



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Minutes

**Meeting of the
Board of Elevator Regulations
June 27, 2023, at 1:00 p.m.**

**1000 Washington Street
Boston, MA 02118
1st Floor-Room 1C**

Board Members Present:

Eric Morse, Acting Chair
David Gaudet
Christopher Towski
Neil Mullane
Tim Morgan
Anthony Buonopane

Division of Occupational Licensure Staff:

Peter Kelley
Susan Genduso
Gayle Richardson
George Ramian
Walter Zalenski
Martin Guiod

Board Members Absent:

Brian Ronan

Call to Order: 1:00 p.m.:

1. Roll Call.
2. **Discussion of the testing of emergency power with weights.** A public hearing presented a question as to why we do this testing. The question for the board:
 - a. Is there specific code in place that drives this type of test? John Rubyck provided code - 524 CMR Section 8 – PRACTICAL TESTS AND INSPECTIONS – and explained that this section of code covers annual, biannual, and five-year full load weight test. To test a full load, it gets done on regular power and generator



power or standby power, to make sure that the generator can handle capacity at 50% speed.

A17.1 2013 edition handbook removed this wording from Category 5 regarding testing on full load with an explanation. Concern expressed by some members as to validity of this type of testing. If the generator is not at full load capacity, what does test prove? Chief responded for dept. that the testing most certainly proves something for those units failing the test, i.e., that they would not perform in a catastrophic event. Discussion by the board regarding this testing. In response to Dept. indicating 12 elevators had failed this testing cycle, board asked for information on; was there at generator failure or failure of other components; and what were the solutions. Motion presented by Eric Morse to table conversation until further documentation can be provided and reviewed. Motion was seconded by Christopher Towski. Vote 6-0-0

Motion: Eric Morse

Seconded: Christopher Towski

Vote: 6-0-0; Granted to Table

Roll Call Vote:

- | | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

3. **Discussion of the use of Placards per 524 CMR.** Public hearing comment questioned placards and how they are being applied. Neil Mullane gave a summary of the questions and concerns presented at the public hearing. Three examples were presented with the use of placards going beyond what the code specifically put the tool in place for:
- Accidents to the public unrelated to the equipment.** These get called in to the Department of Public Safety, equipment is taken out of service and previously with confirmation that the accident was not equipment related service was restored. Now it seems another full test and inspection is required.
 - Non-life safety violations. (i.e., 60-day violations noted during an inspection)** These then call for self-attestation that the violations have been fixed, but paperwork is slow to get into the system. This is causing a placard to be processed, because the paperwork was not processed in a timely manner.
 - Relative to single safety piece of equipment issues that might warrant shutting down the elevator, like a lack of a working phone.** The single violation warrants correction but to reinitiate the elevator back in service now requires a full load annual test and this seems to be a change of regulatory process.

Anthony Buonopane wanted to address each concern individually.

- He is currently having each inspector copy him on all placards that are issued. On the concern about accidents, if it is a clear accident with no equipment related, the service is being restored. If there is any indication of it being

- equipment related, they are placarding the equipment and when the equipment is fixed it will require a full test. This is what he is seeing so far.
- b. His understanding is that this was designed so that non-life safety violations could be resolved with self-attestation. What has been brought to his attention is that the deadlines are being missed. He will work on this and possibly put some language around it, as he is researching to verify if there is a written procedure for 60-day vs. 90-day violations. Discussion by the board around how and what can be done regarding non-life safety violations and when the use of Placards/Fines/Investigations should be used as tools.
 - c. The chief is asking specific questions of the inspectors when a placard is issued, and he is reviewing the discretion that the inspectors have when it comes to placing a placard. The Chief is being copied on all placard requests and is reviewing each one.

Discussion by the board regarding when a full test with weights is required for a placard removal vs. reinspection for the violation and how the department can hold people accountable. Discussion regarding the procedure of what is required to remove a placard and any regulation or general law around that procedure. The board then discussed the system designs that may drive some of this process as any modernization and/or placard removal get new anniversary dates.

Neil Mullane made a motion to put the discussion on hold so more information related to any Department policies or procedures on placarding could be gathered. The motion was seconded by Christopher Towski. Vote 6-0-0

Motion: Neil Mullane

Seconded: Christopher Towski

Vote: 6-0-0; Granted to put on hold

Roll Call Vote:

- | | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

4. The board took a recess from 3:11 p.m. until 3:16 p.m.
5. Continued discussion regarding FS90 repairs and permit filing. Anthony Buonopane provided an update to the board. The board inquired if there was a written procedure for testing and the Chief indicated he will draft an SOP so that units are tested uniformly. Draft wording to be prepared by Anthony Buonopane to be presented to the board for discussion and review, looking to 7/18/23 meeting.

6. Discussion by the board regarding code review and what they feel is the best way for the board to work through the sections. The 2019 edition is what is in effective right now and they are waiting for the 2022 edition to become promulgated.
7. Motion presented by Christopher Towski to adjourn meeting. Motion was seconded by Tim Morgan. Vote 6-0-0

Motion to Adjourn: Christopher Towski

Seconded: Tim Morgan

Vote: 6-0-0; Granted

Roll Call Vote:

- | | | | |
|----------------------|---|------------------------------|----------------------------------|
| • Eric Morse | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • David Gaudet | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Christopher Towski | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Tim Morgan | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Neil Mullane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |
| • Anthony Buonopane | <input checked="" type="checkbox"/> aye | <input type="checkbox"/> nay | <input type="checkbox"/> abstain |

Meeting adjourned at 3:35 p.m.

Prepared by: Gayle Richardson

Exhibit List:

- | | |
|------------|--|
| Exhibit 1: | ASME A17.1/CSA B44 Handbook (2013) page 547 for Section 8.6.4.20.5 |
| Exhibit 2: | NFPA 110 Standard for Emergency and Standby Power Systems 2016 Ed. |
| Exhibit 3: | Emergency and Life Safety Systems Testing/Maintenance Requirements |
| Exhibit 4: | Email from Anthony Buonopane |