

DEPARTMENT OF COMMERCE

**EMERGENCY RULE
RELATING TO
SAFE INSTALLATION AND OPERATION OF
CONVEYANCES (ELEVATORS, ESCALATORS AND LIFT DEVICES)**

Finding of Emergency Rule

The Department of Commerce finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

1. The recent revision of chapter Comm 18, Elevators, Escalators and Lift Devices, references and adopts the 2007 edition of the national standard ASME A17.1, developed by the American Society of Mechanical Engineers. Effective January 1, 2009, the regulations include a provision, s. Comm 18.1702 (8), that requires a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes.
2. The department included the wear and fatigue monitoring system and protection device requirements in anticipation that the next edition of the national ASME A17.1 standard would incorporate a similar provision. The department developed s. Comm 18.1702 (8) based on code language being proposed by the national standard ASME A17.1 Committee.
3. The wear and fatigue monitoring system and the device to protect against suspension loss were not incorporated into the next version of the ASME A17.1. The ASME A17.1 Committee withdrew the section because of implementation concerns, and at this time it is unclear what the final section on suspension ropes and their connections in elevators will include.
4. Because the department adopts by reference the national standard ASME A17.1, it recognizes that without promulgating this emergency rule, there could be confusion in what constitutes recognized safe practices for a monitoring system and protection against suspension loss for electric traction elevators. The department believes that repealing s. Comm 18.1702 (8) will keep the Wisconsin code in alignment with the most current edition of ASME A17.1 and still promote safety.

Pursuant to section 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper.

Dated at Madison this _____
day of _____, 2009,
by the Department of Commerce.

Richard J. Leinenkugel, Secretary

The Wisconsin Department of Commerce adopts an order to repeal s. Comm 18.1702 (8) relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes.

Analysis of Rule

1. Statutes Interpreted

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985, and 101.988, Stats.

2. Statutory Authority

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985 and 101.988, Stats.

3. Related Statute or Rule

Chapters Comm 60 to 66, Wisconsin Commercial Building Code
Chapters Comm 20 to 25, Wisconsin Uniform Dwelling Code

4. Explanation of Agency Authority

Under the authority of ss. 101.17, 101.63 and 101.982, Stats., the Department has the authority to promulgate rules for the safe installation and operation of conveyances (elevators, escalators and lift devices). Under the authority of ss. 101.17, 101.983 and 101.988, Stats., the Department has the authority to promulgate rules for required permits, inspection and enforcement of the technical standards. Currently, the Department has fulfilled this responsibility by promulgating the Elevators, Escalators and Lift Devices Code, chapter Comm 18.

5. Summary of Proposed Rule

The emergency rule repeals a provision that requires a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes. The repeal is necessary because the American Society of Mechanical Engineers (ASME) did not incorporate a similar provision into the latest edition of its national A17.1 standard that is adopted by reference in Comm 18 which became effective January 1, 2009. Nationally, conveyance equipment is designed and manufactured to meet the ASME A17.1 standard.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An Internet-based search of the code of federal regulations and the federal register did not identify any federal requirements relating to requiring a wear and fatigue monitoring system or a device that protects against suspension loss in electric traction elevators. There are no existing or proposed federal regulations that address the specific issue or impact the activities to be regulated by this rule.

7. Comparison with Rules in Adjacent States

An Internet-based search found that all of the adjacent states adopt by reference certain editions of the ASME A17.1, Safety Code for Elevators and Escalators. The adjacent states also create amendments to the adopted standard similar to Wisconsin’s administrative rules relating to elevators, escalators and lift devices.

None of the elevator or escalator regulatory programs in the states of Illinois, Iowa, Michigan or Minnesota had specific rules or standards regarding the wear and fatigue monitoring system or the device that protects against suspension loss for electric traction elevators as addressed by the Wisconsin rule being repealed under this emergency rule.

8. Summary of Factual Data and Analytical Methodologies

The emergency rule was developed using information gathered when the department learned that the ASME A17.1 Committee was not incorporating the section relating to the wear and fatigue monitoring system and the device that protects against suspension loss for electric traction elevators into its next edition of the national A17.1, Safety Code for Elevators and Escalators. The current edition of the national standard for the design and construction of conveyance serves as the basis for the proposed rule as well as for the remainder of chapter Comm 18.

In addition, the department involved the Conveyance Safety Code Council in its review and assessment process. Council members represent many stakeholders involved in the conveyance industry, including manufacturers, inspectors, building contractors and the general public as users of the conveyances.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The department believes the rule will not increase the effect on small businesses from what the current rules impose on them. An economic impact report has not been required pursuant to s. 227.137, Stats.

10. Agency Contact.

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SECTION 1. Comm 18.1702 (8) is repealed.

(END)

EFFECTIVE DATE

Pursuant to s. 227.24, Stats., this rule shall take effect as an emergency rule upon publication in the official state newspaper.

(Note: Publication Date, February 5, 2009)