#### Michigan Office of Administrative Hearings and Rules

MOAHR-Rules@michigan.gov

# AGENCY REPORT TO THE JOINT COMMITEE ON ADMNINISTRATIVE RULES (JCAR)

#### 1. Agency Information

#### Agency name:

Licensing and Regulatory Affairs

#### Division/Bureau/Office:

Bureau of Construction Codes

#### Name of person completing this form:

Amanda Johnson

#### Phone number of person completing this form:

517-241-3408

#### E-mail of person completing this form:

JohnsonA39@michigan.gov

#### Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

#### 2. Rule Set Information

#### MOAHR assigned rule set number:

2019-138 LR

#### Title of proposed rule set:

Elevator

#### 3. Purpose for the proposed rules and background:

The rules are being revised to update the Michigan Elevator Rules by adopting the following national standards: the ASME A17.1-2016. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices.

The adoption of national standards ensures that elevating devices are constructed, maintained, and inspected to the most current standards. As with all construction codes, it is essential to establish standards that address new technology and innovative equipment, as well as resolve problem areas that have been identified with the use of existing or older standards.

The adoption of national standards further ensures that rules are developed through a consensus process by persons affected by the rules.

#### 4. Summary of proposed rules:

The rules are being revised to update the Michigan Elevator Rules by adopting the following national standards: the ASME A17.1-2016. The standards cover the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices.

The adoption of national standards ensures that elevating devices are constructed, maintained, and inspected to the most current standards. As with all construction codes, it is essential to establish standards that address new technology and innovative equipment, as well as resolve problem areas that have been identified with the use of existing or older standards. The adoption of national standards further ensures that rules are developed through a consensus process by persons affected by the rules.

# 5. List names of newspapers in which the notice of public hearing was published and publication dates:

Newberry News-Published on 1/19/2022.

MLive Ann Arbor- Published on 1/20/2022.

The Morning Sun- Published on 1/19/2022.

#### 6. Date of publication of rules and notice of public hearing in Michigan Register:

2/1/2022

#### 7. Date, time, and location of public hearing:

2/4/2022 10:00 AM at Michigan Library & Historical Center , 720 W. Kalamazoo, Lansing, Michigan 48915

# 8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=124

#### 9. List of the name and title of agency representative(s) attending public hearing:

Amanda Johnson- Analyst in BCC Rebecca Jones- Elevator Manager Craig Lalone- LARA BCC Derek Sova-LARA OPLA

#### 10. Persons submitting comments of support:

Michael E. Vanderennet- Elevator Journeyman Tony Worth- IUEC Local 85 Russell O' Donnell- International Union of Elevator Constructor Local 36 Scott Hulstrom- Elevator Industry Work Preservation Fund

#### 11. Persons submitting comments of opposition:

Phillip Grone- National Elevator Industry

#### 12. Persons submitting other comments:

None

# 13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Phillip Grone		The Department proposes to amend R408.7019 (Rule 19) to provide for increases in fees associated with permits, inspections, and the issuance of certificates of operation for building transportation devices. NEII recognizes that the fee schedule was last modified in 2014 and that fee revenue is integral to the management of the elevator program. NEII also notes the performance audit report of the Office of the Auditor, dated October 2021, that addresses several program activities within the Bureau of Construction Codes. That report included several findings	The department decided that having this information in the rule set was a good idea because it informs the public that fees may change. The department added a sentence explaining that fees can increase.	R 408.7019 Fees
				MCL 24.242 ar	nd 24.245

1		related to		
		necessary		
		improvements to		
		the processes for		
		inspecting		
		elevating devices		
		in Michigan.		
		NEII believes		
		interested		
		stakeholders		
		would benefit		
		from a statement		
		by the		
		Department		
		concerning the		
		expected use of		
		an increase in fee		
		revenue; namely,		
		whether the		
		increases are		
		designed solely to maintain existing		
		services or to		
		improve upon the		
		existing practices		
		of the elevator		
		program. NEII		
		recognizes the		
		initiatives		
		undertaken by the		
		Department in		
		immediate		
		response to the		
		audit and		
		appreciates the		
		dialogue with		
		industry on ways		
		and means to		
		address the		
		findings of the Auditor General.		
		Additional		
		transparency		
		regarding fee		
		revenue would be		
		an additional		

ı	1		nositiva stan in		
			positive step in		
			addressing long-		
			standing issues in		
			program		
	D1 '11' C		administration.	TT1 1	D 400 70211
2	Phillip Grone		The Department	The department	R 408.7031 b
			proposes to	decided this	
			amend	change would be	
			R408.7031 (Rule	for the safety of	
			31) with a new	the public and it	
			subsection	helps the code in	
			(R408.7031b	the ASME	
			(Rule 31b)) to	process. The	
			provide for	department added	
			guards between	a sentence about	
			adjacent pits.	guards.	
			Guards between		
			adjacent pits is an		
			area where		
			industry is		
			collaborating		
			effectively with		
			organized labor		
			and other parties		
			in the ASME		
			code		
			development		
			process. The		
			proposed		
			amendment		
			appears to be an		
			earlier working		
			draft of a similar		
			code provision		
			currently being		
			considered		
			between the		
			parties and is		
			continuing to		
			work toward		
			adoption of a		
			code provision in		
			the ASME		
			process. NEII		
			recommends the		
			Department adopt		
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	a provision on		
	guards between		
	adjacent pits as		
	follows: 2.2.3.1		
	Where cars are		
	located adjacent		
	to each other in		
	multiple elevator		
	hoistways, guard		
	(s) shall be		
	provided between		
	adjacent elevator		
	pits. The guard(s)		
	shall be of		
	noncombustible		
	material. The		
	guard(s), if of		
	openwork		
	material, shall		
	reject a ball 50		
	mm (2 in.) in		
	diameter and be		
	made from		
	material equal to		
	or stronger than		
	1.110 mm		
	(0.0437 in.)		
	diameter wire.		
	The guard(s)		
	shall be so		
	supported that		
	when subjected to		
	a force of 450 N		
	(100 lbf) applied		
	over an area of		
	100 mm x 100		
	mm (4 in. x 4 in.)		
	at any location,		
	the deflection		
	shall not reduce		
	the any running		
	clearances as		
	defined. The		
	guard(s) shall		
	extend not less		
	than 2 000 mm		
	man 2 000 mm		
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3	Scott Hulstrom	(79 in.) above the sill of the pit access door or the level of the working platform if provided. 2.2.3.2 The guard (s) may be omitted if the clearances between the underside of the car sling resting on fully comprised buffer and the bottom of the pit is not less than 2130 mm (84 in) and a separate pit access door is provided (see 2.2.4.5).  Grammatical We accepted a few	Various
		Changes grammatical errors that Mr. Hulstrom caught within the rule set. The grammatical changes did not change any of the meanings of the rules.	
4	Scott Hulstrom	Mr. Hulstrom wanted the following to be excepted from R 408.7003 (a)(i): 8.6.4.19.12(b), 8.6.4.20.3(a)(2), 8.6.4.20.3(g), 8.6.4.20.4(b), 8.6.4.20.4(b)(1), and 8.6.4.20.4(b) (2).	R 408.7003 (a)(i)

5	Scott Hulstrom	Mr. Hulstrom wanted a provision in R 408.7004 regarding less of change in ownership.	The department decided that with this change the rule would be more easily understood. The department added a sentence regarding the less change in ownership for this rule number.	R 408.7004
6	Scott Hulstrom	Mr. Hulstrom wanted to add repair, replace to the rule.	The department decided that with this change it would be easier for the Elevator Industry to understand. The department added the words repair and replace to R 408.7007.	R 408.7007
7	Scott Hulstrom	Mr. Hulstrom wanted to add "based upon the frequencies In this rule" to the ending of the sentence.	The department decided that by adding this to the rule it would be easier for the Elevator Industry to understand. The department added "based upon the frequencies in this rule" to the rule to make it easier to understand for the industry.	R 408.7012 (1)(b)

8	Scott Hulstrom	Mr. Hulstrom	The department	R 408.7019
	Scott Haistroin	wanted a	decided that	(1)
		paragraph	including	(1)
		regarding fees.	information	
		He also wanted to		
		add violation	change in fees is	
		notice to	good information	
		reinspection fees	for the Elevator	
		instead of	industry. The	
		correction order.	department added	
		Confection order.	information	
			regarding fees as	
			well as changing "	
			correction order"	
			to " reinspection	
			fees".	
9	Scott Hulstrom	Mr. Hulstrom	The department	R 408.7023
		added a couple	decided that the	(1)
		words throughout		
		the rule to help	Hulstrom wanted	
		the rule be easier	to add were good	
		to understand. He	additions to help	
		also wanted a	the Elevator	
		sentence	Industry	
		indicating what	understand the	
		an appeal must	rule better. The	
		include.	addition to the	
			appeal information	
			is helpful for the	
			public to	
			understand what is	
			needed during that	
			process.	
10	Scott Hulstrom	Mr. Hulstrom	This addition	R 408.7023b
		wanted the	would make the	(2) & (b)
		department to add	rule easier to	
		some items	understand for the	
		regarding	industry with the	
		equipment to	additions Mr.	
		make it easier to	Hulstrom	
		understand.	requested.	
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11	Scott Hulstrom	Mr. Hulstrom wanted to add a provision about the alteration of elevators complying with the state's laws & rules.	The department decided that this addition is important for the industry. This way they know that the alteration of elevators must comply with state laws and rules. The department added the provision of the alteration of elevators to the rule number.	R 408.7024
12	Scott Hulstrom	Mr. Hulstrom wanted repairs, replacements, inspection, and callbacks added to the rule.	This addition makes the rule easier to understand and assists with more detailed documentation of services that are performed. The department added repairs, replacements, inspections and callbacks to a sentence within this rule number.	R 408.7025 (2)

13	Scott Hulstrom	Mr. Hulstr wanted the following sentence a Remote connection found to be violation of above requirements all be read and henced prohibited.	helps the industry understand that if dded: you are not in compliance with that rule then the e in remote of the connections can be removed and prohibited for further use. This forth addition is for the safety of the public. The department added the sentence Mr.	
14	Scott Hulstrom	Mr.Hulstro	Hulstrom suggested to this rule number.  This rule was just R 408.7031	
	Scott Huistrolli	wanted the following added to the and the old to be delet 2.2.3.1 Gu must be probetween ad pits. The general material. It guard, if o openwork material, in reject a base mm (1 in.) diameter. It guard mus supported that when subjected to force of 45 (100 lbf) a over an are 100 mm x	edited to add a few different words such as noncombustible fuel. The changes that were made will help the industry understand what is expected when stible working with guard between adjacent pits. This information that was added is for the safety of the public.  The t be such so to be different words as well as working with guards between adjacent pits. This information that was added is for the safety of the public.  The t be such so a so N pplied ea of	

	mm (4 in. x 4 in.) at any location, the deflection must not reduce the clearance between the guard and the adjacent pit below 25 mm (1 in.). Guards must extend not less than 2000 mm (79 in.) above the level of the higher pit floor. Where a ladder is installed adjacent to a guard, the guard must extend not less than 2000 mm (79 in.) above the top rung or rungs used as handgrips. A single horizontal structural element at the top of a pit ladder, used to stabilize the vertical side rails, is not considered a rung or handgrip.	

wanted "entrance assembly" added to the rule instead of manufacture's door frame.  It is section to the rule instead of manufacture's door frame.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is is allows the industry to the rule understance that elevator. The department added "entrance assembly" is also helps within an with proper that elevator.  It is is allows the industry to the rule understance that elevator. The disconnecting means are for that elevator. The department added "entrance assembly" is also helps that elevator. The disconnecting means are for that elevator. The disconnecting means are for that elevator. The disconnecting means are for that elevator. The disconnection is also	wanted "entrance assembly" added to the rule instead of manufacture's door frame.  It is allows the industry to know that any entrance assembly needs signage. This will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  It is allows the industry to know that any entrance assembly needs signage. This will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  By adding these two words it makes the rule more clear on where motor controls must not be located.  It is allows the industry to know that any entrance assembly and added to the sentence within this rule number.  By adding these to where motor controls must not be located.  By adding this it makes the rule easier to understand. This addition also helps within an entrance placement of signage for the disconnecting	wanted "entrance assembly" added to the rule instead of manufacture's door frame.  Wanted "entrance assembly" added to the rule instead of manufacture's door frame.  Wanted "entrance assembly needs signage. This will also help keep our public safe because the inspectors will know exactly where the disconnecting means are for that elevator. The department added "entrance assembly" to the rule number.  Mr. Hulstrom  Mr. Hulstrom  Wanted the words "rooms or" added to the sentence within this rule number.  Mr. Hulstrom where motor controls must not be located.  Mr. Hulstrom wanted the following added to the rule: "If the controlled is within an entrance assembly".  Mr. Hulstrom wanted the following added to the rule: "If the controlled is within an entrance assembly".  Wanted "Hulstrom" assembly "have assembly added to the rule assert to understand. This addition also helps with proper placement of signage for the disconnecting	15	Scott Hulstrom	Mr. Hulstrom	By accepting this	R 408.7034
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			I				

18	Scott Hulstrom		Mr. Hulstrom	By adding the	R 408.7041a
			wanted a couple	information Mr.	
		,	words within the	Hulstrom	
			rule to be added	requested it helps	
			just to make the	with more strict	
			rule easier to	rules regarding	
			understand. He	fire extinguishers	
			also wanted	and their location.	
			information	This will help with	
			regarding	the safety of the	
			elevator entrance	public as well as	
			assemblies and	safety of the	
			fire extinguishers	inspectors.	
10	G "III.		added.	D 11' 4'	D 400 5050
19	Scott Hulstrom		Mr. Hulstrom	By adding this	R 408.7058c
			wanted the	information it	
			following to be	allows the industry	
			added: R	to understand what	
			408.7058c	is expected on	
			Escalator	Escalator Handrail	
			Handrail Speed-	Speed- Monitoring	
			Monitoring Device.	devices. By	
		-		adding this	
		-	Rule 58c.	information it	
			Requirement 6.1.6.4 of the	allows with safety	
			6.1.6.4 of the ASME A17.1	for the inspectors.	
			code is amended		
			to read as		
			follows:		
			A handrail speed		
			monitoring		
			device must be		
			provided that will		
		l'	cause the		
			activation of the		
			alarm required by		
			6.1.6.3.1(b)		
			without any		
			intentional delay,		
			whenever the		
			speed of either		
			handrail deviates		
			from the step		
			speed by 15% or		
			more. The device		
	1				

		must also cause electric power to be removed from the driving-machine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device must be of the manual reset type. Automatic resetting of a safety device within these codes is prohibited.		
20	Scott Hulstrom	Mr. Hulstrom wanted the following added: R 408.7058d Moving Walk Handrail Speed- Monitoring Device. Rule 58d. Requirement 6.2.6.4 of the ASME A17.1 code is amended to read as follows: A Handrail Speed Monitoring Device must be provided that will cause the activation of the alarm required by	By making this addition it helps the industry know what is expected when it comes to moving walk handrail speed monitoring devices.	R 408.7058d

	6.2.6.3.1(b) without any intentional delay whenever the speed of either handrail deviates from the treadway speed by 15% or more. The device must also cause electric power to be removed from the drivingmachine motor and brake when the speed deviation of 15% or more is continuous within a 2 s to 6 s range. The device must be of the manual reset type. Automatic resetting of a safety device within these codes is prohibited.	
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### 14.Date report completed:

7/28/2022