CONCISE EXPLANATORY STATEMENT

Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances

Public Hearings: June 7 & June 13, 2023
Adoption: August 22, 2023
Effective: October 2, 2023

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I. Purpose of Rulemaking

A. Background

The purpose of this rulemaking is to adopt new safety codes for elevators and other conveyances under chapter 296-96 WAC. The Department of Labor & Industries' (L&I) Elevator Program reviewed the existing rules to adopt new safety codes from the 2019 edition of the American Society of Mechanical Engineers (ASME) A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The review process included an opportunity for elevator stakeholders to participate in the review of the existing rules, submit proposals for amendments, and provide recommendations to L&I on proposals. A Technical Advisory Committee (TAC), consisting of multiple industry representatives, and the Elevator Safety Advisory Board (ESAC) reviewed the proposals and provided advice to L&I on adoption of the rules. This rulemaking is necessary to update the rules with the latest safety code requirements, so Washington State is consistent with the national consensus codes that govern conveyances. Additionally, other amendments to this chapter are needed to bring the rules up-to-date and to adopt amendments requested by stakeholders.

B. Summary of the rulemaking activities

The Elevator Program's rule development process includes an opportunity for public proposals, review, negotiation, and recommendations of all proposals by the TAC, ESAC, and the public hearing process.

This process provides Washington's elevator stakeholders the opportunity to review the existing rules, submit proposals, and provide recommendations to L&I regarding changes to the rules.

Notice of rulemaking activities are provided to stakeholders and other interested parties throughout the rulemaking process via GovDelivery (Rules Update and Elevator Program email list subscribers), L&I's website, quarterly ESAC meetings, and emails directly.

This rulemaking will also affect internal staff, such as Program supervisors, Technical Specialists, Elevator Inspectors, Customer Service Specialists and Supervisors, and others. If adopted, training will be required on the rule changes. IT staff will be affected for system application changes.

The rule development process for this rulemaking began in September 2020. The proposed rules do not conflict with existing rules or statutes administered and enforced by other divisions in the agency.

On September 29 and October 1, 2020, stakeholders were invited to attend a two-day code comparison presentation that highlighted the changes made between the American Society of Mechanical Engineers (ASME) A17.1 – 2016 and 2019 codes.

On October 19, 2021, L&I filed a CR-101 Preproposal Statement of Inquiry (WSR 21-21-088) to begin rulemaking.

From November 1 to December 31, 2021, L&I invited interested parties to submit proposals for changes to the rules. L&I also solicited experts and industry representatives to participate on a TAC.

From February 8 through 10, 2022, the TAC convened meetings to review rule proposals and provide recommendations to L&I. The TAC consists of multiple representatives from across the industry. The purpose of the TAC is to evaluate rule proposals focusing on life/safety, state policies, maintaining a fair competitive environment, and correcting errors and omissions.

From March 8 through 10, 2022, the ESAC convened a "special" three-day meeting to review proposals and provide recommendations to L&I. The ESAC consists of 10 industry representatives. The purpose of the ESAC is to advise L&I on the adoption of rules that apply to conveyances, methods of enforcing and administering the Program statutes, and matters of concern to the conveyance industry and to the individual installers, owners, and users of conveyances.

On July 7, 2022, the Program held a separate meeting to review and consider adopting the 2020 edition of ASME A10.5 ANSI/ASSP A10.5-2020, Safety Requirements for Material Hoists. Stakeholders were requesting the adoption of the current code.

On November 22 and 28, 2022, stakeholders were notified directly and through the Program's interested party email list via GovDelivery a first draft of the rule language was available online.

On April 25, 2023, stakeholders were notified a second draft of the rule language was available online.

On May 2, 2023, L&I filed the proposed rules (CR-102), WSR 23-10-083.

II. Changes to the Proposed Rules

WAC 296-96-00600, Application of adopted standards and rules.

- Removed subsection (4) of this section that requires sprinklers to be installed per NFPA 13 and 72, within ASME A17.1/CSA B44 for buildings equipped with sprinklers, due to conflicting rules with state building and fire code amendments and confusion about enforcement issues throughout the state.
- Amended subsection (2) of this section to add back the word "and" for formatting and rule clarity.

WAC 296-96-00650, Adopted standards.

- Added to the table to adopt ASME A17.2-2020, Guide for Inspection of Elevators, Escalators, and Moving Walks, for continuity with the inspection standards of ASME A17.1-2019/CSA B44-19.
- Updates the installation dates for the elevator codes and supplements adopted to reflect changes in the effective date of the rules for this rulemaking.

WAC 296-96-00675, Amendments to adopted standards.

- Amends subsection (1)(h)(iii) to add "building owner" to the reporting requirement for deficiencies. The change is necessary to address a concern from a stakeholder and to clarify that deficiencies must be reported to the building owner as the original language implied it should be reported to the licensed elevator mechanic.

WAC 296-96-00700, Chapter definitions.

- Added back the definition of "form, fit, and function" as originally written, due to confusion on replacement items not being clearly defined in the rules.
- Removed the definition of "machine room" to eliminate confusion. This rulemaking adopts all of the definitions from the ASME code so this definition is not needed in rule.
- Renumbered the subsections.

WAC 296-96-01000, Permits for new construction and alterations.

- The amendment to the proposed rule regarding *"form, fit, and function*" was removed from the adoption language, due to confusion on replacement items not being clearly defined in the rules.

WAC 296-96-02452, Access to machines, overhead sheaves, shackles, and hitch supports.

- Amended the second paragraph of this section to replace "top directional limit" with "normal terminal stopping device" for clarity and uniformity with ASME A17.1-2019/CSA B44 19 Section 1.3 definition description.

WAC 296-96-02487, State requirements for sprinklers and shunt trips for hydraulic elevators in buildings.

- Removed the new section requiring buildings equipped with sprinklers to have them in hydraulic elevator equipment areas, due to conflicting rules with state building and fire code amendments and confusion about enforcements issues throughout the state.

WAC 296-96-05210, Signage.

- Amended subsection (2) of this section to correct the measurements for a code data plate for uniformity with ASME data plate lettering as per ASME A17.1-2019/CSA B44 19 Section 2.16.3.3.3.

III. Comments on the Proposed Rules

The purpose of this section is to respond to the oral and written comments received through the public comment period and at the public hearing.

A. Comment Period

The public comment period for this rulemaking began on May 2, 2023, and ended on June 13, 2023.

L&I received eight (8) written comments for this rulemaking.

B. Public Hearings

A public hearing was held virtually and telephonically via Zoom on June 7, 2023, at 9:00 a.m. Three (3) L&I staff and about 20 other persons attended the public hearing. Three (3) persons provided testimony on the proposed rules.

A public hearing was held in-person at the L&I Tukwila Office on June 13, 2023, at 9:00 a.m. Three (3) L&I staff and two (2) other persons attended the public hearing. One (1) person gave testimony on the proposed rules.

C. Summary of Comments Received and Department Response

Below is a summary of the comments that L&I received and responses.

General Comments	Department Response
Comment: WAC 296-96-00600, Application of adopted standards and rules and WAC 296-96-02487, State requirements for sprinklers and shunt trips for hydraulic elevators in buildings (new section)	**Response:**
I am writing to express my concern of the proposed language and change being proposed to the elevator code. This concern is based on several items I have found during my research. First, it would appear the Technical Advisory Committee (TAC) was not presented, nor did they discuss or review the changes to the NFPA 13 language or reviewed by the committee, which is confirmed by reviewing the transcripts of the meetings. The NFPA 13 change was added later after the meetings concluded. If this proposed change is put into effect, it will create a conflict between the elevator code and the building codes. A county or city could approve an elevator permit, and because of this change, the elevator inspector would not approve the installation. In closing, the removal of fire sprinklers in hydraulic elevator pits from NFPA 13 was based on the lack of historical fire loss (obtained from NFPA), fire operations need for elevators, concern for responder safety in elevators when a shunt-trip is activated, and the cost involved in installing both the sprinkler and associated shunt-trip equipment. I have not seen any data	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

showing that his change needs to be reversed.	
I am happy to hear about the possible striking of parts of these rules, but we would still like to present our concerns. The Seattle Fire Department is against the new item (4) added to WAC 296-96-00600 and the new Section WAC 296-96-02487. The City of Seattle does have our own conveyance department and we are working with them to re-write our joint Director's Ruling to come in alignment with the State Building Code Council's emergency rule to WAC 51-54A of Sections 903.2 and Chapter 80 the referenced standards of the 2018 WA State Fire Code and the same permanent rules in the upcoming 2021 WA State Fire Code. If the proposed changes to WAC 296-96-00600 and the new section WAC 296-96-02487 are approved, it will cause confusion and delays for projects in the State and also areas of the City of Seattle that L&I have jurisdiction for elevators. An example of how the confusion would occur is that an elevator permit could be approved by a Building Department in a jurisdiction without the fire sprinkler head installation, but the installation would not be approved by the L&I elevator inspector because of this proposed WAC rule change. A second example of confusion is that under this proposed rule the elevator would go through the permitting process in a jurisdiction and when the fire protection company submits for a permit and approval to install the fire sprinkler protection requirements, they would not be approved due to the conflict in the WA State Building and Fire Codes. This confusion will cause delays in the building construction process and monetary losses to	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

builders, developers, and owners. Please do not be the cause of project delays and monetary losses due to this proposal and allow the local AHJ's to continue to enforce NFPA 13 and NFPA 72 as referenced in the State Building Codes. The City of Seattle Fire Marshal's office is asking that you do not move forward with the approval of the proposed changes to WAC 296-96-00600 (4) and please do not add the new section WAC 296-96-02487.	
I do not support the proposed language changes for WAC 296-96-00600 (4) and WAC 296-96-02487 to require fire sprinklers in hydraulic elevator pits and support their removal from the proposal code changes. As the original proponent for the removal of fire sprinklers in elevator sprinkler pits in NFPA 13 for the Washington State Fire Code, it has become clear to me that the use of fire sprinklers in elevator pits are not necessary. In preparation of the proposal to the State Building Code Council, I worked with other fire service individuals to collect data about the recent history of fires in elevator pits. The National Fire Protection Association (NFPA) provided data from the last 20 years that showed that although there were fires in elevator shafts, they were not caused by the hydraulic oils. Instead, the fire were mostly caused by incidents outside of the elevator shaft. The likelihood of a fire in the pit or elevator equipment room is negligible. The hydraulic oil is considered a Class IIIB combustible liquid as the flash point of the liquid is above 200 deg. F. The hydraulic oils used currently have a flashpoint between 415-500 deg. F. Per Table 5003.1.1(1) of the State adopted 2018	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

International Fire Code, the maximum allowable quantity for this liquid to be in storage or use is 13,200 gallons for a single control area. The Code further indicates that if the allowable quantity stored were to exceed that, the occupancy type of the space that the product is stored in would not change. With all other classifications of combustible liquids, the occupancy changes to a hazardous designation which requires a higher level of fire resistance and protection between the storage area and the remainder of the building. The current version of NFPA 13 does include a requirement for fire sprinklers in hydraulic elevator pits. That requirement has been in the code for quite a number of years and is based on hydraulic oils that had lower flash point temperatures and were even considered flammable. Over time, the oils have changed and are less hazardous and less likely to burn intensely. The commentary for the 2016 edition of NFPA 13 (currently adopted in Washington State) for section 8.15.5, states that the cost and benefits returned for the protection must be weighed against the small number of fires in elevator shafts. This indicates that NFPA does not deem the requirements for sprinklers in shafts to be questionable. We have heard further discussions from members of the NFPA 13 Committee that the hydraulic elevator pit sprinkler requirement will be removed. The sprinklers in the pit pose a safety hazard for fire fighters using elevators during a fire event, when the elevator power is shut off when heat detectors in the pit, shaft, or equipment room activate. This can result in responders being trapped. The cost of providing a power shut-off of the elevators is quite prohibitive. It is not just the cost of the sprinklers, but the electrical work to install a shunt	

trip and additional fire alarm devices to activate it. There is also an ongoing expense to test and maintain the shunt-trip. In closing, the Fire Service is the leader in support for fire sprinklers. We acknowledge that there are some codes that are outdated and not applicable in the current time period. It is our duty and responsibility to provide the best safety for our citizens and first responders, but at a reasonable and appropriate level of expectation. We have to constantly look at our codes to see what is still applicable and remove requirements that no longer pose the danger they did in the past. There has also been an increase in the level of protection in the shafts with required fire rating and inspections to correct deficiencies that can occur as buildings get older.	
It has come to my attention that there is opposition to in regards to fire sprinklers in elevator pits. Having been a Fire Code Official for over 21-years, it has become clear to me that the use of fire sprinklers in elevator pits and equipment rooms are not necessary for the safety of the building occupants and fire responders. Having fire sprinklers in the elevator pit and/or equipment room requires detection and a shunt-trip (shut down) of power before the fire sprinklers can release water. This is due to the adverse reaction of the electrical equipment when it is exposed to water. As can be imagined, the power loss is quick and results in the elevator stopping which can be between floors. This has the potential of trapping the occupants who could be either civilian or first responders. That makes it apparent that public safety is at risk with the use of fire sprinklers in the pit or elevator equipment room. The likelihood of a fire in the pit or elevator equipment room is negligible. The hydraulic oil is considered a Class IIIB combustible	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

liquid as the flash point of the liquid is above 200 deg. F. The hydraulic oils used currently have a flashpoint between 450-500 deg. F. There have been statements made that there can be several barrels of the combustible hydraulic oil (not flammable as indicated by others) located below the elevator floor at the bottom landing. Per Table 5003.1.1(1) of the State adopted 2018 International Fire Code, the maximum allowable quantity for this liquid to be in storage or use is 13,200 gallons. That is considerably more than several barrels. It is true that the requirement for fire sprinklers in hydraulic elevator pits and equipment rooms exists in NFPA 13. That requirement has been in the code for many years and is based on hydraulic oils that did have lower flash point temperatures and were considered flammable. Over time, the oils have changed and are less hazardous and less likely to burn intensely. Within the commentary for the 2016 edition of NFPA 13 (currently adopted in Washington State) for section 8.15.5, it states that the cost and benefits returned for the protection must be weighed against the small number of fires in elevator shafts. This indicates that NFPA does not deem the requirements for sprinklers in shafts to be necessary. The cost of providing the sprinklers is just not the cost of the sprinklers, but it does include the shunt trip. Whether it is provided with the elevator or separately, it is a cost that the building owner bears, not to mention the continued testing and maintenance of the system.	

In closing, the Fire Service is considered the biggest supporter for fire sprinklers. We also acknowledge that there are some codes that are outdated and not applicable in the current time period. There is no specific data supporting that the installation of fire sprinklers in the pit and equipment room have reduced the number of fires as there is no data indicating that fires are occurring over the past couple of decades. As a Fire Code Official, it behooves me to request that L&I not pursue efforts to adopt the proposed language for WAC 296-96-00600 (4) and WAC 296-96-02487 to require fire sprinklers in hydraulic elevator pits.	
I am happy to hear about the possible striking of parts of these rules, but I would still like to present our concerns. The Seattle Fire Department is against the new Item 4 added to WAC 296-96-00600 and the new section, WAC 296-96-02487. As you know, or might not, the City of Seattle does have our own conveyance department, and we are working with them to rewrite our existing joint directors ruling to come in alignment with the State Building Code Council's Emergency Rule to WAC 51-54A of Sections 903.2 and Chapters 80, which are the referenced standards of the 2018 Washington State Fire Code and also be in compliance with the same permanent rules in the upcoming 0008 2021 Washington State Fire Code. If the proposed changes to the WAC 296-96-00600, Item 4, and the new section WAC 296-96-2487 are approved, it will cause confusion and delays for projects in the state and also areas of the city of Seattle that L&I have jurisdiction for elevators. An example of how the confusion would occur is that an elevator permit could	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

be approved by a building department in a jurisdiction without the fire sprinkler head installation, but the installation would not be approved by the L&I elevator inspector because of the proposed WAC rule change. A second example of confusion that could undergo based on the proposed rule would be if the elevator would go through the permitting process in a jurisdiction, and when the fire protection company submits for permit an approval to install the fire sprinkler protection requirement such as the sprinkler head, it would not be approved, and this is due to the conflict in the Washington State Building and Fire Codes. This confusion will cause delays in the building construction process and monetary losses to builders, developers, and owners. Please do not be the cause of project delays and monetary losses due to the proposal, and allow the local AHAs to continue to enforce NFPA 13 and NFPA 72 as referenced in the state building code and state building codes. The City of Seattle Fire Marshal's Office is asking that you do not move forward the approval of the proposed changes to WAC 296-96-00600, No. 4, and please do not add the new section WAC 296-96-02487.	
I have been very encouraged to hear that L&I is considering the removal of the code changes for the elevator sprinkler pits in the interest of just basically allowing time to say that we support that. I also serve as the house president of the Washington State Association of Fire Marshals. We do support that as well. And in interest of saving time, I will provide the rest of my comments written and appreciate L&I making that consideration to remove these requirements. That's all I have to say.	Labor & Industries removed the new section WAC 296-96-02487 and amendments under WAC 296-96-0600(4) from the proposed rules, due to scope of enforcement confusion from various state agencies. L&I will continue to inspect hydraulic elevators to the state adopted standards found under WAC 296-96-00650, Adopted Standards, and the International Building Code and International Fire Code with Washington State Amendments.

Comment: WAC 296-96-00650, Adopted standards.	Response:
So, the first rule I'd like to comment on is on WAC 296-96-00650, the adopted standards section. Within this section is the National Elevator codes and supplements adopted. Currently the 2016 edition of A17.1 and the 2017 edition of A17.2 is adopted. A17.1 is the safety code for elevators and escalators, while A17.1 [sic] is a guide for the inspection of elevators, escalators, and moving walks. This guide covers recommended inspection and testing procedures for electric and hydraulic elevators, escalators, and moving walks required to conform to the safety code for elevators and escalators. The proposed 296-96-00650 section adopts the 2019 edition of A17.1, but does not adopt the current 2020 edition of A17.2. The 2020 edition of A17.2 addresses changes to the 2019 A17.1 code and is needed by the inspectors when witnessing tests. The A17.1 specifically references the A17.2 in many cases. One is in section 8.6.1.2.2, On-Site Documentation, which states, "Procedures for inspections and tests not described in ASME A17.2." I've been told by state inspectors that they cannot reference the 2020 edition of A17.2 in the course of their inspections because it has not been adopted by the agency. This has and will lead to inspectors performing their own individual interpretations of the code. It has already been shown that should you not adopt A17.2 2020 edition of the inspectors' guide it will cause confusion and misinterpretation of the A17.1 when consistency and accuracy of the inspection process is needed to ensure proper operation and safety. I respectfully recommend that the State adopt the 2020 edition of A17.2 when it 0008 adopts the 2019 edition of A17.1.	Labor & Industries agrees that adoption of ASME A17.2-2020 Guide for Inspection of Elevators, Escalators, and Moving Walks, creates continuity with the inspection standards of ASME A17.1-2019/CSA B44-19. L&I amended WAC 296-96-00650 to adopt the national standard.
Comment: WAC 296-96-00675, Amendments to adopted standards.	**Response:**

The Department proposes to amend WAC 296-96-00675 and modify the adopted standard by adding a new provision to ASME A17.1 Section 8.6. This new provision (Section 8.6.4.19.6) would require fire alarm initiating devices associated with elevator recall and shunt trip initiating devices to be tested at least once per year. The requirement would apply to each device separately rather than a check or test of the system overall. NEII notes this new requirement will add an additional extensive annual test mandate requiring coordination between building owners and operators, elevator contractors, and fire alarm testing companies.	There is no additional testing required. This simply adds the line "A record of findings shall be available to elevator personnel and the authority having jurisdiction."
The Department proposes to amend WAC 296-96-00675 and modify the adopted standard by further amending ASME A17.1 Section 8.6.11.1 concerning Firefighters Emergency Operations (FEO). The proposed amendment would require deficiencies to be corrected by a licensed elevator mechanic. NEII does not object to the clarification; however, NEII is concerned about the additional amendment required deficiencies to be "reported to" a licensed elevator mechanic. The record of findings and the requirement for correction are sufficient administrative provisions to ensure that deficiencies are corrected in a timely and complete manner. The language "reported to" could cause misinterpretation and ambiguity in execution (e.g., can a "report to" be oral?). NEII recommends the deletion of "reported to". Further, NEII retains concern about the period required under WAC 296-96 for authorized personnel to perform the specified operational check of FEO Phase I and Phase II operations. Currently, Washington requires this periodic operational check to be performed quarterly. The requirement in ASME A17.1 is a periodic monthly operational check by authorized personnel. To enhance the safety and reliability of FEO operations, NEII	Labor & Industries amended the language under WAC 296-96-00675(1)(h)(iii) as follows: "Deficiencies shall be <u>reported to the building owner and</u> corrected <u>by a licensed elevator mechanic</u>." RCW 70.87.120(3) clarifies that a report of deficiencies shall be in writing to the building owner. In regards to the changes to the ASME requirement from monthly to quarterly, the quarterly requirement has been in the rule since the early 1990's. This section was simply relocated in the rule for housekeeping purposes.

recommends “quarterly” be stricken in ASME A17.1 Section 8.6.11.1, as adopted by Washington, and “monthly” inserted in lieu thereof.	
Next, on Page 5, in relation to firefighter emergency operations, the -- we would encourage the removal of the phrase "reported to," and we understand that the deficiencies are, of course, going to be corrected by licensed elevator mechanic, but we think it is probably cumbersome and potentially confusing to have that as deficiency reported directly to the mechanic as opposed to the contractor concerned and condensed sort of assign the work. So we would encourage that technical clarification in the proposed rule.	Labor & Industries amended the language under WAC 296-96-00675(1)(h)(iii) as follows: “Deficiencies shall be reported to the building owner and corrected by a licensed elevator mechanic.” RCW 70.87.120(3) clarifies that a report of deficiencies shall be in writing to the building owner. In regards to the changes to the ASME requirement from monthly to quarterly, the quarterly requirement has been in the rule since the early 1990’s. This section was simply relocated in the rule for housekeeping purposes.
Next at Page 5 in the provisions concerning amendments is the Section 8.6. We just simply want to note that the additional requirement for fire alarm initiating devices to be tested on an annual basis is --we require more time and coordination with the fire alarm testing companies, and we would encourage the Department to provide additional and appropriate communications to all interested parties to ensure that this device – this requirement is well understood and that the coordination and requirement is also well understood.	There is no additional testing required. This simply adds the line “A record of findings shall be available to elevator personnel and the authority having jurisdiction.”
Comment: WAC 296-96-00700, Chapter definitions.	**Response:**
I was reviewing the proposed RCW language and I see something that I wanted to comment on. It is one of the definitions in the 296-96-00700, number (20). Below is how it is currently in the proposed language.	The definition of “Machine Room” has been removed from the adopted rules and should be incorporated under WAC 296-96-00650, Adopted standards, in the applicable codebook definitions.

WAC 296-96-00700 Chapter definitions. The following definitions apply to this chapter (see RCW 70.87.010 and ASME A17.1/CSA B44 for additional definitions necessary for use with this chapter): (20) "Machine room" means machine room and control room, remote, elevator, dumbwaiter, material lift: A machine room or control room that is not attached to the outside perimeter or surface of the walls, ceiling, or floor of the hoistway. I don't believe it was the intent of the writer to define "Machine room". Rather to define a "machine room and control room, remote…..". As it is currently written I can't make sense of it. Below is what I believe the writer intended. "Machine room" means "machine room and control room, remote, elevator, dumbwaiter, material lift:" means a machine room or control room that is not attached to the outside perimeter or surface of the walls, ceiling, or floor of the hoistway. Is it possible to get the writers feedback on this?	
The Department proposes to amend WAC 296-96-00675 with modifications to adopted standards with a new subsection (WAC 296-96-00675(1)(d)) specifying the illumination required in remote machine rooms. While NEII has no objection to the new subsection, the associated definition of "machine room" proposed to be added at WAC 296-96-00700(20) could create confusion. The proposed definition of "machine room" limits a machine or control room to areas that are "not attached to the outside perimeter or surface of the walls, ceiling, on floor of the hoistway. The definition, standing alone, could be interpreted to mean that an	The definition of "Machine Room" has been removed from the adopted rules and should be incorporated under WAC 296-96-00650, Adopted standards, in the applicable codebook definitions.

overhead machine room is not permissible because it is connected to the hoistway. The definition used is actually in the definition in ASME A17.1 for “machine room, remote”. NEII recommends the Department either (a) adopt as a substitute the definition of “machine room” included in section 1.3 of ASME A17.1 or (b) modify the term “machine room” as defined in proposed subsection WAC 296-96-00700(20) to “remote machine room” or “machine room, remote”. The additional specificity in the definition provided by either option will remove ambiguity in interpretation and enforcement.	
My last comment is on WAC 296-96-00700, the chapter for definitions, specifically number 20 which defines machine room. The definition for the machine room shown doesn't allow the machine room to be attached to the outside perimeter ceiling or floor of the hoistway, which is the current national standard definition for a machine room. I ask that this language either be removed or use A17.1 standard definition for machine room and machine room remote to eliminate confusion.	The definition of “Machine Room” has been removed from the adopted rules and should be incorporated under WAC 296-96-00650, Adopted standards, in the applicable codebook definitions.
First, I would like to reference the proposed amendments to adopt the standards, WAC 296-96-00675 on Page 4 of the draft proposed rule related to machine rooms. And while this particular definition or clarification sort of in rule, this addition is not objected to, there is a problem with the definition and the cross-referencing of the definition for machine room that appears on Page 7 where it discusses that a machine -- the contours of a machine room and the machine room or control room is not attached to the outside perimeter or surface of the wall, ceilings, or floor of the hoistway. We think this definition of machine room is not consistent with the actual practice for a machine room and needs to be clarified what's intended here with regard to remote in the definitions to	The definition of “Machine Room” has been removed from the adopted rules and should be incorporated under WAC 296-96-00650, Adopted standards, in the applicable codebook definitions.

make sure that the requirement and the definition align properly.	
The Department proposes to amend WAC 296-96-00700 to insert the definition of a controller. The proposed amendment (WAC 296-96-00700(10)) incorporates in to the definition of a controller included in ASME A17.1. The definition is consistent with common industry standards and is further consistent with the management, interpretation, and enforcement of the demarcation between the electrical and elevator programs in Washington. NEII supports the inclusion of the definition of a controller to ensure the maintenance of a common understanding of the motion, motor, and operational controllers integral to the proper and consistent management, interpretation, and enforcement of that demarcation.	Thank you for your comment.
The Department proposes to amend WAC 296-96-00700 to insert the definition of a "machine room less (MRL elevator)". The proposed amendment (WAC 296-96-00700(19)) specifies that both the machine and controller are located in the hoistway. As defined, this could imply that applications and configurations that place a machine in the hoistway and the controller in a control room or control space outside the hoistway, which is a common application and configuration, is impermissible. NEII recommends that this definition not be adopted.	The proposed rule adds a new definition to clarify the term of "MRL", as the code does not clearly define the term. A definition will help to eliminate confusion and clarify that MRL's are allowed in Washington State. These are code compliant conveyances. The definition was developed based on industry standards. The proposed rule under WAC 296-96-00650 adopts the ASME A17.1-2019/CSA B44-19 which clarifies all installation configurations of MRL elevators and doesn't need duplication in this "Interpretive" addition.
Comment: WAC 296-96-01000, Permits for new construction and alterations.	**Response:**
I wanted to send you some feedback on another section on the proposed changes to the WAC. **296-96-01000** is the requirement for permits for new construction and alterations.	The definition of "form, fit, and function" has frequently been misused by those not wanting to be required to take out alteration permits for elevator work by stating the new elevator system is essentially the same "Form, Fit, and Function" of the existing elevator system. This allows a broad brush to be used and completely

In the 296-96-01000(6) I highlighted in yellow the language in the sentence that wasn't changed, and highlighted in red is the language to be removed. This change would make any replacement that doesn't meet the definition of "identical" an alteration requiring permitting and inspection. The WAC, RCW, and A17.1 do not define "identical". Typically, this means use the common definition, which per websters: "identical: similar in every detail; exactly alike." This could easily be interpreted to mean that a direct replacement part that carries a new part or revision number is considered an alteration, requiring permitting and inspection. For any component of the elevator. WAC 296-96-02400 requires a written **7-day** notice before inspection of altered work. I believe this would cause an undue burden on both the inspection staff as well as the owners for something that normally would be considered a replacement that the mechanic would be able to perform any required testing, log work performed, and return to service. It appears that this would make work that is defined as a replacement by the RCW and make it an alteration, causing a conflict between the RCW and WAC. In an attempt to clarify I believe the new language makes the rule more unclear and open to interpretation. **WAC 296-96-01000 Permits for new construction and alterations.**	circumvents the ASME A17.1-2019/CSA B44 19 section 8.7 Alterations and 8.7.1 General Requirements, and specifically 8.7.1.1. However, your comments are more geared to ASME A17.1-2019/CSA B44 19 Section 8.6 For maintenance, repair, and replacement requirements. The extent of your comments would be better addressed in a "WAC Rules Change Proposal" for consideration during the next rulemaking cycle slated for late 2023 or early 2024. Labor & Industries removed the proposed amendment to WAC 296-96-01000(6) regarding "form, fit, and function". L&I is of the opinion that "form, fit, and function" should remain in the rule as written until such time as any additional changes can be reviewed by an ESAC Sub-committee, and brought before the TAC and ESAC for consideration during the next rulemaking cycle. This should also address the "Identical" issue.

(1) Prior to construction, alteration, or relocation of any conveyance, the licensed elevator contractor shall: (a) Submit an installation application to the department. See WAC 296-96-01010 through 296-96-01025. (b) Submit plans to the department for approval. See WAC 296-96-01030. Exception: Most alterations will not require plans (c) Post an approved installation or alteration permit along with any approved plans issued by the department on the job site. (i) The annual operating certificate is considered suspended once alteration work begins. (ii) The certificate shall not be reinstated until the alteration work is approved by an inspector employed by the department. (2) Prior to placing a conveyance in service the licensed elevator contractor shall obtain and pass an inspection or receive written permission from the department. (3) Failure to comply with subsections (1) and (2) of this section is a violation of this chapter and may result in civil penalties (WAC 296-96-01070 (1)(a) through (d)). (4) The owner shall obtain and renew an annual operating certificate for each conveyance that they own, except for residential conveyances. See WAC 296-96-01065. (5) After initial purchase and inspection, private residence conveyance(s) do not require an annual operating certificate. However, annual inspections may be conducted upon request. See WAC 296-96-01045 for the permit process.	

(6) For purposes of this rule, permits are not required for "repairs" (see ASME A17.1/CSA B44, Section 8.6.2). Permits are not required when replacing devices that are ***identical*** to the original device ~~((or have the same "form, fit, and function"))~~ (see WAC 296-96-00700)(see also ASME A17.1/CSA B44, Section 8.6.3). My recommendation would be to use the replacement wording to maintain consistency. (6) For purposes of this rule, permits are not required for "repairs" (see ASME A17.1/CSA B44, Section 8.6.2). Permits are not required when replacing devices that <u>are basically the same as the original but are required for alterations</u> ~~are ***identical*** to the original device ((or have the same "form, fit, and function"))~~ (see WAC 296-96-00700)(see also ASME A17.1/CSA B44, Section 8.6.3, <u>and section 8.7</u>).	
The Department proposes to amend existing regulation in three instances affecting the replacement of components having the same form, fit, and function and associated permitting requirements. The Department proposes to delete the definition of "Form, fit, and function" adopted with the 2016 edition of ASME A17.1 and provided in WAC 296-96-00700(13), to modify the definition of "Replacement" and re-designating it as WAC 296-96-00700(26), and to amend the exception for required permits for new construction and alterations provided in WAC 296-96-01000(6). The previously adopted Washington definition of "form, fit, and function" was a consensus-based standard developed during the previous rulemaking concerning elevator regulation that informed	The definition of "form, fit, and function" has frequently been misused by those not wanting to be required to take out alteration permits for elevator work by stating the new elevator system is essentially the same "Form, Fit, and Function" of the existing elevator system. This allows a broad brush to be used and completely circumvents the ASME A17.1-2019/CSA B44 19 section 8.7 Alterations and 8.7.1 General Requirements, and specifically 8.7.1.1. However, your comments are more geared to ASME A17.1-2019/CSA B44 19 Section 8.6 For maintenance, repair, and replacement requirements. The extent of your comments would be better addressed in a "WAC Rules Change Proposal" for consideration during the next rulemaking cycle slated for late 2023 or early 2024.

regulatory action throughout the State. The proposed rule eliminates the consensus definition in favor of redefining replacement as the "substitution of a device, component, and/or subsystem in its entirety with a unit that is **basically the same** as the original for the purpose of ensuring performance in accordance with chapter 70.87 RCW" (emphasis added). In concept, the phrase "basically the same", which is the ASME A17.1 reference, could be read as a reasonable substitute for "form, fit, and function". However, the proposed rule confuses interpretation, enforcement, and management by deleting the clause '"or have the same "form, fit, and function"' from the exception for required permits contained in WAC 296-96-01000(6). The proposed amendment to WAC 296-96-01000(6) would limit the instances in which permits are not required when replacing devices solely to those cases where the replacement is "identical" to the original device. "Identical" is not a defined term in ASME A17.1, WAC 296-96, or in the applicable provisions of the Revised Code of Washington. As a result, the term "identical" could be interpreted to mean "exactly alike" which would not provide authorization for a direct replacement part which is "basically the same" or provides the same "form, fit, and function" thereby making such replacements an alteration requiring permit and inspection. WAC 296-96-02400 requires a seven-day written notice in advance of an inspection of an alteration of any component of an elevator. The derivative issues associated with this collection of amendments are likely to create an undue administrative burden for building owners and operators, as well as for the Department's inspection staff, leading to delays in returning equipment to service and adding unnecessary costs. For simplicity, NEII recommends the Department not adopt the	Labor & Industries removed the proposed amendment to WAC 296-96-01000(6) regarding "form, fit, and function". L&I is of the opinion that "form, fit, and function" should remain in the rule as written until such time as any additional changes can be reviewed by an ESAC Sub-committee, and brought before the TAC and ESAC for consideration during the next rulemaking cycle. This should also address the "Identical" issue.

proposed amendments to WAC 296-96 that would delete the definition of “Form, fit, and function” provided in WAC 296-96-00700(13), modify the definition of “Replacement” and re-designating it as WAC 296-96-00700(26), and amend the exception for required permits for new construction and alterations provided in WAC 296-96-01000(6). Alternatively and preferably, NEII recommends adoption of the ASME A17.1 definition of “replacement” as the basis for the term in Washington and modifying the proposed amendment to WAC 296-96-01000(6) by striking “identical” and inserting “basically the same” in lieu thereof.	
The second one I would like to address is 296-96-01000 and it is the requirement for permits for new construction and alterations. The proposed change removes the language of form, fit, and function from the definition. This change would make any replacement that doesn't meet the definition of identical an alteration requiring permitting and inspection. The WAC, RCW, and A17.1 do not define identical. Typically this means the use of the common definition, which per Webster's is similar in every detail, exactly alike. This could be easily interpreted to mean that a direct replacement part that carries a new part or revision number is considered an alteration requiring permitting and inspection for any component of the elevator. In addition, the WAC 296-96-02400 requires a written seven day notice before inspection of altered work. I believe this would cause an undue burden on both the inspection staff, as well as building owners for something that would normally be considered a replacement and not an alteration where the mechanic would be able to perform any required testing, log work performed, and returned to service. This change would make work that is defined	The definition of “form, fit, and function” has frequently been misused by those not wanting to be required to take out alteration permits for elevator work by stating the new elevator system is essentially the same “Form, Fit, and Function“ of the existing elevator system. This allows a broad brush to be used and completely circumvents the ASME A17.1-2019/CSA B44 19 section 8.7 Alterations and 8.7.1 General Requirements, and specifically 8.7.1.1. However, your comments are more geared to ASME A17.1-2019/CSA B44 19 Section 8.6 For maintenance, repair, and replacement requirements. The extent of your comments would be better addressed in a “WAC Rules Change Proposal” for consideration during the next rulemaking cycle slated for late 2023 or early 2024. Labor & Industries removed the proposed amendment to WAC 296-96-01000(6) regarding “form, fit, and function”. L&I is of the opinion that “form, fit, and function” should remain in the rule as written until such time as any additional changes can be reviewed by an ESAC Sub-committee, and brought before the TAC and ESAC for

as a replacement by the RCW an alteration causing a conflict between the RCW and WAC. I recommend using the RCW language for replacement rather than identical. The proposed language makes the rule unclear and open to interpretation for work that is considered maintenance.	consideration during the next rulemaking cycle. This should also address the "Identical" issue.
Next I'd like to turn to a couple definitions that are -- and although definitions, in and of themselves, are not enforceable, they do bear on the rule, and they do bear on direction to inspect if there's an appeal. And we think this is important to clarify in certain instances or to note certain changes that are important. First, in the amendments to WAC 296-96-00700, Item 10, the definition of controller is specified. We note that this is in strict alignment with the definition provided in ASME A17.1/B44, the 2019 edition proposed for adoption. We believe this definition is appropriate in this place, ratifying and confirming the existing demarcation of work between the elevator and electrical programs and that these definitions of control are adequate and appropriate to the regulatory environment in the state of Washington, and we support their inclusion. Unlike the definition of controller, we do have concerns about the removal of the definition for form, fit, and function. And this is particularly important, the definition on Page 7, when considering the changes that are proposed at Page 13 in WAC 296-96-01000 in relation to permits for new construction and alteration. Traditionally, in Washington, we have permits that are not required when replacing devices that are identical to the original device, or have the same form, fit, and function. The removal of the language related to same form, fit, and function gives rise to a concern that the replacements must be identical. In some cases we – that creates an ambiguity.	The definition of "form, fit, and function" has frequently been misused by those not wanting to be required to take out alteration permits for elevator work by stating the new elevator system is essentially the same "Form, Fit, and Function" of the existing elevator system. This allows a broad brush to be used and completely circumvents the ASME A17.1-2019/CSA B44 19 section 8.7 Alterations and 8.7.1 General Requirements, and specifically 8.7.1.1. However, your comments are more geared to ASME A17.1-2019/CSA B44 19 Section 8.6 For maintenance, repair, and replacement requirements. The extent of your comments would be better addressed in a "WAC Rules Change Proposal" for consideration during the next rulemaking cycle slated for late 2023 or early 2024. Labor & Industries removed the proposed amendment to WAC 296-96-01000(6) regarding "form, fit, and function". L&I is of the opinion that "form, fit, and function" should remain in the rule as written until such time as any additional changes can be reviewed by an ESAC Sub-committee, and brought before the TAC and ESAC for consideration during the next rulemaking cycle. This should also address the "Identical" issue.

What does it mean to be identical? Does that mean same serial number? Same batch? Same manufacturer or --and you have -- if you have equipment that is 30 years old, it may be very difficult. You may have field production of components that are the same form, fit, and function or that are basically the same, which is language used elsewhere in the rule at replacement on Page 8 and Item 26. So we would propose one of two alternatives here to reduce confusion in the field. One would be the restoration of the form, the first prior -- the primary option here would be to restore the form, fit, and function language. Alternatively, if the Department removes that language in favor of this reference in replacement to items that are basically the same as the original, we would propose that at Line -- on Page 13 in the amendment concerning permits for new construction and alterations that are identical to be stricken and replaced with that are basically the same as the original device. That way, we would preserve the intent to give appropriate flexibility, provide the same form, fit, and function for the device without requiring a permit. Permits required for all of these functions wouldn't result in delay, additional cost, and additional administrative burden for both the state of Washington and for individual building owners.	
Comment: WAC 296-96-02452, Access to machines, overhead sheaves, shackles, and hitch supports.	**Response:**
The Department proposes to amend WAC 296-96-02452 concerning access to machines, overhead sheaves, shackles, and hitch supports in two instances. The first instance would clarify the metric dimension equivalent to 78 inches within which certain maintainable items shall be located. NEII has no objection to this	Labor & Industries reviewed the use of the common elevator terminology “Top Directional Limit” which prevents the elevator from over travel without activating the “Terminal Stopping Device, Final”. L&I concedes to use the ASME A17.1-2019/CSA B44 19 Section 1.3 Definition description of “terminal stopping device, normal” instead

clarification. The second instance would add new language specifying that the required measurement governing these maintainable items "must be taken with the car on or below the top directional limit". NEII has serious concerns with the proposed amendment. The proposed amendment is flawed given that the phrase "top directional limit" is not a defined term in ASME A17.1 nor is it a defined term in WAC 296-96-00700. The phrase is open to significant differences in interpretation that would affect the point from which the required measurement governing access to maintainable items is taken. Most critically, several elevator configurations currently accepted and installed in Washington rely upon a car moved into the overhead to access and to maintain the component items specified in WAC 296-96-02452. The ambiguous nature of the amendment could produce an interpretation in enforcement that would prohibit the use of the overhead for maintenance purposes thereby creating a significant risk that conveyances and equipment currently used in Washington would be rendered obsolete. The Department should refrain from adopting an amendment to existing standards that would risk currently accepted and installed equipment and that would generate burdensome delay and added costs for building owners and operators for no discernable or demonstrated safety benefit. NEII strongly recommends that the proposed amendment to WAC 296-96-02452 ("Measurement must be taken with the car on or below the top directional limit.") be deleted from the final rule.	of "Top Directional Limit". L&I amended the proposed rule to replace "top directional limit" with "normal terminal stopping device" under WAC 296-96-02452.
Lastly, I want to address a serious issue in relation to a proposed change on Page 15 to WAC 296-96-02452 concerning access to the machines, overhead sheaves, shackles, and hitch supports.	Labor & Industries reviewed the use of the common elevator terminology "Top Directional Limit" which prevents the elevator from over travel without activating the "Terminal Stopping Device, Final". L&I concedes to use the ASME A17.1-2019/CSA B44 19 Section 1.3

The language as is presently in the rule is adequate to preserving maintenance of the equipment. The TAC, as I understand it, considered an earlier version of this language that was a little bit confusing but which gave the impression of or allowed for the passage of a car into the overhead for purposes of maintainability of the equipment. The insertion of the language here that measurement must be taken with the car on or below the top directional limit implies that the car cannot be for this purpose in the overhead. Our concern is that, with the reach requirements that are otherwise specified in rule, that simply not being able to place the car in the overhead for maintenance purposes will effectively obsolete equipment currently on offer or installed in the state of Washington because of the inability to reach within the specified reach requirement if one must -- or one cannot take the car into the overhead. Taking the car into the overhead in some configurations is an accepted practice with all the appropriate safety requirements that are taken in that context. That allows that particular equipment to be maintained adequately, and reducing and requiring that all equipment be stopped at the car on or below the top directional limit simply will limit the ability to maintain existing equipment and equipment that's currently on offer in the market and obsolete a number of different configurations. That would be a serious concern, we believe, both certainly to the industry, as well as to building owners and operators who are relying upon the availability of that equipment for either modernization or new installations. We'll provide suggestion and detailed assessment of this, as well as a proposed language change to accompany our written comments next week. And for purposes of the oral discussion	Definition description of “terminal stopping device, normal” instead of “Top Directional Limit”. L&I amended the proposed rule to replace “top directional limit” with “normal terminal stopping device” under WAC 296-96-02452.

today, that concludes my remarks, subject to any questions that you may have.	
Comment: WAC 296-96-05210, Signage.	**Response:**
I apologize for not catching this sooner, but in your draft of proposed rule language for 296-96-05210(2), I think there is a typo that says the letters are to be minimum 2" high and it probably meant to say the data plate itself is to be a minimum 2" high. If you require the letters to be minimum 2" high, the data plate is going to be about 18" high by about 24" long. Most data plates are 1.5" or 2" high x 3" or 4" long. Data plates are different than no-rider signs or capacity signs, where we do want the letters to be minimum 2" high. **WAC 296-96-05210 Signage.** (1) Each lift shall have the following two signs: ((~~(1)~~)) (a) A "CAPACITY" sign permanently fastened in the lift car and on each landing. This sign shall indicate the rated load of the lift in pounds and be made of metal with 50.8 mm (2 in.) high black letters on a yellow background. ((~~(2)~~)) (b) A "NO RIDERS" sign conspicuously and permanently fastened on the landing side of all hoistway gates (doors) and in the enclosure of each car. This sign shall be made of metal with 50.8 mm (2 in.) high black letters on a red background. **(2) A "code data plate" shall be displayed on the equipment. The code data plate shall be made of metal with 50.8 mm (2 in.) high black letters on a yellow background. The data plate must show the following:** **(a) The name of the manufacturer;** **(b) The date of installation with a blank area for the date; and**	Thank you for your comment regarding the size of the letters. After review of the ASME code, L&I identified the following to use as a guideline: **2.16.3.3.3** *All Code required data shall be formed such that the characters remain permanently and readily legible and conform to the following:* *(a) The height of the letters and figures shall be not less than* *(1) 6 mm (0.25 in.) for passenger elevator capacity plates* *(2) 25 mm (1 in.) for freight elevator capacity plates* ***(3) 3 mm (0.125 in.) for data plates*** ***(b) They shall have a minimum character stroke width of 0.5 mm (0.02 in.).*** *(c) They shall be provided with a durable means to prevent common containments (such as paint, adhesives, oil, and grease) from adhering to the data plate parent surface or permit the removal of these contaminants without obscuring the Code required data.* L&I amended the proposed rule under WAC 296-96-05210(2) to read: "The code data plate shall be made of metal with 50.8 mm (2 in.) that shall have a minimum character stroke width of 0.5 mm (0.02 in.) high black letters on a yellow background."

(c) The code and year it was manufactured.	
Comment: Alternative Testing	**Response:**
The Department proposes to maintain existing deviations from ASME A17.1 in current regulation that prohibit the application in Washington of ASME Section 8.6.11.10 concerning alternative testing procedures to carry out Category 5 tests. Alternative testing was added in the 2013 edition of ASME A17.1 in recognition that certain technologies permit safety tests to be performed without the need for elevator personnel to move heavy weights, thereby reducing the likelihood of injury to elevator personnel. Strains and sprains, which are often the direct result of moving the thousands of pounds of weights required for these tests, account for over half of all injuries to elevator personnel. If these procedures were adopted, the Department would retain the ability to authorize any alternative testing procedure prior to its use in Washington. NEII urges the Department to retain the flexibility to utilize alternative testing under terms and conditions that the Department would establish. NEII recommends the applicable provisions governing alternative testing ASME A17.1 be included in the final amendments to WAC 296-96.	Thank you for comments. A proposal to allow for alternative testing was brought forward to the TAC and ESAC for consideration and was not supported by stakeholders.
Next we would, again, encourage the State of Washington to give greater consideration to test without load. The State has traditionally opposed tests with alternative test methodologies. We believe that there are significant benefits potentially to these methodologies, and we would encourage the Department to work with industry to find protocols or pilot projects much as we did with some of the things that were done by the Department during COVID in relation to a remote inspection.	Thank you for comments. A proposal to allow for alternative testing was brought forward to the TAC and ESAC for consideration and was not supported by stakeholders.

We think there's an opportunity here for collaboration to try to find ways where alternative methodologies might be authorized in either certain limited or general circumstances to give better sense of the importance of the test methodology, give more fidelity to those test methodologies, and to allow the Department to have options and industry to have options in relation to alternative tests or to working the context of the Cat 5 test. We believe this is to the benefit of the workforce as well because it would reduce strain, sprains, cuts, and abrasions, which often accompany the full load test and for the Cat 5. We recognize the Department has traditionally not given a lot of support for this, but we do think there is a benefit here, and we would look forward in a future rulemaking to collaborate with the Department on a potential alternative that would allow more alternative testing in the -- in the state of Washington.	
Comment: Rulemaking Process	**Response:**
ASME A17.1, the consensus model safety code for building transportation equipment in North America, is the foundation of the Washington elevator rule. ASME A17.1 is developed on a three-year cycle with expertise derived from various sectors, including industry, organized labor, architects, building owners and operators, and, importantly, regulators at the state and provincial level. While all jurisdictions retain their authority to modify the model code to meet unique operational or policy requirements, the code provides a solid baseline to provide for the safety of the riding public and the industry workforce. NEII promotes the adoption of ASME A17.1 without modification unless there is a clear safety issue or unique circumstance within a specific jurisdiction to justify deviations.	Thank you for your feedback regarding the Elevator Program's rulemaking process. The justifications for the proposed changes can be found in the draft rule language and in proposal forms. Because the rulemaking process involves review of changes by multiple parties, additional changes to the draft rules may be necessary following review by the TAC and ESAC. Paying close attention to voting from the ESAC and TAC on proposals and further consulting with stakeholders for clarifications after the ESAC and TAC voting takes place, results in the proposed rules. Additionally, comments from public hearings, along with written comments, during the public comment process may result in even more changes to the rules. If NEII has any questions or concerns about justifications for any proposed rules in the future, please contact the Elevator Program at ElevatorSect@Lni.wa.gov.

The State of Washington has consistently adopted the consensus code with a limited number of deviations. The adoption process in Washington relies upon a broad-based advisory process supported by an appointed Technical Advisory Committee (TAC) and, ultimately, the Elevator Safety Advisory Committee (ESAC). NEII and representatives from NEII-member companies participated at both levels in the advisory process. Although the number of proposed deviations from the model code are limited, some have significant ramifications. In a limited, but important, number of instances, the Department elected to propose deviations from ASME A17.1 where the purpose is either not clear or was not completely drafted and commented upon at either the TAC or ESAC levels. For this reason, it is critical that the Department provide a justification for the deviations included in the proposed amendments to the elevator rule. The ability of NEII or any interested party to engage the Department effectively in the rule development process may be limited by a lack of understanding of the rationale of the Department in continuing prior deviations or in imposing new requirements. NEII encourages the Department in future rulemakings to incorporate a brief justification or explanation for proposed deviations from the ASME A17.1 model code, or other model codes, to facilitate the public comment process.	