

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Housing
(AC-Ho)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

> **

*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

**

> Hearing Records ... HR (bills and resolutions)

> **

> Miscellaneous ... Misc

> **03hr_AC-Ho_Misc_pt004**

Becher, Scott

From: Jerry Deschane [jdeschane@wisbuild.org]
Sent: Wednesday, June 18, 2003 11:17 AM
To: Becher, Scott
Cc: Jane Witt; Mike Semmann; Jerry Deschane
Subject: Comm 18

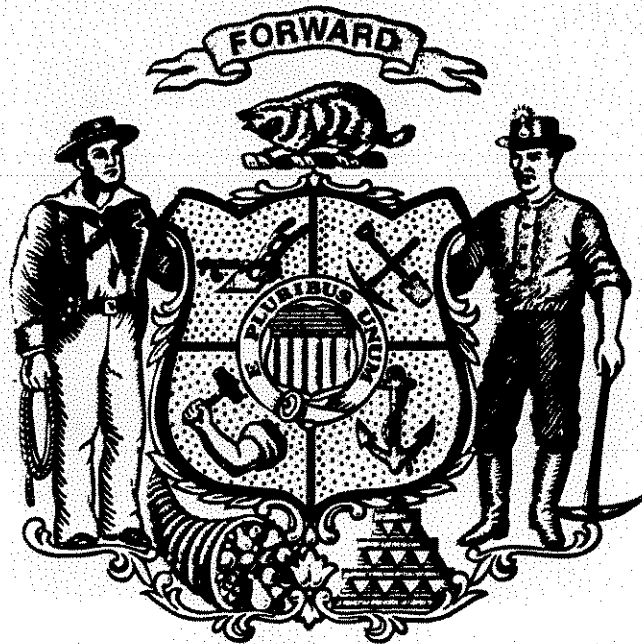
You may want to keep an eye on an elevator rule change that's being fast-tracked through the department of Commerce. Comm 18 has been scheduled for a department hearing on July 8. It has only had a cursory review by the Multifamily and Commercial Code Councils. Both groups have asked for more information.

The rule change adopts a new national standard (ASME 17), but makes an important change. ASME 17 requires the replacement of a common type of hydraulic elevator if it was installed pre-1970. Commerce has modified that to require annual testing (\$500 per test), and replacement only if the unit is leaking.

This is being pushed by a labor group called "Elevator Industry Work Preservation Fund." They're represented by Mike Prentiss.

You want to keep an eye on this because, while the testing is expensive enough, elevator installers may push for complete replacement. Replacing the elevator in a pre-1970 building will cost \$50,000 *just for the elevator*. Replacing an elevator triggers Americans With Disabilities Act requirements, and will multiply this cost.

I am aware that your boss has a keen interest in the re-use of existing buildings. This could throw a HUGE financial barrier in that path.



Pelnar, Angela

From: Swaziek, Larry J.
Sent: Wednesday, August 13, 2003 1:31 PM
To: Wieckert, Steve
Subject: Proposed Elevator Code Change -- Hydraulic cylinder testing

Following is a power point presentation put together by an elevator company, Otis, that should be of interest to you. It visually describes the situation regarding the proposed added requirement that pre-1975 cylinders be tested on an annual basis. Note that this presentation refers to cylinder replacement, which would be required by the model national elevator code, ASME A17.1, but the department has proposed to modify this requirement to just require testing in lieu of cylinder replacement.

As I mentioned to you over the phone, a hearing on the proposed elevator code change was held in Madison on July 9, 2003 and written comments were accepted until July 25, 2003. The written and oral hearing comments have been summarized and "draft" agency responses are being formulated. These comments and "draft" agency responses will be shared with 3 different Safety and Buildings Division (S&B) councils -- Elevator Code council, August 26, 2003, Commercial Building Code council, September 11, 2003, and Multifamily Dwelling Code council, September 17, 2003 -- before the department finalizes their responses as presented to the legislative committees. Anyone may attend any or all of these sessions. For added details regarding time and location of the meetings you may access that at our S&B Code Development Project website <http://www.commerce.state.wi.us/SB/SB-DivCodeDevelopment.html#ECC>.

If you have any questions about this presentation or other areas of the proposed rule changes to the elevator code, Comm 18, please feel free to contact me.

Larry Swaziek, P.E.
Program Manager
Safety and Buildings Division
201 West Washington Ave, 4th Floor
PO Box 2689
Madison, WI 53701-2689

608/267-7701 *voice*

608/264-8795 *fax*

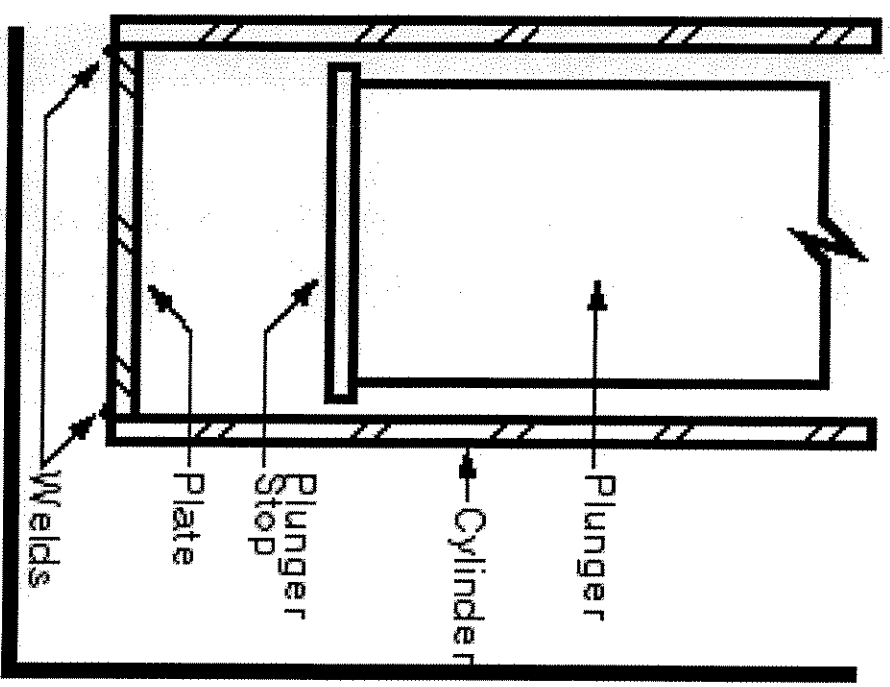
lswaziek@commerce.state.wi.us *e-mail*



Elevator Otis ppt on
replaceme...

Hydraulic Cylinder

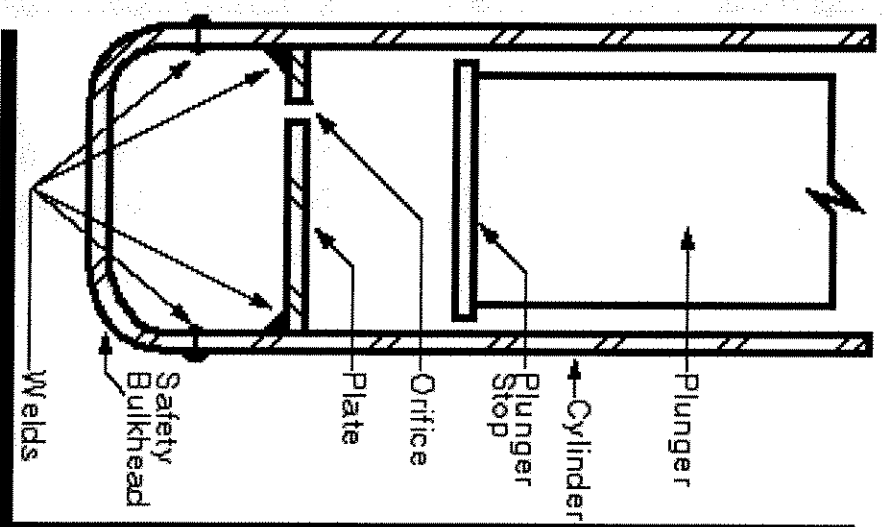
- Prior to 1972, the industry standard was a single-bottom cylinder design.



OTIS

Hydraulic Cylinder

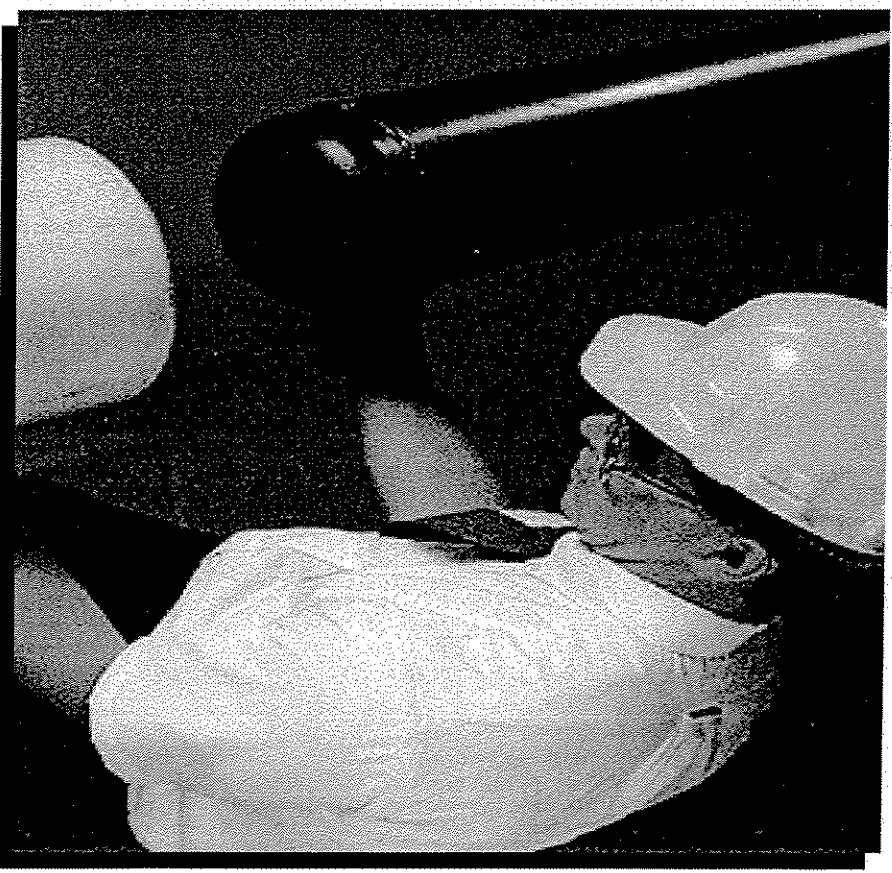
- After 1972, the elevator code changed to require a double-bottom cylinder design.



OTIS

Hydraulic Cylinders

- In 1989, the elevator code was changed to require corrosion protection for all new cylinders.
- This code change was not retroactive.



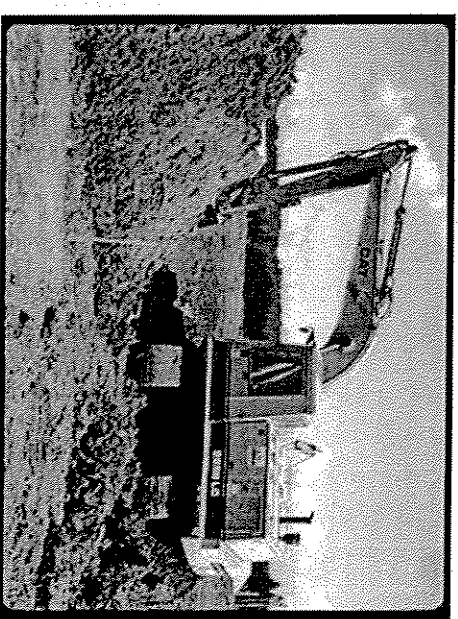
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The Issue

Many underground metallic items will corrode and deteriorate.

Everyday examples include:

- Underground tanks
- Underground piping
- Bridge pilings



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Concerns

The same concerns exist with hydraulic cylinders.

- Corrosion
 - Foreign chemicals
 - Stray electrical currents
- Age
 - Increased susceptibility to corrosion, leaks, and ultimate failure

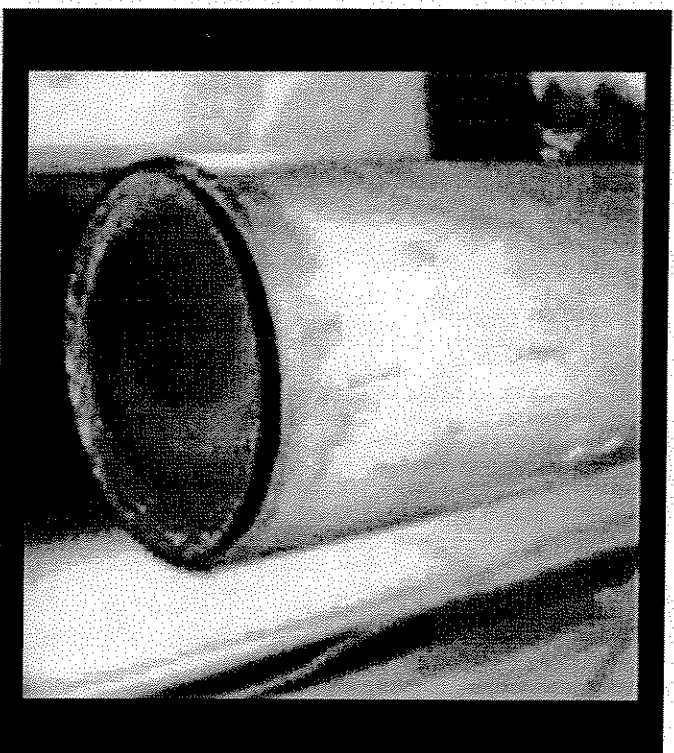
OTIS

Concerns

- **Improper maintenance**
 - Systems must be monitored and tested to ensure system integrity.
 - Early warning signs must not be ignored.

OTIS

Concerns

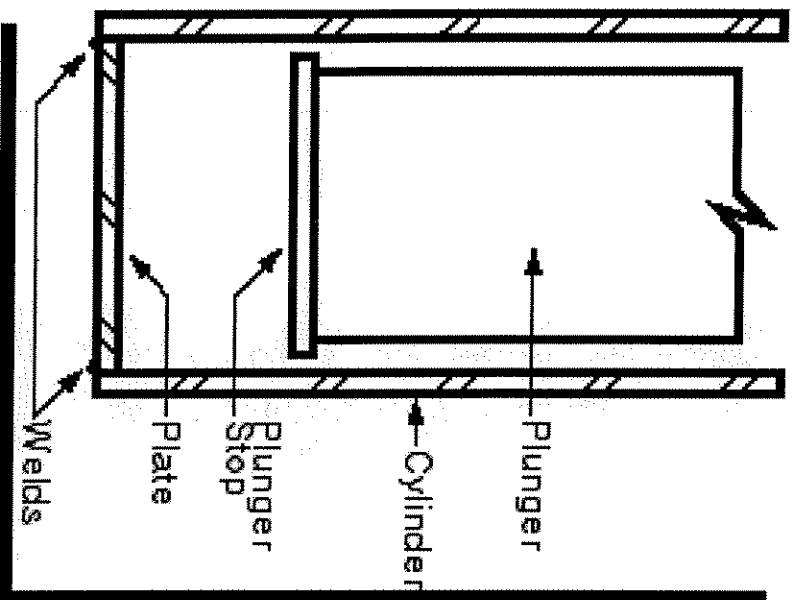


Click on black border to view animation

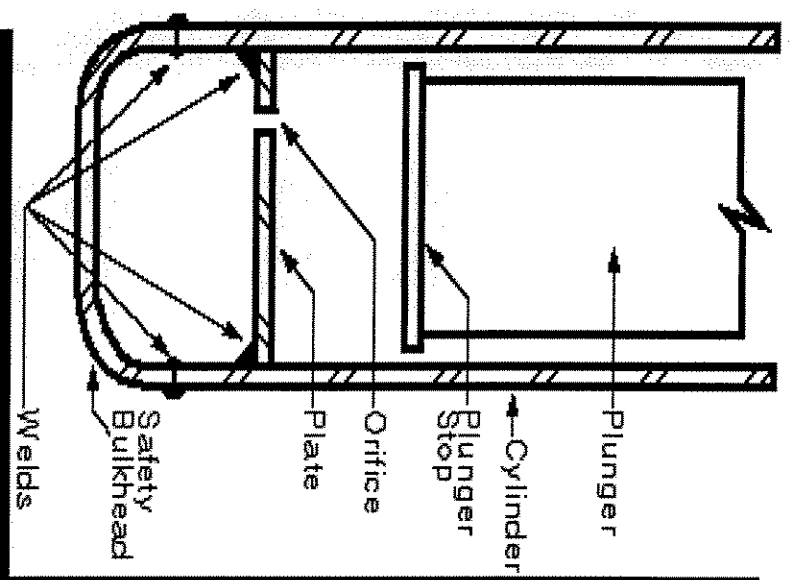
OTIS

Safety Issues

Single-bottom cylinders (prior to 1972) have no safety bulkheads.



Single-bottom

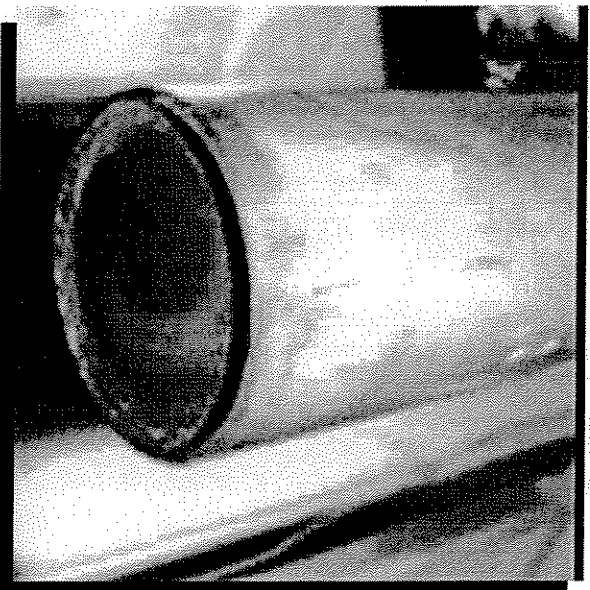


Double-bottom

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Safety Issues

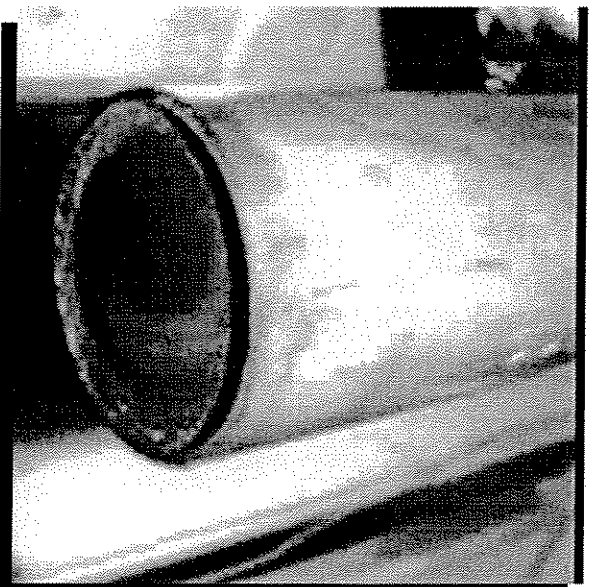
Areas surrounding welds are more susceptible to corrosion.



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Safety Issues

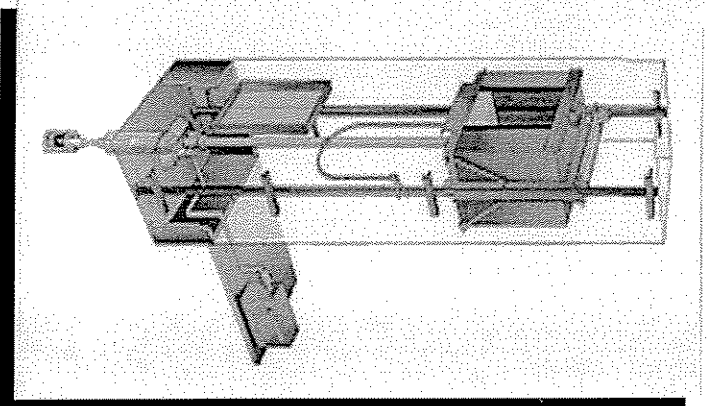
Difficult to determine current condition of the in-ground cylinder.



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Safety Issues

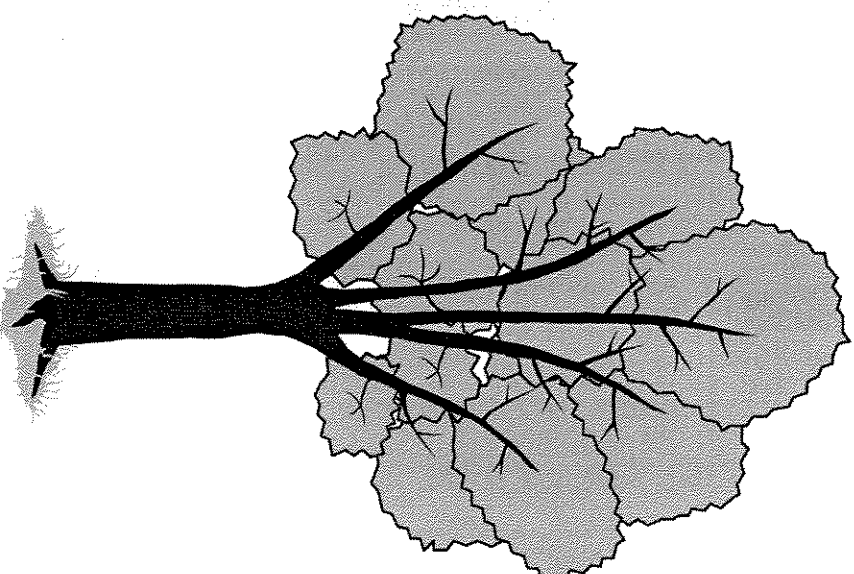
No mechanical safety device on a hydraulic elevator in the event of a catastrophic cylinder failure.



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Environmental Issues

- Contamination might occur.
- Costly environmental clean-up might be required.

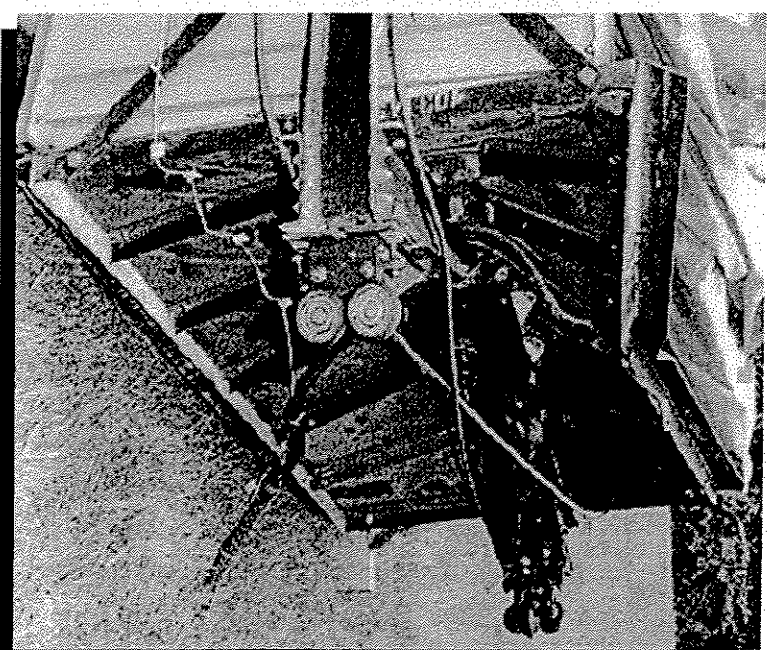


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Example – Catastrophic Failure

Situation

- Cincinnati, Ohio
- Apartment building
- Otis-manufactured equipment
- Competitor-maintained
 - Competitor failed to detect leaking cylinder.
 - Catastrophic cylinder failure occurred.

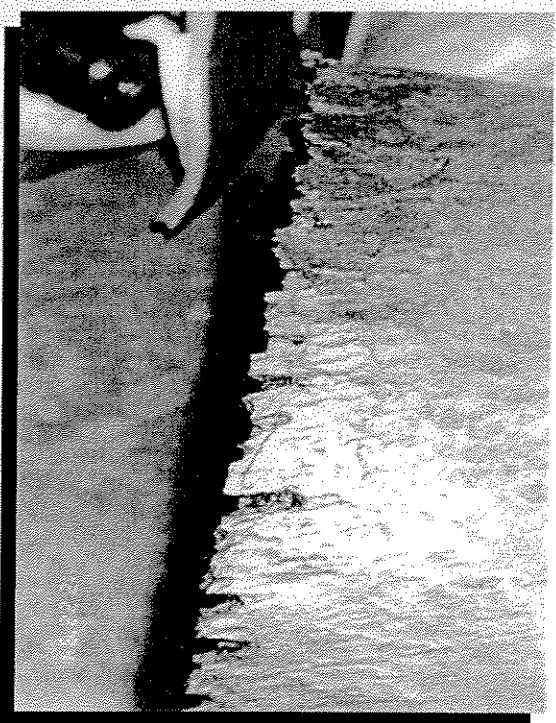


**Actual elevator -- after
cylinder failure**

OTIS

Example -- Catastrophic Failure

- Result
 - Two fatalities
 - Building owner paid substantial amount.



Actual cylinder after
catastrophic failure

OTIS

SBC Program History

Cincinnati, OH: 1994

- Otis manufactured, Competitor maintained
- Nine elderly people injuries, two deaths
- Competitor added oil

•Carbondale, PA: 1995

- Otis manufactured, Competitor maintained
- 11 people severe injuries, no deaths
- Competitor added oil

•Oneonta, NY: 1988

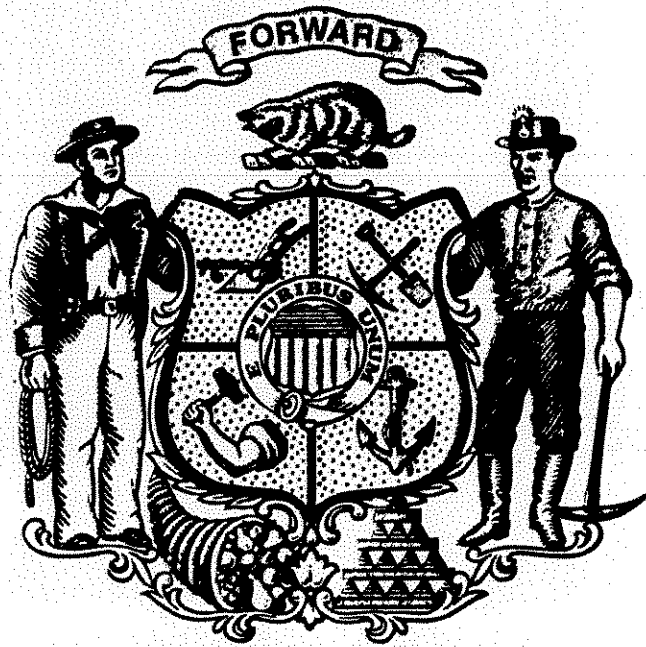
- Otis manufactured, maintained by competitor
- Four people severe injuries, no deaths
- Competitor added oil

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SBC Program History

- General Motors, Detroit: 1970
 - Competitor manufactured and maintained
 - GM executives injured
- Thunder Bay: 1990
 - Competitor manufactured and maintained
 - Broken legs, one fatality
- Los Angeles: 1991
 - Competitor manufactured and maintained
 - Two seriously injured

OTIS



8/13 1:30pm

Scott —

Joe Hurdle

Rept. of Commerce called

SKW already talked to

Larry Swazak (Program Manager -
Elevator program 267-7701)

Any more Q's, call Joe at

266-5649

July 11, 2003

Representative Steve Wieckert, Chair
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Madison, WI 53708-8953

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Representative Frank G. Lasee
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Representative Becky Weber
5th Assembly District
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Re: Public Hearing proposing to adopt the National Standard ASME17 with modifications.
(Revising the elevator code.)

I am Harry Macco a builder from Brown County and I have represented the Wisconsin Builders Association in the State Multi Family Code Council since its inception about 15 years ago. I have been very active in this committee and have missed very few meetings.

I serve on that committee knowing it is only an advisory, but have always felt that government programs that affect businesses need business input to make the program workable.

In the beginning I felt my time spent (5 hours of driving alone) for each meeting was worthwhile, but, once Safety & Buildings Division started talking of adopting the International Code, it became evident that sooner or later there would be justification for adopting it because that is what Safety & Buildings Division wanted. And with that a much larger department to implement it. I still can not remember of any meeting or meetings where a determination was even made that Wisconsin was in such tough shape that we had to adopt, but, that's the direction the train took us. Comments made by Safety & Buildings Division – other states are doing it – Wisconsin is about the only state that has, its own state code. There was lesser interest in comments made by the councils – such as what is wrong with our code? Some states don't even have a state code.

Comments made to the department such as “user friendly” or “cost effective” were not heeded as much. A statement at one meeting from an employee in the electrical division asking for a change in our code said “And if we could get this approved now, we will be the first state to incorporate this section.”, No comment or interest in user friendly or cost effectiveness, Safety & Buildings Division always has a fall back, “its safer.”

No one wants our state to operate in a fashion that would not be safe, but I don't think business should be choked to be safe. There has to be a median. One auto accident does not take all cars off the highway.

Well, as I said originally, as an advisory council I did think that our input was helpful to Safety & Buildings Division and to the State. But my feelings have changed now that Safety & Buildings Division is a self-run part of the government with its controls and power, can and will in its own way do and get whatever it wants.

This has to be stopped and now. We need regulatory reform. Retaining or expanding all the industries in Wisconsin have the same common problems, regulation, red tape, time delays and taxes. We are probably the most regulated state in the United States.

At the April 23, 2003 meeting, of the Multi Family Code Council, we were informed by Safety & Buildings Division that they were considering adopting the National Standard ASME17 code for elevator. However they said they would ask for modifications so it would not be so disastrous and costly to Wisconsin Businesses. With the modifications it would only cost (on the state owned buildings in Madison) about \$250,000 to update, then additional annual test cost at a minimum of \$500.00 + per elevator.

After discussion and a statement from Safety & Buildings Division stating "We are only doing it because National is doing it because Otis (I think) had developed a new safer elevator system and that prompted looking more closely at the whole elevator code."

I asked that we hold on more discussion until we get the following questions answered (no one from Safety & Buildings Division had indicated anyone even thought of these items).

1. Wisconsin has had a very effective Annual Elevator Inspection System. What other states have this?
2. What accidents have occurred over the years relative to the units in operation to include the whole United States?
3. In the states that have had accidents, do they enforce a similar annual inspection that Wisconsin currently has in place?
4. What accidents have occurred in Wisconsin? What deaths have occurred in Wisconsin?

We adjourned thinking that would happen.

These are all sound business questions that should be answered before subjecting the state to more strangling regulations. If answers to these questions indicate changes should be made then that is the time to act.

But NO, prior to the next Multi Family Code Meeting we are informed that a public hearing is scheduled on July 9th, 2003 to advance Safety & Buildings Division Department wishes – no study has ever been done. No one in the department cares if the changes are needed to protect our citizens. We know and so does Safety & Buildings Division any hearing on the issue will be heavily attended by the elevator industry, as the results of passage will triple the size of the elevator industry. So Safety & Buildings Division knows the results before the hearing.

This whole action tells me that unless serious changes can occur in Safety & Buildings Division I really am wasting my time going to these meetings.

At a time when our state budget has problems – when our state business climate is deteriorating – this is not the time to put another unproven, needed cost to business.

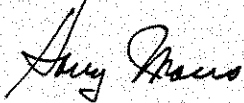
The Wisconsin Manufactures and Safety & Buildings Division have stated that in the last three years 66,000 high wage manufacturing jobs left Wisconsin. Wisconsin bureaucracy is stopping economic expansion, Georgia Pacific in Green Bay closed one paper machine, they can make it cheaper in Alabama. Permits in modernizing would take 9 to 12 months, other states 60 days. Other states have incentives to get their businesses. We are not meeting that challenge.

Most all regulation problems came from the Safety & Buildings Division Department. Most every regulation it starts sooner or later creates a larger more controlling department to oversee the regulation it created.

The building review section is a joke. We cannot send a plan to be reviewed unless it is stamped by a state-licensed engineer or architect. It is reviewed by staff (who are not licensed) at great expense and time delay. Unlicensed people inspect it during construction and after all the above, if any of the above make a mistake, they or the department are not liable. So what did we get for our money and time delays – nothing. Do we assume that states that do not regulate like Wisconsin have unsafe building or unsafe developments? I don't think so.

I know this hearing is regarding an elevator code but if you look at the large picture this is just the tip of an iceberg, a department that is out of control. We need overall regulating reform and it all starts in the Safety & Buildings Division Department. Get at the root of the problem, cut the size and control of that department and we will have made the one biggest step necessary to make Wisconsin a business friendly state.

Sincerely,



Harry Macco
President

Hm/Sk

