

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: THYSSENKRUPP ELEVATOR CORPORATION
ENDURA MRL HYDRO SERIES

ORDER

This matter came before the Elevator Safety Board on Thursday, September 18, 2014. ThyssenKrupp Elevator Corporation (“Petitioner”) was represented by Matthew Wilson and John Stockstill. The Arkansas Department of Labor was represented by counsel, Daniel Faulkner, and elevator inspector Leroy Moore. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. On January 16, 2014, the Board granted the Petitioner a limited variance to allow four (4) installations of a new hydraulic elevator, the ENDURA MRL Hydro.
2. On September 4, 2014, Petitioner submitted a variance request for a blanket variance to allow unlimited installation of the ENDURA MRL Hydro.
3. After observing operational ENDURA MRL Hydro units, Cody Wagoner (Wagoner), Chief Elevator Inspector, Arkansas Department of Labor, made a written report to the board recommending approval of the variance.

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 unadopted and/or developing codes allow this new hydraulic elevator technology.

3. The Board finds that reasonable safety will be secured based on Wagoner’s recommendation; and Petitioner’s documentation/testimony showing appropriate levels of equivalent safety at the previous hearing.

THEREFORE, the Board grants the ThyssenKrupp Elevator Corporation request for a blanket variance to allow the sale and installation of the ENDURA MRL Hydro product line.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 

Ricky Belk, Chairman

DATE: 9.26.14

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