

DEPARTMENT OF LABOR AND INDUSTRIES
STATE OF WASHINGTON

ELEVATOR SAFETY ADVISORY COMMITTEE MEETING
TRANSCRIPT OF PROCEEDINGS
VIA MICROSOFT TEAMS VIDEOCONFERENCE

Pages 1 to 127

August 17, 2021

Taken Before:

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Of

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ATTENDANCE

Elevator Safety Advisory Committee

- Scott Cleary, ESAC Chair
- Ricky Henderson, ESAC Vice Chair
- Gerald Brown, Secretary/Chief Elevator Inspector
- Lyall Wohlschlager, Committee Member
- Brian Thompson, Committee Member
- Garry Wood, Committee Member
- John Carini, Committee Member
- Carl Cary, Committee Member
- Mandi Kime, Committee Member
- Jim Norris, Committee Member
- Duke Davis, Committee Member

ADDITIONAL SPEAKERS

- Alicia Curry, Labor and Industries
- Annette Taylor, Labor and Industries
- Jim Runyan, Labor and Industries
- Paoakalani Naipo, Labor and Industries
- Matt Kowalski, City of Seattle

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1 BE IT REMEMBERED that on Tuesday, August 17,
2 2021, at 9:01 a.m., via videoconference, before Janette
3 Curley, Washington State Certified Court Reporter, the
4 following proceedings were had, to wit:

5

6 ESAC Welcome, Introductions

7

8 CHAIRPERSON CLEARY: So we're going to do
9 introductions of all the ESAC members. We've got a new
10 member that's officially back on. That's going to be
11 Mandi. We'll talk a little bit. Then we'll go through
12 some housekeeping and some of the things we want to do
13 to keep the meeting on track.

14 So with that, I'm going -- I'm going to start off.
15 Then it will be Ricky. Then every one of the other --
16 I'm not going to mention you guys. You guys just can
17 step up and introduce yourself as the committee
18 members.

19 So I'm Scott Cleary. I'm the chair. I'm with
20 Mobility Concepts. I represent the exemption from
21 licensure, the 270 stakeholders, as well as residential
22 elevator and commercial accessibility 18.1 equipment.

23 And with that, go ahead, Ricky.

24 MR. HENDERSON: Ricky Henderson. I'm in the
25 vice chair position, ad hoc, representing -- or ad hoc

1 position -- TKE Elevator. I work for them, and also a
2 licensed elevator mechanic.

3 CHAIRPERSON CLEARY: And, Ricky, real quickly,
4 you can go ahead and announce the new -- kind of a name
5 change; right?

6 MR. HENDERSON: Yeah. The TK -- ThyssenKrupp
7 elevator division was sold away from ThyssenKrupp. So
8 we're now -- and it's still sort of going to be
9 changing again. But as part of the thing, we can't use
10 ThyssenKrupp in our name anymore. So we're now TK
11 Elevator, instead of ThyssenKrupp Elevator.

12 CHAIRPERSON CLEARY: The world's a-changin'.

13 MR. HENDERSON: Always. It's always in
14 motion.

15 CHAIRPERSON CLEARY: All right.

16 MR. WOHLSCHLAGER: Yeah. I'm Lyall
17 Wohlschlager, Mobility Concepts, and I'm the alternate
18 representative for the mechanics exempt from licensure.

19 CHAIRPERSON CLEARY: Brian?

20 MR. THOMPSON: Brian, with AEGIS Engineering,
21 architect engineering representative.

22 CHAIRPERSON CLEARY: You guys can keep going.
23 Garry?

24 MR. WOOD: Good morning, everyone. Garry
25 Wood, with Exxel Pacific, representing general

1 contractors.

2 CHAIRPERSON CLEARY: John and Cary?

3 MR. CARINI: Good morning. John Carini, with
4 Sound Transit. I represent building owners and
5 managers.

6 MR. CARY: Good morning. Carl Cary, with
7 Lerch Bates. I am the alternate representing building
8 managers and owners.

9 CHAIRPERSON CLEARY: And Duane?

10 MR. LEOPARD: I'm Duane Leopard. I'm the
11 alternate representative for the City of Spokane.

12 CHAIRPERSON CLEARY: I think Jan is going to
13 miss today's meeting.

14 Matt, are you on?

15 (No audible response.)

16 CHAIRPERSON CLEARY: And go ahead, Gerald.

17 MR. BROWN: Hi. I'm Gerald Brown. I'm the
18 chief elevator inspector of the State of Washington,
19 and glad to be here.

20 CHAIRPERSON CLEARY: Outstanding.

21 And, Mandi? Mandi is our newest committee member.
22 Really glad to have her. And please go ahead and
23 introduce yourself and who you represent. And glad to
24 have you.

25 MS. KIME: Thanks, Scott.

1 Good morning, everyone. Mandi Kime. I am the
2 director of safety for Associated General Contractors
3 of Washington, and here I represent licensed elevator
4 contractors as the alternate representative. So thanks
5 for having me.

6 CHAIRPERSON CLEARY: And then, you know, we're
7 going to be talking a lot about your category today.

8 So a little bit of housekeeping. One is --

9 MS. ERIKSEN: We still have Duke and Jim.

10 CHAIRPERSON CLEARY: I thought -- sorry, Jim.

11 MR. NORRIS: I'm waving down here in the
12 corner.

13 Hi. Jim Norris. I represent licensed elevator
14 mechanics, and I'm with Local 19 Elevator Constructors.

15 CHAIRPERSON CLEARY: And I'll pay for that.
16 Sorry.

17 MR. DAVIS: And good morning. Duke Davis,
18 16d, alternate on the GC side.

19 CHAIRPERSON CLEARY: Good. Outstanding.
20 Sorry.

21 Okay. So basically, please raise your hand if you
22 have questions, and I'll get to them in order. I'll
23 try to do my best, but it's always a little difficult
24 with this many participants. When you do ask a
25 question or talk, please state your name and your

1 affiliation so we can get that down on the record. So
2 it's going to be really important. So I'll try to do
3 the best to navigate. But like I said, I look forward
4 to meet in person on this stuff.

5 So with that, let's -- let's go ahead and just kick
6 this off. So we're going to start off with -- we
7 already went through introductions.

8

9 Comments Regarding & Vote on May 2021 Meeting Minutes

10

11 CHAIRPERSON CLEARY: So we need to talk about --
12 has anybody got any comments regarding May's meeting
13 notice -- minutes?

14

(No audible response.)

15

16 CHAIRPERSON CLEARY: With that, not hearing
17 any, we're going to accept them as published.

17

18 And then we're going to move on now to the chief's
19 report. Gerald?

19

MR. BROWN: How about now? Better? Good.

20

CHAIRPERSON CLEARY: Perfect.

21

22

Chief's Report

23

Scorecard & Accident Report Review

24

25

MR. BROWN: We -- we attached to the minutes

1 the -- the scorecard on inspections, what that process
2 looks like as far as our annual inspections from July
3 to June. It shows our fiscal year. In the middle of
4 all that we entered COVID.

5 CHAIRPERSON CLEARY: Melissa, can you bring
6 that up on the screen so everybody can see it? Is that
7 possible? That would really be helpful.

8 Sorry, Gerald.

9 MR. BROWN: Okay. I guess I could have
10 presented it. I'm sitting here looking at it.

11 MS. ERIKSEN: Go ahead, sir.

12 MR. BROWN: Okay. In the big blue box, it
13 shows the graph of items as far as things scheduled.
14 Basically --

15 CHAIRPERSON CLEARY: It's still not up.

16 MR. BROWN: -- total number of inspections --
17 is it showing up?

18 CHAIRPERSON CLEARY: Nope. Not showing up.

19 MR. BROWN: Hang on just a second. Let me --
20 let me just throw mine up there so we're good. How
21 about now? Can you see it? Is that good?

22 Okay. Anyway, this talks about statewide
23 inspections completed. It has these colored bars as
24 far as things that were scheduled, things that were
25 completed, the total number of inspections done. Part

1 of this is just annual inspections in the lower
2 numbers, in the lower part of the bar. The upper part
3 of the bar includes basically all of the inspections
4 that were done, return inspections, virtual, acceptance
5 inspections, alterations, things like that. It shows
6 that we've got quite a volume of work going through
7 there. It talks about percentages of completed work.
8 Even though we've had a huge interruption over this
9 last fiscal year, it looks like we maintained or at
10 least came back and met the period of time -- met our
11 previous inspections plus some. It wasn't quite as
12 dramatic as we'd like to have seen. But considering
13 that we've gone through a bunch of personnel changes,
14 it still was good. The -- any questions on those?

15 (No audible response.)

16 MR. BROWN: I'll go down and talk about our
17 accidents per quarter. This is the fiscal year 2021.
18 And this started in July of 2020 and ended in June of
19 2021. So in the first fiscal year, 2021, first quarter
20 it showed that on elevators it showed one accident
21 pending, two as no fault, in the first quarter. Second
22 quarter was two at no fault. Fiscal year 2021 third
23 quarter was one no fault. And fiscal year 2021 fourth
24 quarter was, of course, is -- shows here that there
25 were zero.

1 Going to escalators. Accidents pending in the
2 first quarter were three, and no fault were one.
3 Fiscal year second quarter was one no fault. Third
4 quarter was one no fault. Fourth quarter accidents
5 pending were four, and no fault was six. This is
6 people going back out into the airports and the malls
7 and everything like that. We're starting to see a
8 higher number. So, yes, this would reflect the fact
9 that there's more incidences on escalators. You know,
10 one of those things we wish we could prevent.

11 Over here on the -- on the count, it shows
12 basically a bar graph of these totals that were in
13 here. It shows, you know, this is the six no faults,
14 like is shown over here in the graph. This line here
15 where escalators accidents pending was four. So
16 basically this chart here is repeated over here for the
17 fiscal year by quarter to show the pending and the no
18 fault or at fault. So a majority of the time on
19 escalators it's they are typically no-fault accidents.
20 People being people. Hands full, not holding onto
21 things, not following basic protocols, not paying
22 attention to any of those signs out there, things like
23 that.

24 Any questions on -- on what this -- what this looks
25 like as far as our scorecard for accidents and

1 inspections?

2 (No audible response.)

3 MR. BROWN: Okay. Let's see. That was the
4 scorecard review that we would be presenting.

5

6 Recent Fatality

7

8 MR. BROWN: We had a fatality in the elevator
9 industry in our state. It was a residential elevator.
10 A gentleman, somehow or another, ended up underneath
11 it, and the elevator came down on him, and it was a
12 terrible accident. It's still under investigation by
13 our department and the city where it happened over in
14 Bothell. And it's an ongoing investigation. There's
15 not a lot of particular details that we can point at,
16 at this point. Like I said, it's still being
17 investigated. But unfortunately it was a -- probably
18 a -- hopefully a more rare situation where it was
19 somebody that actually found a way underneath it. And
20 that's part of this determination of our investigative
21 report to figure out how that happened. Hopefully we
22 can figure that out because it doesn't take very long
23 for things to go wrong on any type of conveyance. And
24 so we are still under investigation on that. So it --
25 it was installed in 2019 so it was to current code and

1 passed a successful inspection. So at this point, like
2 I said, the investigation is ongoing. So a lot of the
3 particular details aren't available at this point. But
4 we will definitely have -- have a better account for
5 that later. And we would encourage people to be safe
6 in dealing with residential elevators.

7 I was the elevator service tech that got yelled at
8 by parents when I would tell them not to let their kids
9 play on the escalators or play on the elevators because
10 terrible things would happen.

11 I remember when I was a kid I played on elevators.
12 And my dad said, "You wait. Something terrible will
13 happen to you, and you'll have to work on them for all
14 your life and be involved in them." And here I am. So
15 this is what happens when you let your kids play on
16 elevators. They'll end up being involved with the
17 industry forever, probably of course.

18 But that's our fatality that we had. We're talking
19 about also the next one --

20 And questions? I mean, it's kind of a general
21 thing. We can't get into a lot of details. But
22 anything in particular that we've covered so far that
23 you have a question on?

24 CHAIRPERSON CLEARY: Gerald, this is Scott.

25 MR. BROWN: Yeah.

1 CHAIRPERSON CLEARY: Is there -- is the State
2 going to publish a report on that for lessons learned
3 or -- or will we --

4 MR. BROWN: Yeah.

5 CHAIRPERSON CLEARY: -- get specifics on that
6 that --

7 MR. BROWN: Yeah.

8 MR. CHAIRPERSON CLEARY: -- that we can read
9 out?

10 MR. BROWN: That is a WAC requirement that
11 we -- and an RCW requirement that we conclude that
12 report and make recommendations for safety or anything
13 that we can do to make these things avoidable. And so,
14 yes, there will be something on that. I'll have to
15 check to see if that's something that we can release or
16 if it's a records request or what the status is. But I
17 do know that part of our things that we're mandated to
18 do is to do a thorough investigation and make safety
19 recommendations as far as things to avoid to keep the
20 public safe. So, yes, there will be follow-up and
21 follow-through on that.

22 Any other questions on that?

23 (No audible response.)

24

25 A17.1 2019 & A17.3 Update

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MR. BROWN: The next thing to talk about on the chief's report it talks about the 2019 code adoption process. And so we'll address that. Currently, as everyone is aware, we're finally getting our 2021 changes to the WAC, going to be adopted by the State, hopefully, at the end of August, and implemented October 1st. So the WAC rule changes will be in effect. You can go to our website and look at the CR-103, which is the -- the draft version that's going to be inputted into the actual WAC itself. So right now the one you'd look at online has the stuff that was taken out, you know, strikeouts and stuff, or new things that were added. And this is all part of the committee work that took place a couple of years ago, and the changes that have been put into effect dealing with that.

There's also in the rules, when you go to elevator rules, laws, and policies -- that's one of the tabs on our website -- you'll be able to see all of those. And there's a recap that talks about the financial impact statement dealing with these changes, the question-and-answer during our public hearings, and the responses. And it also has, like I said, the wording that is addressed during the -- the last rule change.

1 We have to have that become effective October 1st
2 before we can launch our 2019 code adoption process.
3 They'll be -- I think it takes -- I believe it's a
4 30-day window of time. There's the rule development
5 page that Alicia put into the message on your screen.
6 If you look at the top, the thing that looks like an
7 information bubble at the top of your screen, if you'll
8 click on that, she's got a link to that site so you can
9 see that information.

10 But for us to be able to start the 2019 code
11 adoption, we have to be able to address necessary
12 things that have to be addressed in the -- in the WAC.
13 And right now what's in place is the 2018 WAC. And so
14 for us to have an effective TAC and be able to get
15 started on our code adoption process, there are things
16 that we have to tweak in the most recent version of the
17 WAC that's part of adoption process, you know, like
18 update the adopted codes to show it's going to change
19 from 2016 to 2019. And also in the body of the WAC, if
20 there's anything in there that needs to be altered
21 because of the wording in the new 2019 code that was
22 unique in the 2016 that has to be changed, that's why
23 we have to have the current rules available to work
24 with.

25 So there will be a 30-day window time where people

1 can make applications to serve on the TAC, and then
2 also to submit rules changes that we have. We had an
3 opportunity back earlier to -- we had it open up to
4 everybody to be able to attend the 2019 code update
5 seminar. And hopefully you attended that and made a
6 lot of notes on things that affected you in your
7 business that you wanted to see addressed in the -- in
8 the code adoption process. And we want to make sure
9 that you have an opportunity to submit those. And we
10 want to make sure that's a smooth process. I heard
11 last time it wasn't too smooth, and there was a lot of
12 things that -- that had to be redone and stuff. I
13 wasn't here, but I understand that was a bit of a
14 challenge. And we are going to make sure that we don't
15 re-experience that. So we are going to -- Melissa is
16 working on helping to make that process smoother. And
17 so you'll be able to receive more information on that
18 the closer we get. We're anticipating that to start in
19 end of October, November, in there.

20 So typically the rules are in place for 30 days for
21 everybody to get used to them, because it's going to
22 affect your business profile, things that you can go
23 out and do now that you couldn't before, bids, MRLs, et
24 cetera. So you're going to be busy when that WAC rule
25 changes. It's been much anticipated. So that's --

1 that's one of the things in the 2019 adoption process.

2 Any questions on the 2019 code adoption process?

3 CHAIRPERSON CLEARY: Gerald, for people that
4 aren't fully aware, kind of explain why we're adopting
5 some changes already in the WAC, and then we're going
6 to go back and restart over again. Kind of give them
7 what the content and the logic behind how we're doing
8 it.

9 MR. BROWN: The -- the current WAC update
10 that's going to take effect in October, there's a whole
11 lot of housekeeping and stuff that was left over.
12 Apparently in 2018 it was a huge change to the WAC, and
13 a lot of things took place. A lot of things in there
14 got taken care of; a lot of things did not. So this
15 new WAC rules change that takes effect in October,
16 there's a whole lot of housekeeping.

17 When you read through that -- the current version
18 of it and go to that link that Alicia Curry posted for
19 us, when you go through there you're going to see a lot
20 of comments about housekeeping this and housekeeping
21 that. A lot of things were transferred over. There
22 were some clarifications made on personnel hoists,
23 material lifts, and things like this that -- that are
24 noteworthy that need to be addressed. There was a lot
25 of questions dealing with -- like I said, it was just a

1 lot of cleanup work. And we had to have that cleaned
2 up before we could actually start a new rules process.
3 And so that's why those have to become effective
4 October 1st before we can start addressing the next
5 update to the WAC, which we hopefully will have opened
6 and ready to go.

7 There's -- it talks about in there about a minimum
8 fee increase. Apparently, annually, most programs do
9 like a cost-of-living increase. And for some reason
10 our program was neglect in doing that, and it left us
11 short. There's a lot of things that need to be taken
12 care of. It's like your businesses and escalations
13 that -- that you have to do to your own service
14 contracts and things like that, that weren't -- that
15 weren't addressed that we're going to see a series of
16 catch-ups on those. And that -- and so that was in
17 there so. And I'm sure we'll probably have to do that
18 several times to get our program more viable.

19 There was a big change that started -- I don't know
20 if it was 2018 or prior to -- where we went from a
21 general-fund-type program to a dedicated fund. And
22 part of that transition is a requirement that we are
23 able to self-sustain ourselves by having these fee
24 increases and stuff so the program is more sustainable
25 and is more solvent.

1 able to make it sustainable and not just keep
2 generating constant write-ups and things like this.
3 And so I have presented a program where we can address
4 the needs to implement A17.3 very -- in a nutshell, go
5 out, have our guys do a survey, turn it in to the
6 building owner. He takes that survey, the results of
7 the things that he needs done. He takes them out, gets
8 competitive bids. And then the clock starts at the
9 time of the survey, the two-year clock and the
10 five-year clock on those items that are addressed in
11 WAC already as far as big ticket items, regular items.
12 The survey will be kept on site so it's on review as
13 the work is done during permanent alteration work. As
14 the two years clicks down, they're able to mark those
15 things off. How that -- how the actual physical,
16 mechanical things that can happen will probably look a
17 little different than that. But initially this is
18 our -- this is our input to try to dampen the blow.
19 It's -- nothing dealing with elevators is cheap.

20 I wasn't here when it was adopted. I wasn't here
21 when it was presented to stakeholders in the public. I
22 can't answer a lot of details on how those impacts were
23 addressed at the time. I just wasn't here. I
24 inherited it. I'm not a real fan of A17.3 because of
25 the impact it's had around the country. There's so

1 many other different ways to address the same need.
2 But we adopted it, and this is the course of action
3 that's being presented to -- to implement it and have
4 it done in such a way that we don't devastate the
5 businesses.

6 I have a real concern. In the past A17.3 was dealt
7 with differently. It was -- aspects of it were put
8 into the WAC rules, and it was trying to be addressed
9 in such a way because apparently there was a recession
10 at the time and the impact would have been huge on
11 people dealing with recession. We have something
12 similar right now as far as impact called COVID-19.
13 And businesses have taken a huge hit.

14 And so we're going to be having discussions on
15 how -- what this -- what this looks like on our
16 implementation. But I don't think -- I don't think the
17 discussion is over with. But we have to come up with
18 something to move forward. And for right now, until we
19 hear differently, this is what we're going to look at
20 starting to do the surveys January 1, 2022. We have to
21 have some training with our teams on how to fill out
22 the surveys and not miss anything and not have any
23 surprises on inspection day. Things along this line.

24 So just wanted to let you be aware that we have
25 activity happening on our A17.3. And I presented some

1 things to the ESAC, and that will -- we'll have to have
2 the discussion on that to make sure there's no open
3 questions on that. If I can be of any help, please let
4 me know. So that's --

5 CHAIRPERSON CLEARY: Gerald?

6 MR. BROWN: Go ahead.

7 CHAIRPERSON CLEARY: Janette, would you like
8 me to state my name each time I talk? Because I have a
9 tendency to talk a lot. So I don't know if that would
10 be good or bad.

11 THE COURT REPORTER: No. I think I've got you
12 covered.

13 CHAIRPERSON CLEARY: Okay. Thanks.

14 Gerald, are we going to have the opportunity to go
15 in and peel some things out of 17.3?

16 A good example is, is Section 10, which has to do
17 with the residential elevators. That was never taken
18 and put into 675 as an exemption out of 17.3. Are we
19 going to have that opportunity to do some of that this
20 next go-around?

21 MR. BROWN: I think --

22 CHAIRPERSON CLEARY: Pretty much -- pardon?

23 MR. BROWN: I think that's been addressed, but
24 I'll --

25 CHAIRPERSON CLEARY: It has been addressed in

1 this latest?

2 MR. BROWN: I believe it has.

3 CHAIRPERSON CLEARY: Okay. Good.

4 MR. BROWN: But I will have to check. One of
5 our tech specialists, Jim Runyan, was --

6 CHAIRPERSON CLEARY: Okay. Good.

7 MR. BROWN: -- is spearheading this. And I'll
8 have to meet with Jim to make sure that that was
9 addressed.

10 CHAIRPERSON CLEARY: Jim -- Jim's on, isn't
11 he?

12 Jim?

13 MR. RUNYAN: Yes, I'm here, Scott.

14 CHAIRPERSON CLEARY: Okay. Yeah. Can you
15 give us a little oversight on -- on what you left in or
16 took out of 17.3 in the latest WAC?

17 MR. RUNYAN: Well, we really didn't take
18 anything out of 17.3. We did make some concessions in
19 Part D dealing with timeframes, which these people
20 had -- in which building owners had to comply. There's
21 a couple of items that were -- we figured were big
22 ticket items they have five years in which to comply.
23 Most everything else is two years. And then they had
24 the opportunity to put together a plan, i.e., the
25 building owner has an opportunity to put together a

1 plan they could submit to Gerald and company for
2 review. And if that plan is accepted, why, we follow
3 that plan. So we're trying to make sure we don't back
4 a building owner into a corner. They've got a lot of
5 opportunities to do something.

6 We haven't really looked at -- you know, the
7 residential issue is rather -- I guess for lack of a
8 better term, is moot because we have no authority over
9 residential installations except for the acceptance
10 inspection. So once it's turned over, our job is done.
11 So we really didn't deal with 17.3 in the residential
12 area with regard to that because we don't have the
13 authority to enforce that anyway.

14 CHAIRPERSON CLEARY: But the question I have
15 on that is the State may not have authority, but if
16 you're a licensed elevator company, we're obligated to
17 be -- to work to the latest standards adopted by the
18 State. So if we go out there and have an ongoing
19 maintenance agreement with an elevator that is 3 and 5,
20 17.3 doesn't -- wants you to put space guards in on all
21 existing residential elevators pursuant to Section 10.
22 So that kind of puts residential companies kind of at
23 risk of going out and doing further work because you
24 haven't exempted it, and we're licensed, we're
25 obligated. No one can tell me what position that puts

1 in licensed elevator companies that are doing
2 residential work.

3 MR. RUNYAN: Well --

4 CHAIRPERSON CLEARY: And I see it has not been
5 removed. So that's -- that's a concern.

6 MR. RUNYAN: It hasn't been removed, per se,
7 but whether it was actually put into the WAC rules as
8 being removed is -- I don't know if it's necessary
9 considering the State has no authority over residential
10 elevators once they've been accepted. So it's just the
11 same thing with MCPs. The 17.1/B44 would suggest that
12 a residential elevator have an MCP. Well, we can't
13 enforce that because we don't see them once they're --
14 once they're blessed initially. So there's nothing in
15 there that gives us any authority to do anything with a
16 residential elevator except at the behest of the owner
17 to come in and do an inspection.

18 CHAIRPERSON CLEARY: Okay. So answer this
19 question here. You have an accident investigation
20 because there's a fatality, and it's an older elevator.
21 You're going to come in and do -- you're going to go do
22 an accident investigation, and that -- that door is 3
23 and 5, and that was what caused the accident. You do
24 go back in. And if we're in there doing maintenance on
25 it and we didn't put a space guard in, is that our

1 liability? Is that our concern? Because we have
2 codified it without removing it. And you will go back
3 in just like you're going back in for this accident
4 investigation.

5 MR. RUNYAN: I think I'm going to have to look
6 into 17.3. I don't recall the space guard being
7 required for residential.

8 CHAIRPERSON CLEARY: It is.

9 MR. RUNYAN: I do recall it being required for
10 commercial elevators, however. And I remember that
11 being promulgated at the ASME committee level a number
12 of years back. But I don't ever remember them talking
13 about space guards for residential elevators. There's
14 nothing that says you can't put one on. If you have
15 the maintenance contract, then that contract is between
16 you and the homeowner. It really has nothing to do
17 with us. If you want to put one on, that's -- that's
18 entirely up to the -- between you and the homeowner.

19 The 3-5 rule, as long as it was -- as long as the
20 unit met the code into which it was installed, we're
21 kind of -- we've done our job, I'd say. Yes, the 3-5
22 rule has been proven to be not so great, but that's
23 been corrected and -- to the 3/4-4 rule. And so but
24 what do we do about all those that had the 3-5 out
25 there. Doesn't mean they were unsafe or didn't meet

1 code when they were installed. So from our -- from our
2 standpoint we accepted them because they met the 3-5
3 rule at the time.

4 And now we've got these other issues that are
5 coming up. Not all accidents. Now this particular one
6 where the guy got under the elevator is anybody's guess
7 how he got under there. Now, children, we know that
8 standing in that doorway -- and it's been proven that
9 standing between a hoistway door and a car gate is
10 possible with a 3-5 dimensions. So consequently
11 the code went forward to change that.

12 Now, but like I say, after we -- after we pass an
13 elevator on an acceptance inspection, our authority
14 ceases. Whether we put something in WAC to say we
15 don't have the authority is -- don't know if it's just
16 extra verbiage. I don't know if it clarifies anything.
17 But it doesn't place you in a position to say, Well,
18 the State says this or the State says that. As far as
19 we're concerned, once it's turned over to the
20 homeowner, the issues now become between you, if you're
21 carrying a maintenance contract, and the homeowner.
22 That's the legality of the issue. Whether you want to
23 put a space guard on there on a 3-5 car, I would say,
24 is up to you and the homeowner.

25 CHAIRPERSON CLEARY: Well, I think we need to

1 address that because space guards are in Section 10, to
2 my understanding, for residential. And this has really
3 been a hot button. And so we'll just have to get that
4 figured out. That's always been a concern of mine.
5 And I think we need to get a little bit more
6 information and come back and meet on this because I
7 think it's a concern.

8 MR. RUNYAN: Yeah. Well, we can certainly
9 address it again if -- if we believe we need to, yes.

10 CHAIRPERSON CLEARY: Okay. I appreciate --

11 MR. BROWN: Scott?

12 CHAIRPERSON CLEARY: Yes, sir.

13 MR. BROWN: I'm looking at A17.3 right now,
14 and -- and 10.1.4.2 talks about clearance between
15 hoistway doors and landing sills and car doors. It
16 talks about the 3/4-4 rule. And then in Section C it
17 says "When space guards are provided to comply with A
18 or B, they shall conform to the following." It doesn't
19 say space guards have to be there. It just says "When
20 space guards are provided, the space guards shall be
21 designed and installed to withstand a force 75 pounds
22 horizontally," et cetera. It will be no -- "shall be
23 no more than 1/2 inch above the sill. Shall run
24 vertically the full length of the door. Provision
25 panel conforming to the requirements provided the door.

1 Corresponding to opening shall provide space guard," et
2 cetera.

3 So it says when they're provided, you know, it says
4 space guards shall not project beyond the edge of the
5 hoistway sill. Pretty much standard language. But it
6 says -- you know, it talks about that. And it talks
7 about when the guard is attach -- when -- "if a space
8 guard is attached, it shall be attached to the door by
9 tamper-resistant means." Talks about the hardware,
10 things like that on the door, and space guards. But
11 the terminology that it uses in C, it says "When space
12 guards are provided to comply with A or B, they shall
13 conform to the following." I -- it just says that it
14 does address the 3/4-4 rule. But it says if you have
15 space guards that it comply to the following. So I
16 guess it depends on how you read that.

17 CHAIRPERSON CLEARY: Well, 17.3 addresses all
18 existing elevators that didn't have something back when
19 now it's required. So I think we just need to get some
20 clarity on that. And we'll do the right thing. But,
21 you know, having a customer and explaining to why they
22 need to spend money or even -- not even spend money,
23 have something ugly on their beautiful door creates --
24 creates a problem if it's not mandated by the State.
25 Correct? And you've codified something which makes us

1 as a licensed company obligated to meet that. So I'd
2 just like to have some clarity, something in policy, or
3 something that -- you know, I know it might not be
4 required, but it's still something I know the feds, the
5 Consumer Protection Agency -- we'll talk about this a
6 little bit later -- is pushing everybody. There's
7 550,000 residential elevators. They want everybody at
8 3/4-4. So it's just an issue, I think, that we need
9 just to clean up. So I know we need -- we need to move
10 on a little bit.

11 And also, Jim, and you're going to be responsible,
12 I understand, or you're going to run -- you're going to
13 head up the 17.3? Is that -- is that correct?

14 MR. RUNYAN: Well, let's just say when the
15 chief says do something, I just do it. So I've been
16 assisting him in helping develop this program and
17 trying to come up with some tools to make this as
18 palatable as possible. And we've come to -- we've come
19 to some things. And I just sent Gerald some other
20 information here recently. So we get things talked
21 out, we'll get trained, and hopefully then by January 1
22 we'll have a procedure in place that will be workable
23 considering our CMS doesn't allow us to be there.

24 CHAIRPERSON CLEARY: Can we get -- can we get
25 a status report readout in our November ESAC on how

1 things are going from you?

2 MR. RUNYAN: Yes, I think Gerald --

3 What are you smiling for, Gerald?

4 I think -- I think Gerald could give you just as
5 good of a status report because I do report to him
6 everything that we've created and done so far. So if
7 he thinks of something else that needs to be worked on,
8 then he just lets me -- turns me loose, and I'll do it.
9 We can give you some information as to how it's going.

10 CHAIRPERSON CLEARY: Thank you.

11 MR. BROWN: I'm trying to come up with a badge
12 that say A17.3 tzar, but I haven't quite found that in
13 the book yet so -- for Jim.

14 CHAIRPERSON CLEARY: All right. Outstanding.

15 So is there anything more to talk about on 17.3?

16 MR. BROWN: I think that's it for now. So I'm
17 pretty much done with my report unless there are any
18 direct questions.

19 CHAIRPERSON CLEARY: Okay. So we're going to
20 move on.

21 Alicia, you're up.

22 MS. CURRY: Good morning, everybody.

23 CHAIRPERSON CLEARY: Good morning.

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Legislative Updates

Rules Update

MS. CURRY: Alicia Curry. I am the field services and public safety division rules coordinator. And I think Gerald pretty much covered everything today as far as an update on what's going on with the current rulemaking.

So thank you, Gerald.

Just to kind of give another recap, we are -- good news. We are expecting to adopt the rules on August 31st, with an effective date of October 1st. We will be updating the website with all the rulemaking documentation. So I would give us probably about a week after August 31st before you guys see those updates. We will have links on there to the final rule language, the CR-103 document that has all of the details of the changes, as well as the concise explanatory statement, which has all of the testimony and written comments from stakeholders. And if anybody has any questions or concerns about any of those responses, you know, please feel free to reach out Gerald. I know he's happy to have those conversations. As well as we'll have the final cost benefit analysis

1 on there as well. So good news. We are on our way.

2 And as Gerald mentioned, we can't start the new
3 code adoption process until those rules are in effect
4 because then we would be asking people to be making
5 changes on top of changes that aren't final yet. So
6 that's why we're kind of waiting until October 1st. I
7 know Gerald's anxious to get that process started. And
8 we are working on having, you know, conversations about
9 what that looks like as far as timeline goes.

10 CHAIRPERSON CLEARY: Alicia, a quick question.
11 So when we -- through this whole process, like this
12 here, where do -- where do people, the stakeholders,
13 see comments brought in during the public comment
14 period? And how are they integrated into the final
15 rulemaking and how it's published? Because that was
16 kind of a contention last time; right? We had public
17 comments, and we never really got to see. Did they
18 affect the proposed rule change? Did they or didn't
19 they? And I'm still not sure how that whole thing
20 works.

21 MS. CURRY: Right. So when we receive written
22 comments and testimony, we compile all of that
23 testimony and comments into what's called the concise
24 explanatory document. And that document is available
25 to the public. We put it on the website. And that

1 document also has all of L&I's responses. And, yes, we
2 do make changes to the proposed rules, you know, based
3 on comments. So when we adopt the rules, you will see
4 the additional changes that were made based upon the
5 testimony and written comments, as well as the concise
6 explanatory statement becomes public after we adopt the
7 rules. And it's still, of course, going through the
8 review process. So that's one of the main reasons why,
9 you know, we wait to send that out until after the
10 rules are adopted.

11 CHAIRPERSON CLEARY: So does the -- the person
12 or entities that put in public comments, do they get
13 response back on what action is going to be taken of
14 those? Or does the State just either integrate them,
15 don't integrate them and just move on? Is there any
16 iterative process back and forth to make sure that
17 stakeholders realize the time and effort they're
18 putting in to do this actually is something that gets
19 looked at and gets talked about and discussed?

20 MS. CURRY: Typically that concise explanatory
21 statement is the response to those that makes comments
22 and testimony. So we don't go back and forth.

23 CHAIRPERSON CLEARY: So if the entity that
24 puts in the comments doesn't agree with the State's
25 view of what they've submitted, there's no -- there's

1 no way of going back and talking about it or discussing
2 it?

3 MS. CURRY: Well, that's why I was saying, you
4 know, if anybody has any questions, you know, or
5 concerns about, you know, any of the responses, please
6 reach out to Gerald. I know he's happy to have
7 conversations about maybe why a change wasn't made and,
8 you know, work through solutions. As well as people
9 will also again be getting another opportunity to, you
10 know, submit proposals through the code adoption
11 process.

12 CHAIRPERSON CLEARY: Okay. I just wanted to
13 make sure that it's clear and transparent we all
14 understand, you know, that spending time and effort as
15 a stakeholder has value, and State looks at it and it's
16 weighted.

17 MS. CURRY: I understand that. Definitely.

18 CHAIRPERSON CLEARY: All right. Outstanding.
19 Any questions for Alicia?

20 (No audible response.)

21 CHAIRPERSON CLEARY: Okay. Thank you, Alicia.

22 MS. CURRY: Thanks, everybody.

23 CHAIRPERSON CLEARY: Annette?

24 MS. TAYLOR: Thanks, Scott.

25 So for the record, Annette Taylor, Department of

1 Labor and Industries.

2 And so Alicia talked about the different rules and
3 the adoption. I just wanted to comment real quick on
4 your -- your question, Scott, about feedback to a
5 stakeholder who has provided some input.

6 And before I go on, Jim, you have your hand up.
7 Did you want to say something before I continue
8 forward?

9 MR. RUNYAN: No. Go ahead, Annette. I just
10 had a comment on the fillers for 17.3, so I wanted to
11 follow up on that.

12 MS. TAYLOR: Do you want to follow up now, or
13 do we -- is there another spot in the agenda to --

14 MR. RUNYAN: Well, it's just a quick comment.
15 When you're talking about the 3/4-4s in the 17.3, Part
16 10, it is in the 2020 edition of 17.3, albeit we have
17 only adopted the -- the 2015 edition of 17.3, and it
18 still refers to the 3-5 rule. So just to keep that in
19 mind moving forward.

20 CHAIRPERSON CLEARY: Thank you.

21 All right, Annette.

22 Fee Increase

23

24 MS. TAYLOR: So I wanted to specifically talk
25 about the fee increases. Gerald touched on it a little

1 bit as historically the elevator program has not been
2 consistent with fiscal year after fiscal year fee
3 increases based on what we call a fiscal growth factor
4 that is set by the Office of Financial Management. We
5 refer to it as OFM. What's important here is to
6 understand that -- Gerald also spoke a little bit about
7 it -- is historically --

8 Whoever's mic isn't muted, you should mute.

9 CHAIRPERSON CLEARY: Please mute.

10 MS. TAYLOR: Thanks. Yeah, I think it was the
11 phone number there.

12 So historically we have not completed fiscal year
13 after fiscal year fee increases. And Gerald did touch
14 upon that. We -- the elevator program, along with two
15 other public safety programs, was in the general fund.
16 And what we did is we worked with the Legislature years
17 ago to remove those public safety programs out of the
18 general fund and into a dedicated fund. Because if
19 there were to be layoffs as a result of the State's
20 revenue forecast, we did not want our public safety
21 inspectors in that layoff pool because we need our
22 public safety inspectors out in the field doing
23 inspections. So one way to remove them from that pool
24 is to place them into a dedicated fund where they would
25 not be subject to layoffs. We did that with the

1 electrical program as well. They're in their own
2 dedicated fund as well. So that's the reason why we
3 ended up in a dedicated fund with two other public
4 safety programs. We have to have a certain level of
5 operating budget fiscal year after fiscal year to be
6 able to pay salaries and benefits to all of our staff
7 in this dedicated account. And while we're trying to
8 do other things for our public safety programs, it
9 costs money in addition to salaries and benefits.

10 A couple of years ago the elevator program was
11 successful in a classing comp package, classing
12 compensation package, submitted by our agency to State
13 HR to get our inspectors pay raises. But those pay
14 raises mean we have to be able to afford the cost of
15 those pay raises. We were not given additional money
16 to pay those inspectors. And that was an important
17 thing because one is when we need to have a competitive
18 job class for our inspectors who want to come work for
19 us versus the private sector. And those pay raises
20 allowed us to be competitive -- competitive in the job
21 market.

22 And so partially how we pay for salaries and
23 benefits is through the cost of permits and things like
24 that. And so we're starting down a path of a regular
25 cadence of fee increases to be able to make sure that

1 the 21B fund is at its operating level that we need it
2 to be so that we never worry about money.

3 And so, you know, you heard Alicia talk a little
4 bit about the fee increases. And so for the fiscal
5 year 2020 there's a 5.08 percent fee increase across
6 the board. And that's based on the fiscal growth
7 factor calculation by the Office of Financial
8 Management. And then in fiscal year '22 -- now, we're
9 skipping fiscal year '21 because we delayed adoption,
10 and so we're not going to actually do a fiscal year '21
11 fee increase.

12 And I just want to take a pause and say, Alicia,
13 anywhere where I'm inaccurate, please jump in and
14 correct me so that we make sure we're accurate.

15 So fiscal year '21 we are actually not doing a fee
16 increase. Fiscal year '22 we're going to do another
17 fee increase, but the fiscal growth factor is 5.79
18 percent based on OFM's calculations. But this is --

19 So the next fee increase for fiscal year '23, which
20 will take effect on August 19th of 2022, this is going
21 to be a 17 percent fee increase. And this is beyond
22 the fiscal growth factor. And there's a couple reasons
23 for that. Reason number one is, of course, as I said
24 earlier, we have delayed fee increases on a regular
25 cadence. And so Gerald hit it perfectly when he said

1 we're playing catch-up a little bit. Right?

2 And secondly, you have all heard about the new
3 conveyance management system that we're in the process
4 of negotiating with a vendor to bring a new system
5 onboard. Some of you may have participated in what we
6 call the external stakeholder discovery process, where
7 we went out to our external stakeholders and we asked
8 them, "What would you need in a system so that you as
9 an external stakeholder can go into a system, be able
10 to electronically do the work you want to do, purchase
11 a permit, look at the inspection report, fix a
12 correction, do the things you want to do without having
13 to get documents in the mail, invoices in the mail?"
14 And some of you on this call, and a lot of others,
15 participated in what we call a discovery phase for a
16 vendor that was working with us to do that work.

17 So for us to be able to maintain salaries and
18 benefits of our inspectors, hold our positions, not
19 hold our positions vacant so that we can fill those
20 positions, and bring a new system onboard for all of
21 you, and for our -- for our program so that we can
22 continue to get to 100 percent of annual inspections,
23 we're going to require a 17 percent fee increase. And
24 that's going to be effective around August of 2022.

25 What we're going to do as a result of that is after

1 that for the next couple of fiscal years, we're not
2 going to do a fee increase. We're going to let that 17
3 percent catch up. So if we were to do a fiscal fee
4 increase for fiscal year '24 and fiscal year '25, that
5 would be a little bit over 5 percent. So there would
6 be 10 percent, you know, combined, and that 17 percent
7 is already going to address that for us. So we're not
8 actually going to continue with fee increases after
9 fiscal year '23 so that the industry catches up, and
10 we're not continuing to -- to add fees on top of that.

11 So it's important that we continue talking about
12 this because as we -- we're in the process right now of
13 putting together the request for proposal. We call
14 that an RFP. And we're going to do is we're going to
15 send that out, and we're going to allow vendors to
16 apply to come forward to be interviewed by our agency,
17 using the requirements that have been established by a
18 different vendor, for a system that we need to put in
19 place and move forward so that the elevator program can
20 be more efficient and our stakeholders, our external
21 stakeholders and customers have a system for them to
22 work with as well.

23 So I just wanted to start talking about the fee
24 increase process and the reason why it's going to be
25 higher, and the fact that we're going to accommodate

1 that in the next couple fiscal years after that and
2 actually not do a fee increase.

3 Are there any questions for myself or for Alicia?

4 (No audible response.)

5 MS. TAYLOR: If -- if you go away and you
6 think about this and this resonates with you and you
7 have a question later, Gerald is happy to answer
8 questions. I'm happy to answer questions. I'm the
9 executive sponsor for the case management system
10 upgrade. And so I'm involved in all of the meetings,
11 making a lot of the decisions, participating in all the
12 conversations. So if later on you're -- you go back
13 and you have a question about the new system or about
14 the fee increase, please feel free to reach out to me
15 electronically or give me a call. I'm happy to answer
16 any questions.

17 CHAIRPERSON CLEARY: Except on every other
18 Friday.

19 MS. TAYLOR: Except every other Friday because
20 I purposely don't work because Scott will try to call
21 me.

22 CHAIRPERSON CLEARY: All right. Any -- any
23 other questions or follow-ups? Like I said, Annette
24 is -- she'll get back to you and get you -- answer your
25 questions pretty expeditiously.

1 So it's something that's going to change. I know,
2 you know, all the prices are going up everywhere. This
3 is just the price of doing business, and we gotta -- we
4 gotta figure things out.

5 So thank you very much.

6 MS. CURRY: And do we want to bring up also,
7 Annette, the fact that because we're going to be doing
8 a fee increase rulemaking, we may have to exclude those
9 rules that have fees in them from the code adoption
10 process?

11 MS. TAYLOR: Yeah, good point, Alicia.

12 So when we have to -- when we open up the rules and
13 we -- because -- because we're doing back-to-back fee
14 increases, we have to be careful about what rules we
15 open up because we can't -- we can't open a rule and do
16 a fee increase, and before that fee increase is in
17 effect we open up that same rule and we do some code
18 adoption. The law doesn't allow us to do that. So we
19 have to be very strategic about what we open up so that
20 we can do the actual fee increases to pay for the case
21 management system and continue to pay for the operation
22 and maintenance of the elevator program and not impact
23 other things. And so it's really -- it's more about
24 logistics of how the rulemaking works versus anything
25 else really. And we -- and Alicia keeps us on track

1 about that. But if there is some code that's attached
2 in that same chapter where we need rules -- where we
3 need a fee increase to be done, we'll talk with Gerald
4 about what makes the most sense. Does it -- you know,
5 what do we need to do next to work through that.

6 CHAIRPERSON CLEARY: All right. That's --
7 that's good. Any other questions?

8 (No audible response.)

9 CHAIRPERSON CLEARY: Okay. Does everybody
10 want to take a five-minute break, and then we can come
11 back in and start talking about Category 4 and the next
12 agenda items? Okay. So it is -- so why don't we get --
13 at five or seven after 10:00 and we'll go there.
14 Thanks, everybody.

15 (Recess taken.)

16

17 Needed Points of Discussion

18

19 CPH (Category 4) Industry

20

21 CHAIRPERSON CLEARY: We're going to now move
22 into the Category 4, and we're going to discuss a
23 little bit. Category 4, for the ones that don't know
24 it, is a license categories. It's one of the ten
25 license categories we have, and it has to do with CPH,

1 which is construction personnel host, and some -- or
2 5.7, which we're going to talk about a little bit about
3 a little modification endorsements that we're trying
4 that's a little bit different.

5 So with that, I was going to read a letter that I
6 got from Mandi and from the industry, but I'm going to
7 give a quick synopsis of it. And then I will submit it
8 as part of the meeting notes because it's -- it's a
9 really well-written letter, but it's a little bit long,
10 and it might be hard to get everything down. But the
11 gist of the whole letter is that the Washington
12 Elevator Safety Committee that represents most of the
13 stakeholders in Category 4 are very concerned that
14 they're not being regulated. You know, we codified
15 10.4 back -- we've had it for a while. But there was --
16 there was a decision made in the WAC 70.87.200, which
17 said we're not -- we don't have the authority to
18 regulate temporary construction hoists. So it kind of
19 went to the side, and the State said, Well, we'll do a
20 voluntary inspections. You want -- the companies that
21 want to call us, and we'll go through that process.

22 But Mandi -- and correct me if I'm wrong -- but
23 you're concerned in your industry, and the stakeholders
24 are concerned, that there are companies out there that
25 don't want to voluntarily go through it. They're

1 putting some equipment in that you feel is unsafe, and
2 that's really concerning. So Mandi has been part of
3 the subcommittee, and some of the other stakeholders in
4 Category 4, and been very proactive and very upfront
5 with the State of wanting to be regulated. And so she
6 wrote a letter to the ESAC and to the chair and to --
7 and to Gerald, really reaching out saying we want this,
8 why is this taking so long.

9 And I -- you know, I applaud their effort of
10 wanting to do things in a safe manner. They've been
11 very proactive. And, you know, it's been kind of a
12 quagmire about being regulated, not regulated, and
13 having some different categories. And we're trying to
14 find onramps to get people licensed to do these. The
15 industry right now, as you know, there's buildings
16 going up everywhere in Seattle and in the state of
17 Washington.

18 So I will submit this letter from Mandi and her
19 stakeholders to be part of the meeting minutes. It's a
20 very well-written letter. But the gist of it is, is
21 they want oversight. They want it done right. And
22 they're concerned that if the State isn't, it's
23 creating unsafe situations. Because you always have a
24 group that will comply and do the right thing. And
25 there's always ones that will try to get around it

1 based on price and everything else. And, you know,
2 safety is the main responsibility of State L&I
3 elevator; right? And as the safety committee, I
4 applaud them coming to us and saying, "Hey, what's
5 taking so long? Can you do anything to help leverage
6 the State for them to make a decision?" And we said
7 yes.

8 So as I think I've talked to almost everybody on
9 the ESAC that's committee members, and also the
10 subcommittee that I chair of curriculum, and we fully
11 support their effort.

12 And, Annette, Gerald, we need to get this done.
13 And I think it's extremely important.

14 And, Mandi, you can follow up a little bit, and
15 then we'll talk about what's going on in your category.
16 But I'd like you to talk about, you know, the efforts
17 that you guys have been trying to make to make sure
18 things are safe.

19 MS. KIME: Thank you, Scott. I really
20 appreciate you bringing this up today and hearing our
21 request. Essentially -- and -- and I want to be really
22 clear. This is -- our intention here is to put
23 pressure on the Department in a positive way. Gerald,
24 Annette, Melissa, Paoa, the whole team, pressing,
25 wanting to fix this problem. We're running against

1 challenges in the sense that when -- when you have an
2 official AG's office interpretation that says one
3 thing, and now we want to shift back to having some
4 modicum of control over these conveyances, and it's
5 still listed the way it is in the RCW, it's a hard
6 bridge to gap. So that's what we're trying to --
7 trying to accomplish here. But there have been a
8 number of different plot twists along the way from
9 higher up in the Department, and also in the AG's
10 office, as to how -- how we bridge the gap.

11 And so that's really what -- what we're getting at
12 is the time is now to make a decision on what our path
13 forward is, establish that plan, and communicate it.
14 Because, A, we have folks coming into our state that
15 are putting in conveyances that have absolutely no
16 intention of following the rigor that was previously
17 established.

18 But, B, as folks that do Category 4 work or these
19 construction personnel hoist work, when we go to our
20 customers and say "Hey, hold on. We're going to be
21 regulating these. You're going to have permitting
22 fees. We're going to have to do inspections. We're
23 going to have to do all these things," and it continues
24 to not happen, it begins to damage our credibility with
25 our clientele when we're telling them these are the

1 right things to do, these are the safe things to do,
2 this is something you need to invest in.

3 But then, you know, the customer is not seeing that
4 communication from the Department, and they're not
5 seeing the change in, kind of, trajectory as to how we
6 treat Cat 4. And so it's -- it's not only creating a
7 scenario where we're seeing -- we're actually seeing
8 conveyances that are not following kind of the basic
9 tenets of safety for CPH. But we're also seeing this
10 lag time of indecisiveness is creating a problem for us
11 with our stakeholders and project owners that want to
12 do the right thing, but -- but, because of a lack of
13 communication and clarity from the Department, can't
14 really ascertain what the right thing is.

15 And so we still believe that having them regulated,
16 having inspections on them, and also, you know,
17 ensuring that the mechanics are, like, properly
18 licensed, all of those things are really important.
19 And we just want to get it back to that point.

20 CHAIRPERSON CLEARY: And to Mandi's and your
21 organization stakeholders' credit, they've re-engaged
22 about curriculum hours, and everything else, and have
23 stepped up to say let's figure out what's applicable,
24 what we need to do to have a program that guarantees
25 that our licensed mechanics qualify and -- and know

1 what they're doing and have a proper license avenue.
2 And so we'll talk a little bit about that when we go to
3 that sub -- to talk about the subcommittee for
4 curriculum. But they've been very proactive. And all
5 the stakeholders that want to do that can't understand
6 why the State has not made a decision.

7 So with that, I'd love Annette to speak up a little
8 bit.

9 MS. TAYLOR: Thanks, Scott.

10 And thanks, Mandi. I appreciate the partnership
11 we've had with you.

12 And Mandi is correct in all aspects of her
13 statements today. And Gerald has been working very
14 diligently to figure out how to best to address the
15 construction personnel hoist so that it's clear that
16 the State of Washington Labor and Industries has the
17 authorization to regulate the construction personnel
18 hoist.

19 And so, yes, it's been several conversations with
20 our assistant attorney general who provides advice for
21 the elevator program. Initially, we believed that we
22 would have to change the RCW to be more clear that the
23 agency regulates that type of conveyance so that this
24 question can never come up again. But in looking at
25 that, that would become what we call agency request

1 legislation to go forward to the Legislature for the
2 2022 legislative session.

3 And just -- all of you, I'm sure, are aware when
4 you propose legislation, once you propose the
5 legislation, you lose control of where that goes. It
6 could never make it to the floor for a vote, or it
7 could make it to the floor for a vote, and it's not a
8 yes vote, it's a no vote, you know, no matter how much
9 testimony is taken and things like that.

10 So Gerald reached out to our assistant attorney
11 general and asked for some further advice; is there
12 anything in the WAC that we can change through a
13 rulemaking because we control the entire rulemaking
14 process? And I will admit and agree with Mandi it's
15 taken time to work through the conversation of no, we
16 don't want the agency to request legislation. We want
17 it to be WAC. And Gerald was very quick about here's
18 what we could strike in the WAC that would just address
19 what Mandi needs us to address, what the industry needs
20 us to address, and what the agency wants to do. They
21 want to regulate construction personnel hoists.

22 So we got to the point where, while some time
23 delayed in between -- Mandi's absolutely correct -- but
24 continued bringing the conversation forward. We
25 finally got to the point where we can address this in a

1 WAC. We have made sure that we've reached out to the
2 attorney general's office to help us draft the language
3 that give us the authorization to inspect construction
4 personnel hoists, and they don't -- we can never step
5 back from that unless we went in and changed the WAC.

6 Now, changing the WAC is not going to be in
7 conflict with the RCW. We also had to make sure that
8 the WAC cannot be in conflict with the RCW. And that's
9 why it's taking a little bit of time to determine what
10 that language should look like so there is no conflict.
11 Because if there's conflict, we can't even move forward
12 with the WAC. We've been able to do that now.

13 So now we're going through the rulemaking process.
14 That takes a specific amount of time because of the
15 filing of the different CRs. The 101, which is the
16 intent to open the WAC. The 102, the public comment
17 period. The 103, the changes we're actually going to
18 make and move forward. So now we're there, and we're
19 going through that process and moving forward with
20 that. It's going to take a little bit more time
21 because we need to now get to the end of that process
22 and move forward.

23 So, Mandi, this has been a lot of work on your part
24 and your stakeholders that you're working with. And we
25 certainly can't thank you enough for your involvement.

1 And Mandi's been in a lot of conversations with us
2 behind the scenes to move this forward, in addition to
3 the education and all the other stuff that they're
4 talking about in Cat 4. But she's been there front and
5 center as the voice the entire time.

6 And I will be the first to admit it's taken far too
7 long to get us here to back away from the decision that
8 was made a couple of years ago. But with Gerald's
9 leadership in the elevator program, Mandi, with your
10 leadership, we're finally getting there, and we're
11 getting close. And now, now that we've started the
12 process, we're not stopping. You know, we're finally
13 going to get an end result here, but a little more time
14 to finish the rulemaking process.

15 CHAIRPERSON CLEARY: Annette?

16 MS. TAYLOR: Yep.

17 CHAIRPERSON CLEARY: Can there be an interim
18 policy or something that bridges the timeframe between
19 now and then?

20 MS. TAYLOR: No, there can't, Scott. That's
21 either called an emergency rule or an expedited rule.
22 And this doesn't meet the emergency rule definition to
23 do that. And I believe we had a conversation about an
24 expedited rule process for just this. And I would have
25 to go back and look at my notes to understand why we --

1 we did not go forward with an expedited rule that we
2 wanted to go forward with and finalize the rulemaking
3 process.

4 Gerald, I think Alicia had to leave for an
5 appointment, but I'm not --

6 Go ahead, Mandi.

7 MS. KIME: I was just going to say I think
8 that -- and I'm pretty sure that I put it in my letter
9 is just now that we know what the plan is, having
10 official communication from the Department to say this
11 is -- this is the lay of the land, this is how we're
12 going to fix it, this is what our expectations are, and
13 an anticipated timeline, that helps us communicate it
14 externally. It helps us share it amongst our ranks.
15 You know, we've got a great coalition of contractors
16 and labor stakeholders in AGC Elevator Safety
17 Committee. But, you know, that doesn't encompass
18 everyone.

19 And so being in the position that I'm at, at AGC
20 representing all of these general contractors, it
21 becomes a lot easier for me to help move the ball by
22 communication and utilizing our communication streams
23 to get the word out, too, so that anyone in the
24 industry knows and understands kind of where we're at,
25 but also what's going to be expected and -- and an

1 approximate when.

2 MS. TAYLOR: Okay. Well, Mandi, that's a
3 great point you make. I have an email from Matthew
4 early -- our communication consultant for our division
5 from July 30th, and he has two topics on there -- and
6 we're go to talk about the other topic -- the drive
7 isolation transformer, and construction personnel
8 hoist. And he's already talking about what does the
9 communication look like. And Matthew, I think, is on
10 this call as well, so he's hearing. What we will do is
11 we will work with Matthew, our communication
12 consultant, to put together a draft communication of
13 intent. Right? Because we can't -- we can't say it's
14 official until the rulemaking is over, but something we
15 can say our intent is this. This is where we are in
16 the process. Here's how we're moving forward. The end
17 result is our expectation is we -- we now have the
18 authorization to inspect construction personnel hoists,
19 and this is what your requirements will be as it was
20 prior to that.

21 So, Mandi, I'll make that commitment that we will
22 get a meeting scheduled with Matthew, who is hearing
23 this conversation, is probably already putting together
24 his key messages because that's just how Matthew
25 operates, and I appreciate him for that, and we'll get

1 something out in the next few weeks. Does that seem
2 fair?

3 MS. KIME: Yes. I appreciate it. Thank you.

4 CHAIRPERSON CLEARY: And that will help us now
5 working on Category 4 licensing requirements OJT, how
6 we work that in. Because if that's not going to
7 happen, Category 4 is pretty much another dead
8 category. So it will really help us.

9 And I -- I agree with Mandi. The plight is making
10 them look credible when they, you know, say this is
11 going to happen, this is going to happen, and it never
12 does. It opens the door for people that don't want to
13 comply, and it makes them look foolish. And that's not
14 their fault in this whole thing. So their --

15 MS. KIME: And frankly, I mean, if there's
16 nothing telling them that it's a requirement, we can
17 have the greatest intentions in the world saying this
18 is the right thing to do, this is the safe thing to do,
19 but we're getting it optionally, I mean, let's be
20 honest, contractors are really trying to cut costs,
21 especially with current circumstances. So anything
22 that helps us with that will help us make sure that we
23 -- we maintain at least a foundational level of safety
24 effort that can be built upon.

25 CHAIRPERSON CLEARY: So --

1 MS. TAYLOR: Can I just stop -- before we go
2 can I just say --

3 CHAIRPERSON CLEARY: Yep.

4 MS. TAYLOR: Matthew, are you on this call?
5 Yes, you are. I can see you right there.

6 MR. ERLICH: No. No, I'm not. Sorry. Yes, I
7 am.

8 MS. TAYLOR: Okay. Matthew, you heard me make
9 that commitment. So you're going to help me make that
10 commitment; right?

11 MR. ERLICH: Of course. I'm happy to. Thank
12 you.

13 MS. TAYLOR: I knew you would be.

14 CHAIRPERSON CLEARY: It's in the minutes too.

15 MR. ERLICH: Yes. Thank you.

16 MS. TAYLOR: That's true.

17 And then, Gerald, is there anything you wanted to
18 add to that that I didn't say in response to Mandi?
19 You're on mute. You're still on mute.

20 MR. BROWN: I said wonderful things on mute.
21 I don't know if I can remember. No, I'm -- I'm for
22 trying to get this working in such a way that we can
23 get back to doing them immediately and fix the WAC.
24 That's my -- that's my full purpose and intent that
25 you're helping on this. Our AAG is helping us on this.

1 We're -- we're looking at a forward motion. There's
2 not a -- I haven't heard anything, "No, we're not going
3 to do that. No, we can't do that." I haven't heard of
4 any of that. All I've heard is, okay, we just need to
5 do this, this, and this to make this happen. And it's
6 very upbeat, very positive finally getting that moving
7 forward pathway.

8 And we're not going to do anything to embarrass our
9 stakeholders or put something out that we're going to
10 have to just take down. This has got to be done right.
11 And they're working on that process. I've done some
12 initial wording on some stuff. And they are helping me
13 to streamline that. So it's -- you know, that will be
14 (indiscernible) for the WAC wording and language that
15 will go into effect. And so that's the thing about all
16 technical clarifications or interpretations of the code
17 that's allowed by the Department that this is stuff
18 that will be transferred into the -- this is part of
19 the important work we do when we open a WAC. This is
20 part of that work. This is not on a shelf somewhere.
21 This is moving forward. So I want to make sure that
22 what we put in there and have as our measure moving
23 forward is the immediate measure to make this happen,
24 that that becomes the permanent wording in the WAC.
25 That's what we want. That's why we're getting it

1 right. Because nobody wants something that's just
2 going to go up and come down. That's not going to
3 happen. I have that commitment from leadership and
4 everybody involved. So thank you.

5 CHAIRPERSON CLEARY: Well, and we want to make
6 sure that not only is it good for the industry, but we
7 don't want to have this conversation because somebody
8 gets hurt. Right?

9 MR. BROWN: Absolutely.

10 CHAIRPERSON CLEARY: That -- that's the most
11 thing we want to avoid. Right? So it's a good
12 business. It's -- it's a good regulatory move. And we
13 want to -- you know, safety is paramount. And we don't
14 want to have this conversation too far down stream.

15 So I appreciate, Annette, you being upfront with
16 this.

17 And, Mandi, you'd done a really good job of herding
18 all the cats. And they're feral cats. And you've done
19 a very good job.

20 MS. TAYLOR: I think Scott took a jab at me.

21 CHAIRPERSON CLEARY: No, no, no, no. I would
22 never do that.

23 And I know it's a -- it's a tough thing, but I
24 think we're going in the right direction. And, you
25 know, like I said, I -- you know, I'm not an advocate

1 for overregulation, but we've been -- this has been
2 kicking this can down the road for too long. So I
3 appreciate you stepping up.

4 Matthew, good luck.

5 MR. ERLICH: No worries. It's good --

6 CHAIRPERSON CLEARY: What? I'm sorry.

7 MR. ERLICH: No worries. It's good news.

8 CHAIRPERSON CLEARY: Good.

9 The next topic we were going to talk about is the
10 City of Seattle's new adoption of Chapter 30, which was
11 back in March. But unfortunately Jan's not here. And
12 I don't see Matt.

13 Matt, are you here?

14 MR. KOWALSKI: I'm here.

15 CHAIRPERSON CLEARY: Okay. Good. Do you want
16 to give any kind of filler for that, or do you want to
17 push this until November? I'd like to have a little
18 bit because most people gotta realize that -- you know,
19 how you guys do business with your new adoptions and
20 based on building, you know, permits, and that kind of
21 stuff, how they're implemented. If you'd give a quick
22 little overview, I'd be grateful. But if you want to
23 wait till Jan, we can do that too.

24

25 City of Seattle Chapter 30 Update

1 (Permitting/Implementation)

2

3 MR. KOWALSKI: I don't know. I'd prefer to
4 wait for Jan on it. I know I'll say something. She'll
5 go, "God dang it, I can't believe you said that."

6 As far as, like, conveyance work and construction
7 permits, stuff like that, I mean, we -- I can say that
8 we do follow whatever the construction permit -- if
9 there is a construction permit to, let's say, build a
10 new building, the conveyance permits that are issued
11 for that project will be under the code that the
12 building permits are issued under. We would do the
13 same thing if there was a major alteration or something
14 to the building involving construction permits as well.
15 And then all the conveyance alteration permits for
16 existing conveyances in existing buildings will be
17 based off of the current code cycle.

18 As far as adopting codes, stuff like that, we're
19 under the 2019 ASME right now, but we also have our own
20 Chapter 30 in the Seattle building code that you gotta
21 look at as well. I don't know if I want to go anything
22 beyond that. It's very high level. But I'm just going
23 to stick to that.

24 CHAIRPERSON CLEARY: Janette, that's Matt
25 Kowalski.

1 What's your official title -- I want to make sure I
2 get it right -- Matt?

3 MR. KOWALSKI: The conveyance program manager.

4 CHAIRPERSON CLEARY: So he's Seattle's
5 elevator chief in our nomenclature.

6 And you've been very very helpful. And you and Jan
7 have really stepped up on a lot of these issues.
8 Because one of the things we've always talked about,
9 Matt, is getting continuity and the equivalency between
10 the WAC and the two municipalities, City of Spokane and
11 the City of Seattle. And now that you guys adopted 19,
12 it put some emphasis in making sure that you work, you
13 know, pretty expeditiously in the TAC to get the State
14 adoption of 17.1 2019 also. So we'll get a little bit
15 more in depth when -- when Jan is here for our November
16 ESAC. So I appreciate you stepping up a little bit and
17 talking about it.

18 MR. KOWALSKI: You're welcome.

19 CHAIRPERSON CLEARY: Okay. Next we're going
20 to have a little update on the 3 & 5 rule.

21 Gerald, do you want to kick that off? And I can
22 give some background information, and we kind of can go
23 forward. I know there's been some communications with
24 some out-of-state interests on making sure that the
25 State gets the understanding of how many of these

1 conveyances are out there and some other things. I'm
2 not going to mention companies. I just want to let
3 people know what's kind of going on. And I'll give
4 it -- I'll give my feedback when it comes my
5 understanding of what AEMA is doing and the residential
6 manufacturers. But I'll let you kick it off, Gerald.

7

8

3 & 5 Update

9

10 MR. BROWN: Okay. We received some
11 correspondence from out of state from -- I believe from
12 the U.S. Congress about addressing the serious issue of
13 safety of children on home residence elevators. For
14 years it followed a 3-5 rule. There was 3 inches of
15 gap behind the hall door, and 5 inches of space to the
16 car door in addition to that, and it allowed a gap that
17 posed a serious life safety issue. And a lot of
18 jurisdictions addressed this and talked about using a
19 filler in there. The code is -- currently states that
20 it will be 3/4 of an inch behind the hall door, and 4
21 inches from it to the -- like a folding car door. You
22 know, like an accordion-type collapsible door 4 inches
23 of depth. And it severely limits a spot for a child to
24 stand. And there's lots of reasons, horseplay or
25 whatever, that kids get caught in that area. You know,

1 the car gate, accordion gate actually locks in place.
2 When about the car has a run signal, the hall door has
3 a hook that actually locks in place. You can't just
4 push it open and get out of the way. Created a
5 horrible situation for children, and it unfortunately
6 led to serious injury and death for young children.
7 And this has been going on for years.

8 A lot of different manufacturers -- this particular
9 inquiry came about an old system from ThyssenKrupp
10 Elevator when they were in the business of home lifts,
11 their access lifts. And -- and so there was litigation
12 and some other stuff involved in this announcement in
13 dealing with this. So we're not really going to talk
14 about specifics.

15 The general 3-5 rule is something that was -- is
16 part of that industry for years. The State has some
17 technical clarifications on fillers not being used on
18 new installs because of our code adoption of the 2016
19 code, which speaks to the 3/4 inch 4 inch rule. And --
20 and it provides an additional layer of safety that we
21 don't want people installing the wrong doors.

22 This is another thing about the residential
23 industry. For years they allowed the homeowner to put
24 their own doors on or work with the elevator company to
25 put the doors on, and they had huge gaps on them. And

1 depending on the style of doors that were put in the
2 rest of the home, it allowed huge gaps. And in even
3 today's installs we're still seeing that. We catch
4 them on the drawings. We make them comply to the 3/4-4
5 rule.

6 But on existing units out there, the State of
7 Washington, along with the ESAC and all of our
8 stakeholders, have one common goal, and that's to
9 protect people from the hazards of conveyances,
10 especially dealing with the 3-5 rule and dealing with
11 this -- this horrible situation that has existed for
12 years. And we've -- we want to go on record, jointly
13 and unanimously, saying that we are definitely for
14 safety. And we want to see homeowners that have these
15 conveyances that have these large gaps to get ahold of
16 a reputable licensed, certified elevator mechanic and
17 company to come out and put this stuff on to make sure
18 that it's put on and it's safe. Anything for safety on
19 these, let's get it done. And we are in full accord to
20 that. We've been -- we've been endorsing that safety
21 policy on putting fillers on those older units and
22 getting this -- getting this done.

23 If everybody wouldn't mind going to your -- your
24 chat box up at the top of your screen, it shows like an
25 information bubble that has a -- that has a blue line

1 under it. If you wouldn't mind clicking on that,
2 there's some graphics that are being provided on there
3 that talk about there. These are some news articles
4 that Matthew Erlich, our communication person for the
5 State, our media person that's been in attendance to
6 our meetings, is providing this. So it's some articles
7 that you can go through and look at.

8 This is something that in Washington State we are
9 proactive. And we would like to see these things be
10 addressed. It's -- like I said, the industry is such
11 in the way that Washington State approaches private
12 residence elevators, we get there to inspect them
13 initially, and we don't go back. And I understand that
14 homeowners have a history of not wanting anyone back in
15 their residence, even to do more work sometimes. And
16 so it's especially difficult to be able to tell how
17 many of these are still in service, how much of them
18 were removed, how many of them -- you know, how many
19 times it's changed hands.

20 And -- and one of the other tragedies that we're
21 seeing that took place, I believe, in North Carolina
22 was the advent of Airbnb properties, where people take
23 their private residences, and they turn it over to a
24 commercial interest. And the equipment has not been
25 inspected since installation, so we don't know the

1 integrity of the unit, the safety requirements that go
2 with that. When the property changes from a private
3 residence dwelling to an Airbnb or a commercial
4 interest, from my understanding, they have to pull a
5 business license. And we are trying to figure out how
6 to get on that list when that property changes status
7 from a private residence elevator to a business, so to
8 speak, because now they have a business license. That
9 they are made aware, and the equipment is -- I would
10 like to see somehow that to make sure that they are
11 reinspected with an acceptance style of inspection that
12 we would witness where a company -- a credible,
13 certified, licensed company licensed contractor in our
14 state with a licensed mechanic come out and perform a
15 full-fledge acceptance test on that equipment to make
16 sure it meets all of the criteria, and that it is
17 subject to periodic inspections, maintenance, and
18 inspection by the State from that point on because it's
19 become a commercial property and needs to follow those
20 rules.

21 And I'm trying to figure out how many different
22 jurisdictions and how many building -- you know,
23 building licensing and code enforcement throughout all
24 the cities and throughout all the state that we can
25 reach out to, to make sure that our name is listed in

1 there of you have changed the characteristics of your
2 property because it has a conveyance on it, which are
3 very popular because there are people that have
4 disabilities, or children with disabilities, that need
5 to have these conveyances, and that's why they're
6 renting that Airbnb that has a conveyance in it. We
7 understand that. But we are desperately trying to
8 figure out a way to get on that list of notification
9 when that property changes status, and to make sure
10 that they fully understand that they need to have some
11 type of maintenance contract with someone that are
12 coming out and doing the required testing, maintaining
13 maintenance records, their MCPs, their other processes
14 for testing and maintenance. We have to make sure that
15 they're safe, just like we would in any other
16 commercial enterprise in the state. We need to go ride
17 that conveyance that's safe. And that is our -- that
18 is our goal. And the same sentiment, of course, goes
19 to CPHs where people are compelled to ride something
20 that's not being inspected. That's why we're trying to
21 correct a previous mistake.

22 So pretty much on the 3-5 rule that's what I have
23 to say. I'm very concerned, and we are very concerned
24 about the safety of the public, especially children.
25 And I know that the industry has already been

1 proactive. They reached out. They are notifying
2 everybody of point of record from who they sold the
3 original equipment to, things like that. But because
4 we don't regulate them after the initial install, we
5 don't have a clear idea of status of the equipment or
6 ownership or things like that. So it's really hard for
7 us to do an inquiry back other than what the companies
8 are doing also. So that's what I have, Scott.

9 CHAIRPERSON CLEARY: Well, I want to -- I want
10 to -- I want to get some clarification how I know it.
11 In my background I've been in the residential business
12 for 20 -- over 25 years. I also sat on the board of
13 AEMA, which is the manufacturing group. It's like a
14 residential NEIEP, but very very much -- very small.
15 We've been aware of this problem for a while. And to
16 our understanding of knowing and seeing all the
17 statistics and seeing the accidents reports, to our
18 understanding there's been nobody hurt or injured on an
19 elevator that was properly put in with a 3 and 5 rule.
20 There's been some variations with flexible gates that
21 create some problems. So it's -- we're -- we're one of
22 the -- I think one of fourteen, fifteen states that
23 regulate residential elevators, which, you know, we all
24 kind of look at oh, we overregulate it, but I think
25 we've been doing the right thing. So the bottom line

1 here is that a lot of the states, over -- more than
2 half of the states in the nation don't regulate
3 residential elevators, which is a big mistake. That
4 needs to be addressed.

5 And I'll speak a little bit, but to the -- the
6 group is doing -- part of the AEMA group. So that's
7 your larger residential elevators. They all put out a
8 mandate. Two of the largest ones in the country said
9 you will be putting in our elevators with doors that
10 meet the 3/4-4 -- doesn't matter if you're regulated or
11 not -- or we're not going to sell them to you.
12 Garaventa, who's -- we do -- our major supplier,
13 they're -- as of September 1 all their gates will have
14 light screens on them. So not only do you have to meet
15 the 3/4-4, but they'll have light screens.

16 So one child getting hurt or injured is way too
17 much. This came about from a big lawsuit back in
18 Georgia where a child got hurt, and this latest one in
19 North Carolina. And there's been numerous in between.

20 So it goes back to educating, getting it regulated.
21 And I applaud you, Gerald and the State, because that
22 loophole about Airbnbs where it's very clear in the
23 statute and in the WAC that residential elevators, the
24 definition is a single-family residence. And I would
25 even say that, okay, if it's rented out to a family

1 that lives there, you know, that that's a concern, but
2 that's a single-family building. But when you're on
3 Airbnb and you rent it out to the world -- and a lot of
4 these people comes to these Airbnbs because you're in a
5 beautiful area with beautiful scenery, and they like
6 the conveyance. Right?

7 So I think the State needs to really step up, and
8 step up quickly, on putting something together that
9 regulates commercial elevators. I mean, it's -- it's
10 obvious that most of the accidents have been happening
11 in rental properties. And if they're going to do that,
12 and they need a business license, then I think the
13 State needs to make sure that they get looked at once a
14 year. And -- and not just when they become an Airbnb,
15 but continuously because things change. Right? It
16 goes back to the statute allows, you know, non-licensed
17 people to work on these if they're requested by the
18 owner that lives there.

19 So there's some loopholes I think we really need to
20 look at. And, you know, that's probably a statute, but
21 we need to do some things, some patches in rules. But
22 we don't want anybody else hurt, killed, or anything.
23 And like I said, one is way too many.

24 But I just want to make sure that my understanding
25 is, is property installed 3 and 5 isn't the issue.

1 It's ones that have 2-by-6 doors, or they have a real
2 big setback, or they have a really really flexible
3 gate. So the industry did step up in '16 and say we're
4 going 3/4-4. And I applaud that. You know, we just
5 gotta -- we gotta make sure that none of them fall
6 through the cracks and they get looked at. So it's one
7 of those things where it's sad, but most jurisdictions
8 don't even look at residential elevators. And there's
9 some horrendously installed elevators. And, you know,
10 we can't do much outside of our state, but we sure can
11 be proactive in this state. And I'm going to champion
12 anything we can do in an expeditious manner to get our
13 eyes on rental properties for weekend rentals and these
14 Airbnb-type things.

15 So, Annette, do you have anything more to add to
16 that, for kind of that loophole when it comes to the
17 Airbnb that we've -- you know, we had some concerns?
18 And that's the concern; right?

19 MS. TAYLOR: Yeah, I -- I agree to your
20 concern, Scott, is, you know, once -- you know, for
21 residential elevators in single-family homes, you know,
22 as, Gerald, you've said, after we've done the
23 inspection after it's been installed, you know, it's up
24 to the homeowner if they want L&I to come back out and
25 take a look at things because it's not required by us.

1 But I do agree that there's a loophole with the
2 Airbnbs where it's not a single-family dwelling, it's a
3 rental, and that -- that is a loophole that I don't
4 think anybody thought about when this law went into
5 effect. And so, you know, I think, at minimum, we need
6 to have further conversation around it with Gerald and
7 with you and the industry to discuss what could be a
8 path forward to address that so that we don't have
9 different families who don't live in that home on a
10 regular basis, you know, have their children injured as
11 a result of this elevator, in-home elevator.

12 CHAIRPERSON CLEARY: And, Paoa, I'll get to
13 you in one second.

14 But I would even push to the point where even if
15 those Airbnbs have a 3 and 5 that you require space
16 guarding. Because kids will be kids. Right? And it's
17 just -- it's an untenable situation. And I think we
18 can handle this quite quickly.

19 Paoa?

20 MR. NAIPO: So I've heard -- I've heard the
21 residential thing, like once it's passed, it's sort of
22 arbitrarily tossed out that we don't go back. There
23 are -- there are times when we do.

24 The actual WAC reads -- 296-96-01045(2) "Chapter
25 70.87 RCW allows the department to inspect conveyances

1 operated exclusively for single-family use in private
2 residences when the department is investigating an
3 accident or an alleged or apparent violation of the
4 statute or these rules."

5 So that also takes into effect the adopted rules
6 that -- or the adopted codes that we're done that if
7 they are mandated that they are supposed to do
8 something within a residential home, we do have the
9 capabilities and the authority to actually go back and
10 make sure that that is being done. So it does take
11 something of more of a proactive approach. It is
12 probably something that's a little more lengthy of a
13 process. But just the fact that it's a residential
14 elevator or after it's passed its final inspection
15 doesn't mean we wipe our hands of it. We still are, by
16 rule, responsible for making sure that they still are
17 safe as long as the following -- you know, if we find
18 that, hey, it's alleged or an apparent violation of the
19 things that we have adopted, we need to make sure that
20 we're going back out there in some form or a fashion.
21 So I just wanted to make sure that was put out there as
22 well.

23 CHAIRPERSON CLEARY: That's -- that's a really
24 good point.

25 Garry?

1 MR. WOOD: Garry Wood, Exxel Pacific, Janette.

2 I just wanted to comment. Scott, we need to also
3 roll in the sale of properties to the B&B concept.
4 Because when somebody sells a home, they obviously have
5 an elevator, potentially, in the home, they don't
6 know -- the buyer doesn't know what kind of care that
7 elevator has gotten, anything that may have jumped out,
8 how it's been maintained, anything like that. So I
9 think it's just as critical to make sure that when a
10 house or residence sells to somebody else that it's a
11 requirement to have that inspected by the state or the
12 city as well.

13 CHAIRPERSON CLEARY: That's an active point --
14 for people that didn't know, we tried doing point of
15 sale years ago and were shot down, mainly by the real
16 estate industry. And so I think that it's inexcusable
17 that we don't have point of sale. If you gotta do a
18 pest inspection, gutter inspection, and everything
19 else, having a -- a conveyance in your home needs to be
20 looked at. And I think it's time that we look at that.

21 And I know, Jim Norris -- Sven, you got his file.
22 So I would -- I'd like to work with you to see if we
23 can get some stuff going in working with the State to
24 get that implemented.

25 Duane?

1 MR. LEOPARD: I think there was somebody that
2 had their hand up before me. Have they had a chance to
3 speak?

4 CHAIRPERSON CLEARY: I think so. I think
5 you're the last one with a hand up.

6 MR. LEOPARD: Okay. There's two things I
7 would like to, kind of, comment on. Number one, that
8 WAC rule. When this came about many years ago, I
9 looked at that rule. And I actually went to our legal
10 department. There's RCWs out there that override that
11 particular WAC rule. So we can't just walk in and
12 enforce the latest codes because of A17.3 or anything
13 like and force a homeowner to comply with it. You
14 know, a man's home is his castle. I don't know how
15 else to explain it. If I were a homeowner, and you
16 come knocking on my door, I'd probably send you away.

17 Secondly, the point of sale and them inspect and
18 everything else, I think, is our best option. And, you
19 know, we need to look at that very very carefully. It
20 doesn't matter what the real estate industry wants.
21 They just want to sell houses and get their commissions
22 a little quicker, as far as I'm concerned. We need to
23 move forward.

24 And I think, you know, point of sale, homeowner
25 inspections. At a minimal, let the new homeowners know

1 what's going on. Not necessarily enforcing it, not
2 telling them to make it, but let them know what's
3 happening. Maybe their doors are 5 and 7 instead of 3
4 and 5. There's many ways to go around this. But I
5 really think our best option, myself, is to go through
6 the point-of-sale actions.

7 CHAIRPERSON CLEARY: And I agree with you. We
8 get calls a lot from new owners saying can you -- my
9 elevator is not working. Can you come out? Sometimes
10 they're not even been -- you know, they haven't even
11 been brought through inspection, or there's a lot of
12 things that need to be done that weren't told to them
13 during sale. So I agree with you.

14 And I think, Matt from the City of Seattle, I think
15 you'll agree, and Duane from Spokane, that -- and in
16 working with the State, I think we need to get
17 something done. I think now it's really really
18 important to go ahead and get that done.

19 Paoa, did you -- you had your hand up?

20 MR. NAIPO: Yeah, no, I just want to speak to
21 Duane. I mean, precedence has been set that we do have
22 the authority and the ability to go out when we find
23 that there's a safety issue with, let's say, a specific
24 type of conveyance that's been installed, i.e., a
25 Rehmke. We went through that. Yes, we had to go talk

1 to some people who were very very wealthy, and
2 unfortunately a lot of them didn't like us being there.
3 But unfortunately, because of the safety type that
4 their conveyance had, it was a huge safety issue not
5 only -- especially for them as a building owner.

6 So I don't want -- I want to make sure that
7 whatever it is we do is within the confines of the law.
8 But also we need to be proactive, especially when we
9 find that there are these safety issues there that we
10 willingly know about. And if we don't do anything, we
11 are the ones that are going to be held accountable for
12 that when it gets out that, "Oh, you the department
13 knew that this was going on, but yet you guys did
14 nothing about it."

15 "Well, we can't."

16 Well, someone else could read that WAC and say,
17 "Well, you have the authority right here."

18 So I want to make sure that while I'm here working
19 with the elevator program, and Gerald is my boss, I
20 want to make sure that he's as educated as possible
21 that hey, we do have options. Now, whatever that looks
22 like and whatever gives us the marching orders to that,
23 whether it be Annette or our AG or whoever, that we do
24 at least educate ourselves on the options that we have
25 possibly available to us within our WACs and RCWs.

1 CHAIRPERSON CLEARY: Okay. Well, this is a
2 great conversation, and we're going to have to move it
3 on. But I agree that -- I have to believe that you
4 have some mechanisms in place when it becomes the life
5 safety issues, and some things that need to be done.
6 And I look forward, you know, to working with the State
7 and getting some movement on some of this stuff.

8 Any other quick questions? We gotta move on pretty
9 quick because we're -- we're starting to get -- we got
10 about an hour left, and we got two hours' worth of
11 discussion. So anything from anybody?

12 Annette, got any closing statements on that?

13 MS. TAYLOR: No, I said everything. Thanks,
14 Scott, for the opportunity.

15 CHAIRPERSON CLEARY: So the next thing we want
16 to talk about is the findings of the subcommittee on
17 Elevator/Electrical. And I'll give a quick little
18 overview. And I'd like to have Annette, kind of,
19 finish up on things.

20
21 ESAC Subcommittee Status Updates
22 Elevator/Electrical Stakeholder Group

23
24 CHAIRPERSON CLEARY: Basically, for everybody
25 that was aware, we had a conflict between the

1 demarcation, and it -- it came on two different levels.
2 It came on where does the -- what do inspectors inspect
3 to, electrical versus elevator, and are mechanics
4 working outside of their -- their ability to work
5 within what the WAC and the statute says? And then we
6 had some -- electrical wrote some citations on a couple
7 of mechanics, and that kind of got the ball rolling.

8 And so Annette formed a subcommittee. I don't know
9 if it's a committee or a subcommittee. But what it did
10 is it brought myself as the chair for the ESAC with
11 Jason Jenkins, who is the chair of the electrical
12 board, which is obviously a board that's binding.
13 We're just an advisory committee. But it was pretty
14 well balanced. We -- both of the chairs were allowed
15 to bring on board whoever they wanted on their
16 subcommittee. And my hat's off to everybody that
17 joined on. Because I'll be brutally honest. We've
18 never as stakeholder agreed 100 percent on everything.
19 And I'll tell you, we had everybody who's never agreed
20 on anything agree on everything when it comes to what
21 we want to do and how we want to do business.

22 And so we've taken -- oh, gosh, it's been seven,
23 eight, nine months. It's been a while. Almost a year,
24 I guess, that we've tried to hash things out. You
25 know, do it through statute? Do we do it through rule?

1 Interdepartmental agreements? How do we do this? So
2 we -- we played mental ping-pong for a while. And I
3 think we've come up with an agreement, which I'm going
4 to let Annette talk about in a little bit.

5 It's not -- it hasn't been codified yet, and we
6 haven't seen it in writing. But basically, electrical
7 came back and wanted to do it in their RCW 19.22.8 with
8 some changes. One of the problems that we had was when
9 licensing came up -- and there's never been a clear
10 demarcation on who does what when it comes to this.
11 You know, electrical, if you look at their RCW, more or
12 less says anything that carries current or has
13 electrons is their responsibility. You go and look at
14 the RCW 70.87, it allows us to do wiring. So where
15 does it stop? So it's always been pretty much -- you
16 know, Sparky would be in the electrical and bring in
17 the main feeder. You have your electrical disconnects.
18 On the residential side, you were allowed to land on
19 the low side of the disconnect. For commercial they
20 had to supply a whip, and they brought it into the
21 controller. And then everything else downstream was
22 elevator. I mean everything. And that kind of got
23 thrown into question. Gerald is smiling because he
24 understands the whole process. And there's Annette
25 smiling. I can't see everybody else.

1 So we worked really hard, and we were going to
2 glean information out of what electrical wanted to do
3 in the 19.28 statute changes, and then come to
4 agreement can we live with it or not. So I was able to
5 glean things out of what they wanted, bring it back to
6 the subcommittee, and we worked on it. And it isn't
7 ideally perfect, but I think the feedback that I got
8 from everybody -- and I'm telling you, everybody in our
9 subcommittee really worked hard and put a lot of time
10 into it, and a lot of thought. And I think we can live
11 with -- I'm positive we can live with what we've agreed
12 upon.

13 But we still haven't seen what's been agreed upon
14 in writing from Annette. And so I'm -- unfortunately
15 I'm going to put you on the spot. I want to make sure
16 that my understanding is correct. We have the language
17 that we've seen in the last draft that came out of the
18 electrical department, and was pulled out with the RCW
19 changes. What they -- they wanted to change our RCW,
20 which was a no-go. And I can't tell you the words we
21 put in front of no-go because we can't. So that was
22 pulled out.

23 And so my understanding, Annette, is that we're not
24 going to -- 19.28 at this time is not going to do a
25 statute change. We're going to change that language

1 that where we all agreed upon, and we're going to put
2 it into the rule in an interdepartmental agreement. Is
3 that correct?

4 MS. TAYLOR: That's absolute correct, Scott.
5 You teed it up perfect.

6 So two things I want to say is I appreciate Scott
7 and Jason for stepping up from the two industries and
8 bringing a subcommittee together to talk about this
9 because the conversations were not always pleasant. I
10 will just tell you they were not always pleasant, but
11 we worked through them. With Gerald's leadership, and
12 Wayne's leadership as the chief of the electrical
13 program, we were able to move something forward. And
14 so the 19.28, the electrical RCW needs to be updated.
15 And we provided Scott and Jason with a clean copy of
16 what the updates for 19.28 need to be.

17 We are not moving this particular one forward for
18 legislative session for this session because we've
19 already passed forward our -- our processed
20 legislation. So in order for us to put this through
21 the next legislative session to update 19.28, we need
22 to have something in place so that this conversation is
23 clear, it's documented, and it's a path forward. And
24 so right now I'm waiting for Jason -- Scott, just so
25 you know. I'm waiting for Jason to come back and say

1 we're done, we're good, we're ready to go.

2 Scott, I know that you said you guys were fine with
3 the language. There were a couple of things in there
4 that you would like to have seen changed ever so
5 slightly. But you agreed that as it is stated right
6 now you're -- you're fine with that language moving
7 forward.

8 CHAIRPERSON CLEARY: Well, that's the
9 feedback, the comments. Like I said, I just brought it
10 back to the subcommittee and then solicited everybody's
11 input. Like with anything, we -- negotiation is you
12 never really get exactly what you want, but can you
13 live with it. And, you know, Local 19 and NEIEP, they
14 all have been extremely helpful, the city, the HJs for
15 Spokane and also for the City of Seattle, and everybody
16 in between, Garry and Lyall and everybody else.

17 I just want to make sure that nothing is going to
18 change. Because my understanding is right now we're
19 not going to even -- electrical is not going to go for
20 a statute change, and we're going to use that language.
21 We're going to make sure that we do some -- we need to
22 do some work in our WAC definitions. I think one of
23 the problems that we had is we had some weak
24 definitions. So we need to go back in and really beef
25 up the WAC and make sure we -- everybody understands.

1 Our nomenclature is different. And a good example
2 is they're concerned that they want to use the word
3 "replace," while we use the word "alteration" because
4 replacement include -- alterations -- replacements are
5 included in alterations. And their concern if you're
6 going to alter something, are you changing the label.
7 In our world that isn't. You -- you alter something
8 with something that's still listed. And so I want to
9 make sure the nomenclature is understandable and
10 there's nothing that gets mixed or lost or forgotten.

11 So we're going to work really hard with Gerald and
12 your organization to make sure that we really get
13 things really tight in the WAC. And one of the
14 problems is this was never done back when -- back in
15 the early 2000s and everything else, it was never
16 really done well in the licensing in the WAC. So now
17 it's time to do it. We spent a lot of time. I just
18 don't want any surprises. And I want to make sure that
19 I'm very clear and understanding, Annette, that is the
20 way we're going forward. That's what I want to just
21 understand.

22 MS. TAYLOR: Absolutely. So the path forward
23 now is, is we'll make sure that we have the thumbs-up
24 from Jason Jenkins and his group on it. I will
25 continue to have conversations with the electrical

1 chief and our legislative liaison for passing this
2 forward to legislation. And again, it will probably be
3 for the 2023 session. It doesn't look like it's going
4 go in 2022 because we've already had our proposals move
5 forward.

6 But that doesn't stop us from documenting this.
7 And so Matthew -- in the email that I referenced about
8 construction personnel hoists earlier in that
9 conversation, in that email from Matthew, it talks
10 about two things: Drive isolation transfer and
11 construction personnel hoists. So Matthew Erlich, our
12 communication consultant, is -- is continuously
13 thinking about messaging, and how is this messaging
14 going to look.

15 And so now that we know we've got -- we've got a
16 path moving forward, I'll be working with our AAG
17 assigned to the elevator program to draft what that
18 agreement would look like legally so that we can move
19 that forward out to you, Scott, to Gerald, to Wayne,
20 and to Jason to make sure it is absolutely accurate in
21 what it says. And that will be the document. It --
22 probably called something like a memorandum of
23 understanding until we go and we update the RCW, and
24 then you guys make your changes to the WAC. So it will
25 probably be something like an MOU with all the

1 signatures on it.

2 And then once that document is approved, then we'll
3 send out an announcement, broadly to all the
4 stakeholders, with this document attached to it so that
5 it is very clear that we come -- we have come to this
6 agreement between the two programs and the two
7 industries moving forward.

8 CHAIRPERSON CLEARY: All right. My concern in
9 this last -- and this is the first time I heard that
10 they haven't come back with a final yet. So are they
11 the last -- do they get the final say? Because I --

12 MS. TAYLOR: Nope.

13 CHAIRPERSON CLEARY: -- won't agree to that.

14 MS. TAYLOR: No, no, no. They don't get final
15 say. We collaboratively have the final say on this.
16 So I just wanted to make sure that the clean document I
17 provided you, they still understand that's what we're
18 moving forward with. It's just a confirmation of that
19 document. They don't get final say. It's we are
20 coming together and making sure that everybody agrees
21 on the language. Nothing gets changed. So, Scott,
22 your industry and Gerald's industry have to come back
23 and argue a particular point a second, third, fourth,
24 or fifth time. So, no, that is not what that meant.
25 So I appreciate you asking for clarification on that.

1 CHAIRPERSON CLEARY: Because I know patience
2 are running thin and --

3 MS. TAYLOR: Yep.

4 CHAIRPERSON CLEARY: We just want -- we gotta
5 train our mechanics. There's still -- you know,
6 there's still pending or outlining fines that have been
7 issued. And I think that's been worked, getting taken
8 care of.

9 But the whole thing that we talked about, and I
10 want everybody on this meeting to understand, is
11 there's a lot of different layers of this onion. One
12 is we gotta get it out to the stakeholders. But we
13 gotta get it out to the inspectors. We gotta
14 especially get it out to the electrical inspectors
15 because we're still having shenanigans, and we're still
16 having things that the electrical inspectors are asking
17 for. So it's not getting out. And that's one of the
18 things that we asked for is to make sure, Gerald,
19 you're going to work with your inspectors. But Annette
20 and Wayne really need to work with electrical. Because
21 that -- you got a little bit more control over your
22 inspectors here. They're -- they're set up different
23 on the electrical side. Right? And that's the
24 problem. And we want to make sure that it gets taken
25 care of so there's not this ambiguity and people know

1 how to do business.

2 And then, also, it's really important for your
3 inspectors to know where their demarcation is and
4 what's a responsible and permit -- it goes back to the
5 tech specialists on how do they -- are they issuing the
6 correct -- and the permits. Where are the
7 demarcations? All of this is in play. And I'm
8 becoming increasingly uncomfortable that we're going
9 into the -- we're going into the fall, and I just would
10 really like to get something out so we know that we're
11 going in the right direction and we don't get 90
12 degrees somewhere. That's my sense of urgency.

13 MS. TAYLOR: Yeah, I appreciate that, Scott.
14 I will get a meeting scheduled. I'll send a note out
15 to you and Jason and Gerald and Wayne and Anna, our
16 assistant attorney general to ask for some days in the
17 next week or so to come back together to finalize it.
18 I'll be including Matthew Erlich in those conversations
19 because, again, he will help us to draft the
20 communication that will go out. And he may help us
21 draft what the MOU looks like as well.

22 But what's really really important here is we
23 follow this up with the legislation request because --
24 because we didn't do that in 2004, and in 19.04,
25 because we didn't follow it up with changing the RCW,

1 this conversation came back around again. Right? And
2 so while we are going to put something in place now to
3 be clear, we will be following it up with legislation
4 for 19.28. Because if we don't, I guarantee we're
5 going to have this conversation again. And I don't
6 want to have it again. I just want to be absolutely
7 clear, as the industries do.

8 CHAIRPERSON CLEARY: All right. I just wanted
9 to make sure we know the path forward and we don't have
10 any off-ramps that we're not -- we don't know about.

11 MS. TAYLOR: Absolutely. Absolutely. And
12 right now there are no off-ramps you don't know about.
13 We are -- we are not changing any of the agreement that
14 we sent out in the last meeting. So I'll get some time
15 scheduled -- I'll send a note out to get some time
16 scheduled for us to finalize it and be done, and then
17 engage Matthew with some of the communication.

18 CHAIRPERSON CLEARY: Ricky or Phil or anybody
19 else, do you have any other questions real quick for
20 Annette before we move on?

21 UNIDENTIFIED SPEAKER: No.

22 MR. HENDERSON: No questions here.

23 UNIDENTIFIED SPEAKER: Scott, I have no
24 questions here. Thank you.

25 CHAIRPERSON CLEARY: While you mention it,

1 Annette, why don't you -- I didn't give you -- mention
2 to everybody that the elevator division has got a new
3 AAG.

4 MS. TAYLOR: Yes. The elevator program has a
5 new assistant attorney general assigned to the program
6 to advise the program. Angela Zurlini has been a
7 longtime advisor to the elevator program. And she is
8 stepping away due to her caseload. It's actually
9 gotten larger and larger with -- she also advises other
10 public safety programs at the agency as well, our
11 boiler and our construction compliance program. But
12 also she advised other state agencies as well. So
13 her -- her role has expanded. Her caseload has
14 expanded.

15 We have a new assistant attorney general who will
16 be advising our program. Her first name is Anna,
17 A-n-n-a, last name is Clavel, C-l-a-v-e-l. And she has
18 formally stepped in to advise our program. Angela has
19 been sitting in on the meetings to help transition Anna
20 into -- into the program, and things like that, but --
21 but she's now our formal assistant attorney general
22 advising the elevator program.

23 CHAIRPERSON CLEARY: Thank you very much.

24 Okay. Ricky, you're up for your subcommittee.

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MCP Subcommittee

MR. HENDERSON: Okay. So this is on our MCP subcommittee that we took on for the state logs for -- that were compliant with 2016 code that are coming up and aren't going to be compliant for the 2019 code.

Gerald had a request that we create this and review it and see if anybody -- any issues with the State moving away from providing the State logs. We met. We reviewed it. Since this is a A17.1 requirement that the company service providers provided these logs, it's kind of redundant. What I also found, hardly any of the companies out there were using them. So we put forth a recommendation to the committee that we forward with the State stop providing these logs. I believe that recommendation is in front of the committee today to vote on.

CHAIRPERSON CLEARY: Correct.

MR. HENDERSON: Any questions on this that I should answer? Does everybody understand what we're talking about here today?

CHAIRPERSON CLEARY: All the committee members are going to be voting on this.

Any questions for Ricky on what we're voting on today?

1 (No audible response.)

2 CHAIRPERSON CLEARY: Hearing no questions, I
3 want to call a vote for the members to accept and to
4 recommend to the State that we go ahead and approve
5 what's been put out of the MCP subcommittee.

6 Jim, you got any questions on that? Anybody at
7 all?

8 (No audible response.)

9 CHAIRPERSON CLEARY: All right. All in favor
10 say aye.

11 (Chorus of ayes.)

12 CHAIRPERSON CLEARY: Anybody -- anybody
13 opposed?

14 (No audible response.)

15 CHAIRPERSON CLEARY: Okay. Hearing -- hearing
16 no opposition, I'd like to go ahead and say we've
17 accepted it as the -- as a committee. And then we'll
18 go ahead and recommend that the State adopts the work
19 product out of your subcommittee.

20 Any questions, Gerald, on that one? You okay?
21 Good.

22 Ricky, you did a really good job. I mean, that's
23 not easy. We also need to look at doing a subcommittee
24 for some of the -- some of the more obscure industries.
25 That's something that we can probably talk about on

1 next meeting, which I assume that you're also going to
2 chair that.

3 MR. HENDERSON: If I'm -- I'd be glad to. No
4 problem.

5 CHAIRPERSON CLEARY: Thank you.

6 All right. We're going to move on really quick.

7 Any questions?

8 MR. HENDERSON: Final comment on that one, if
9 I can.

10 CHAIRPERSON CLEARY: Sure.

11 MR. HENDERSON: This is Ricky Henderson.

12 Because of the way this all happens and the way
13 most of the industry deals with putting on their logs,
14 it's really critical that -- that if these other logs
15 are getting removed, and everything, that it happens
16 pretty quickly because the companies are going to start
17 putting 2022 logs in place, usually starting next
18 month. So the information that these are -- if these
19 aren't going to be available, aren't going to be
20 approved for use, that information needs to head out to
21 the industry quickly.

22 CHAIRPERSON CLEARY: So, Gerald, how -- how
23 quickly can the State act on a recommendation from the
24 committee?

25 MR. BROWN: Let me --

1 CHAIRPERSON CLEARY: You can get back --

2 MR. BROWN: Paoa, how long does it take to
3 draft and send it out?

4 MR. NAIPO: Well, it depends on if it's going
5 to be -- it all depends on how it's going to go out.
6 If it's just going to be a process change for us, or a
7 policy or something like that, that's pretty simple.
8 If it's something that needs to be put into rule, then
9 of course it's going to have to go through rulemaking.
10 So it all depends on the course of action we need to
11 take with the direction. So I suggest if we can table
12 this for right now, and then possibly address it at the
13 next ESAC meeting, or at least provide something to
14 everyone between now and then what the course of action
15 that we --

16 CHAIRPERSON CLEARY: Paoa, I think it would be
17 good for you and Melissa and Ricky and I to have a
18 meeting on this to see what we can do next and that --
19 and that stuff.

20 Annette, do you have an idea of what we can do?

21 MS. TAYLOR: Well, I just want to add to
22 Paoa's comments. If we need to move this through the
23 rulemaking process, I want Alicia part of that
24 conversation because right now she has a lot of
25 rulemaking moving forward because of the fee increases.

1 It's not just the elevator program that we're doing fee
2 increases. It's all of our public safety programs and
3 the 21 V fund, which is the dedicated fund, in addition
4 to all the code adoptions, not just for the elevator
5 program, but factory assemble structure has code
6 adoptions. So we also just need to be mindful of the
7 rulemaking process and be very strategic about
8 scheduling those. That's all I wanted to explain.

9 CHAIRPERSON CLEARY: Can this be done through
10 a policy or a TC just in the interim. I mean, you're
11 clarifying the need. Why can't we --

12 MS. TAYLOR: It's up to Gerald.

13 CHAIRPERSON CLEARY: -- do that?

14 MS. TAYLOR: It's up to Gerald. I would -- I
15 would say Gerald has the choice to say we've got a
16 policy. We can clarify this in policy, and then move
17 it forward at a rulemaking process at a later date.
18 I'll leave that to him.

19 CHAIRPERSON CLEARY: So -- so based on what
20 I've seen from Gerald, I want it read into the record
21 he said yes.

22 MR. BROWN: Yes. I do -- like I said, I want
23 to check with my team to make sure we get that out to
24 the right people and -- and have the draft of that --
25 of that policy reviewed to make sure we didn't miss

1 anything, you know, make sure we thoroughly covered
2 that.

3 Ricky, if you could send me an email with the
4 findings of the committee, and recommendations in
5 writing, we will use that as our basic message out. So
6 we'll work together on that. If you'll send me that
7 when you can. And then I will -- I'll have our
8 in-house team help finalize that. We'll run it
9 through -- probably have Matthew help us to make sure
10 that there's no miscommunication in wording, and that
11 it has enough clarification for public release and get
12 that out as a policy as soon as possible.

13 CHAIRPERSON CLEARY: Good.

14 Okay. We need to move on. Thank you, Gerald.

15 Thanks, Ricky. Great work. Great work on that.
16 Everybody that participated, thank you.

17 Now we want to talk about the subcommittee on
18 curriculum and education. And we've been -- thanks to
19 Melissa, now we've been able to meet in person a couple
20 of times, and it's really really been helpful.

21 So Paoa, if you could give a readout. I know I'm
22 cutting you a little bit on time. But you've done an
23 awful lot of good work. And we need to let everybody
24 know, kind of, the direction the subcommittee is
25 taking.

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Licensing Category, Education & Curriculum

MR. NAIPO: For the record -- I'm sorry. I didn't do this before. My name is Paoakalani -- spelled P-a-o-a-k-a-l-a-n-i, last name Naipo, N-a-i-p-o -- with the elevator program. I'm a program specialist. So we've been facilitating, me and Melissa, as well as some subcommittee members and stakeholders -- what we've been doing is we've been looking at -- first what boiled down to, looking at the education program policy overall. And from the education policy we figured out that, hey, this is going to take roughly about three phases. And I know you guys sort of heard about this the last ESAC, but, again, because of the break and a lot of the work that we've done in our last couple meetings, I want to make sure that you guys have the whole -- the whole picture, not just one specific thing that we're going to talk about.

So starting with Phase 1. We reviewed all the categories. We've tried to consolidate, you know, if it was possible. But, really, after lengthy conversations and considerations by everyone there -- all categories were represented -- we figured that

1 unfortunately at this time in this state it's not a
2 viable thing. It's not to say in the future that we
3 can't look at it again. But right now consolidating
4 any of our categories -- because right now currently we
5 have ten categories of which two, one is an emergency.
6 So if the governor states that, hey, there's a state of
7 emergency, we have a course of action to get more
8 people out in the field to help with elevator
9 construction. Our Category 9 is also for temporary
10 mechanics. So it was really talking about Categories 1
11 through 8.

12 We started looking at the curriculum. So this is
13 the information and the knowledge base that each of
14 these categories need to have to sit for our test. One
15 of the biggest things is we -- a lot of people don't
16 understand that especially with some of these niche
17 markets and these niche categories that you as a
18 contractor have the capability to create a curriculum
19 yourself. It's not something you have to glean from
20 all these different places. But if you have the
21 opportunity, you can do it yourself. So it was really
22 going through and helping empower and educate people on
23 what their true options are in getting their guys up to
24 being able to take tests and proactively helping them
25 onboard new mechanics for their industry. Everybody

1 got the opportunity to give their yeas and nays on
2 these courses on thinking, hey, you know, this is
3 viable for our mechanic to know. You know, if this
4 doesn't make any sense to us, we're residential guys,
5 we don't care about, you know, escalators and so forth.
6 And then we got to talking about that as a group. And
7 so actually some of those people who thought that
8 certain parts of the curriculum maybe wasn't viable for
9 them, after consideration and explanation from other
10 parts of our subcommittee, they were, like, Oh, my
11 gosh. That really does make sense. Our guys do need
12 to know that. So a lot of great information was had
13 from that.

14 We then moved on to Phase 2. And Phase 2 was its
15 own monster. It was about continuing educating. And
16 again, this was more or less educating the people who
17 were there that if you are business owners and you are
18 elevator contractors, you have the capabilities to
19 create your -- you can become a continuing education
20 provider. Now, yes, there's some things you have to
21 fall in to meet that criteria. But the majority of the
22 people who are in the subcommittee and who are business
23 owners, they have that -- they meet those criteria.
24 And so it was like an epiphany to them. Because one of
25 the biggest things right now is, is if you have any

1 type of category license, it doesn't matter, you can
2 take any type of continuing education. So you could be
3 a residential chair installer, and you could take an
4 escalator maintenance eight-out continuing education
5 course. There's nothing in the statute or rule that
6 says you have to take a continuing education that's
7 pertinent to your category license. So that was
8 something big is they wanted to make sure that the
9 category -- excuse me -- the continuing education that
10 their mechanics are taking in these niche categories
11 are pertinent to the -- the type of work that they do.
12 So that was, again, something empowering them that,
13 Hey, you guys have the capabilities to become
14 continuing education providers, not only for your
15 mechanics but other mechanics that may hold that
16 category as well.

17 But also we were -- through this process of not
18 only education policy, but we were looking at, hey, we
19 need some WAC changes that need to be changed as well.
20 Like one of the big ones is they want to make sure that
21 we in this next rulemaking make it so it's mandatory
22 that, hey, your category or your continuing education
23 that you take is pertinent to the work that you do so
24 that we don't have residential guys taking stuff that's
25 on commercial equipment that they're never going to

1 work on.

2 Then the biggest thing that we did is we all
3 understood that this Phase 3 that we just started this
4 last meeting was going to be the big lift for this
5 committee. And that was going over the exams. If you
6 have sat for any exam with the elevator program, I
7 apologize because the majority of this has been pretty
8 much a history lesson. And unfortunately it's sad to
9 say that a lot of the questions are not pertinent to
10 the codes we have adopted. Right now, if you get any
11 type of question regarding A17.1, it's regarding ASME
12 A17.1 2010, not 2016.

13 So we want to make sure that all of those questions
14 that are put forth in that exam, one, are pertinent to
15 that category, and it's not just a history test. It
16 has applicable -- it's an applicable question to the
17 work that they're going to do. So right now they are
18 reviewing -- among the subcommittee members, they're
19 reviewing those exam questions that we currently have
20 in our database. One, they're making sure: Is this a
21 viable question? Does my guy need to be asked this
22 question? Because there were some categories that,
23 unfortunately, the algorithm was written, and it wasn't
24 tested or tweaked. But there were some people who were
25 getting a lot of questions that didn't have anything to

1 do with their category. I believe on the Category 4
2 questions, which is the CPHs that we talked about a
3 lot, that is a very niche category, but yet they had
4 questions regarding residential chair lifts and
5 elevators. And it's like that's not even equipment
6 they look at. Why are they being asked those
7 questions? And so unfortunately there wasn't a lot of
8 weight and value put into the exam that they took
9 through our department. And that's what we really want
10 to change.

11 So right now where we're at is we're examining --
12 or looking at all of the questions that they have,
13 making sure they're viable. Do they need to be
14 amended? And if it was something that needs to be
15 tossed out from their category, then we'll make sure
16 it's tossed out. At the same time we're also
17 empowering them to try to make sure that they ask
18 questions that they feel were viable, they're within
19 the confines of the courses that we -- the courses and
20 education that we defined in Phase 1, and that they
21 fall in line with that as well.

22 So that's where we're at right now. And we hope to
23 have all of this work done by October so that by the
24 time our TAC committee convenes, and we open it up to
25 new rulemaking changes, that a lot of the discussions

1 that we have had, and epiphanies that people have had,
2 regarding some of our WACs and how, regarding
3 licensing, some of these things may need to change. As
4 stakeholders, they'll put forth those recommendations
5 for changes at that time. So again, we're hoping to
6 have all of this stuff done by October. It's a big
7 push. And unfortunately, with the way that COVID is
8 happening right now, and we're hoping that we still can
9 have these meetings in person, because in all honesty,
10 trying to facilitate something over Zoom with all these
11 type A personality guys who are passionate about the
12 job, and the people they represent, it is hard, and I
13 believe not impossible to be done over -- virtual. So,
14 yes, if we can continue to have this done as in person,
15 we will get a lot more done, and a lot quicker.

16 So thank you, guys, very much for your time. Does
17 anybody have any questions about the education policy
18 or what we've done or what we continue to do?

19 If I've missed anything, Scott, please feel free to
20 jump in. But I'll take any question now.

21 CHAIRPERSON CLEARY: The whole gist is we
22 really want to make sure it's relevant. Right?
23 Because each one of the categories has different
24 nomenclature. A good example is the velocity fuse that
25 Mr. Oury does, and really doesn't exist in any other

1 category. So we want to make sure that the testing and
2 the curriculum, is relevant to what they do, and
3 continuing education is relevant. And I think we're
4 going to have some really good proposals that we're
5 going to recommend to the State. Paoa has really been
6 doing a really good job of getting everything together.
7 And the State's been really receptive of what we've
8 been working in the subcommittee.

9 And, Gerald, you've been participating in these.
10 And we haven't had any pushback.

11 And I think we want it to make sense. We want it
12 to be relevant. And we want to have equivalency
13 between the categories. And I think we're -- I think
14 everybody should be very pleased.

15 We're also looking at having the material experts
16 in each one of these categories submit questions. And
17 then the State is going to weight them based on the
18 percentage of each one of the modules in the training,
19 and that's what's going to be on the test. So you kind
20 of know. And I think the State is going to supply some
21 test questions to help you understand to train your
22 mechanics to be ready for the test. Because the job of
23 this subcommittee is to make sure each one of the
24 companies is able to get their mechanics trained to be
25 able to qualify for the -- to sit for the test and pass

1 it. We want highly trained, highly competent
2 mechanics. And we need to get rid of all the
3 superfluous stuff that means nothing or is -- or is
4 misleading.

5 So I really appreciate the ability to do this. And
6 I think -- I think the industry should be happy with
7 what we come out with. But I appreciate it.

8 Any questions from anybody?

9 (No audible response.)

10 CHAIRPERSON CLEARY: Okay. Brian, you're next
11 up. Anything on the fire rated doors?

12

13 Fire Rated Door Assembly

14

15 MR. THOMPSON: Brian Thompson. We had our
16 first meeting, and we're all still working on homework
17 assignments. So we'll be working on a new report for
18 next time.

19 CHAIRPERSON CLEARY: Okay. Do you think --
20 what kind of work product do you think we'll be able to
21 expect for the next meeting?

22 MR. THOMPSON: So we're going -- each of us is
23 reaching out to different entities that are involved
24 in, basically, field-applied doors that the -- the
25 entrance to hoistways. And so we're going to compile

1 our findings and be able to come back with, basically,
2 a proposal as to -- perhaps a letter that could be
3 drafted.

4 CHAIRPERSON CLEARY: Outstanding. Thanks. I
5 know it's kind of hard to do in the days when you can't
6 really meet and it's always -- not always as productive
7 as in-person meetings, but we appreciate it.

8 So the next thing we're going to do now is we're --
9 I think we've already talked about --

10 Gerald, go ahead. Gerald, you're muted.

11 MR. BROWN: Glenn Wells had a question.

12 CHAIRPERSON CLEARY: Go ahead, Glenn.

13 MR. WELLS: I just wanted to add that I
14 checked with my elevator manufacturer. They don't
15 currently have a door that seals, a sliding door that
16 seals. But they're excited if we could come up with
17 one. But they don't know of any -- you know, anything
18 that's been tested or is approved. So that's -- that's
19 my -- kind of, my report from the companies that I deal
20 with as far as some type of sealed elevator door.

21 CHAIRPERSON CLEARY: Glenn, can you go ahead
22 and state your category and your company, please?

23 MR. WELLS: Puget Sound Elevator Company. And
24 I'm the CEO.

25 CHAIRPERSON CLEARY: Okay. And what kind of

1 products are you working with? Commercial elevators?

2 MR. WELLS: We do -- yeah, we do hydraulics
3 and tractions.

4 CHAIRPERSON CLEARY: Are you -- are you on the
5 subcommittee with Brian?

6 MR. WELLS: Yes.

7 CHAIRPERSON CLEARY: Well, good. These are
8 the kind of issues that we need to work out. We need
9 to come with workable solutions that we can, you know,
10 recommend up to the State and make sure that, you know,
11 we're meeting the minimum requirements of the code and
12 still have a viable industry. So that's very helpful.

13 Anybody else?

14 (No audible response.)

15 CHAIRPERSON CLEARY: Okay. And the next on
16 the agenda, we've already -- you know, we've already
17 talked about the Airbnb, and B. And some of the
18 concerns we have with the vacation rental conveyances.

19 Is there anything else anybody would like to
20 discuss really quick with that before we move on to the
21 next one, which I really want to spend a little bit of
22 time with, which is point of contacts? Anybody have
23 any questions on the rentals?

24 (No audible response.)

25

1 Continued Business and Audience Questions

2

3 Point of Contacts Attendance

4

5 CHAIRPERSON CLEARY: All right. The next
6 thing we have on the agenda is talking about points of
7 contact. And this is one of the things that we've
8 talked about on numerous occasions. And basically
9 we've been talking about this a lot. And, Paoa, you
10 can chime in too on the curriculum subcommittee. But
11 we're trying -- I think we're going to recommend that
12 the points of contact, one, there's a requirement in
13 rule that they attend the ESAC meetings. And there's
14 also gotta be -- you know, there's a test to become a
15 point of contact, but there's no continuing education
16 requirements. Why is that important? Because every
17 time that we do new rule adoption, code adoption, and
18 that stuff, you gotta be current with it. Because the
19 last thing we want to hear is a company saying "What do
20 you mean I have to do this? I didn't know about it,"
21 and it's two years out from the last time we adopted
22 code. So that, you know, point of contact's
23 responsibility is to be the liaison between the ESAC,
24 the State, and the company to make sure that they
25 disseminate the requirements to do business in the

1 state of Washington, and they know about it in real
2 time.

3 So with that, I want to throw that back to Gerald
4 and Paoa to kind of discuss a little bit on their views
5 and some of the conversations we've had about that, and
6 how important that is to business in the state of
7 Washington in a safe manner.

8 But I don't think the State wants to surprise
9 anybody. But, you know, we talk about this stuff at ad
10 nauseam at the ESAC. So to do business in the state,
11 you have to be engaged. And there's already a
12 requirement, but it's a very weakened environment.

13 Go ahead, Paoa.

14 MR. NAIPO: I just want to say that I want
15 people to understand that this isn't something
16 arbitrarily that's come across. Unfortunately we've
17 run into some instances, like Scott just alluded to,
18 that we've had people come back who have sat on
19 committees and have sat -- you know, and been
20 participants within the ESAC, and then they're
21 blatantly saying they didn't know that this was a
22 change. Well, this has been talked about and going on.
23 And if you were -- you know, whether you're a business
24 owner or a primary point, but ultimately a primary
25 point, that the intent of that position and that

1 license is that you are the connection between the
2 private company you work for and the program area. You
3 are supposed to know the ins and outs of what's going
4 on. You know, you're supposed to be the centralized
5 person that you disseminate information when it comes
6 down from the elevator program, whether it's "Hey, this
7 is what's going on within the program," because you're
8 participating in the ESAC.

9 You also should be signed up for our gov deliveries
10 so that you're getting notifications and things that we
11 send out that way, communication that maybe don't make
12 it to the ESAC, but at least you're abreast of the
13 things that our program is doing.

14 So again, I want to make sure that people
15 understand that if this does go through, and it's
16 submitted as a rule change, that they understand the
17 intent of what that job was supposed to do. And all
18 we're doing now is trying to clarify to make sure that
19 people are doing what ultimately that position was
20 intended to do. Again, we're not trying to over, you
21 know, govern, over license or anything like that. It's
22 just that was the intent of the primary point of
23 contact is to be like Scott said; you're -- you're the
24 connection between our program and the company you
25 represent. And we want to make sure that that job is

1 being done so that people can't come back and say,
2 again that "Hey, I didn't know." Well, then that is
3 the responsibility of your primary point who should
4 have let you know. And here's the WAC that says that's
5 their job.

6 And so that's what I wanted to say.

7 CHAIRPERSON CLEARY: Well, and it -- and
8 that's a good -- I mean, the WAC should clarify, not
9 mystify. And I think we all have an obligation. And
10 the State's got an obligation to make sure that this
11 information is easily gleanable from their website. I
12 know they're working towards that. And, you know,
13 we'll keep bringing -- pounding that drum until it's
14 done. But I think things are in the process of doing
15 that.

16 But, you know, as stakeholders, we all have got --
17 you know, we got skin in the game, too, where we have --
18 you know, our obligation is to make sure that we comply
19 to the minimum standards of the adopted codes and
20 standards. And, you know, that point of contact, it's
21 only four times a year. But, you know, if they get one
22 or two little nuggets during that year that helps them
23 do business better or comes back and say, hey, you
24 know, we need to modify or do things, that's that
25 engagement that we really need at that level.

1 So any -- any comments on that? Any questions?
2 Any suggestions from anybody?

3 (No audible response.)

4 CHAIRPERSON CLEARY: Well, then I'll take it
5 everybody thinks it's a great idea.

6 Go ahead, Gerald.

7 MR. BROWN: Just a real quick comment about
8 point of contacts. Yes, they should be engaged. They
9 should be attending these meetings. They need to be
10 involved, to be proactive, you know, representing their
11 industry, their company, and be able to be the go-to
12 person for the company in saying, Hey, this is coming
13 down in the WAC October 1st. This is happening.

14 If they're not engaged, they don't know, they're
15 not going to know. And this is dollars and cents to
16 these companies to have that point of contact anxiously
17 engaged in the business. If a topic comes up, or an
18 issue comes up in our program, let's say, values of
19 permits based on -- on the -- you know, the job that
20 they're bidding, you know, what job bids at this, what
21 job bids at that, you know, we reach out to the point
22 of contact saying, Hey, we have an issue here. You're
23 under valuating the permit amount. Things like this.
24 Or you're not documenting what you're doing very well.

25 We reach out to the point of contact. The answer

1 that we get of "I don't have anything to do with that.
2 I don't understand what you're asking" is really not
3 the remark that we want to hear back from the point of
4 contact for the company. We want to hear, "Yes, I will
5 attend to that. We'll get that taken care of. I was
6 unaware of this." You know, we want to hear something
7 proactive. And if you're the point of contact for that
8 company, you're our go-to person. We're not going to
9 call the secretary in this office and the supervisor
10 for construction over here in the -- and the
11 maintenance supervisor over here about these. We're
12 going to the point of contact. You're the person that
13 we contact. You're the go-to person for your company.
14 So you need to be anxiously engaged in doing that
15 point-of-contact work.

16 If you've appointed the wrong person as point of
17 contact for your company, please fix that. But, you
18 know, find out what they are. Make sure that they're
19 representing you correctly, that they're answering
20 these questions. Because it's very difficult --
21 especially in large corporations, large companies, it's
22 really hard to, you know, ferret that out so these --
23 these point of contacts who are involved to be able to
24 answer questions. And the smaller companies where, you
25 know, the owner of the business is the point of

1 contact, that's great. That's wonderful. But we just
2 need to make sure that you're anxiously engaged in --
3 and being that point of contact and keeping those
4 things updated. Because, hey, people come, they go, we
5 want to make sure that you keep your point of contact
6 there, and so we have some -- we have the go-to person.
7 Thank you.

8 CHAIRPERSON CLEARY: Ricky, go ahead.

9 MR. HENDERSON: Sorry. I thought you called
10 my name, but I wasn't sure.

11 My only comment, feedback on this that I want to
12 make sure that we're all aware of when we get into the
13 bigger companies -- and I'm going to use TKE as an
14 example -- there isn't one primary contact. Each
15 branch has their own primary point of contact. That's
16 a requirement by the State so that for -- and that
17 really comes into play, I think, whenever the temporary
18 mechanics you had to have somebody from that local
19 office be the primary point of contact so they could
20 sign for temporary mechanics. So there's not -- and
21 then we're talking about here, in our -- in the
22 situations like that, I mean, you're talking about
23 having -- if you're requiring primary points of contact
24 show for each one of them, you'd have six TKE people
25 show up for a meeting, which I think wouldn't really be

1 necessary. One would be sufficient. And they could
2 disseminate the information out to everybody.

3 CHAIRPERSON CLEARY: No, I think that it
4 doesn't matter who -- how you do it intercompany-wise.
5 You can -- you can have one person be the -- that
6 disseminates it. We just want somebody -- I think it's
7 being recommended -- with that company that can get it
8 out to all the points that need. That's a really good
9 point, but I think how you work it you can designate
10 one person. I would think. I think that's what we --
11 what we talked about.

12 MR. HENDERSON: And this is Ricky again. I
13 only wanted to bring it up because I heard -- I might
14 have misunderstood -- but you're going to put it into
15 rule the primary points of contact were required to
16 show up for the ESAC meetings.

17 CHAIRPERSON CLEARY: Well, I think we can
18 wordsmith that and make sure that a company, any point
19 of contact can represent it, but they're going to be
20 responsible for disseminating that information to their
21 company.

22 MR. HENDERSON: Yeah.

23 CHAIRPERSON CLEARY: Melissa?

24 MS. ERIKSEN: So the whole point of putting
25 this into rule for the primary points of contact is to

1 let you guys know as primary points of contact what you
2 guys are responsible for. If in a smaller company you
3 have the one, fantastic. If in the case of TKE, where
4 you have five or six of them, then you have five or six
5 of them. If only one of you joins -- or comes to the
6 ESAC meeting, specifically to the ESAC meetings, then
7 it's gotta be that person's requirement. If you guys
8 switch off, you switch off, but that you guys get
9 together because you are different branches, and you
10 say this is what we said, now spread it out to your
11 people.

12 When we have questions over licensing, we have to
13 have a person to get ahold of. And as great as it is
14 to have an admin who takes care of everything, because
15 we do, you have -- they may not be the person that has
16 the authority to take care of what we need taken care
17 of. So whoever that person takes that test and gets on
18 that paperwork and is in our system as the one that
19 we're supposed to reach out to, A, make yourselves able
20 to be reached out to. We need your email addresses.
21 We need your phone numbers. We have to be able to
22 contact you. And we need you engaged. And putting it
23 into rule more specifically what that looks like is
24 only setting you up for success. So that's really all
25 we're doing. Because right now it's very vague.

1 CHAIRPERSON CLEARY: Well said. That's the
2 whole point. It's really ambiguous -- right? -- what
3 the requirements are. So thanks, Melissa. That was
4 really good.

5 Paoa?

6 MR. NAIPO: I just want to make sure that I
7 reiterate as well that a lot of this work that is
8 coming from the subcommittee and whether it's regarding
9 primary points or changes to WAC or rules regarding
10 licensing, I want to make sure that the ESAC
11 understands my intent behind this. I want to make sure
12 that these recommendations and these rulemaking
13 statements come from the stakeholders because I feel
14 like they carry more weight, especially when they're
15 being reviewed by the TAC and when they're being
16 reviewed by the ESAC, as well as the chief once it
17 finally gets to him that he can look at it and be like,
18 okay. It's gone through this process, our stakeholders
19 really want this, to it not being dictating upon our
20 stakeholders by us as a program.

21 Yes, there are some things that we will have to
22 submit ourselves. But I think the least amount that we
23 can submit as a program, and our stakeholders carry the
24 weight of the changes that they would like to see, and
25 it's vetted through the TAC, it's vetted through the

1 ESAC, and then it finally lands on Gerald's desk, I
2 believe that those carry more weight. So any changes
3 that come, I want to make sure that people understand
4 we want to -- we want those to come from you guys. We
5 don't want to be the ones carrying the weight of all of
6 these changes, because then it just looks like our
7 program is dictating to you that this is how the change
8 is going to happen. No, we want you guys to be
9 participants in this rulemaking as much as possible.
10 So I just want you guys to understand that intent. And
11 that's what my job is. And I'm trying to empower
12 everyone else around it. So thank you very much.

13 CHAIRPERSON CLEARY: That's a really good
14 point. Remember, anybody can join these subcommittees
15 and have their voices heard. If you participate, it
16 does make a -- it makes a difference. And I recommend
17 everybody that can to spend a little bit of time. I
18 know it's time away from business and everything else,
19 but it's starting to pay dividends. You know, Gerald
20 has really been receptive -- so has everybody on the
21 elevator side -- to listen to us and take -- even
22 though we're only an advisory committee, we're not a
23 board, and we're not binding, they've been receptive to
24 what we're doing. And participate. It does make a
25 difference.

1 Any questions on that direction that -- that we're
2 proposing?

3 (No audible response.)

4

5 Conversation from Stakeholders

6

7 CHAIRPERSON CLEARY: Okay. With that, we got
8 eleven minutes for, kind of, open discussion for
9 anybody, anything we've heard. It's open discussion.
10 Anything got any questions.

11 Go ahead, Annette.

12 MS. TAYLOR: Yeah, I just wanted to make sure
13 that I was clear. Earlier when I was talking about the
14 fee increases and referencing why it's important that
15 we continue to do the fee increases and why we're doing
16 a 17 percent fee increase in fiscal year '23, I may
17 have referred to it as a case management system. And I
18 wanted to make sure that I titled it correctly. It's a
19 conveyance management system. And I wanted to thank
20 Melissa for letting me know that we're -- we're stating
21 it accurately. It is a conveyance management system,
22 for the record. And I just wanted to make sure I
23 didn't confuse anybody by using different terminology
24 from what we've been talking about over these last
25 several months.

1 CHAIRPERSON CLEARY: Do you have any idea when
2 the CMS is going to come to fruition?

3 MS. TAYLOR: Yes, I do. We have a timeline,
4 although it -- it's always subject to change, but I
5 think July of 2022. But I am stalling as I'm looking
6 for the document that will help me actually give you
7 that.

8 So why don't -- if anybody else has anything to
9 say, let -- let them talk, and let me find the document
10 so I can give you the accurate timeline.

11 CHAIRPERSON CLEARY: All right. Everybody
12 that's at the meeting, this is your time to ask any
13 questions or get things that you'd like to have
14 answered or give us some direction of what you'd like
15 to see the subcommittee work towards. Is there
16 anything?

17 (No audible response.)

18 CHAIRPERSON CLEARY: All right. With that,
19 Annette, you're back on.

20 MS. TAYLOR: I'm pulling up the document now.
21 Thanks, everybody, for, like, giving me, like, lots of
22 time to pull up the document.

23 MR. BROWN: I just have a really quick point.

24 CHAIRPERSON CLEARY: Go ahead, Gerald.

25 MR. BROWN: Those that were at the earlier

1 meeting, there was some discussion on the State mandate
2 on vaccines, the impact it's having on all State
3 programs, and the -- and the impact it has on our
4 program. We don't have any definitive numbers. We
5 don't have any definitive answers. There's things in
6 the works today, as we speak, about exemptions. There
7 are lots of things happening that are -- that are going
8 on to meet the governor's mandate. It's really above
9 our pay grade on how all this began, but we get to fix
10 it. And so there's been anxious scrambling going on in
11 the background to make sure that we don't render the
12 State ineffective on accomplishing our program's goals.
13 It is a concern. It's still an unanswered -- there's a
14 direction. And how that direction is going to be met
15 and the details are still forthcoming. But I just
16 wanted you to know that that is indeed a real thing.
17 It's kind of like the elephant in the room. Our
18 program will continue to function. We will continue to
19 meet our business needs. It may take on some new faces
20 in the process, but our goal in meeting our
21 requirements for taking care of business in our state
22 is still paramount. And we will continue to move
23 forward to that effect. And we are not stopping
24 anything. We haven't changed our focus. We will just
25 wait and see how this all turns out. And then we'll

1 have new discussion if that's what the case is. But
2 just wanted you to know that, yes, that mandate did
3 affect the public safety programs, ours especially.
4 And so you're aware that our goal is to continue to
5 provide public safety. And the program and leadership
6 is definitely dedicated to make sure there's continuity
7 in the programs that we continue to provide public
8 safety. Thank you.

9 CHAIRPERSON CLEARY: So will -- will you give
10 us a status, or will there be status on the website of
11 what's going on and what impacts may or may not happen
12 to inspections and annuals and the industry?

13 MR. BROWN: It's still -- it still remains to
14 be seen how big of an impact this is going to be, how
15 many people are involved, things like this, and so I
16 don't have that answer for you. I do know that we --
17 we still have a commitment and the obligation for
18 public safety. But exactly how big of an impact this
19 is going to be it's to that point that we do not have
20 firm numbers until we get closer to the deadline and
21 things like that. So we are -- like I said, we're
22 working on all the contingencies that we can, but we're
23 not ready to jump off any particular direction at this
24 point. But we will tell you of our commitment to
25 safety.

1 MS. TAYLOR: Thanks, Gerald.

2 And I just -- I just want to add, Scott, because we
3 have until October 18th, the mandate from the governor
4 to be vaccinated as a condition of employment gives
5 everyone until October 18th. And while, you know, like
6 Gerald said, we don't know the scope of what the
7 problem could be because we are not asking for
8 vaccination status. Right? We're not doing that.
9 We're waiting for the governor and State HR to provide
10 us with the exemption guidance. There's going to be
11 two exemptions. It's going to be religious and
12 medical. But we don't have any information from the
13 governor or State HR on what that guidance will be so
14 that our staff who choose to request an exemption have
15 an opportunity to do that and understand, you know, how
16 to do that and -- and if they would meet that. So, you
17 know, as we know more, we'll share more. We just know
18 that this mandate from the governor presents concerns
19 for people. And we recognize that, and we honor
20 everyone's feelings and decisions that they're making.
21 It's important for us to honor those decisions as an
22 agency and hope that we can work through this. But
23 Gerald is right, our number one priority is safety.
24 And whatever happens on the October 18th, we will make
25 sure that we have the bodies in the field to do the

1 inspections to continue with safety of the conveyances
2 and the riding public across the state.

3 And the timeline. So we expect the conveyance
4 management system software to be implemented on
5 February 28th of 2023. So right now we're right in the
6 middle of beginning the documentation for the request
7 for proposal. And again, that is where we put that
8 proposal out to the public for -- to give vendors an
9 opportunity to react to that proposal and send in a
10 proposal to us of a vendor who thinks that they can
11 build us the case -- the conveyance management that we
12 need based on all of the requirements that we have put
13 together. So looks likes February 28th of 2023.

14 CHAIRPERSON CLEARY: Thank you.

15 All right. Anybody have anything else?

16 (No audible response.)

17 CHAIRPERSON CLEARY: All right, everybody.
18 Thank you very much for your participation. Thanks,
19 everybody. Have a good day.

20 (Concluded at 11:52 a.m.)

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CERTIFICATE

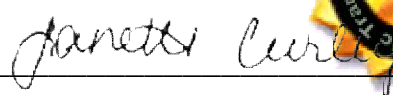
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Janette Curley, CCR No. 2030



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