

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Division 1, Chapter 4, Subchapter 6,
Sections 3000, 3001, 3009, 3094.2, 3120.6, and 3137; and
New Sections 3140, 3141, 3141.1 through 3141.13, 3142, 3142.1, 3142.2, 3143,
3144, 3145, and 3146

Revisions to the Elevator Safety Orders**MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

This Final Statement of Reasons contains discussion on substantive, non-substantive and sufficiently-related modifications that are the result of public comments and Division staff evaluation.

Included in the Final Statement of Reasons are non-substantive revisions such as editorial, grammatical, and re-formatting modifications that are not all discussed because these modifications are without regulatory effect in that they do not materially alter the requirement, right, responsibility, condition, prescription or other regulatory element of the regulation. However, these non-substantive revisions are necessary to improve clarity of the regulations. Nonetheless, these modifications are clearly indicated in double underline and/or double strike-out format in the regulatory text.

In addition to these non-substantive or sufficiently-related modifications, the following actions are proposed:

Section 3000. Application.**Subsection (c). Devices Included.**

This subsection, as originally proposed, stated that devices covered by the regulations of the Elevator Safety Orders are included under the term "elevator" as used in the Labor Code and identifies, among other items listed, that special-purpose personnel elevators covered by regulations of Article 12.3 and special-purpose elevators covered by regulations of Article 32 apply under the same designation of subsection (c)(15).

An editorial modification is proposed to separate the listing of special-purpose personnel elevators covered by regulations of Article 12.3 from the listing of special-purpose elevators covered by regulations of Article 32 by re-designation of subsection (c)(15) and new subsection (c)(16), respectively. The purpose and necessity of this proposal is to specifically separate the subsection designation of these two listings to provide clarity and consistency with the format of this subsection.

Section 3001. Permit to Operate.

Subsection (b)(2).

This subsection, as originally proposed, stated that each alteration of an existing device shall be inspected by an authorized representative of the Division and a new permit to operate issued before the elevator is place back in service.

A modification is proposed to replace the term “elevator” with the term “device” as the word “device” is the more appropriate terminology. The purpose and necessity of this proposal to provide terminology that is consistent with the proposed language in this subsection.

Section 3094.2. Vertical Platform (Wheelchair) Lifts.

Subsection (p)(2).

This subsection, as originally proposed, stated that when the platform minimum width of 42 inches is increased, the platform maximum 60 inch length be decreased by the number of inches the width has been increased.

An editorial modification is proposed to revise the word “When” to “Whenever”. The purpose and necessity of this proposal is to editorially correct the syntax of this sentence.

Group III. Elevator Installations for which the installation contract was signed on or after October 25, 1998, but before [*].

The originally proposed prefatory heading of Group III read as follows: “Elevator Installations for which the installation contract was signed on or after October 25, 1998, but before [OAL to insert the effective date of the standard].”

This proposal modifies the title of Group III to include the phrase “Installations defined by section 3000(f) of these orders” to precede the originally proposed title to specify that Group III standards apply also to certain elevator installations defined in section 3000(f). The purpose and necessity of this proposal is to provide internal consistency and so that persons reading the Group III standards are afforded a reference to a key definition.

Section 3137. Seismic Requirements for Elevators, Escalators and Moving Walks.

Subsection (d)(2)(C).

This subsection, as originally proposed, provided for seismic restraints to be in the transverse direction at the top and bottom supports, and for the gap between the escalator truss and the seismic restraint not to exceed ¼ inch on each side.

A modification is proposed to indicate that seismic restraints are for all supports. The purpose and necessity of this proposal is to clarify this standard by specifying that seismic restraints are required for all supports and not just the top and bottom supports.

Section 3140. Application.

Subsection (a).

This subsection, as originally proposed, specified that Group IV standards apply to conveyance as defined in the Labor Code.

An editorial modification is proposed to indicate “conveyances”, not “conveyance”, thus, correcting an inadvertent typographical error for clarity.

Section 3141. Scope.

This section, as originally proposed, required that conveyances covered by ASME A17.1-2004, section 1.1 and Article 41 of Title 8 comply with ASME A17.1-2004, with some exceptions listed.

A modification is proposed to add section 1.1.3 to the list of exceptions in ASME A17.1-2004. The purpose and necessity of this proposal is to include the exception necessary to avoid retrofit of existing conveyances because retrofit is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

In addition, a modification is proposed to indicate that specified sections are exempt from the scope of conveyances covered by ASME A17.1-2004, and therefore, are not incorporated by reference by including the phrase “apart from these exceptions, ASME A17.1-2004”. The purpose and necessity of this proposal is to clearly specify that these exempt sections are not to be included as part of the ASME A17.1-2004 incorporation by reference.

Section 3141.1. Maintenance, Repair, and Replacement; Section 3141.2. Alterations, Subsection (a); Section 3141.8. Electric Conveyances, Subsection (a); Section 3141.9. Limited-Use/Limited-Application Conveyances; Section 3141.10. Conveyances Used for Construction, Subsection (a); Section 3141.11. Escalators; Section 3141.12. Moving Walks; and Section 3141.13. Seismic Requirements, Subsection (a).

These sections, as originally proposed, specified conveyances “covered by ASME A17.1-2004” and cited the specific section within ASME A17.1-2004 that the operation shall comply with.

Modifications are proposed to delete the phrase “covered by ASME A17.1-2004” in these proposed sections. The purpose and necessity of this proposal is to avoid redundancy since the phrase “covered by ASME A17.1-2004” is already stated and covered in proposed Article 41 and proposed section 3141.

Section 3141.2. Alterations.

Subsection (b).

This subsection, as originally proposed, required that alterations comply with seismic requirements in ASME A17.1-2004, section 8.4, that are applicable to the alteration.

A modification is proposed to delete the phrase “that are applicable to the alteration”. The purpose and necessity of this proposal is to clarify that the seismic requirements apply to the entire elevator installation, not just the apparatus undergoing modification.

Section 3141.5. Periodic Inspections.

This section, as originally proposed, required that periodic inspections comply with ASME A17.1-2004, section 8.11, applicable for the type of conveyance involved.

Modifications are proposed to exclude section 8.11.1.1 of ASME A17.1-2004 and to specify that this provision is applicable to the type of conveyance inspected. The purpose and necessity of this proposal is to delete the requirements of section 8.11.1.1 of ASME A17.1-2004 since the inspectors conducting the inspection will not be required to be ASME QEI-1 qualified inspectors and to clarify the original intent of this proposal that this provision applies to the type of conveyance inspected.

Section 3141.6. Periodic Tests.

Subsection (a)(1)(A) and New Subsection (b).

In the original proposal, the inspection of earthquake protective devices was a sub-category of the every 12-months Category One Test and was originally designated as “section 3141.6(a)(1)(A)”.

However, a modification is proposed to delete this sub-category designation of section 3141.6(a)(1)(A) and instead re-designate this standard as new section 3141.6(b), thereby, emphasizing that earthquake protective devices are to be tested when Category One Tests are conducted.

Section 3141.6. Periodic Tests, Subsection (d), Modified to Subsection (e) and Section 3142. General Requirements, Subsections (e).

These subsections, as originally proposed, provided for a Certified Qualified Conveyance Inspection Company (CQCIC) to witness and certify the conveyance inspection.

Modifications are proposed to delete the provisions for the CQCIC. The purpose and necessity of this proposal is to eliminate the participation of the CQCIC in the conveyance inspection process to be consistent with Labor Code, Section 7309.

Subsection 3141.7. General Requirements.

Subsection (a)(2).

This subsection, as originally proposed, referenced section 2.11.1.1 of ASME A17.1-2004.

A modification is proposed to reference section 2.11.1.2 instead of the incorrect reference to section 2.11.1.1 of ASME A17.1-2004. The purpose and necessity of this proposal is to correct an inadvertent typographical error.

Subsection (a)(3).

This subsection, as originally proposed, required that electrical equipment and wiring comply with CCR, Title 24, Part 3, of the California Electrical Code.

A modification is proposed to include the phrase “in effect at the time of installation”, thus, making it clearer as to which electrical code provisions are applicable.

Subsection (a)(3)(A).

This subsection, as originally proposed, required that a light switch be located on the strike side of the machine room door if a door is provided.

Modifications are proposed to require that the light switch be inside the machine room, and to remove the phrase “if a machine room door is provided”. The purpose and necessity of this proposal is to avoid accidental shut off of the light from the outside of the machine room while elevator personnel may be working inside the machine room and to remove the implication that a door in a machine room is not always required.

Subsection (a)(4).

Subsection (a)(4), as originally proposed, required that the 4-inch dimension in ASME A17.1-2004, section 2.1.6.2, be reduced to 2 inches and the 6.5-inch dimension referenced in ASME A17.1-2004, section 2.1.4.4.5.1(d), be reduced to 6 inches.

Editorial modifications are proposed to re-state this ASME requirement without altering the clearances, dimensions, application, or intent of the original proposal. The purpose and necessity of this proposal is to clarify that the 6-inch dimension referenced in section 2.14.4.5.a(d) applies to certain types of freight elevators.

Subsection (a)(5).

This subsection, as originally proposed, permitted, but did not require, the use of a shunt-trip device to disconnect the main power supply to an elevator upon or prior to activation of sprinklers in the machine room or hoistway.

A modification is proposed to delete the option and instead make mandatory the use of the shunt-trip device by incorporating by reference section 2.8.2.3.2 of ASME A17.1-2004 that cites the shunt-trip device as covered in proposed section 3141, Scope. The purpose and necessity of this proposal is to provide a device to disable and discontinue elevator operation in case of fire, before the elevator or associated equipment is damaged, or cause other collateral damage or personnel injury. This proposal is also necessary to be consistent with Title 24, Part 9, which requires the shunt trip device.

Subsection (a)(6).

This subsection, as originally proposed, required that the Division approve plunger grippers, and that approval criterion be based on section 3.17.3 of ASME A17.1-2004, and section 3106.1 of Group II.

This subsection is proposed for modification as subsection (a)(5). In addition, a modification is proposed to delete the reference to section 3106.1 of Group II. The purpose and necessity of this proposal is remove the reference to section 3106.1 since plunger grippers for Group IV conveyances need to comply only with ASME A17.1.

Subsection (a)(8).

This subsection, as originally proposed, required that the car be permitted to move one floor instead of the two floors permitted by ASME A17.1-2004, section 2.27.3.4, on resumption of normal, emergency, or standby power.

This subsection is proposed for modification as subsection (a)(7). In addition, modifications are proposed to delete the statement that ASME A17.1-2004, section 2.27.3.4, permits the car to move two floors. The purpose and necessity of this proposal is to eliminate a

mischaracterization of ASME A17.1-2004, section 2.27.3.4 which does not state the number of floors that cars are permitted to move on resumption of power.

Subsection (a)(10).

This subsection, as originally proposed, required that the manufacturer's identifying numbers be on the speed governor and safety marking plates.

This subsection is proposed for modification as subsection (a)(9). In addition, a modification is proposed to instead require that the manufacturer's model number be on marking plates. The purpose and necessity of this proposal is to specifically state with greater clarity the required identification information.

Subsection (a)(11).

This subsection, as originally proposed, permitted the use of a reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004, if the safety factor is 5 or greater with regard to the strength necessary to active the safety.

This subsection is proposed for modification as subsection (a)(10). In addition, an editorial modification is proposed to grammatically correct the wording of this provision without altering the effect, the intent, or the application of the original proposal.

Subsection (a)(13).

This subsection, as originally proposed, required that certain counterweights guards comply with Group II, section 3013(c).

This subsection is proposed for modification as subsection (a)(12). In addition, a modification is proposed to require that the guards comply with section 3013(c)(1). The purpose and necessity of this proposal is to cite the specific subsection that would apply to Group IV conveyances.

Subsection (b).

This subsection, as originally proposed, required that medical emergency service comply with Group II, section 3041(e). A "NOTE" was also included that references Title 24 standards for related medical emergency service elevators.

Modifications are proposed to include the phrase "Elevators utilized to provide" at the beginning and to delete the "NOTE". The purpose and necessity of this proposal is identify the type of elevators that are required to comply with medical service requirements and to avoid the redundancy inherent in the "NOTE" since conveyances are necessarily required to comply with Title 24.

Section 3141.8. Electric Conveyances.

Subsection (a)(1).

This subsection, as originally proposed, does not require a means of access to the governor from outside the hoistway as required by ASME A17.1-2004, section 2.1.3.2(b)(1), if the requirements in section 3141.8 (a)(1)(A) through (a)(1)(F) are complied with.

This subsection is proposed for modification as subsection (a). In addition, editorial modifications are proposed to improve the grammar and wording of this provision and to provide consistency with the modified format and wording of proposed section 3141.8(a). This modification will not alter the effect, the intent, or the application of the original proposal.

Subsection (a)(1)(C).

This subsection, originally proposed, required that a mechanical means be provided to secure the car during governor or governor rope replacement or removal and that signs be placed in the vicinity of the governor indicating that the car be secured before removal of the governor rope.

This subsection is proposed for modification as subsection (a)(3). Also, modifications are proposed to emphasize that the signs be clearly visible. In addition, editorial modifications are proposed to re-state this requirement without altering the original method of securing the car during governor or governor rope replacement. The purpose and necessity of this proposal is to improve the wording of this provision and to provide consistency with the modified format and wording of proposed section 3141.8(a).

Subsection (a)(1)(D).

This subsection, as originally proposed, required that the means to reset the governor switch, if provided, be located outside the hoistway.

This subsection is proposed for modification as subsection (a)(4). In addition, editorial modifications are proposed to re-state this requirement without altering the original stipulation that the governor reset switch be located outside the hoistway. The purpose and necessity of this proposal is to improve the wording of this provision and to provide consistency with the modified format and wording of proposed section 3141.8(a).

Subsection (a)(2).

This subsection, as originally proposed, required a floor above a hoistway per ASME A17.1-2004, section 2.1.3.1.1, only if a machine room or other room that requires entry is provided above the hoistway.

This subsection is proposed for modification as subsection (b). In addition, editorial modifications are proposed to re-state the original requirement regarding a floor above the hoistway and to include language that specifically states that entry to the floor above the

hoistway is to perform functions such as maintenance, inspection, or consultant work estimates, etc. The purpose and necessity of this proposal is to improve the wording of this provision and to clarify the occasions when access is permitted to the floor above the hoistway, if a floor is provided above the hoistway.

Subsection (a)(3).

This subsection, as originally proposed, required that a stop switch be provided that complied with section 2.26.2.5 of ASME A17.1-2004.

This subsection is proposed for modification as subsection (c). In addition, clarifying modifications are proposed to specify that the stop switch provided comply with section 2.26.2.5, subsections (a) through (c) of ASME A17.1-2004. Also, the word “provided” is proposed to be modified to the word “placed” to indicate that the stop switch be placed at a certain location. The purpose and necessity of this proposal is to exclude the audible device function that is consistent with current industry practice and to clarify the original intent of this proposal that the stop switch be placed as specified in this provision.

Subsection (a)(4).

This subsection, as originally proposed, allowed a temporary experimental variance if an alternate suspension system was provided that did not comply with section 2.20 of ASME A17.1-2004 and if various requirements were not met.

A modification is proposed to delete this provision since other provisions of the law already govern the Division’s authority to grant temporary and experimental variance. This modification to delete subsection (a)(4) is made in order to prevent redundancy and the possibility of inconsistency with existing provisions of the law regarding temporary and experimental variances. Those existing provisions of the law cover the circumstances that this deleted portion of the proposal was intended to address.

Section 3141.10. Conveyances Used for Construction.

Subsection (a)(1).

This subsection, as originally proposed, required that trained and authorized persons be stationed at, and operate the controls in, the elevator car during the operation of the elevator and that persons operating conveyances used for construction be trained in conveyance operation and emergency procedures.

Modifications are proposed to specify that a trained and authorized person be stationed at and operate the elevator car at all times while the elevator is accessible and available for use; thereby, removing the phrase “during the hours the elevator is in operation.” In addition, modifications are proposed to include “such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations” to clarify what constitutes emergency procedures. The purpose and necessity of this proposal are to clarify

when trained and authorized persons are to be available to operate the elevator car and to clarify what constitutes emergency procedures.

Subsection (a)(2).

This subsection, as originally proposed, required two-way communication between the operator and a location on the jobsite staffed at all hours during elevator operation.

Modifications are proposed to specify that an effective voice communication shall be between the operator and a second person at a different location available at all times while the elevator is staffed by an operator. The purpose and necessity of this proposal is to enhance safety by requiring that the two-way voice communication system be effective and that it be provided whenever the elevator is staffed by an operator regardless of whether the elevator is actually in use.

Subsection (a)(3).

This subsection, as originally proposed, required two-way voice communication between the conveyance operator and all hall landings. A separate communication system is to be provided at each landing and be operable during all hours of operation.

Modifications are proposed to specify that an effective means of two-way voice communication be provided, to delete the phrase “during all hours of operation”, and to include the phrase “at all times while the elevator is in use”. The purpose and necessity of this proposal is to add detail and clarity regarding the two-way voice communication system required at the landings.

Subsection (a)(4).

This subsection, as originally proposed, required that an emergency plan and procedure be developed and made available to the Division during any inspection.

A modification is proposed to include specific examples of emergencies that should be included in the contingency plan. The purpose and necessity of this proposal is to provide clarity with specific examples of the types of emergencies that should be addressed in the contingency plan.

Section 3142. General Requirements.

Subsection (e).

This subsection, as originally proposed, provided for periodic tests to be witnessed by a Certified Competent Conveyance Inspector (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC) or, if a CQCIC is not available, by a Division CCCI. Periodic tests witnessed by a CCCI are to be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include: The name of the CQCIC and the CCCI witnessing the test; type of test performed;

name of CQCC and CCCM who performed the test; the date of the test; and the results of the test.

Modifications are proposed to delete the reference to the Certified Qualified Conveyance Inspection Company (CQCIC). The purpose and necessity of this proposal is to remove the reference to CQCIC because the CQCIC will not participate in the testing process given that the CQCIC is not provided for in Labor Code sections 7300 through 7324.2.

Section 3142.1. Vertical Platforms Lifts and Section 3142.2. Inclined Platform Lifts.

Section 3142.1, as originally proposed, specified that vertical platform lifts covered by ASME A18.1-2003 shall comply with ASME A18.1-2003, sections 2 and 5, and other specified Group II standards. In addition, Section 3142.2, originally proposed, specified that inclined platform lifts covered by ASME A18.1-2003 shall comply with ASME A18.1-2003, sections 3 and 6, and other specified Group II standards.

Modifications are proposed to delete the phrase “covered by ASME A18.1-2003” in these proposed sections, thus, avoiding redundancy, since the phrase “covered by ASME A18.1-2003” is already stated and covered in proposed Article 42 and proposed section 3142.

SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS

I. Written Comments

Mr. Richard C. Blaska, Principal, RCB Elevator Consulting, by letter dated April 4, 2007.

Comment No. 1:

Mr. Blaska states that shunt trips are not favored and that shunt trips should be optional. He suggests that the Group IV regulations be referenced in such a way in the Group II and Group III regulations so that when Group II and Group III elevators are rehabilitated, the stunt trips may be removed.

Response:

The Board believes this comment has merit to the extent that the shunt trip device be applied uniformly. Therefore, the option to provide the shunt-trip device is proposed to be deleted. Instead, section 2.8.2.2.2 of ASME A17.1-2004 that provides for the shunt-trip device is proposed to be incorporated by reference for Group IV conveyances. The proposal provides consistency with Group II and Group III standards; and with the State Building Code, Title 24, Part 9, wherein the shunt-trip device is required, adopted recently by the State Fire Marshal.

Comment No. 2:

Mr. Blaska commented that Group II elevators in seismic deficient buildings are not required to be upgraded seismically to comply with seismic requirements when the building is upgraded. Mr. Blaska asked whether seismically non-compliant elevators in buildings not seismically adept (installed pursuant to 1975 Elevator Safety Orders) remain as they are, or whether these elevators require seismic retrofit when the buildings are seismically retrofitted? Also, he stated that no seismic provisions are provided for elevators installed pursuant to Group III standards. Mr. Blaska believes this oversight is corrected by proposed section 3000(h)(2) that specifies alterations shall comply with seismic requirements in section 8.4 of ASME A17.1-2004 as proposed in section 3141.2. However, Mr. Blaska noted that proposed section 3141.2 appears to indicate that only elevator apparatus that was altered needs to comply with the seismic requirements because of the phrase “that are applicable to the alteration” in proposed section 3141.2(b).

Response:

The Board accepts the comment regarding section 3141.2 to the extent that the Board proposes to modify section 3141.2(b) to remove the phrase “that are applicable to the alteration” that causes the ambiguity regarding alterations.

Regarding the remaining comments, the Board notes that the Division is confident that the elevators installed pursuant to Group III standards are seismic compliant because it is industry practice to install seismic compliant elevators in seismic compliant structures, even though seismic requirements are not provided in Group III standards. Regarding retrofit of seismically non-compliant elevators installed pursuant to the 1975 Elevator Safety Orders, retrofit requirements for any elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Blaska stated that this proposal does not contain proposed standards for submittal of plans to the Division for review.

Response:

The Board notes that standards for plan submittal and review are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. Richard C. Blaska, Principal, RCB Elevator Consulting, by letter dated April 19, 2007.

Comment No. 4:

Mr. Blaska is concerned about seismic safety of existing elevators covered by Group II and Group III standards. He states that this proposal does not require structural or seismic upgrading

of deficient structural systems even if the other mechanical elevator equipment undergoes alterations. Mr. Blaska provides numerous examples of extensive elevator modernization while the structural seismic deficiencies are not corrected because the existing elevators standards do not require the structural deficiencies to be corrected.

Mr. Blaska agrees that requiring upgrading of existing structural seismic deficiencies could place a burden on the general public. He notes that on other occasions, the State required all affected elevators to be retrofitted as a result of the American with Disabilities Act (ADA) and the Fire Service code revisions. Mr. Blaska states that if retrofitting is not possible, then he suggests that retrofitting to correct seismic deficiencies should be required when existing elevators undergo alterations (modernization).

Response:

The Board appreciates Mr. Blaska's concerns regarding his belief that structural seismic deficiencies on existing elevators are not addressed in this proposal. However, it is the Board's intention that this proposal focuses on and addresses new conveyances installed after the effective date of this proposal and does not address existing elevators at this time. The Board states that standards regarding retrofitting of existing elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Blaska for his comments and his interest regarding this proposal.

Mr. Lou Bialy, Chair of NEII Central Code Committee, Otis Elevator Company, by letter dated April 2, 2007.

Comment No. 1:

Mr. Bialy proposes to include section 8.5.3.2. of ASME A17.1-2004 in the exceptions listed in proposed section 3141, Scope, to eliminate conflicting requirements between Title 8 and the ASME Code regarding escalator seismic requirements while retaining the change California wants to the story drift and lateral motion.

Response:

The Board does not accept this comment. The Board believes no inconsistency exists between Title 8 and the ASME Code because the proposed amendment to existing section 3137(d)(2)(C) specifies a more stringent standard than section 8.5.3.2 of ASME A17.1-2004.

Comment No. 2:

Mr. Bialy proposes to correct a typographical error in proposed section 3141.7(a)(2) to modify the reference to section 2.11.1.2 of ASME A17.1-2004 instead of section 2.11.1.1 of ASME A17.1-2004.

Response:

The Board accepts this comment. The correct ASME A17.1-2004 section is 2.11.1.2 and not section 2.11.1.1.

Comment No. 3:

Mr. Bialy proposes to revise proposed section 3141.8(a)(3) to indicate that the stop switch shall comply with section 2.26.2.5(a) through (c), exclusively. Mr. Bialy contends that specifically excluding subsection (d) that requires an audible device when the stop switch actuates would be consistent with current practices regarding switches.

Response:

The Board accepts this comment. Proposed section 3141.8(a)(3), modified to section 3141.8(c), is proposed to be modified to require that the stop switch shall comply with section 2.26.2.5(a) through (c) of ASME A17.1-2004.

Comment No. 4:

Mr. Bialy proposes to modify section 3141.8(a)(4) to allow the Division to approve technological innovations outside the temporary experimental variance process. He believes that this modification will allow the Division to control/monitor alternate suspension installations for equivalent safety, while eliminating the need for site-by-site variance applications.

Response:

The Board does not accept this comment. The Division's authority to grant temporary experimental variances is established by statute, and regulations may not exceed statutory authority. Since the Division's temporary experimental variance authority is already established by existing provisions of the law, proposed section 3141.8(a)(4) is to be deleted.

Comment No. 5:

Mr. Bialy proposes to revise the reference to section 3137(d) specified in proposed section 3141.13(b) to specify section 3137(d)(2) to eliminate conflicting requirements between Title 8 and ASME A17.1-2004, section 8.4.

Response:

The Board does not accept this comment. The Board does not perceive the conflict between Title 8 and section 8.4 of ASME A17.1-2004.

Comment No. 6:

In proposed section 3147.13(6), Mr. Bialy proposes to delete the reference to section 3106.1 that is inconsistent with ASME A17.1-2004.

Response:

The Board accepts this comment, noting that the commenter apparently meant section 3141.7(a)(6). Therefore, a modification is proposed to delete the reference to section 3106.1 in proposed section 3141.7(a)(6).

The Board thanks Mr. Bialy for his comments and his interest regarding this proposal.

Mr. James L. Meyer, President, James Meyer Consulting, Inc., by letter dated April 12, 2007.

Comment No. 1:

Mr. Meyer suggests the term “device” in section 3000(c) be changed to “conveyance” to be consistent with the Labor Code. He stated that the devices listed in section 3000(c)(1) through (15) are not included under the term “elevator” in the Labor Code. He further noted that devices included in section 3000(c) are not all included in the definition of “elevator” in ASME A17.1.

Response:

The Board recognizes that the term “conveyance” used in the Labor Code mandate is not part of the elevator terminology in the existing Elevator Safety Orders. The Board also notes that the term “conveyance” is not used in ASME A17.1-2004.

The Board believes this disparity is not an inconsistency. The Board contends that it is rather a matter of preference between the use of the term “conveyance” in the Labor Code; and use of the term “elevator” in the existing Elevator Safety Orders and the ASME A17.1-2004 Code. The Board opts to use the term “conveyance” only in the proposed Group IV standards, consistent with the Labor Code mandate, even though the existing Elevator Safety Orders and ASME A17.1 code uses “elevators”. Therefore, the Board does not accept this comment.

Comment No. 2:

Mr. Meyer proposes that section 3000(d) be revised to exclude maintenance lifts that are used to access underground sewage control pumping stations in response to the Decision on Petition No. 488.

Response:

The Board does not accept this comment. Proposed revisions pursuant to a petition decision to existing section 3000(d) is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Meyer states that section 3000(f) uses the term “devices” whereas the Labor Code uses “conveyance”.

Response:

The Board does not accept this comment. See the Board’s “Response” to Comment No. 1 from Mr. Meyer.

Comment No. 4:

Mr. Meyer notes that regulations neither exist nor are proposed on procedures for obtaining certification for CCCI (Competent Certified Conveyance Inspector), CCCM (Certified Competent Conveyance Mechanic), CQCC (Certified Qualified Conveyance Company), and CQCIC (Certified Qualified Conveyance Inspection Company).

Response:

The Division has procedures for certifying and has certified CCCI (Competent Certified Conveyance Inspector), CCCM (Certified Competent Conveyance Mechanic), and CQCC (Certified Qualified Conveyance Company). Therefore, the Board does not accept this part of the comment. However, the Board does accept the comment regarding CQCIC (Certified Qualified Conveyance Inspection Company). Therefore, the requirement for Certified Qualified Conveyance Inspection Company and reference thereto is proposed to be deleted.

Comment No. 5:

Mr. Meyer believes the term “conveyance” should be used in this proposal to be consistent with the Labor Code.

Response:

The Board does not accept this comment. With respect to the term “conveyance”, see the Board’s “Response” to Comment No.1 from Mr. Meyer.

Comment No. 6:

Mr. Meyer states that section 3094.2(p) contains proposed dimensions for platforms on existing vertical platform lifts. Mr. Meyer believes the effect of this proposal may require reconfiguration of existing platforms. He also questions if a review of existing lifts has been done to make sure this is not true.

Response:

The Board believes that this proposal does not require retrofit of existing platforms on vertical platform lifts. The proposed amendment to existing section 3094.2(p) provides only clarification on the increase and decrease of the dimensions. The resultant platform dimensions listed in existing Table 3093.46(b) are not revised. Therefore, the Board does not accept this comment.

Comment No. 7:

Mr. Meyer states that Section 3140 and proposed Group IV standards should reference and adopt the latest addenda and supplement to ASME A17.1-2004 since Labor Code, section 7323, requires the Board to adopt the latest revisions to ASME A17.1 or regulations at least as effective as these revisions. Mr. Meyer contends that this proposal does not contain standards at least as effective as because the addenda requirements are not included in the proposal.

Response:

The Board does not concur with this comment. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption, at which time Mr. Meyer's concerns would be considered.

Comment No. 8:

Mr. Meyer contends that it is not necessary to refer to ASME A17.1-2004 and the specific section in proposed sections 3141.1, 3141.2(a), 3141.3(a), 3141.4(a), 3141.5, 3141.6(a) and 3141.9 because section 3141 already indicates that conveyances covered by ASME shall comply with ASME A17.1-2004.

Response:

The Board partially accepts this comment. The phrase "covered by ASME A17.1-2004" is deleted from sections 3141.1, 3141.2(a), 3141.8, and 3141.9 since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

However, in sections 3141.3(a), 3141.4(a), 3141.5, 3141.6(a), 3141.11, 3141.12, and 3141.13(a) and (b), the references to the phrase "covered by ASME A17.1-2004" are necessary by the way the standards are written and also because particular sections of ASME A17.1-2004 are specified. Specifying the phrase "covered by ASME A17.1-2004" clarifies that the sections pertain to the ASME Code and not sections within Title 8.

Comment No. 9:

Mr. Meyer states that proposed section 3141.7(a)(13) should reference section 3013(c)(1) instead of section 3013(c).

Response:

The Board accepts this comment. Therefore, a modification is proposed to reflect the correct reference to section 3013(c)(1) in section 3141(a)(13).

Comment No. 10:

Mr. Meyer proposes to delete proposed section 3141.7(b) regarding medical emergency service that would conflict with the “NOTE” that also concerns medical emergency service elevators in Title 24 standards. Mr. Meyer recommends that the “NOTE” be retained.

Response:

The Board does not accept this comment. It should be noted that the “NOTE” does not constitute a regulation. Instead, a modification is proposed to delete the “NOTE” concerning the Title 24 standard. This “NOTE” is redundant since elevator construction necessarily is required to comply with applicable Title 24 standards. Proposed section 3141.7(b), Medical Emergency Service, is retained since the requirements on pertinent elevator medical emergency service are specified in Group II, section 3141(e). Therefore, a modification is proposed to specify that “Elevators utilized to provide medical emergency service shall comply with Group II, section 3041(e).”

Comment No. 11:

In commenting on proposed section 3141.8(a)(4), Mr. Meyer states that this proposal should contain an approval method for the alternate suspension systems that does not involve variances, especially since the alternate suspension systems have already gone through temporary and permanent variances.

Response:

The Board does not accept this comment. See the Board’s Response to Mr. Bialy’s Comment No. 4.

Comment No. 12:

Mr. Meyer recommends that proposed section 3141.11 should read “Escalators covered by ASME A17.1-2004 shall comply with Group III, section 3126.6(b).” Mr. Meyer believes that the reference to ASME A17.1-2004, section 6.1, is not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer's suggestion. The reference to ASME A17.1-2004, section 6.1, in proposed section 3141.11 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standard.

However, a modification is proposed to delete the phrase "covered by ASME A17.1-2004" to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 13:

Mr. Meyer recommends that proposed section 3141.12 should read "Moving walks covered by ASME A17.1-2004 shall comply with Group III, section 3127.6(b)." Mr. Meyer believes that the reference to ASME A17.1-2004, section 6.2, is not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer's suggestion. The reference to ASME A17.1-2004, section 6.2, in proposed section 3141.12 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standard.

However, a modification is proposed to delete the phrase "covered by ASME A17.1-2004" to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 14:

Mr. Meyer recommends that proposed section 3141.13 should read "Conveyances covered by ASME A17.1-2004 shall comply with Group III, sections 3137(a) and 3137(b)." Mr. Meyer believes that the references to the seismic requirements and to ASME A17.1-2004, section 8.4, are not necessary because proposed section 3141 already cites ASME A17.1-2004.

Response:

The Board does not concur with Mr. Meyer's suggestion. The reference to ASME A17.1-2004, section 8.4, in proposed section 3141.13 is necessary to clarify that compliance consists in conforming with the specified section of the ASME A17.1 Code and the other specified Title 8 standards.

However, modifications are proposed to delete the phrase "covered by ASME A17.1-2004" in proposed section 3141.13(a) and (b) to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 41 and proposed section 3141.

Comment No. 15:

Mr. Meyer believes that the referenced code in proposed section 3142 should be ASME A18.1-2005 and not ASME A18.1-2003, because ASME A18.1-2005 is the latest edition.

Response:

The Board does not concur with this comment. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from addenda of later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption, at which time Mr. Meyer's concerns would be considered.

Comment No. 16:

Mr. Meyer believes that the phrase "with ASME A18.1-2003, sections 2 and 5, which is hereby incorporated by reference, and" in proposed section 3142.1 is not necessary because proposed section 3142 already references ASME A18.1-2003.

Response:

The Board does not accept this comment. The reference to ASME A18.2-2003, sections 2 and 5, in proposed section 3142.1 is necessary to clarify that compliance consists in conforming with the specified sections of the ASME A18.1 Code and the other specified Title 8 standards.

However, a modification is proposed to delete the phrase "covered by ASME A18.1-2003" in proposed section 3142.1 to avoid redundancy since the intended effect of this phrase, and the phrase is stated in proposed Article 42 and proposed section 3142(a).

Comment No. 17:

Mr. Meyer believes that the phrase "with ASME A18.1-2003, sections 3 and 6, which is hereby incorporated by reference, and" in proposed section 3142.2 is not necessary because proposed section 3142 already references ASME A18.1-2003.

Response:

The Board does not accept this comment. The reference to ASME A18.1-2003, sections 3 and 6, in proposed section 3142.2 is necessary to clarify that compliance consists in conforming with the specified sections of the ASME A18.1 Code and the other specified Title 8 standards.

However, a modification is proposed to delete the phrase “covered by ASME A18.1-2003” in proposed section 3142.2 to avoid redundancy since the intended effect of this phrase, and this specific phrase is stated in proposed Article 42 and proposed section 3142(a).

Comment No. 18:

Mr. Meyer’s letter addresses page 16 of the Informative Digest, under new Section 3141. Scope. He notes that the second paragraph specifies “ASTM” and this reference should be “ASME”.

Response:

The Board accepts this comment and will note in this response this inadvertent error regarding “ASME” in the Informative Digest.

Comment No. 19:

Mr. Meyer’s letter addresses page 22 of the Informative Digest, under new section 3141.7(a)(14). He notes that the effect statement should indicate that the pit “may” be provided with a water removal system and should not state that the pit “must” be provided with a water removal system. Mr. Meyer notes that the referenced section 3120.6(c) and (d) indicate permissive installation and not required installation.

Response:

The Board accepts this comment and will note in this response that this statement in the Informative Digest should read “permissively”, and not as a “requirement.”

The Board thanks Mr. Meyer for his comments and his interest regarding this proposal.

Mr. Davis L. Turner, Principal, Davis L. Turner & Associates, LLC, by letter dated April 10, 2007.

Comment No. 1:

Mr. Turner encourages the Board to adopt the latest editions of A18.1 and ASCE 21 as indicated in Labor Code section 7323. He also states that two addenda and a major supplement of ASME A17.1-2004 are not considered in this proposal. Mr. Turner states that ASME A17.1-2007 will be issued shortly and he urges the Board to encourage the Division to review and propose adoption of this later edition.

Response:

The Board does not concur with Mr. Turner's comment. The Board notes that Labor Code section 7323 indicates that the Division is required to propose to the Standards Board standards that include provisions at least as effective as ASME A17.1, ASME A18.1, and ASCE 21, in effect prior to September 30, 2002. The Division in its proposal exceeded or complies with this mandate by proposing more current editions of these publications that are: the ASME A17.1-2004 and A18.1-2003 editions of these publications, the ASCE 21 publication in effect on September 30, 2002 was the 1996 edition of the ASCE 21; therefore, no later edition was required to be included in this proposal.

If further rulemaking is needed, Labor Code section 7323 provides for the Division to propose to the Board at a later date additional final rulemaking for any revisions or substantive revisions to any addendum of these codes.

Comment No. 2:

Mr. Turner states that the section reference in proposed section 3141.7(a)(2) should be section 2.11.1.2, and not section 2.11.1.1.

Response:

The Board accepts this comment and will correct this inadvertent typographical error. Therefore, a modification is proposed to correct this reference to section 2.11.1.2.

Comment No. 3:

Mr. Turner states that section 3141 should read "Conveyances covered by ASME A17.1-2004, section 1.1, Scope, and Article 1, section 3000 of Title 8 shall comply with ASME A17.1-2004, Safety Code for Elevator and Escalators, except sections 1.1.2, 1.1.3, 2.2.5, 2.7.6, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f) and 2.14.2.6, which is hereby incorporated by reference.."

Mr. Turner states that in Section 3141, the reference to Article 41 should be deleted because it is circuitous. Mr. Turner believes that a reference to Article 1, section 3000, should be included because section 3000 lists conveyances included, excluded, and prohibited. He notes that section 1.1.2 of ASME A17.1-2004 lists equipment not covered by the A17.1 code. He further notes that this list is contained in Article 1, Section 3000(c) of Title 8. Mr. Turner further believes that this list of "not covered" or "excluded devices" is redundant and possibly contradictory. Mr. Turner also states that section 1.1.3 of ASME A17.1-2004 makes certain parts of the standard retroactive.

Response:

The Board does not concur that the reference to Article 41 should be deleted. The Board believes that Article 41 is necessary to include conveyances in Group IV. Mr. Turner's suggestion to include section 3000 is not accepted because section 3000 is a Group I standard that already applies to Group IV standards. Mr. Turner's suggestion to list section 1.1.2 as an

exception is not accepted because the list of equipment in section 1.1.2 and section 3000(a), although similar, are not redundant since section 1.1.2 lists certain equipment covered in other codes. However, Mr. Turner's suggestion to include section 1.1.3 as an exception is accepted.

Comment No. 4:

Mr. Turner suggests that a modification should be made to clarify that the construction elevators excluded in existing section 3000(d)(11) are construction elevators installed prior to the effective date of these proposed standards. Also, Mr. Turner believes a modification should be made to include in existing section 3000(c) those construction elevators installed after the effective date of this proposal (installed pursuant to Group IV standards).

Response:

The Board does not accept this comment to amend existing section 3000(d)(11) to indicate that the construction elevators excluded in existing section 3000(d)(11) are construction elevators installed prior to the effective date of these proposed standards because the construction elevators in existing subsection 3000(c)(11) are elevators not covered by the Elevator Safety Order as stated in existing section 3000(d). In addition, Mr. Turner's comment regarding section 3000(c) is not accepted because it is already stated that elevators used for construction covered in ASME A17.1-2004 are included in proposed Group IV standards and that Group IV standards shall be operative on or after the effective date of this proposal.

Comment No. 5:

Mr. Turner states that Labor Code, section 7300, does not recognize a Certified Qualified Conveyance Inspection Company. He asks if it is the intent of the Division to recognize third party CCCI's for witnessing tests. In addition, Mr. Turner questions the qualifications for a Certified Qualified Conveyance Inspection Company.

Response:

The Board accepts this comment. Modifications are proposed to delete requirements and references to Certified Qualified Conveyance Inspection Company in proposed section 3141.6, Periodic Tests, and in proposed section 3142, General Requirements.

Comment No. 6:

Mr. Turner states that existing section 3001, Permit to Operate, requires re-inspection of devices covered by existing regulations, and existing section 3003, Qualifications for Certified Inspectors, specifies qualifications for Qualified Elevator Inspectors. He indicates that no changes are proposed for these two sections to provide compatibility with proposed section 3141.5 that incorporates Rule 8.11.1 of ASME A17.1-2004 requiring inspection by Qualified Elevator Inspectors. Mr. Turner asks if it is the intent of the Division to allow third party inspectors to perform periodic inspections/re-inspections? He also asks will the Division require that its inspectors be Qualified Elevator Inspectors?

Response:

The Board accepts this comment to the extent that the Board proposes a modification to clarify the standing of ASME Qualified Elevator Inspectors (QEI) as mentioned in ASME A17.1-2004, section 8.11.1.1. The Board proposes a modification to exclude section 8.11.1.1 of ASME A17.1-2004 regarding inspections performed by QEI's in section 3141.5, Periodic Inspections. Therefore, inspectors authorized to conduct periodic inspections will be Division inspectors or inspectors authorized by the Division, pursuant to section 8.11.1.1 of ASME 17.1-2004. This modification to delete section 8.11.1.1 also nullifies the question regarding third party inspectors and their qualifications because only the Division inspectors or inspectors authorized by the Division will conduct inspections pursuant to section 8.11.1.1 of ASME A17.1-2004.

Comment No. 7:

Mr. Turner states that existing section 3001(a) regarding permit to operate should be amended to cover plan check as mandated by Labor Code 7301.1.

Response:

The Board notes that Labor Code 7301.1 does not include requirements on plan checks. In addition, the requirements for plan checks are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 8:

Mr. Turner states that section 3141 adopts ASME A17.1-2004 and sections 2.2.2.5, 2.76, 2.11.1.2, 2.11.1.4, 2.12.6, 2.14.2.2(f), and 2.14.2.6 are excluded. He questions if this means that any section not excluded by reference is adopted by reference? He states, if so, then section 1.1.3 of ASME A17.1-2004 indicates that this code apply to new installations, except certain parts that apply to both new and existing installations. Mr. Turner questions if it is the intent to adopt retroactive orders as stated in section 1.1.3.

Response:

The Board accepts this comment to the extent that the Board proposes a modification to exclude section 3.1.1 of ASME A17.1-2004 in section 3141, Scope. This modification to exclude section 3.1.1 of ASME A17.1-2004 nullifies the issues that are of concern to Mr. Turner. It is not the Board's intent to address retroactive orders because retroactive requirements are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Turner for his comments and his interest regarding this proposal.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 17, 2007.

Comment 1:

Mr. Swerrie states that the best way for the State to keep up with developments in the elevator industry is to follow ASME A17.1 and ASME A17.3 as closely as possible.

Response:

The Board does not accept this comment. The Board notes that Labor Code section 7323 indicates that the Division is required to propose to the Standards Board standards that include provisions at least as effective as ASME A17.1, ASME A18.1, and ASCE 21, in effect prior to September 30, 2002. The Division in its proposal exceeded or complies with this mandate by proposing more current editions of these publications that are: the ASME A17.1-2004 and A18.1-2003 editions of these publications, the ASCE 21 publication in effect on September 30, 2002 was the 1996 edition of the ASCE 21; therefore, no later edition was required to be included in this proposal.

If further rulemaking is needed, Labor Code section 7323 provides for the Division to propose to the Board at a later date additional final rulemaking for any revisions or substantive revisions to any addendum of these codes.

Comment No. 2:

Mr. Swerrie takes exception with the statement that the Elevator Safety Orders in Title 8 are at least as effective or more stringent than the provisions of ASME A17.3.

Response:

The Board does not accept this comment. The Division reviewed the provisions of ASME A17.3 and determined that Title 8 provisions are at least as effective as or are more stringent.

Comment No. 3:

Mr. Swerrie recommends revising the word “conveyance” to the word “conveyances” in proposed section 3140(a).

Response:

The Board accepts this comment. Therefore, an editorial modification to specify the word “conveyances” is proposed in section 3140(a).

Comment No. 4:

Mr. Swerrie’s comment concerns section 3141.6(d) that addresses conveyance inspections performed by conveyance inspectors working for an inspection agency rather than by an inspector working for the Division. He asks whether the proposal represents a change of policy.

Response:

The Board accepts this comment. Therefore, the portion of proposed section 3141.6(d), modified as section 3141.6(e), that allows inspections of conveyances by inspectors employed by inspection companies has been deleted. In addition, reference to Certified Qualified Conveyance Inspection Company (CQCIC) in proposed section 3142(e) has also been modified to be deleted.

Comment No. 5:

Mr. Swerrie suggests that the light switch required in proposed section 3141.7(a)(3)(A) be modified to indicate that the light switch be located inside the machine room on the strike side of the machine room door if a machine door is provided.

Response:

The Board accepts this comment. Therefore, a modification to section 3141.7(a)(3)(A) is proposed to indicate that the light switch shall be located inside the machine room on the strike side of the machine room door if a machine room door is provided.

Comment No. 6:

Mr. Swerrie questions if the requirement proposed in section 3141.7(a)(8) is necessary and states that section 2.27.3.4 of A17.1-2004 does not specify that two floors of movement are permitted upon resumption of power.

Response:

The Board believes the requirement to limit the two floor movement upon resumption of power is necessary to reduce the probability of the car stopping on a landing engulfed in flames or smoke or subject to some other unsafe condition during an emergency. However, the Board accepts the second part of Mr. Swerrie's comment. Therefore, modifications are proposed to section 3141.7(a)(8) to delete the statement that presumes section 2.27.3.4 of A17.1-2004 permits two floor movement.

Comment No. 7:

Mr. Swerrie states that he does not understand the requirement of proposed section 3141.7(a)(11) and asks when reduced diameter governor ropes are to be used.

Response:

The provision in proposed section 3141.7(a)(11) is an option to allow the use of reduced diameter governor rope provided the stipulated conditions are complied with. The Board further states that this option is provided to accommodate new technologies that provide ropes of smaller diameter with equal or more strength. An editorial modification is proposed to replace

the phrase “shall be permitted to be used” with the phrase “is permissible” to improve the wording of this provision.

Comment No. 8:

Mr. Swerrie contends that ASME A17.1-2005 should be the referenced document adopted for electric and hydraulic elevators rather than the ASME A17.1-2004 version.

Response:

The Board does not accept this comment. The Board notes that adoption of ASME A17.1-2005 by reference for electric and hydraulic conveyances, is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 9:

Mr. Swerrie contends that section 3141.8(a)(4) should be deleted. Mr. Swerrie believes that experimental variances are not for elevators used by the public.

Response:

The Board accepts this comment. A modification is proposed to delete proposed section 3141.8(a)(4), since existing provisions of the law govern temporary and experimental variances.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 18, 2007.

Comment No. 10:

Mr. Swerrie proposes that section 3141 be modified to indicate that car safeties, when provided in hydraulic conveyances, shall be safeties that conform to section 2.17 and sections 3.17.1 through 3.17.1.3 of ASME A17.1-2004. Mr. Swerrie also proposes that plunger grippers that comply with section 3.17.3 of ASME A17.1-2004 may be provided in lieu of car safeties for hydraulic conveyances. Mr. Swerrie further states that plunger grippers are just as effective as safeties for retarding, stopping, and holding the car.

Response:

The Board does not accept these comments. Proposed section 3141 does not prohibit the type of car safeties or plunger grippers suggested in this comment.

Comment No. 11:

Mr. Swerrie compares governor rope made of steel as required by ASME A17.3 and manila rope. He describes the disadvantages of manila ropes and the performance effects by stating that manila ropes shrink and stretch too much and require continuing attention. He also believes that

too much shrinkage could cause unnecessary entrapment and too much stretch may permit the safeties not to set should an over-speed occur. Mr. Swerrie notes that elevators equipped with manila governor ropes are all 70 to 80 years old or older.

Therefore, Mr. Swerrie does not specifically state but infers that governor rope of steel as required in ASME A17.3 should be required in all elevators without regard for installation date.

Response:

The Board does not accept this comment. The retrofit provisions in ASME A71.3 are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 12:

Mr. Swerrie states that section 4.5.2(d) of ASME A17.3 specifies that tanks shall be provided with value connectors for attaching an inspector's pressure gage while the tank is in service. Mr. Swerrie asks if existing Title 8 provisions retroactively require the equivalent.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. D.A. Swerrie, Safety Engineer, by letter dated April 19, 2007.

Comment No. 13:

Mr. Swerrie indicates that section 8.6 of ASME A17.1-2004 regarding maintenance, repair, and replacement of conveyances applies only to conveyances installed after the adoption of this proposal. He contends that the intent of this section is to apply to all conveyances regardless of installation date because he believes maintenance is deteriorating, care and upgrading of elevators is slowing down, old elevators are getting older, and more elevators are in need of care and upgrading than ever. Therefore, Mr. Swerrie believes this requirement should be modified to require this section to apply to all elevators unless other arrangements are made with respect to repair and replacement.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 14:

Mr. Swerrie believes that the alteration requirements in section 3141.2 of ASME A17.1-2004 should apply to all conveyances regardless of installation date, unless different arrangements are

made with the Senior Engineer of the Division's Elevator Unit. Mr. Swerrie believes this is necessary to upgrade old equipment to keep maintenance from getting worse.

Response:

The Board does not accept this comment. Retrofit provisions are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Swerrie for his comments and his interest regarding this proposal.

Mr. Mark Ramos, Lift-U/ Division of Hogan Mfg., Inc., by letter dated April 19, 2007.

Comment:

Mr. Ramos believes that ASME A18.1-2005 is the standard that should be the adopted, and not ASME A18.1-2003 as proposed.

Response:

The Board notes that the 2003 edition of ASME A18.1 was proposed because it was the code in effect at the inception of this rulemaking, consistent with Labor Code, section 7323. Labor Code, section 7323, requires only that the Board adopt the conveyance code standards at least as effective as those standards in effect prior to September 30, 2002. The Board is of the opinion that this proposal complies with and exceeds the Labor Code mandate because this proposal contains code standards considered at least as effective as the more current editions of the codes in effect prior to the date indicated in the Labor Code. The Board contends that the fact that this proposal does not contain standards from addenda of later editions of the code does not make this proposal less effective. Standards at least as effective as later addendum or code revisions will be considered at a later date. The Labor Code makes provisions for additional final rulemakings resulting from code revisions or addendum that shall be provided for Board review and adoption. Therefore, the Board does not concur with this comment.

The Board thanks Mr. Ramos for his comment and his interest regarding this proposal.

Mr. Steven H. Grainer, Special Projects Manager, Elevator and Escalator Division, Mitsubishi Electric & Electronics USA, Inc., by letter dated April 17, 2007.

Comment No. 1:

Mr. Grainer recommends that the referenced section 2.11.1.1 in ASME A17.1-2004 specific to emergency doors in blind hoistways in proposed section 3141.7(a)(2) should be corrected to specify section 2.11.1.2.

Response:

The Board accepts this comment. Therefore, the Board modifies section 3141.7(a)(2) to specify section 2.11.1.2 of ASME A17.1-2004 regarding emergency doors in blind hoistways.

Comment No. 2:

Mr. Grainer recommends that proposed section 3141.7(a)(10) should indicate that the identifying number required is the model number.

Response:

The Board accepts this comment. Therefore, a modification is proposed to section 3141.7(a)(10) to indicate that the model number shall be on the speed governor and safety marking plate.

Comment No. 3:

Mr. Grainer recommends that proposed section 3141.7(a) should include a standard to accommodate governor ropes with diameters of less than .375 inches when used. Mr. Grainer believes this proposal would include the globally used governor ropes with diameters less than .375 inches and the D/d ratios commonly used with these smaller diameter ropes.

Response:

The Board does not accept this comment. The Board believes that this comment to include a new standard is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Grainer for his comments and his interest regarding this proposal.

Mr. Chris Codioli, Professional Engineers in California Government, by letter dated April 19, 2007.

Comment:

Mr. Codioli contends that periodic tests in proposed section 3141.6(d) should not be conducted by Certified Competent Conveyance Inspectors (CCCI) employed by a Certified Qualified Conveyance Inspection Company (CQCIC). Mr. Codioli believes that the best protection for public safety and interest is the agency that has the authority and jurisdiction and the people within that agency whose sole obligation is ensuring that these objectives are met. Therefore, Mr. Codioli believes the priority should rest with DOSH and the inspectors within DOSH.

Response:

The Board accepts this comment. Therefore, proposed section 3141.6(d) is modified to delete the function of inspections conducted by inspectors employed by a Certified Qualified Conveyance Inspection Company. The Division's inspectors and some insurance inspectors will continue to perform inspections pursuant to the Elevator Safety Orders.

The Board thanks Mr. Codioli for his comment and his interest regarding this proposal.

Mr. Paul Pitfield, Principal, Pitfield & Associates, Inc. Elevator Consulting Services, by letter dated April 19, 2007.

Comment No. 1:

Mr. Pitfield proposes to delete proposed section 3141.7, General Requirements. Mr. Pitfield believes that deleting proposed section 3141.7 would reduce the cost to manufacture a different product in California, than the remaining States who adopt the code as written. In addition, Mr. Pitfield contends that the code document would also be simpler to administer and without any proven loss of safety to the public.

Response:

The Board does not concur with this comment. The general provisions in proposed section 3141.7 are more stringent requirements necessary for the safe operations of conveyances. Labor Code section 7300(c) permits the Division to propose more stringent standards.

Comment No. 2:

Mr. Pitfield recommends adopting ASME A17.3-2002 in lieu of the existing Title 8, Group II standards for existing elevator installations.

Response:

The Board does not concur with this comment. The Board believes that Mr. Pitfield might have meant to refer to the ASME A17.3-2004 edition that contains retrofit requirements that are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal. If, however, Mr. Pitfield meant ASME A17.3-2002, then this edition contains retrofit requirements that are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 3:

Mr. Pitfield suggests that conveyance installations comply with the standards in effect at the time the building design drawings are stamped, not when the elevator contract was signed.

Response:

The Board does not accept this comment. The Board believes the date the elevator contract is signed is more appropriate as to which standards would apply for the conveyance installation.

The Board thanks Mr. Pitfield for his comments and his interest regarding this proposal.

Mr. Jeff Roloff, ThyssenKrupp Elevator Corporation, by letter dated April 19, 2007.

Comment No. 1:

Mr. Roloff states that proposed section 3141.6(d) indicates that a Certified Competent Conveyance Inspector employed by a Certified Competent Conveyance Inspection Company or a Division Certified Competent Conveyance Inspector shall witness the periodic tests required by Section 8.11.1.1.2. Mr. Roloff believes there are not enough Certified Competent Conveyance Inspectors available to keep up with the workload. Therefore, Mr. Roloff recommends that the existing practice of using the licensed Certified Competent Conveyance Technicians to witness the tests be continued.

Response:

The Board accepts this comment. Modifications are proposed to section 3141.6 to delete inspections by Certified Competent Conveyance Inspectors employed by Certified Qualified Conveyance Inspection Companies. Therefore, the existing inspection practice remains.

Comment No. 2:

Mr. Roloff indicates that proposed section 3141.7(a)(3) does not specify the edition of the California Code Electrical Code, and therefore, he believes could lead to confusion.

Response:

The Board accepts this comment. Therefore, a modification is proposed to indicate that electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code in effect at the time of installation.

Comment No. 3:

Mr. Roloff states that proposed section 3141.7(a)(7) requires an audible signaling device be provided in all conveyances regardless of the existence of an emergency stop switch. He indicates that the code requires a button labeled "Help" for passengers to summon assistance and that the stop switches have been replaced with a keyed stop switch. Therefore, Mr. Roloff asks how the button for the alarm bell should be labeled, and if there is a working phone connected to a 24 hour service, whether it is necessary to add an emergency alarm bell.

Response:

The audible signaling device shall be installed according to section 2.27.1.2 of ASME A17.1-2004, as specified in proposed section 3141.7(a)(6), originally proposed as section 3141.7(a)(7).

Comment No. 4:

Mr. Roloff proposes to modify section 3141.8(a)(4) so that an annual application is not required once the alternate suspension means is approved.

Response:

A modification is proposed to delete proposed section 3141.8(a)(4), as it is largely or entirely redundant of existing law.

Comment No. 5:

Mr. Roloff recommends that the term “emergency procedures” should be clarified in proposed section 3141.10(a)(1). Otherwise, Mr. Roloff believes the term “emergency procedures” could be construed more broadly to include emergencies outside the control of the elevator operator.

Response:

The Board believes this comment has merit. Therefore, a modification is proposed to section 3141.10(a)(1) to clarify the term “emergency procedures” by providing examples such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associate with conveyance operations.

Comment No. 6:

Mr. Roloff recommends that proposed section 3141.10(a)(4) should clarify the emergencies to be included in the plan and procedures.

Response:

The Board believes this comment has merit. Therefore, a modification is proposed in section 3141.10(a)(4) to provide specific examples of emergencies that should be addressed in the contingency plan.

Comment No. 7:

Mr. Roloff refers to proposed section 3141.13(b) and believes the lateral movement permitted in proposed section 3137(d)(2)(C) will cause torsional stress and damage to the equipment while increasing the likelihood that the escalator will fall down as it not longer can be pinned. Therefore, Mr. Roloff recommends the limits specified in A17.1-2007 be adopted and that nothing is done to prevent the pinning of the escalators at the top ends.

Response:

The Board does not accept this comment. The Board believes that escalator installation provides for maximum design drift at the top, bottom, and other supports, and that this accommodates or accounts for, movement, stresses, and building drift. No existing requirement specifies pinning of the escalator to prevent the escalator from falling. ASME A17.1, section 8.5.3.2.1, incorporated by reference in this rulemaking, only requires that a means be provided to prevent the upper end of the truss from slipping off the building support if seismic restraint that allows some degree of longitudinal and transverse motion are provided at both ends. Regarding adopting the ASME A17.1-2007 edition, the standards in ASME A17.1-2007 are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 8:

Mr. Roloff believes that allowing the shunt trip breaker as permitted in proposed section 3147.7(a)(5) could result in firefighters being trapped inside the conveyance in a burning building. Therefore, Mr. Roloff suggests that the control system and the machine room smoke sensor be set to disable during an on-going Phase II operation and to revert the car to Phase I configuration. Mr. Roloff believes that this would prevent a firefighter from being trapped in the elevator when the fire in the machine room gets hot enough to trip the shunt.

Response:

The Board believes Mr. Roloff is referring to section 3141.7(a)(5) and not section 3147.7(a)(5), as he inadvertently indicated. Proposed section 3141.7(a)(5) affords the option of providing a shunt trip breaker to disconnect the application of the water sprinklers in the machine room or hoistway. This option differs from ASME A17.1-2004, section 2.8.2.3.2, where the shunt trip breaker is obligatory. As a result, the Board now proposes a modification to delete this option and instead retain the shunt trip device as required by ASME A17.1-2004, section 2.8.2.3.2. Therefore, the proposed shunt trip device requirement will be consistent with the State Building Code, Title 24, wherein, the shunt trip device was adopted in Part 9 by the State Fire Marshal.

The Board thanks Mr. Roloff for his comments and his interest regarding this proposal.

Ms. Debbie Prince, Code Specialist, Motor Control Engineering, Inc., by letter received on April 19, 2007.

Comment:

Ms. Prince recommends excluding section 8.4.10.1.3(f) from proposed section 3141.13, Seismic Requirements.

Response:

The Board does not accept this comment. Elevator maintenance personnel and inspectors perform their tasks pre-supposing that that all conveyances operate at no more than 150ft./min. Furthermore, in some installations, such as hospitals, it is expected that the conveyance travel at the maximum allowable rate to save time in emergencies.

The Board thanks Ms. Prince for her comment and her interest regarding this proposal.

II. Oral Comments at the April 19, 2007 Public Hearing

Mr. Greg Walker, Regional Director, Otis Elevator Company and Chairman, National Elevator Industry, Inc.

Comment:

Mr. Walker proposes that section 3141.8(a)(4) be modified to read: "Alternate suspension means and their connections other than those permitted by ASME A17.1-2004 are permitted if the means is equivalent in safety. Manufacturer's documentation supporting equivalent safety shall be submitted to the Division for review and approval. The Division may also grant a temporary experimental variance as a means for a manufacturer based demonstration of equivalent safety."

Mr. Walker further believes that technology in the elevator industry is changing very rapidly, much more rapidly than the elevator standards are changing, and the language proposed by NEII would provide a means to introduce new technology that is just as safe as that required by the standard and avoid the lengthy variance process.

Response:

The Board does not accept this comment. Section 3141.8(a)(4), as suggested by Mr. Walker, is not included in the proposal in order to keep the proposal consistent with the Division's statutory authority and in order to avoid duplication of other provisions of the law. The Division's authority to grant temporary experimental variances is established by statute, and regulations may not exceed statutory authority. Since the Division's temporary experimental variance authority is already established by existing provisions of the law, proposed section 3141.8(a)(4) is to be deleted.

Further, proposed section 3141.8(a)(4) is deleted. Please see the Response to Mr. Bialy's

The Board thanks Mr. Walker for his comment and his interest in this proposal.

Mr. Dee Swerrie

Comment Nos. 1, 2 and 3:

Mr. Swerrie believes that the ASME A17.3 standards are more effective as these standards pertain to retrofitting, and should be adopted. He believes the two standards should be compared and then followed by either a revision to the existing standard or adoption of ASME A17.3. Mr. Swerrie also recommends that plunger grippers could replace existing single-bottom hydraulic jacks. He notes that a plunger gripper is a device that can be attached and will keep the elevator from falling and its use should be considered. Furthermore, Mr. Swerrie contends that the term "experimental variances", as indicated in proposed section 3141.8(a)(4), should not be used as this term is not in the best interest of the State and may undermines public confidence. He believes the term "temporary variance" is a better term. He states that if the principal safety engineer has the information needed to determine whether or not a carrier is safe, he may allow a "temporary variance" and not an "experimental variance". Therefore, Mr. Swerrie believes the term "temporary variance" should be used in section 3141.8(a)(4).

Responses:

In response to Mr. Swerrie's first and second comments, the Board notes that Mr. Swerrie's comment regarding retrofitting, including retrofitting with plunger grippers, is not accepted because retrofit standards are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Mr. Swerrie's comment on variances is no longer pertinent because the variance option originally proposed in section 3141.8(a)(4) is to be deleted from this proposal.

The Board thanks Mr. Swerrie for his comments and his interest in this proposal.

Mr. Richard Blaska, Principal, RCB Elevator Consulting

Comment:

Mr. Blaska provided written comments, dated April 4, 2007 that he read into the record.

Response:

The Board's "Responses" to Mr. Blaska's comments are provided under the heading "I. Written Comments."

The Board thanks Mr. Blaska for his comments and his interest regarding this proposal.

Mr. John MacLeod, Chair, Occupational Safety and Health Standards Board

Comment:

Mr. John MacLeod asked Board staff to initiate action to reference Title 8 Elevator Safety standards in Title 24 to facilitate compliance with the shunt trip device standard.

Response:

The Board states that proposed section 3141.7(a)(5) originally specified the option that a shunt trip device may be provided for conveyances. However, this option is modified to be deleted to propose that a shunt trip device be mandatory as specified in section 2.8.2.3.2 of ASME A17.1-2004 that is incorporated by reference in this proposal. Therefore, the Board believes that this modified proposal brings into line the Title 8 standard with the Title 24 standard in that both standards will require the shunt trip device.

Mr. Robert Krieger, Hobbs & Law

Comment No. 1:

Mr. Krieger provided additional commentary on the shunt trip device and its effect on the operation of the elevator during a fire.

Response:

The Board believes a response is not necessary because Mr. Krieger provided a commentary regarding shunt trip devices and not a comment on this proposal.

Comment No. 2:

Mr. Krieger states that seismic requirements are not part of this proposal but he contends they should be investigated for various reasons such as damage to equipment and improper reset of elevators.

Response:

The Board believes a response is not necessary because, as Mr. Krieger noted, seismic requirements are not part of this proposal.

The Board thanks Mr. Krieger for his comments and his interest in this proposal.

Mr. Bill Mitchell, Schindler Elevator

Comment No. 1:

Mr. Mitchell provided additional commentary on the operation of the shunt trip device and recognition of emergency personnel and action required when the shunt trip activates.

Response:

The Board believes a response is not necessary because Mr. Krieger provided a commentary regarding shunt trip devices and not a comment on this proposal.

Comment No. 2:

Mr. Mitchell believes seismic standards for new elevators are not a problem; however, modernization of older elevators is a problem. He notes that ASME A17.1-1996 did not have seismic requirements and did not address any mechanical portion of seismic activity.

Response:

The Board notes that standards regarding retrofit and modernization of existing elevators are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Mitchell for his comment and his interest in this proposal.

Mr. Dee Swerrie

Comment:

Mr. Dee Swerrie provided additional commentary referencing the 1975 orders for seismic upgrading and how the A17 committee is continually updating the elevator standards for seismic protection. Mr. Swerrie recommends that the seismic portion of this proposal should be provided retroactively to all elevators.

Response:

The Board notes that retroactive standards are not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Swerrie for his comment and his interest in this proposal.

Mr. Clayton Carter, Capital Elevator Company

Comment:

Mr. Carter provided additional commentary regarding the operation of a shunt trip device while a firefighter was in an elevator during a Phase II operation. Mr. Carter believes an audible or visual signal should be installed to warn firefighters if the shunt trip is to activate to allow them to escape before the power is shut off.

Response:

The Board contends that such audible or visual signal is not known to exist in the elevator industry.

The Board thanks Mr. Carter for his comment and his interest in this proposal.

Ms. Debbie Prince, Motion Control Engineering

Comment:

Ms. Prince states that the seismic requirements in this proposal permit the car to operate in a mode not acceptable in California. She believes the elevator should stop at the floor, the doors should open, and not operate any further during an earthquake. Therefore, Ms. Prince believes this requirement should be addressed in this proposal.

Response:

The Board does not accept this comment. Please refer to the Board's "Response" to Ms. Prince's letter that she provided at the April 19, 2007 Public Hearing, under the heading "I. Written Comments."

The Board thanks Ms. Prince for her comment and her interest in this proposal.

Ms. Annabell Conkling, Capitol Elevator Company

Comment:

Ms. Conkling believes that State inspectors will be unable to keep up with the additional workload of witnessing the required conveyance testing. She emphasized that she is in favor of this proposal, but was concerned with the load it would place on existing personnel.

Response:

The Board states that the required conveyance testing is a component of the inspection and permit process mandated by the Labor Code, sections 7301 and 7304. The Division's only option is to do its upmost with the available personnel to implement the standard. Furthermore, proposed section 3141.6 permits qualified inspectors to witness the tests provided the required reports with the specified information are submitted to the Division.

The Board thanks Ms. Conkling for her comment and her interest in this proposal.

Mr. Robert Krieger, Hobbs & Law

Comment No. 1:

Mr. Krieger expressed support for hiring new personnel. He believes that California does not have enough mechanics or inspectors and is facing a public infrastructure crisis. Mr. Krieger contends that this personnel shortage is a public safety issue and will compromise safety.

Response:

The Board appreciates Mr. Krieger's concern regarding the shortage of mechanics and inspectors. However, the Board notes that the issue of personnel shortage is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

Comment No. 2:

Mr. Krieger believes that it is necessary to apply the maintenance requirements of section 8.6 of ASME A17.1-2004 to all elevators, not just the conveyances installed after the adoption of this proposal.

Response:

The Board notes that retro-maintenance requirements for all elevators is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Krieger for his comment and his interest in this proposal.

Mr. Alex Chapman, Thyssum Elevator Company

Comment:

Mr. Chapman believes the retroactive requirements for seismic modifications and upgrades would be a large financial burden for building owners and managers. He notes, however, that he did not wish to discount public safety needs concerning seismic upgrades, and he notes the benefits secured by modernizing equipment and bringing the elevators up to reasonable modernized standards.

Board Member, Dr. Frisch asked Mr. Chapman if he was concerned that this proposal would present an unreasonable financial burden, and Mr. Chapman responded that it would. Mr. Chapman stated that ASME A17.1, Section 12, Alteration to Existing Elevators, does not mandate retroactively bringing existing elevators up to current seismic requirements by

removing or upgrading elevator rails, brackets, and other seismic demands. He believes that mandating those requirements and dovetailing them into elevator control and modernization requirements would double the cost of a simple modernization and place it outside the financial abilities of many small building owners who simply want to upgrade the operational functions of their elevators.

Response:

The Board notes that retrofitting or seismic modification and upgrades of conveyances is not within the scope of this rulemaking, and therefore, will not be addressed in this proposal.

The Board thanks Mr. Chapman for his comment and his interest in this proposal.

Dr. Jonathan Frisch, Board Member

Comment:

Board Member, Dr. Frisch expressed concern that elevator technology continues to change rapidly. Dr. Frisch recommends that this proposal be written to anticipate and address new technology and to avoid the lengthy variance process for routine matters. Dr. Frisch questioned whether the national consensus standards cross referenced in this proposal will remain current or will updates render the proposed standards obsolete.

Response:

The Board states that it is not possible to write standards that anticipate future technology. The ASME A17.1 committee proposes revisions periodically as they become necessary to accommodate changes due to the experience gained from the application of current standards. In addition, revisions are made in response to new technology, new data, environmental changes, and industry needs. The Board states that the proposed standards will remain current to the extent that the proposed standards remain effective in the application to Group IV conveyances which are herein proposed. The Board notes that the current proposed standards will not necessarily be obsolete, if new editions and addenda are proposed by the ASME A17.1 committee.

**MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS**

No further modifications to the information contained in the Initial Statement of Reasons are proposed as result of the 15-Day Notice of Proposed Modifications mailed on December 24, 2007.

SUMMARY AND RESPONSES TO WRITTEN COMMENTS

I. Written Comments

Mr. James L. Meyer, President, James Meyer Consulting, Inc., by letter dated January 6, 2008.

Comment No. 1:

Mr. Meyer suggests removing the definition for “Certified Qualified Conveyance Inspection Company” since the reference to the term has been removed from the proposal.

Response:

The Board agrees that the definition of “Certified Qualified Conveyance Inspection Company” no longer has relevancy to this proposed standard. Therefore, deletion of this definition will be proposed via the Section 100 process at a future date.

Comment No. 2:

Mr. Meyer suggests adding the phrase “or adjacent car” after the existing phrase “top of the car” in Section 3141.8(a)(1). Mr. Meyer believes this modification would provide agreement with anticipated future code revisions and possibly preclude future need for Board variances.

Response:

The Board agrees with this comment. However, the modification suggested by Mr. Meyer will be proposed for future rulemakings after the future code editions become effective.

Comment No. 3:

Mr. Meyer suggests adding the phrase “from the adjacent car or” before the existing phrase “from outside the hoistway” in Section 3141.8(a)(2). Mr. Meyer believes this modification would provide agreement with anticipated future code revisions and possibly preclude future need for Board variances.

Response:

The Board agrees with this comment. However, the modification suggested by Mr. Meyer will be proposed for future rulemakings after the future code editions become effective.

Comment No. 4:

Mr. Meyer suggests replacing Section 3141.8(a)(4) with the original proposed standard because the governor switch is initially set from the car top during the acceptance inspection (before any public use of the conveyance). He believes resetting the governor from the car top inside the hoistway during the acceptance inspection would violate the proposed revised requirement.

Response:

The Board does not accept this comment. The Board believes the setting and resetting of the governor from the car top inside the hoistway risks injury to elevator personnel in case of car movement, since car movement is inherent in the setting and resetting of the governor. Therefore, the setting and resetting of the governor should be permitted only from outside the hoistway. Other functions such as maintenance, inspections, or parts replacement are permitted from inside the hoistway because the car is secured to prevent car movement.

The Board thanks Mr. Meyer for his comments and his interest regarding this proposal.

Mr. Steven H. Grainer, Manager – Code and Standards, Mitsubishi Electric and Electronics USA, Inc., by letter dated January 11, 2008.

Comment:

Mr. Grainer believes the original proposed text of Section 3141.8(a)(4) better explains the requirement and should be used. He also suggests deleting from the original proposed text the phrase “if provided” as the phrase relates to the governor switch. Mr. Grainer reasons that access to the governor from inside the hoistway provides compliance with ASME A17.2-2004, Rule 2.13.2.1(b) for governor re-calibration. He states that it would provide proximity to the governor since re-calibration requires resetting the governor. Also, Mr. Grainer indicates that inspection and maintenance requires the ability to reset the governor from inside the hoistway from the car top.

Response:

The Board does not accept this comment because permitting the reset of the governor from inside the hoistway risks injury to elevator personnel as explained in the Board’s response to Mr. Meyer’s Comment No. 4. Furthermore, providing compliance with ASME A17.2-2004, as Mr. Grainer reasoned, is not within the scope of this proposal since ASME A17.2-2004 is not a code incorporated by reference for Group IV conveyances.

The Board thanks Mr. Grainer for his comment and his interest regarding this proposal.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternatives considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the adopted action.