

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: OTIS ELEVATOR COMPANY
 OTIS GN2 150

ORDER

This matter came before the Elevator Safety Board on Thursday, December 1, 2011. Otis Elevator Company (“Petitioner”) was represented by Richard Carleton and Reed Myers. The Arkansas Department of Labor was represented by counsel, Daniel Faulkner, and by Larry Smothers, Chief Elevator Inspector. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. Petitioner submitted a blanket variance request on September 2, 2011 to allow installation of the OTIS GN2 150 low-rise machine room-less elevator. Petitioner presented a twenty-one (21) page attachment to this request outlining GN2 150 safety records, fact sheets, certifications, diagrams, advantages, and other items. Carlton and Myers testified before the Board regarding this request and related materials. Petitioner listed six (6) specific variance items in the request:

1. Belt Suspension
2. Buffer
3. Governor rope
4. Car-mounted governor
5. Toe guard
6. Control location

2. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a written report to the board and testified to recommended approval of items 1-5 referenced in paragraph 1 above and to deny approval of item 6 above.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that “[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby.”

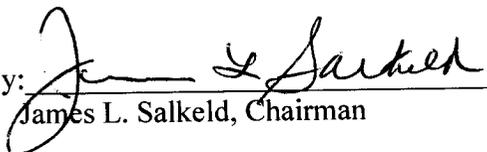
2. In the present case, the Board concludes that an undue hardship exists due to the fact that current (A17.1-2007) and/or new unadopted Codes (A17.1-2010) allow items 1-6 referenced in paragraph 1 above; and that literal compliance could prohibit the operation of these devices with respect to items allowed only by A17.1-2010.

3. The Board finds that reasonable safety will be secured since the variance items are permitted under current and/or new unadopted Codes and Petitioner’s documentation and testimony shows appropriate levels of equivalent safety.

THEREFORE, the Board grants the OTIS Elevator Company request for a blanket variance to allow the sale and installation of OTIS GN2 150 low-rise machine room-less elevator conveyances.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

DATE: 12-8-11
Approved: 
Daniel Knox Faulkner (2002-168)
Staff Attorney
Arkansas Department of Labor
10421 West Markham
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ALIMAK-HEK, INC.

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, December 1, 2011. The petitioner, Alimak-Hek, Inc., seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, Alimak-Hek, submitted a variance request to the Arkansas Department of Labor on October 20, 2011 to install a conveyance to be located at 4343 Highway 108, Foreman, Arkansas 71836.

2. Alimak-Hek seeks a variance for the above-referenced conveyance from ASME A17.1-2007, Section 2.27.3.2.1 requiring the installation of Firefighter's Phase I alarm initiation devices.

3. Alimak-Hek did not appear at the Board meeting. The variance request describes the issues with installing alarm initiation devices on this conveyance. The conveyance will be located on the outside of a cement silo, and the alarm initiation devices are not designed for an outside application.

4. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance. Smothers also testified at the hearing that alarm initiation devices are impractical at this location due to the factors described in the variance request.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that “[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby.”

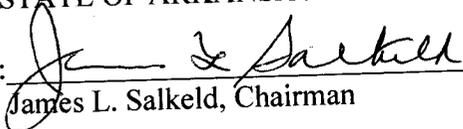
2. In the present case, the Board concludes that compliance with ASME A17.1-2007, Section 2.27.3.2.1 requiring the installation of Firefighter’s Phase I alarm initiation devices would be an undue hardship because compliance would be impractical considering that the conveyance will be located on the outside of a cement silo, and the alarm initiation devices are not designed for an outside application. This conveyance does not have the same risk factors as a conveyance located in a building which makes Firefighter’s Phase I Service vital.

3. The Board further concludes that, based on the facts presented and the opinion of the board, reasonable safety will be assured for the same reason in paragraph 2 above.

THEREFORE, the board grants a variance from ASME A17.1-2007, Section 2.27.3.2.1 requiring the installation of Firefighter’s Phase I alarm initiation devices.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 12-8-11
Approved: 
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ALMATIS, INC.
 AS/EV #218 & 222

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, December 1, 2011. The petitioner, Almatís, Inc. (Almatís), seeks a variance for the above-referenced conveyances.

FINDINGS OF FACT:

1. The petitioner, Almatís, submitted a variance request to the Arkansas Department of Labor on June 20, 2011 for AS/EV #218 & 222, located in Buildings 45 and 415, at 4701 Alcoa Road, Bauxite, AR 72011.
2. Almatís seeks a variance for the above-referenced conveyances from ASME A17.3-2005, Section 3.11.3 requiring the installation of Firefighter's Phase I and Phase II Service.
3. James Whitener, EHS Manager, appeared at the variance hearing and described the issues with installing fire service on these conveyances: that alumina dust would interfere with proper operation of fire service; the conveyance construction character; and the conveyance location.
4. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance. Smothers also

testified at the hearing that Firefighter's Phase I and Phase II Service is impractical at this location due to the factors described in the variance request. He further stated that after an on-site inspection, he had no concern with respect to reasonable safety if the variance is granted.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

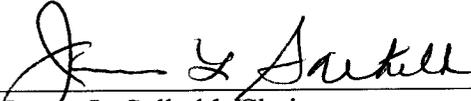
2. In the present case, the Board concludes that compliance with ASME A17.3-2005, Section 3.11.3 requiring the installation of Firefighter's Phase I and Phase II Service would be an undue hardship because compliance would be impractical considering that alumina dust would interfere with proper operation of fire service; and the conveyances' construction character/location/usage as described in detail in the Almatix variance request.

3. The Board further concludes that, based on the facts presented and the opinion of the board, reasonable safety will be assured for the same reason in paragraph 2 above.

THEREFORE, the board grants a variance from ASME A17.3-2005, Section 3.11.3 requiring the installation of Firefighter's Phase I and Phase II Service. The Board has the authority to revoke this variance if there is a material change in condition upon proper notice and opportunity for hearing.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 12-8-11

Approved


Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504