

Elevator Safety Review Board

April 12, 2007

The Illinois Elevator Safety Review Board members met at the Michael A. Bilandic Building, Room 505 in Chicago, Illinois on April 12, 2007. Chairman Frank Christensen brought the meeting to order at approximately 8:10 AM.

Introductions were as follows:

Board Members Present: Frank Christensen, Chairman
 Kelly Weller
 Kenneth Mason
 Richard Gregory
 Stephen Hynes
 Darrel Swienton
 Tom Jirik

Brenda Bush-Moline, Bill Bogdan, Tom Ganiere, and Rod Gilles were absent from the April meeting.

OSFM staff present: Robert Capuani
 Chet Janus
 John Fennell
 Joseph August

Item 1 – Call to Order/Approval of Minutes

Chairman Christensen opened the meeting with the pledge of allegiance. He asked the Board members if anyone had any changes, additions, or comments related to the March 29, 2007 meeting minutes. There were no suggested changes or additions.

Richard Gregory moved to approve the minutes.

Stephen Hynes seconded the motion.

Unanimous vote to approve the minutes.

Item 2 – Old Business/Elevator Safety Program Report

Robert Capuani reported that as of April 11, 2007 the Elevator Safety Division has processed 2,131 licenses; 53 contractors, 1 limited contractor, 43 inspectors, 1,517 mechanics, 11 limited mechanics, and 507 apprentice licenses. He stated that 225 municipalities have submitted letters of intent wishing to continue with their own program currently in place.

John Fennell stated a draft of the agreement between municipalities and the Board allowing municipalities to operate their own program was complete and would be sent

out within the next two weeks to municipalities that had sent a letter of intent to continue their own program.

Robert Capuani reported that the Bartlett High School elevator continues to be out of service. He stated that a change order submitted to School District 46 for signature by Great Lakes Elevator Co. has not yet been signed.

Item 3 – New Business/Continued Education/Inspections/Board Appointments/Forms/Rules

Richard Gregory moved the Elevator Safety Review Board approve the National Association of Elevator Safety Authorities International, the Elevator Industry Work Preservation Fund, the National Association of Elevator Contractors, the National Elevator Industry Educational Program, and the American Society of Mechanical Engineers under the conditions that the credit hours will be for actual classroom time covering design, installation, construction, maintenance, repair, replacement, alteration, and troubleshooting of equipment covered by the A17 series of codes; safety work on or about the equipment, safety of users of the equipment, codes covering the equipment, inspection and testing of the equipment. The credit hours will not be approved for classes or time spent covering general business issues, filling out time tickets for reports, meals, business meetings, social gatherings, and general non-structured discussion. The training provider must provide the trainees with a certificate of completion of the training, the subject matter, the actual period of instruction; and maintain documentation including attendance sheets, subject matter, date, location, and actual instruction time and provide that information to the OSFM within 60 days.

Stephen Hynes seconded the motion.

Unanimous vote to approve the motion.

John Fennell made a recommendation that the Board also research continued education for A.10, A.18, and A.20 mechanics and contractors.

Mr. Gregory researched the question raised at the March 29, 2007 meeting regarding whether test have to be witnessed by a QEI inspector.

Richard Gregory moved the Elevator Safety Review Board, after careful consideration of public safety, interprets the code to require that elevator inspections done by QEI certified inspectors licensed by the State of Illinois either directly employed by the AHJ (authority having jurisdiction) or the dependent third party inspectors authorized by the AHJ or the Office of the State Fire Marshal as provided in the Act or rules is required by the Elevator Safety Review Board.

John Fennell asked the Board to allow legal time to review the motion made and he will respond at the following meeting.

Stephen Hynes motioned to table the discussion.

Chairman Christensen stated there are no perspective Board appointments at this time.

Robert Capuani suggested the Board adopt the ASME inspection checklist as a standard form for the State of Illinois.

Richard Gregory moved to accept the ASME inspection checklist as a standard form for the State of Illinois.

Darrel Swienton seconded the motion.

Robert Capuani asked when it would be effective.

Mr. Gregory stated it can't become effective until the Division has rules.

Robert Capuani asked if the Board had accepted it.

Chairman Christensen stated it had not been unanimously approved yet.

Mr. Gregory remarked that the ASME inspection checklist was for the 2004 code and the Elevator Safety Review Board has adopted the 2005-A and 2005-S in the new rules. He stated the Board may have to update the checklist to accommodate 2005-A and 2005-S because there are some differences. Mr. Gregory suggested that the Board conduct research to determine when an updated checklist will be issued by the ASME inspection committee.

Stephen Hynes motioned to table the discussion.

Kenneth Mason seconded the motion.

Chairman Christensen announced the next Board meeting was scheduled for May 10, 2007 at the James R. Thompson Center.

John Fennell asked if the Elevator Safety Review Board had any questions or comments regarding the proposed amendments to the rules made by the Joint Committee on Administrative Rules after the March 13, 2007 hearing.

Mr. Gregory raised concerns regarding the A10.5 code and equipment covered; what the Board defines as direct supervision of individuals; temporary certificates for 30 days for construction purposes will typically need longer periods of time; how is the validity of a valid license from another state determined; can an elevator contractor have more than one designee; determination of a time period before the rules become effective to allow for work in progress.

Kelly Weller moved the Elevator Safety Review Board accept the rules as written with the suggested amendments from the Joint Committee on Administrative Rules.

Richard Gregory seconded the motion.

Unanimous vote to approve the motion.

Item 4 – Public Comment

Chairman Christensen opened the meeting for comments from public attendants.

Mark Carlsen, Carlsen Elevator, asked if permits issued in October, November, and December 2006 will be covered by the 150 days. He said elevators recently installed had failed the inspections due to the 2004 codes and were not operational and asked the Board for temporary use.

John Fennell stated there is no 150 days and directed Mr. Carlsen to put his concerns in writing to Robert Capuani and if required, the Board will address the issue at the next Board meeting.

Richard Gregory moved to authorize Robert Capunai for the next 90 days to make decisions in lieu of Elevator Safety Review Board meetings and then bring his decisions to the Board.

Kelly Weller seconded the motion.

Unanimous vote to approve the motion.

Rick Handora, Otis Elevator, stated it was his understanding that the Emergency Rules took effect August 4, 2006 and had expired the end of the year; further, the new rules have not yet been approved. Under the Emergency Rules, the 2004 code was applicable and when the new rules are approved the 2005 code will be applicable. He asked what code was applicable before the Emergency Rules became effective and what code is applicable during the period between when the Emergency Rules were effective and when the new rules become effective.

Robert Capuani stated that before August 4, 2006, it would have been the code acceptable by the municipality having authority.

John Fennell stated the elevators would have to comply with the A17.3 code for existing elevators.

Mr. Gregory stated it was currently the code used by the municipality.

John Koshak, ThyssenKrupp Elevator, stated he had received no email notification from the Office of the State Fire Marshal regarding code adoption after asking the office to be added to the notification list. He stated he did not believe it was the burden of the contractor to notify the municipalities of which codes the OSFM accepts; but rather, the Board's responsibility. He stated he believed the March 26, 2007 letter sent to licensed contractors and inspectors from the OSFM mandating that the current code be followed and failure to comply could result in the individual's license being pulled was a tremendous threat to those business people. He proposed and asked for a motion from the Board that the new rules become effective September 1, 2007 and that all contractors and municipalities be given notice now to allow time to conclude work in progress.

Chairman Christensen called a 5 minute recess.

Richard Gregory moved the Elevator Safety Review Board permit all existing permitted elevators, that is all elevators that are being installed with existing permits, to be inspected under the code in effect at the date the permit was in place as permitted by the permitting agency be that a municipality or whoever and approved under that code.

Tom Jirik seconded the motion.

Unanimous vote to approve the motion.

Nick Budmats, Jeffrey Elevator, stated that the 2005 code in the new rules the Board refers to has not been published to the public and allows contractors one week to comply. He stated that currently the rules and codes are only purposed and asked how business people were expected to do business this way. He stated that when the codes are revised there is a 6 month time period allowance.

Joseph August stated he could ask the Board for a variance.

Patty Young, Thompson Elevator Inspection Service, stated that a letter was sent to licensed contractors and inspectors from the OSFM on March 26, 2007 which stated that certain codes had been approved and failure to ensure the codes were enforced could lead to the individual's license being revoked. She requested that the Board rewrite the letter so it was not interrupted as a threat and the conversations of the day's meeting are included. She stated she wanted a retraction of the letter.

Chairman Christensen stated the Board does have the right to revoke a license.

John Fennell stated he thought the Board should issue an updated letter.

Ms. Young wanted to know when, how, and to whom an updated letter would be sent. She stated she wanted a commitment from the Board now.

John Fennell stated the Office of the State Fire Marshal will take it under consideration.

Chairman Christensen stated the Board will take it under consideration.

Mr. Budmats stated other states list the names of licensed contractors, inspectors, and registered conveyances and he would like to suggest that OSFM also list licensed individuals and registered equipment on the website so business people can assist OSFM.

Robert Capuani said that was in progress.

Mr. Koshak asked for clarification as to why the effective date of the rules could not be extended.

John Fennell stated that could not be done.

Mr. Koshak stated there is a substantial amount of work that goes into a job and it's not as easy as just redoing the job as John Fennell had stated earlier.

Joseph August stated extending the effective date would have to be done by rulemaking the next time; the Board does not have the authority to extend the effective date.

John Fennell stated legislators put the effective dates in the Act and the Elevator Safety Review Board does not have the authority to change the Act.

Mr. Koshak stated the Board can vary the rules so that companies who bid jobs now have time to redo the work to meet the codes.

Mr. Gregory stated the 2005-A and 2005-S codes have been published for a year or more and the biggest change is the firefighter service panel.

Mr. Handora asked what the process would be for variances within municipalities who were continuing with their own programs.

Ms. Young asked if variances always have to go before the Board even if the work is being done in a municipality operating its own program.

Chairman Christensen stated all variances must be approved by the Board.

Chairman Christensen asked if there were any other questions from the public attendants.

Item 5 – Meeting Adjourned

Richard Gregory moved to adjourn the meeting.

Stephen Hynes seconded the motion.

Unanimous vote to approve the motion.