-335 was, in part, based.

D. Decision and Order:

1. Application for Modification of Permanent Variance, No. 24-V-335M1, is conditionally GRANTED, as specified below, such that a total of one elevators are the subject of Permanent Variance No. 24-V-335M1.
2. Permanent Variance No. 24-V-335, 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 24-V-335M1.
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: April 23, 2025

*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:

Y & Y Tower LLC

Permanent Variance No.: 24-V-506M1  
Proposed Decision Dated: April 23, 2025

DECISION

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

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

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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: May 15, 2025

THE FOREGOING VARIANCE DECISION WAS  
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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<br>Permanent Variance by:<br><br>Y & Y Tower LLC | Permanent Variance No.: 24-V-506M1<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>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 Regulations<sup>1</sup>, as follows:

| Permanent<br>Variance<br>No. | Applicant Name  | Preexisting Variance Elevator<br>Type Granted                | Number of<br>Elevators |
|------------------------------|-----------------|--|------------------------|
| 24-V-506                     | Y & Y Tower LLC | Otis Medical Emergency Elevator<br>Car Dimensions (Group IV) | 1                      |

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

B. Procedural

1. This hearing was held on April 23, 2025, 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”).

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

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. The Applicant requests modification of the elevator type to add variances necessary for Otis elevators branded Gen2S, Gen3 Edge, and Gen3 CORE.
2. The Applicant seeks to modify the permanent variance to include the provisions of the 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, 2.14.1.7.1, 8.4.10.1.1(a)(2)(b), 2.26.1.4.4(a), 2.18.4.2.5(a), 2.18.7.4, 2.18.5.1], and section 3141.7(b) [Ref. 3041(e)(1)(C)] of the Elevator Safety Orders, with respect to the suspension ropes and connections, car top railings and seismic reset switch relocation, inspection transfer switch relocation, speed reducing switch relocation, governor sheave diameter, reduced diameter governor rope, and the minimum car interior platform size for medical emergency elevators.
3. 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 modification 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. Decision and Order

Permanent Variance Application No. 24-V-506M1 is conditionally GRANTED, thereby modifying Board records, such that each elevator being the subject of Permanent Variance Nos. 24-V-506, and 24-V-506M1, 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).



Permanent Variance No. 24-V-506, being only modified as to the additional variances sought 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-506M1.

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

Dated: April 23, 2025

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 by:

C&C Universal Properties

Permanent Variance No.: 25-V-058  
Proposed Decision Dated: April 23, 2025

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

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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

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

|  |   |
|--|---|
| In the Matter of Application for Permanent<br>Variance by:<br><br>C&C Universal Properties | Permanent Variance No.: 25-V-058<br><br>Proposed Decision<br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|--|---|

A. Subject Matter

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

808 Zephyr St.  
Stockton, 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 April 23, 2025 via videoconference by the Occupational Safety and Health Standards Board with Hearing Officer, Michelle Iorio, presiding and hearing the matter on its merit in accordance with section 426.
2. Appearing at hearing were Craig Fiore with McKinley Elevator Corporation appearing on behalf of the Applicant; Jose Ceja and Mark Wickens appeared on behalf of the Division of Occupational Safety and Health (“Cal/OSHA”).
3. Documentary and oral evidence was received at the hearing, and by stipulation of all parties, documents were admitted into evidence:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

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

808 Zephyr St.  
Stockton, CA

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

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

D. Conclusive Findings

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

E. Decision and Order

The Application for Permanent Variance of C&C Universal Properties, Permanent Variance No. 25-V-058, is conditionally GRANTED to the limited extent, upon the Board's adoption of this Proposed Decision, C&C Universal Properties, shall have permanent variance from sections 3142(a) and 3142.1 incorporated ASME A18.1-2003, section 2.7.1, inasmuch as each restricts the vertical rise of a wheelchair lift to a maximum of 12 feet, with respect to one (1) Garaventa Lift, Model GVL-EN-168 or GVL-SW-168 Vertical Platform Lift, to be located at:

808 Zephyr St.  
Stockton, CA

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

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

and that the lift is not to be used to transport material or equipment. The use of the lift shall be limited in accordance with these signs.

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

using or who will be assisting others in using the lift. The Applicant shall notify Cal/OSHA in writing that training has been conducted. A copy of the training manual (used for the subject training), and documentation identifying the trainer and attendees shall be maintained for at least 1 year and provided to Cal/OSHA upon request.

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

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

Dated: April 23, 2025

  
\_\_\_\_\_  
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:

KONE Monospace 500 Elevators (Group IV)

Permanent Variance No.: 25-V-059  
Proposed Decision Dated: April 23, 2025

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

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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



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

|   |  |
|---|--|
| In the Matter of Application for Permanent Variance Regarding:<br><br>KONE Monospace 500 Elevators (Group IV) | Permanent Variance Nos.: See Section A.1 Table Below<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|---|--|

A. Subject Matter

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

| Permanent Variance No. | Applicant Name      | Variance Location Address               | No. of Elevators |
|------------------------|---------------------|---|------------------|
| 25-V-059               | 1400 Long Beach, LP | 1400 Long Beach Blvd.<br>Long Beach, 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 April 23, 2025, 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:

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

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

4. Official notice is taken of the Board's files, records, recordings and decisions concerning the Elevator Safety Order requirements from which variance shall issue. On April 23, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

1. Each respective Applicant intends to utilize the KONE Inc. Monospace 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: April 23, 2025

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) |
|-----------------|-------------|---|--|--|
| 25-V-059        | 1           | 8   | 200  | 13207                                    |
| 25-V-059        | 2           | 8   | 200  | 13207                                    |

## **Appendix 2**

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

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to Cal/Osha within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, section 8.6.3 involving the suspension means or suspension means fastenings. Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable to Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and Permanent Variance number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.



- g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by Cal/OSHA regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to Cal/OSHA, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to Cal/OSHA referencing the information contained in above Appendix 2, section 2, Subsection (a), above.

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.: 25-V-061  
Proposed Decision Dated: April 23, 2025

DECISION

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

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

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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

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

|   |   |
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| In the Matter of Application for Permanent Variance Regarding:<br><br>KONE Monospace 300 Elevators (Group IV) | Permaent Variance Nos.: See section A.1 table below<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|---|---|

A. Subject Matter

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

| Permanent Variance No. | Applicant Name                        | Variance Location Address             | No. of Elevators |
|------------------------|---------------------------------------|---------------------------------------|------------------|
| 25-V-061               | Sweetwater Union High School District | 1395 Hilltop Dr.<br>Chula Vista, CA   | 1                |
| 25-V-062               | GMH Communities                       | 2761 Stockton Blvd.<br>Sacramento, CA | 2                |

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

B. Procedural

1. This hearing was held on April 23, 2025, 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, 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”).

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

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

| Exhibit Number | Description of Exhibit                                      |
|----------------|---|
| PD-1           | Application(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 April 23, 2025, the hearing and record closed, and the matter was taken under submission by the Hearing Officer.

C. Findings of Fact

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

*2.20.4 Minimum Number and Diameter of Suspension Ropes*

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

5. An intent of ASME A17.1-2004, section 2.20.4, is to ensure that the number, diameter, and construction of suspension ropes are adequate to provided safely robust and durable suspension means over the course of the ropes' foreseen service life.
6. KONE has represented to Cal/OSHA, having established an engineering practice for purposes of Monospace 300 elevator design, of meeting or exceeding the minimum factor of safety of 12 for 8 mm suspension members, as required in ASME A17.1-2010, section 2.20.3—under which, given that factor of safety, supplemental broken suspension member protection is not required.

7. Also, each Applicant proposes as a further means of maintaining safety equivalence, monitoring the rope in conformity with the criteria specified within the *Inspector's Guide to 6 mm Diameter Governor and 8 mm Diameter Suspension Ropes for KONE Elevators* (per Application attachment "B", or as thereafter revised by KONE subject Cal/OSHA approval).
8. In addition, each Applicant has proposed to utilize 6 mm diameter governor ropes in variance from 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: April 23, 2025

  
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) |
|-----------------|-------------|---|--|--|
| 25-V-060        | D           | 7   | 150  | 12247                                    |
| 25-V-060        | E           | 7   | 150  | 12247                                    |
| 25-V-061        | 1           | 8   | 150  | 13997                                    |
| 25-V-062        | 1           | 7   | 150  | 12247                                    |
| 25-V-062        | 2           | 7   | 150  | 12247                                    |

## **Appendix 2**

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

Beginning on the date the Board adopts this Proposed Decision and continuing for a period of two years, the Applicant shall report to Cal/OSHA within 30 days any and all replacement activity performed on the elevator(s) pursuant to the requirements of ASME A17.1-2004, section 8.6.3 involving the suspension means or suspension means fastenings. Further:

1. A separate report for each elevator shall be submitted, in a manner acceptable Cal/OSHA, to the following address (or to such other address as Cal/OSHA might specify in the future): Cal/OSHA Elevator Unit, 2 MacArthur Place, Suite 700, Santa Ana, CA 92707, Attn: Engineering section.
2. Each such report shall contain, but not necessarily be limited to, the following information:
  - a. The State-issued conveyance number, complete address, and Permanent Variance number that identifies the permanent variance.
  - b. The business name, complete address, telephone number, and contact person of the elevator responsible party (presumably the Applicant or the subsequent holder of this variance).
  - c. The business name, complete address, telephone number, and Certified Qualified Conveyance Company (CQCC) certification number of the firm performing the replacement work.
  - d. The name (as listed on certification), Certified Competent Conveyance Mechanic (CCCM) certification number, certification expiration date, and signature of each CCCM performing the replacement work.
  - e. The date and time the elevator was removed from normal service for suspension replacement, the date and time the replacement work commenced, the date and time the replacement work was completed, and the date and time the elevator was returned to normal service.
  - f. A detailed description of, and clear color photographs depicting, (1) all the conditions that existed in the suspension components requiring their replacement and (2) any conditions that existed to cause damage or distress to the suspension components being replaced.
  - g. A detailed list of all elevator components adjusted, repaired, or replaced in conjunction with the suspension component replacement.
  - h. All information provided on the crosshead data plate per ASME A17.1-2004, section 2.20.2.1, unless that ASME requirement is modified by the conditions of a variance that

pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.

- i. For the suspension means being replaced, all information provided on the data tag required per ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - j. For the replacement suspension means, all information provided on the data tag required by ASME A17.1-2004, section 2.20.2.2, unless that ASME requirement is modified by the conditions of a variance that pertains to the elevator in question, in which case, the information to be reported shall be the information required by the ASME provision as modified by the variance.
  - k. Any other information requested by Cal/OSHA regarding the replacement of the suspension means or fastenings.
3. In addition to the submission of the report to Cal/OSHA, the findings of any testing, failure analysis, or other engineering evaluations performed on any portion of the replaced suspension components, or other elevator components replaced in conjunction therewith, shall be submitted to Cal/OSHA referencing the information contained in above Appendix 2, section 2, Subsection (a), above.

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

In the Matter of Application for Permanent  
Variance Regarding:

Mitsubishi Elevators (Group IV)

Permanent Variance No.: 25-V-064  
Proposed Decision Dated: April 23, 2025

DECISION

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

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

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KATHLEEN CRAWFORD, Member

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DAVID HARRISON, Member

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NOLA KENNEDY, Member

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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

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

|  |   |
|--|---|
| In the Matter of Application for<br>Permanent Variance Regarding:<br><br>Mitsubishi Elevators (Group IV) | Permanent Variance Nos.: See section A.1 table<br>below<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|--|---|

A. Subject Matter

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

| Permanent<br>Variance No. | Applicant Name                | Variance Location Address                             | No. of<br>Elevators |
|---------------------------|-------------------------------|---|---------------------|
| 25-V-064                  | Cahuenga Boulevard Owner, LLC | 1200 N. Cahuenga Blvd.,<br>Bldg. A<br>Los Angeles, CA | 2                   |
| 25-V-065                  | Cahuenga Boulevard Owner, LLC | 1200 N. Cahuenga Blvd.,<br>Bldg. C<br>Los Angeles, CA | 1                   |
| 25-V-066                  | Weave Property, LLC           | 2525 E. Katella Ave.<br>Anaheim, CA                   | 5                   |

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 April 23, 2025 via videoconference by the Board with Hearing Officer Michelle Iorio, both presiding and hearing the matter on its merit in accordance with section 426.

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

2. At the hearing, 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 April 23, 2025, 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: April 23, 2025

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

Permanent Variance No.: 25-V-075  
Proposed Decision Dated: April 23, 2025

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

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CHRIS LASZCZ-DAVIS, Member

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DAVID THOMAS, Member

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date of Adoption: May 15, 2025

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

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

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

|   |   |
|---|---|
| <p>In the Matter of Application for Permanent Variance Regarding:</p> <p>Otis Gen2S/Gen3Edge/Gen3Core Elevator &amp; Medical Emergency Elevator Car Dimensions (Group IV)</p> | <p>Permanent Variance Nos.: See section A.1 table below</p> <p><u>PROPOSED DECISION</u></p> <p>Hearing Date: April 23, 2025</p> <p>Location: Zoom</p> |
|---|---|

A. Subject Matter

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

| Permanent Variance No. | Applicant Name                                 | Variance Location Address                                     | No. of Elevators |
|------------------------|--|---|------------------|
| 25-V-075               | City of Ontario                                | Ontario Ballpark<br>9375 East Riverside Dr.<br>Ontario, CA    | 2                |
| 25-V-076               | Haroni Investments LLC.                        | 4429 S. Vermont Ave.<br>Los Angeles, CA                       | 1                |
| 25-V-077               | Mercy Housing California 112, L.P.             | 300 Alamitos Ave.<br>Long Beach, CA                           | 2                |
| 25-V-078               | San Luis Obispo Non Profit Housing Corporation | Building 2<br>1422 Monterey St.<br>San Luis Obispo, CA        | 1                |
| 25-V-079               | City of Ontario                                | Ontario Ballpark PS<br>3100 South Home Run Way<br>Ontario, CA | 2                |
| 25-V-080               | 1305 Cherokee LLC                              | 1301 N. Cherokee Ave.<br>Los Angeles, CA                      | 1                |
| 25-V-081               | San Jose Sunol Street, LP                      | 270 Sunol St.<br>San Jose, CA                                 | 2                |
| 25-V-082               | Eagle Eye Holdings, LLC                        | 1332 W. Colorado Blvd.<br>Los Angeles, CA                     | 1                |

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

|          |   |   |   |
|----------|---|---|---|
| 25-V-085 | Loma Linda University Children's Hospital | 11353 Anderson St.<br>Loma Linda, CA            | 4 |
| 25-V-086 | P&P Western LLC                           | 1212 South Westmoreland Ave.<br>Los Angeles, CA | 1 |
| 25-V-089 | 1233 Hueneme, LLC                         | 1233 Hueneme St.<br>San Diego, CA               | 1 |
| 25-V-091 | 18722 Sherman Way, L.P.                   | 18722 Sherman Way<br>Reseda, CA                 | 1 |
| 25-V-092 | Legado at The Met, LLC                    | 200 E. First American Way<br>Santa Ana, CA      | 4 |
| 25-V-094 | Oak Knoll Resort LLC                      | 5091 Solano Ave.<br>Napa, CA                    | 1 |
| 25-V-095 | 3030 Telegraph Fund 2, LLC                | 3030 Telegraph Ave.<br>Berkeley, CA             | 2 |
| 25-V-098 | P&P Western LLC                           | 1200 South Westmoreland Ave.<br>Los Angeles, CA | 1 |
| 25-V-101 | Rowena 39, LLC                            | 2771 Rowena Ave.<br>Los Angeles, CA             | 1 |

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

B. Procedural

1. This hearing was held on April 23, 2025, 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               |

| <b>Exhibit Number</b> | <b>Description of Exhibit</b>    |
|-----------------------|----------------------------------|
| 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 April 23, 2025, the hearing and record closed, and the matter taken under submission by the Hearing Officer.

**C. Findings of Fact**

1. Each Applicant intends to utilize Otis Gen3 Edge/Gen2S 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: April 23, 2025

*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.: 25-V-083  
Proposed Decision Dated: April 23, 2025

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

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

Date of Adoption: May 15, 2025

\_\_\_\_\_  
DAVID HARRISON, 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.

\_\_\_\_\_  
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:<br><br>Otis Medical Emergency Elevator Car Dimensions (Group IV) | Permanent Variance No.: See section A.1 table below<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|---|---|

A. Subject Matter

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

| Permanent Variance No. | Applicant Name                                    | Variance Location Address  |
|------------------------|---|--|
| 25-V-083               | Project Angel Food, A California Non-Profit Corp. | 922 Vine St.<br>Los Angeles, CA  |
| 25-V-084               | Los Angeles Community College District            | Pierce College Academic East Building<br>6201 Winnetka Ave.<br>Woodland Hills,CA |
| 25-V-088               | Shining Rowland Company LLC                       | 4109 Matthews Place<br>El Monte, CA  |
| 25-V-090               | AEI Investments, LLC                              | 5677 Oberlin Dr.<br>San Diego, CA  |
| 25-V-093               | 1723 18th St. LLC                                 | 1701 18th St.<br>Bakersfield, CA   |
| 25-V-102               | Gospel Center Rescue Mission                      | GCRM New Life Multi Purpose Residence<br>435 S. San Joaquin St.<br>Stockton, CA  |
| 25-V-103               | San Diego Unified School District                 | Paradise Hills Elementary School<br>5816 Alleghany St.<br>San Diego, CA          |

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



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 April 23, 2025, 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 April 23, 2025, 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: 4/23/2025



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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 Gen20 and/or Gen3Peak Alteration  
(Group IV)

Permanent Variance No.: 25-V-097  
Proposed Decision Dated: April 23, 2025

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

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

Date of Adoption: May 15, 2025

\_\_\_\_\_  
DAVID HARRISON, 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.

\_\_\_\_\_  
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:<br><br>Otis Gen20 and/or Gen3Peak Alteration (Group IV) | Permanent Variance No: See Section A.1 Table Below<br><br><u>PROPOSED DECISION</u><br><br>Hearing Date: April 23, 2025<br>Location: Zoom |
|--|--|

A. Subject Matter

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

| Permanent Variance No. | Applicant Name                        | Variance Location Address        | No. of Conveyances |
|------------------------|---------------------------------------|----------------------------------|--------------------|
| 25-V-097               | Kern County Superintendent of Schools | 1300 17th St.<br>Bakersfield, CA | 4                  |

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 April 23, 2025, 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:

| Exhibit Number | Description of Exhibit                                      |
|----------------|---|
| PD-1           | Application(s) for Permanent Variance per section A.1 table |
| PD-2           | OSHSB Notice of Hearing                                     |

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

| Exhibit Number | Description of Exhibit                  |
|----------------|---|
| PD-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 April 23, 2025, 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);
- 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).

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: April 23, 2025

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

# Occupational Safety and Health Standards Board

Business Meeting  
Legislative Update



**Legislative Update**  
**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

AB-589 Firefighters: personal protective equipment. (2025-2026) – **UPDATE**

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

**Legislative Update**  
**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

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

|               |  |  |
|---------------|--|--|
| <b>AB-596</b> | <b>AB-596 Occupational safety: face coverings. (2025-2026)</b><br><br>(McKinnor) |  |
|               | <b>Date</b>  | <b>Action</b>  |
|               | 04/29/25   | In Senate. Read first time. To Com. on RLS. for assignment.  |
|               | 04/28/25   | Read third time. Passed. Ordered to the Senate.  |
|               | 04/24/24   | Read second time. Ordered to third reading.  |
|               | 04/23/25   | From committee: Do pass. (Ayes 11. Noes 2.) (April 23).  |
|               | 03/19/25   | From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 19). Re-referred to Com. on APPR.     |
|               | 3/11/25  | Re-referred to Com. on L. & E.   |
|               | 3/10/25  | From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended. |
|               | 02/24/25   | Referred to Com. on L. & E.  |
|               | 02/14/25   | From printer. May be heard in committee March 16.  |
|               | 02/13/25   | Read first time. To print.   |
|               |  |  |

**Legislative Update**  
**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

|  |   |
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|  | <p><u>Summary:</u></p> <p>AB 596, as introduced, McKinnor. Occupational safety: face coverings.</p> <p>Existing law established and requires the Division of Occupational Safety and Health within the Department of Industrial Relations to enforce all occupational safety and health standards, as specified. Existing law establishes the Occupational Safety and Health Standards Board within the department to promulgate and enforce occupational safety and health standards for the state. A violation of these standards and regulations under specific circumstances is a crime.</p> <p>Until February 3, 2025, existing regulations promulgated by the board, in all areas of employment except as specified, prohibit an employer from preventing any employee from wearing a face covering, including a respirator, as specified, unless it would create a safety hazard. Existing regulations define various terms for purposes of this prohibition.</p> <p>This bill would prohibit an employer from preventing any employee from wearing a face covering, including a respirator, unless it would create a safety hazard. Consistent with the above-referenced regulations, the bill would define terms for purposes of these provisions.</p> <p>Because a violation of the above-described prohibition constitutes a crime, this bill would impose a state-mandated local program.</p> <p>The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.</p> <p>This bill would provide that no reimbursement is required by this act for a specified reason.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p> |
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AB- 1181 Firefighters: personal protective equipment. (2025-2026) – NO UPDATE

|                |   |   |
|----------------|---|---|
| <b>AB-1181</b> | <b>AB-1181 Firefighters: personal protective equipment. (2025-2026)</b> |   |
|                | (Haney)   |   |
|                | <b>Date</b>   | <b>Action</b>   |
|                | 04/03/25  | From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 2). Re-referred to Com. on APPR. |

**Legislative Update**  
**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

|   |  |
|---|--|
| 03/17/25  | Re-referred to Com. on L. & E.   |
| 03/13/25  | From committee chair, with author's amendments: Amend, and re-refer to Com. on L. & E. Read second time and amended. |
| 03/13/25  | Referred to Com. on L. & E.  |
| 02/24/25  | Read first time.   |
| 02/22/25  | From printer. May be heard in committee March 24.  |
| 02/21/25  | Introduced. To print.  |
| <p><u>Summary:</u></p> <p>AB 1181, as introduced, Haney. Firefighters: personal protective equipment.</p> <p>The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The act grants to the Occupational Safety and Health Standards Board, an independent entity within the department, exclusive authority to adopt occupational safety and health standards within the state.</p> <p>Beginning July 1, 2018, and every 5 years thereafter, the act requires the board, in consultation with the department, to complete a comprehensive review of all revisions to National Fire Protection Association standards pertaining to certain personal protective equipment and requires the board to consider modifying existing safety orders and to render a decision regarding the adoption of necessary changes to safety orders, or other applicable standards and regulations, no later than July 1 of the subsequent year, if the review finds that the revisions to applicable National Fire Protection Association standards provide a greater degree of personal protection than the safety orders.</p> <p>This bill would, in addition to the above-described requirement, require the board to modify its existing safety order regarding firefighter personal protective equipment by January 1, 2027, to eliminate the use of perfluoroalkyl and polyfluoroalkyl substances and other regrettable substitutes, as provided. The bill would also require, by July 1, 2026, the Division of Occupational Safety and Health to report on progress toward implementation of the modified PPE safety standards, as provided. The bill would also make related findings and declarations.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p> |  |

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**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

AB-1371 Occupational safety and health: employee refusal to perform hazardous tasks. (2025-2026) – NO UPDATE

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| <b>AB-1371</b> | <b>AB-1371 Occupational safety and health: employee refusal to perform hazardous tasks. (2025-2026)</b>  |   |
|                | (Sharp-Collins)  |   |
|                | <b>Date</b>  | <b>Action</b>                                     |
|                | 03/13/25   | Referred to Com. on L. & E.                       |
|                | 02/24/25   | Read first time.                                  |
|                | 02/22/25   | From printer. May be heard in committee March 24. |
|                | 02/21/25   | Introduced. To print.                             |
|                | <p><u>Summary:</u></p> <p>AB 1371, as introduced, Sharp-Collins. Occupational safety and health: employee refusal to perform hazardous tasks.</p> <p>Existing law, the California Occupational Safety and Health Act of 1973, requires employers to comply with certain safety and health standards, as specified, and charges the Division of Occupational Safety and Health in the Department of Industrial Relations with enforcement of the act. Existing law prohibits an employer from laying off or discharging an employee for refusing to perform work that would violate prescribed safety standards where the violation would create a real and apparent hazard to the employee or other employees. Existing law defines “employee” for purposes of those provisions to include a domestic work employee, except as specified.</p> <p>This bill would revise and recast those provisions to, among other things, allow an employee, acting in good faith, to refuse to perform a task assigned by an employer if it would violate those prescribed safety standards or if the employee has a reasonable apprehension that the performance of the assigned task would result in injury or illness to the employee or other employees. The bill would make the employee’s refusal contingent on the employee or another employee, if reasonably practical, having communicated or attempted to notify the employer of the safety or health risk and the employer having failed to provide a response that is reasonably calculated to allay the employee’s concerns. The bill would require the employer to pay the employee full wages during their scheduled work hours until, among other things, the employee can reasonably conclude that the task will no longer result in the risk of serious injury or illness to the employee or other employees. The bill would prohibit an employer from using an employee’s refusal to perform an assigned task</p> |   |

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|  | <p>as grounds for any disciplinary action, and would make certain retaliation protections applicable to the bill's provisions. The bill would delete the provision defining "employee" to include a domestic work employee.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p> |
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AB-1424 Corrections. (2025-2026) – **UPDATE**

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| <b>AB-1424</b>   | <b>AB-1424 Corrections. (2025-2026)</b> |  |
|  | (Rodriguez)                             |  |
|  | <b>Date</b>                             | <b>Action</b>  |
|  | 04/24/25                                | From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (April 23). Re-referred to Com. on APPR.     |
|  | 04/09/25                                | From committee: Do pass and re-refer to Com. on L. & E. (Ayes 6. Noes 2.) (April 8). Re-referred to Com. on L. & E.  |
|  | 03/25/25                                | Re-referred to Com. on PUB. S.   |
|  | 03/24/25                                | From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended. |
|  | 03/24/25                                | Referred to Coms. on PUB. S. and L. & E.   |
|  | 02/24/25                                | Read first time.   |
|  | 02/22/25                                | From printer. May be heard in committee March 24.  |
|  | 02/21/25                                | Introduced. To print.  |
| <p><u>Summary:</u></p> <p>AB 1424, as amended, Celeste Rodriguez. Corrections.</p> <p>Under existing law, the California Occupational Safety and Health Act of 1973, the Division of Occupational Safety and Health investigates complaints that a workplace is not safe and may issue orders necessary to ensure employee safety. Under existing law, certain violations of those provisions or a standard, order, or special order authorized by those provisions are a crime.</p> |   |  |

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**Prepared May 1, 2025, for the May 15, 2025**  
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Existing law establishes the Department of Corrections and Rehabilitation and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law establishes the Office of Emergency Services within the office of the Governor and requires the office to be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

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

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

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

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

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

Board staff is monitoring for potential impacts on Board operations.

**Legislative Update**  
**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

AB-1442 Essential Worker Commission. (2025-2026) – **UPDATE**

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



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**Prepared May 1, 2025, for the May 15, 2025**  
**Meeting of the Occupational Safety and Health Standards Board**

SB-20 Occupational safety: fabrication activities on stone slab products. (2025-2026) –  
**UPDATE**

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| <b>SB-20</b>  | <b>SB-20 Occupational safety: fabrication activities on stone slab products. (2025-2026)</b> |   |
|   | (Menjivar)   |   |
|   | <b>Date</b>  | <b>Action</b>   |
|   | 04/21/25   | April 21 hearing: Placed on APPR. suspense file.  |
|   | 04/04/25   | Set for hearing April 21.   |
|   | 04/01/25   | Re-referred to Com. on APPR.  |
|   | 04/01/25   | Withdrawn from committee.   |
|   | 03/27/25   | Read second time and amended. Re-referred to Com. on HEALTH.  |
|   | 03/26/25   | From committee: Do pass as amended and re-refer to Com. on HEALTH. (Ayes 5. Noes 0.) (March 26).            |
|   | 03/18/25   | Set for hearing March 26.   |
|   | 03/13/25   | From committee with author's amendments. Read second time and amended. Re-referred to Com. on L., P.E. & R. |
|   | 01/29/25   | Referred to Coms. on L., P.E. & R. and HEALTH.  |
|   | 12/03/24   | From printer. May be acted upon on or after January 2.  |
|   | 12/02/24   | Introduced. Read first time. To Com. on RLS. for assignment. To print.                                      |
| <u>Summary:</u>   |  |   |
| SB 20, as amended, Menjivar. Occupational safety: fabrication activities on stone slab products.  |  |   |
| Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations to promulgate and enforce occupational safety and health standards for the state, including standards dealing with exposure to harmful airborne contaminants. Existing law requires the Division of Occupational Safety and Health within the department to enforce all occupational safety and |  |   |

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health standards, as specified. A violation of these standards and regulations under specific circumstances is a crime.

This bill would impose restrictions on specified fabrication activities on certain stone slab products that are used for countertop installation or customization. Specifically, a person or entity engaged in those fabrication activities would be prohibited from using dry methods, and would be required to use effective wet methods, as specified. The bill would make a violation of these provisions grounds for, among other disciplinary action, an immediate order by the Division of Occupational Safety and Health prohibiting continued fabrication activities on those stone slab products.

Existing law establishes the State Department of Public Health, which is led by the State Public Health Officer, within the California Health and Human Services Agency. Existing law vests the department with certain duties, powers, functions, jurisdiction, and responsibilities over specified public health programs.

The bill would require, on or before July 1, 2026, the department to adopt a training curriculum regarding the safe performance of fabrication activities on stone slab products that meets specified requirements, including classroom instruction, and to certify an individual who has completed that curriculum. Beginning July 1, 2027, the bill would require certain individuals, including an owner or operator of a stone slab product fabrication shop, to be enrolled in or have completed the training curriculum, except as specified, before fabrication activity or employment begins, as described.

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

The bill would require, beginning July 1, 2027, the department to grant a 3-year certification to a fabrication shop that demonstrates satisfaction of specified criteria involving workplace safety conditions and precautions, and would authorize certification renewal, as specified. Among other conditions, the bill would establish certain regulatory fees in amounts to be determined and adjusted by the department, as specified, for the certification and renewal thereof. The bill would authorize the department to suspend or revoke a certification in certain cases, including for gross negligence, as specified. The bill would require the department, in consultation with the Division of Occupational Safety and Health and the State

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Department of Public, to track and keep a record of specified information on fabrication shops, including the number of violations issued to any of the fabrication shops for failure to comply with any temporary or future standards relating to respirable crystalline silica, as specified. The bill would prohibit a person or entity, or an employee thereof, from engaging in fabrication activities on stone slab products unless the person or entity has a certification.

The bill would prohibit, beginning July 1, 2027, a person from supplying a slab solid surface product directly to a person or entity engaged in fabrication activities on those products if the person or entity does not have a valid certification. The bill would require a person that, among other things, supplies a slab solid surface product to a person or entity engaged in fabrication activities on those products to verify the person or entity has a certification, as specified. The bill would require a person that supplies a slab solid surface product to a person or entity that is not engaged in fabrication activities to rely on written certification issued under penalty of perjury that, among other things, they will not directly engage in fabrication activities with the product without a certification. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would specify that a violation of any of the above-described provisions may be grounds for disciplinary action, as specified, but is not a crime. The bill would establish the Slab Fabrication Activity Account in the Occupational Safety and Health Fund in the State Treasury, and require all fees, penalties, or other moneys collected by the department under the above-described provisions to be deposited into the account. The bill would authorize moneys in the account to be expended by the department for the purposes of administering the above-described provisions, and would make that authorization contingent on an appropriation of funds for that express purpose.

The bill would require, beginning January 1, 2027, the Director of Industrial Relations to maintain on the department's internet website an online tool to report suspected or alleged violations of the bill's provisions and a publicly accessible database that includes information on, among other things, any active orders issued by the department in the prior 12 months prohibiting an activity at a fabrication shop, as specified.

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

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

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|  | <p>This bill would provide that no reimbursement is required by this act for a specified reason.</p> <p>Board staff is monitoring for potential impacts on Board operations.</p> |
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**H.R.86 NOSHA Act. (2025-2026) – NO UPDATE**

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