

**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

**IN RE: OTIS ELEVATOR COMPANY
On behalf of EVONIK CYRO LLC
AKA CYRO INDUSTRIES
AS #3458**

CONSENT ORDER

This matter comes before the Elevator Safety Board on Thursday, March 16, 2017, upon a variance request from Otis Elevator on behalf of Evonic Cyro LLC. The Arkansas Department of Labor and the petitioner agree with respect to disposition of this matter and the granting of a variance.

FINDINGS OF FACT:

1. On January 17, 2017, the Department of Labor received a variance request from Otis Elevator Company (Otis) on behalf of Evonic Cyro LLC with respect to the conveyance operated at 1500 Richard Prewitt Drive, Osceola, Arkansas, AS #3458.

2. Specifically, the freight elevator at issue is undergoing a modernization and Otis is requesting a variance of the requirement to install a sump pump because there is no sump pump pit hold in the elevator pit. As a result, installation of a sump pump would require the concrete to be cut and what plumbing, steel or electrical installations that would be disrupted are unknown, possibly dangerous, and certainly costly.¹

3. The Chief Elevator Inspector for the Department of Labor inspected the conveyance on or about February 15, 2017 and completed a staff report and recommendation on the variance request. The recommendation was for the board to deny the variance request.

¹ Otis also alleged that a state inspector had confirmed that a sump pump would not be required. No current state inspector provided such assurance.

4. In addition to the reasons provided by Otis in writing, the Chief Inspector has recognized Otis' concerns regarding groundwater because the facility housing the conveyance is approximately 200 yards from the Mississippi River.

CONCLUSIONS OF LAW:

5. 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."

6. In the present case, the board concludes that requiring the installation of a sump pump would constitute an undue hardship.

7. The board concludes that reasonable safety will be secured by the installation of a surface pump in the elevator pit in lieu of a sump pump.

THEREFORE, the board orders that a variance be granted to allow the installation of a surface pump in the pit of the elevator in lieu of a sump pump.

IT IS SO ORDERED.

By: Leon Jones, Jr.
Leon Jones, Jr., Chairman

Date: 3.20.17

Approved:

ARKANSAS DEPARTMENT OF LABOR

OTIS ELEVATOR COMPANY

By: Denise O'Kelly

By: Vincent Heeney

Denise P. Oxley, 84-117
General Counsel
Arkansas Department of Labor
10421 W. Markham Street
Little Rock, AR 72205
(501) 682-4502

Vince Heeney
Branch Manager
Otis Elevator Company
609 Jefferson Avenue
Memphis, TN 38105
(901) 301-2255