

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 08-030		Hearing Location: Madison, WI	
Rule Number: Chapters Comm 5, 18 and 21		Hearing Date: May 15, 2008	
Relating to: Technical requirements for conveyances and licensing of installers of residential conveyances			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1	Richard Paur City of Milwaukee Milwaukee, WI	<p>a. Indicates he is concerned whether the rules for doing plan review and inspection on elevators and dumbwaiters in private residences would be retroactive. The city of Milwaukee would not have records of where elevators and dumbwaiters are installed in private residences in Milwaukee.</p> <p>b. Believes that requiring annual inspections for elevators and dumbwaiters installed in private residences may be difficult to achieve. Typically, homeowners are not home during the day and to require annual inspections may be difficult for the homeowners as well as the city inspection staff.</p>	<p>a. These rules are not retroactive.</p> <p>b. In accordance with s. 101.983 (2) (d), Wis. Stats, an annual inspection cycle needs to be maintained for elevators and dumbwaiters. There is an exception for lifts in private residences but not elevators.</p>
Speaker 2	Gregg Rodgers EIWPF Adel, IA	Supports rules. However, he indicates the annual inspection of elevators and dumbwaiters installed in residences may be difficult to achieve and believes a different cycle that is more reasonable could be created.	See agency response to speaker 1.
Speaker 3	Brad Boycks Wisconsin Builders Association (WBA) Madison, WI	Indicates the WBA has the same concern with the rules relating to annual inspections of elevators and dumbwaiters installed in private residences. Indicates any change to the inspection cycle that would lengthen the cycle would be appreciated.	See agency response to speaker 1.

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1	John s. Rearick, CEI Research Advisor Houston, TX	Recommends the modification to s. Comm 18.1708 (4) be modified to include the requirements under ASME A17.1 section 8.9 for application of code data plates to existing elevators. Indicates that while the information for existing installations is occasionally difficult to obtain, the benefit of having permanent and correct code information for inspections and tests as required by ASME A17.1 section 8.11.2.1 far out weighs any difficulty. Indicates the cost for their standard plates to elevator contractors is around \$3.00 each when purchased in quantity.	The code data plate information specified under ASME A17.1 section 8.9 is already contained in the agency's database system and this information is available to building owners upon request. No code change is necessary.
2	Paul Rosenberg, President Performance Elevator Consulting, LLC Mequon, WI	a. Indicates he is in general support of the proposed rules. Believes the adoption of the proposed rules will enhance safety for all users of vertical transportation equipment. Believes that residents and guests in one- and two-family dwellings can be confident that new elevators and dumbwaiters installed in the dwellings would be subject to basic elevator industry safety standards, plan review and inspection. b. Indicates the cost of changing the FEO-K1 key when an elevator is altered on any existing installation, or a new elevator installed in an existing building is more than what was presented in the Department's fiscal estimate. He gave an example of where a local elevator contractor charged a client an additional \$832 on a modernization project to rekey Fire Service for a single elevator. Suggests that due to the real world costs, the universal FEO-K1 switch key for Firefighters' Operation on existing installations should be reviewed and further debated.	a. Support noted. b. The cost analysis of rekeying existing elevators to the FEO-K1 key when adding a new elevator or an alteration to an existing elevator that includes fire service is based upon the median cost. The agency believes the cost to provide the FEO-K1 keys is a small percentage of the total cost of adding or renovating an elevator, and the safety benefits of this change outweigh the cost.
3	Brian Beauchamp Otis Elevator Mount Horeb, WI	Supports the adoption of the rules and especially the rules that address residential elevator safety and the licensing requirements for the installation inspection and maintenance of residential elevators and dumbwaiters. Urges that no changes are made that would compromise safety.	Support noted.
4	Brian Lex IUEC Local 132 Cottage Grove, WI	Supports the rule package.	Support noted.
5	Brian Richards Brooklyn, WI	Similar comment to Exhibit #3	Support noted.
6	Steven C. Lex IUEC Local 132 Cottage Grove, WI	Supports the rules with no revisions to the private residence elevator licensing requirement to ensure elevator safety.	Support noted.

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7	John Kuenn NEIS (emailed comment, no city listed)	Indicated he was involved in an accident on a Part V vertical platform lift and suggests the code be changed to include a marking requirement for on top of the cab that would indicate whether the top of the cab is safe to stand on for inspection purposes.	Agree. A code requirement will be added to include similar car top design loads to those required for elevators with an exception to permit non-load bearing tops when properly marked with a sign.
8	Shannon M. Drexek N3927 6 th Road Oxford, WI	Urges the Department to support and adopt the proposed rule changes made to chapters Comm 5, 18 and 21, especially the requirement that ensures individuals and companies must meet the licensing standards before they install, inspect or maintain a residential elevators or dumbwaiters located in private residences.	Support noted.
9	Rick Sobeck West Allis, WI	<p>a. Believes the cost to replace all of the Firefighters' Emergency Operation (FEO) keys in an existing building is more costly than what was identified in the cost analysis. Believes there is no simple solution for replacing the key switches for various manufacturers and retrofitting key switches in each car was well as the main lobby can present challenges. Suggests the cost issue should be better defined before declaring this a minimum requirement.</p> <p>b. Indicates the cost for annual tests of hydraulic elevators is probably higher than necessary for other than the initial test requiring weight to determine pressures. Believes this cost is indeed a more minimal cost impact that will provide increased safety for the riding public. Suggests that this test be performed annually on all hydraulic elevators that have either buried cylinder or buried oil lines.</p> <p>c. Believes that keeping the maintenance records on the building site is an effort driven by inspectors and consultants rather than building owners. Indicates that availability of records that can be provided via electronic means has already been interpreted by the A17.1 Committee as meeting the intent of the rule and is a matter of record. Believes the requirement to maintain the records be kept in each machine room doesn't enhance the safety of the elevator. If the Department is concerned about elevator maintenance, he suggests that a Maintenance Control Program be required on all elevators, which requires qualified elevator mechanics to visit all elevators at least quarterly.</p>	<p>a. See agency response to Exhibit 2. b.</p> <p>b. The agency does not have evidence that testing new elevators with below ground cylinders is warranted. The agency believes that phasing in the testing of elevators with below ground cylinders is reasonable and including the elevators that were installed since 1994 will include more elevators where safety concerns could be an issue.</p> <p>c. Nothing in the code requires quarterly elevator visits by mechanics. Having the maintenance records on site assists the inspectors in knowing quickly what has been done to an elevator, as well as what needs to be done in the maintenance cycle.</p>
10	Brian Rausch Waukesha, WI	Suggests that Table Comm 18.1013-4 should be modified to require submittal of an application to the Department for review when sprinklers are added to the top of a hoistway, machine room or control room or space. The columns added should refer to traction and hydraulic elevators.	Agree. The code will be modified to include a requirement when applications must be submitted for alterations involving the addition of sprinklers to the top of the hoistway or machine room or control room or space.