

**BEFORE THE ELEVATOR SAFETY BOARD  
DEPARTMENT OF LABOR AND LICENSING  
STATE OF ARKANSAS**

**IN RE: BLUE CROSS BLUE SHIELD BUILDING 7<sup>th</sup> and GAINES**

**CONSENT ORDER**

This matter comes before the Elevator Safety Board on Thursday, November 21, 2019.

The petitioner, through Baldwin and Shell Construction on behalf of the owner Blue Cross Blue Shield, seeks a variance from the requirement that elevator hoistways are vented directly to outside air.

**FINDINGS OF FACT:**

1. The petitioner is modernizing an existing building at 7<sup>th</sup> and Gaines Street, Little Rock, Arkansas. As part of the modernization, the existing elevator will be improved to increase efficiency and reliability.
2. The existing elevator is situated in the center of the building and is configured in such a way that it would be infeasible to vent the hoistway to outside air without utilizing a duct system as required by ASME A17.1-2007, Section 2.7.2.1. The new duct system will meet the directive of the rule by insuring that outside air vents the hoistway.
3. The proposed plan will require the installation of ductwork in a manner that the ductwork encroaching on the working space will be easily removed to allow space to work and then the duct work will be reinstalled at the completion of the work.
4. The Chief Elevator Inspector, Department of Labor and Licensing, recommends, and the petitioner agrees to the following conditions to ensure reasonable safety:

- a. Ducts will be crafted and constructed from the hoistway to outside of the building;
- b. The proposed ductwork will be installed in a manner such that the ductwork encroaching on the work space will be easily removed to allow space to work and then reinstalled at the completion of the work;
- c. The petitioner agrees to attach signage in a prominent and obvious place on or near the ductwork which will reflect the words "*If the Duct is removed for service, the ductwork MUST be reinstalled **immediately** after services*"; and
- d. The proposed plan will bring the hoistway into code compliance in the safest, least restrictive manner.


**CONCLUSIONS OF LAW:**

5. 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).
6. 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).
7. In the present case, the board concludes that an undue hardship exists since literal compliance may compromise the structural integrity of the building, as well as being an expensive solution.
8. The board also concludes that reasonable safety will be secured by the conditions placed upon granting the variance.

THEREFORE, the board grants a variance to Blue Cross Blue Shield by and through their representative contractor, Baldwin Shell for the installation of a new duct plan to properly vent the hoistway to the outside of the building.

IT IS SO ORDERED.

**ELEVATOR SAFETY BOARD**

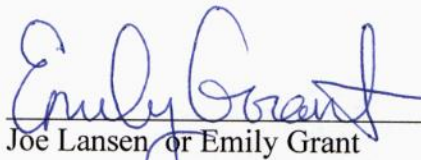
By:   
Ralph T. Hudson, Chairman

Date: 11/21/19

Approved:



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