

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

**IN RE: SMOKE GUARD, INC.  
AS# 7933 AND 7934**

**CONSENT ORDER**

This matter came before the Arkansas Elevator Safety Board on Thursday, September 21, 2017, and again on Thursday, January 18, 2018. The petitioner, Smoke Guard, seeks a variance on two (2) new installations owned by ArcBest and located at 8401 McClure Drive, Fort Smith, Arkansas. The petitioner was represented by Michael Wheeler, Vice President of Sales and Code Development, and by Tom Crewdson, Regional Sales Manager. The Department of Labor (ADL) was represented by Denise P. Oxley, General Counsel, and Greg Tipton, Chief Elevator Inspector.

**FINDINGS OF FACT:**

1. The two elevators at issue are new installations. At the acceptance inspection by a state elevator inspector, the installations were approved to operate without the Smoke Guard, Inc. product that had been attached.
2. On August 21, 2017, the ADL received a request for a variance on the two installations from Smoke Guard.
3. The Chief Elevator Inspector made a staff report and recommendation to deny the variance as the Smoke Guard product fails to comply with provision of ASME A17.1, Section 2.11.6.3 (2007).
4. Generally, Smoke Guard argues that while its product may not comply with the 2007 edition of A17.1, as adopted by the board, it does comply with the more recent 2013 edition of A17.1.

5. The Smoke Guard product is a rolling gasketing smoke containment system. It consists of a reinforced transparent film designed to unroll from a housing unit positioned above the elevator opening, down along the existing elevator frame to cover the elevator opening in the event of smoke detectors being activated. The film protects the elevator opening from smoke migration. Flexible magnetic strips, on the vertical sides of the film, seal the film to the elevator door frame. A rewind/redeploy switch is located on both sides of the film to allow occupants to exit the elevator. Additionally, the film can be physically moved from the magnetic strips with less than 15 pounds of pressure.

6. In the present case, the Smoke Guard product has been wired to operate on a general alarm, not as a result of Phase I Emergency Recall Operation associated with that elevator. This appears to be contrary to the manufacturer's recommendation or intent. Smoke Guard's representative conceded that this should be corrected.

7. The petitioner brought a model, and at the hearing before the board on September 21, 2017 demonstrated the operation of the product.

8. The Chief Elevator Inspector testified regarding his objections to the installation. In addition to the wiring issue, he noted that the product restricted or hindered egress; attached to the elevator frame; and hindered firefighter observation of the elevator lobby.

#### **CONCLUSIONS OF LAW:**

9. The board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance and operation of elevators pursuant to Ark. Code Ann. § 20-24-106(c).

10. The board's administrative rules currently provide:

All new elevators, escalators, and dumbwaiters shall be constructed and installed in conformity with the standards in The American Society of Mechanical Engineer's Safety Code for Elevators and Escalators, ASME A17.1-2007.

Rule 010.05-011(A)(1)(Elevator Safety Board, March 1, 2017).

11. ASME A17.1, section 2.11.6.3 (2007) provides: "Egress from the interior of the car to any elevator landing by means of the car and hoistway doors shall be unrestricted once the car and hoistway doors are open."

12. ASME A17.1, section 2.11.6.3 (2013), which has not been adopted by the board, provides:

Egress from the interior of the car to any elevator landing by means of the car and hoistway doors shall be unrestricted once the car and hoistway doors are open. Additional doors or devices, that are not part of nor function with the elevator but are provided in lieu of an enclosed elevator lobby in order to guard against the migration of smoke in or out of the hoistway, shall comply with the following:

(a) The building code.

(b) The additional door or device, in any position, shall not interfere with the function and operation of the elevator.

(c) The additional door or device shall not interfere with the fire-resistance rating and operation of the hoistway entrance. Direct or mechanical attachment (i.e., welding, holes, bolts, or rivets) shall not be made to hoistway doors or frames, unless the additional door or device and the hoistway elevator entrance are listed as a complete assembly by a certifying organization.

(d) Additional doors or devices when in the closed position shall not prevent firefighters from visually observing the elevator landing (lobby) when the elevator hoistway door is not more than one-quarter open.

(e) Additional doors or devices shall be permitted to be deployed only at those hoistway openings of elevators where fire alarm initiating devices used to initiate Phase I Emergency Recall Operation associated with that elevator have been activated.

13. The board has the power to grant a variance from minimum standards when it is clearly evident that: 1) it is necessary to prevent undue hardship or existing conditions prevent compliance with the literal requirement of the standards; and 2) in the opinion of the board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).

14. In the present case, the board concludes that requiring compliance with the 2007 edition of A17.1 in light of the new language and technological innovations would constitute an undue hardship.

15. The board concludes that reasonable safety will be secured by compliance with ASME A17.1, section 2.11.6.3 (2013) and that the Smoke Guard installation complies with the newer A17.1, with the exception of the wiring to deploy upon a general alarm.

16. The board concludes that the variance requested in this matter should be granted, conditioned upon the re-wiring of the Smoke Guard installation so that it will be deployed only at those hoistway openings of elevators where fire alarm initiating devices used to initiate Phase I Emergency Recall Operation associated with that elevator have been activated.

IT IS SO ORDERED.

By: LSJ  
Leon Jones, Jr., Chairman

Date: 3.20.18

Approved:

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Date: 11/17/2017

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