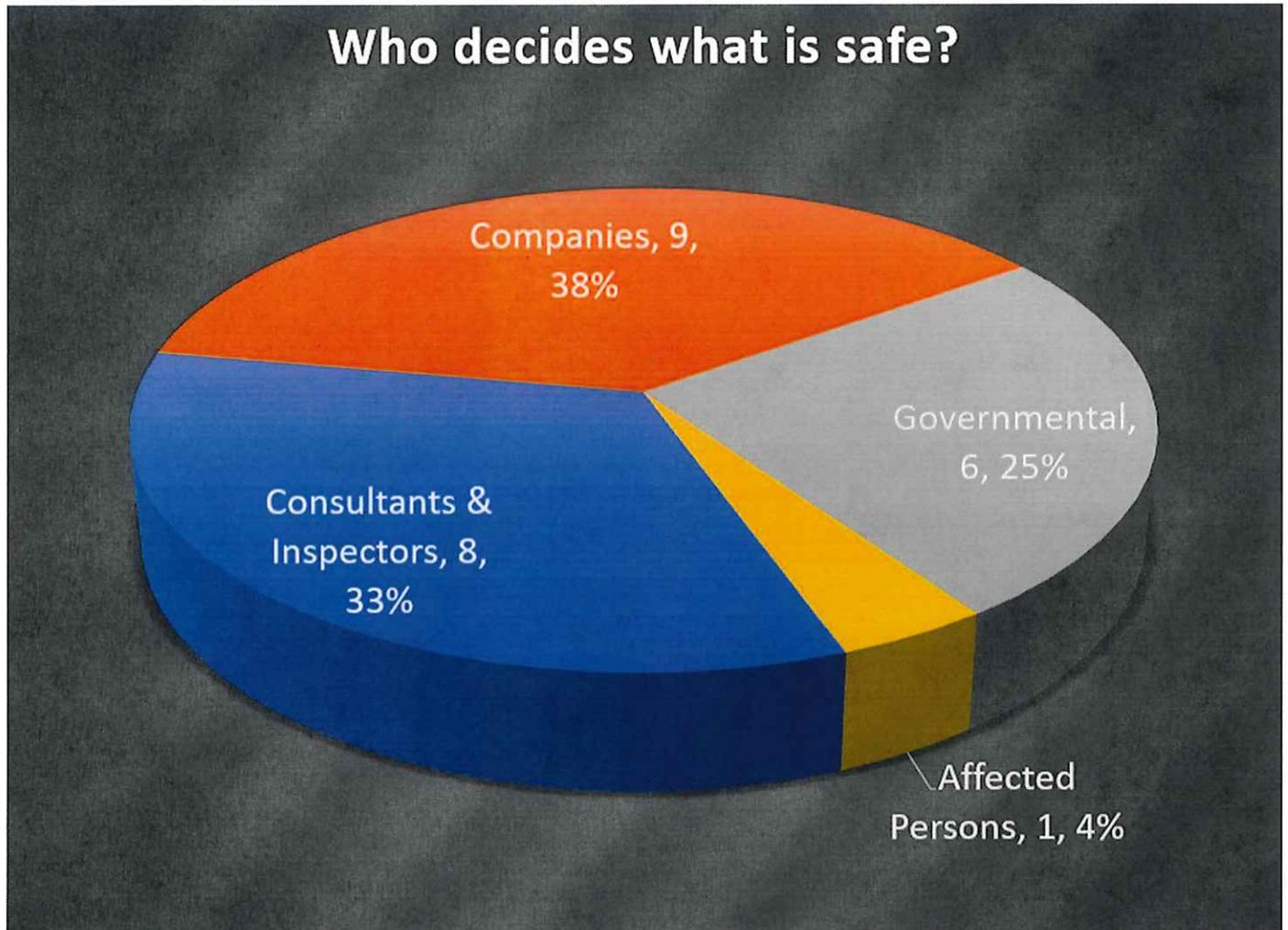


My name is August Whymeyer. As an interested party I am submitting comments as per your direction in order to help you protect the communities under your care. I have provided hardcopy of my comments and any supporting material to you and if desired will email an electronic version to the board if requested. My intention is to provide supportive assistance in your efforts to protect the members of our communities. I am a resident of Pennsylvania. My vocation is Elevator Constructor. I am a member of the International Union of Elevator Constructors serving as a representative to the affected employees whose fate falls in part to your decisions of enforcing safety in this jurisdiction. Thank you in advance for your consideration and effort.

Comment 1

The current state of ASME as a code developing body or committee is one of imbalance compounded at times by a consensus ruling allowance. Consensus can precipitate the silencing of a person's voice on a committee, in many cases whom are what are considered affected employees. I have provided a balance of interest chart in your handout that was derived by evaluating the members of the ASME A17 Standards Committee. Please understand that only 1 person representing those who work directly and in very hazardous areas on a daily basis is a voting member as opposed to approximately 38% of voting members benefitting from selling equipment that codes support. Some interests are not even considered as they are absent. The result is an imbalance. Fairness and safety would now fall to your burden which I ask your deep and caring consideration to ensure the highest level of safety and public welfare is provided.



Recently at least one group of persons indicated at a meeting that ASME accepted a specific technology. A question of how equipment becomes accepted for installation and is maintained as a safe conveyance in a community is bundled in the same conversation.

ASME and other standard developing bodies, only establish recommendations in the form of standards. An exception to a developing body that also enforces is OSHA which our employers are legally bound to adhere to yet ASME continues to author and approve requirements in violation with OSHA and other standards.

ASME does not enforce requirements.

ASME does not claim or establish acceptance of the practice of applying requirements. They only become enforceable after a jurisdiction adopts a given code, and furthermore only after a diligent and objective review of any given standard to ensure safety to their communities can be supported through its final revision in the jurisdiction. Willful Auto adoption is by design reckless and conducive to a multitude of failures in various areas. Many jurisdictions fall into a category that is not reckless as that connotes a foreknowledge of how to evaluate, process and implement a standard then would choose not to do so. They rather are configured such that they are not aware or have not been provided with adequate training and outreach to develop their standard operating procedure. Some jurisdictions make stellar efforts in this arena. I encourage us to do the same and not rely on a national code making body that bears no ultimate responsibility to those affected.

Code making bodies develop standards, jurisdictions adopt standards wherein then they become codes. Then an acceptance of any given conveyance etc. can take place. For example, if you read through ASME A17.1/CSA B44 it will indicate ASME does not “approve,” “rate,” or “endorse” any item, construction, proprietary device, or activity. I would advise anyone to not indicate ASME’s acceptance or non-acceptance of anything under that provision. The jurisdiction becomes the enforcing entity or in the case where a jurisdiction fails to have a working business plan it establishes persons working as their enforcing entities such as third-party inspectors. Do not confuse the fact that despite ASME not approving, rating, or endorsing any item, construction, proprietary device, or activity, equipment, at least in part, will ultimately fall under the scrutiny of an ASME standard adopted as a code or codes. This is where our process of citing violations occurs. Our AHJ comprised of The Department of Labor and Industry, its Elevator Safety Board and ultimately Inspectors in the employ or empowered acting on behalf of the State of Pennsylvania need objective, safe codes to enforce.

The work here is derived from fundamentals in an attempt to establish a scientific approach that can span varying scenarios and time. No interpretation is contained here as most interpretations are a failed attempt at navigation and use of a given code or standard. When we don't understand, sometimes we interpret.

The process can't be boiler plated here as the migration of developed language into enforceable code language varies with the standard and its organization, the entity moving to use a given standard as affected by the community itself. Despite that statement here are some basic rules that apply every time. The below is intended to be executed via a fair and complete elevator safety board comprised of multiple disciplines. I offer it to you as a tool to process the substantive information provided for you to ultimately turn into safe enforcement to our communities.

Please observe the following steps to adopt any given standard. If in any way, we may support your efforts please ask as we have a comprehensive support structure in my organization.

1. Identify what needs to be subject to oversight, make the list.
2. Identify the corresponding standards, make a list
3. Match the standards to the need. Be advised there are multiple matches as standards overlap. In this scenario conflicts will arise as code coordination is not observed among code developing bodies. Just list them then ultimately establish the language that provides both safety and synergy. To mitigate or eliminate any missed conflicts establish language indicating that when 2 or more requirements that conflict come to bear on a scenario the safer of the set is prioritized and will be enforced.
4. Review the standards and evaluate them using fundamental safety filters such as the hierarchy, science, laws both local and federal etc., make a list of issues.
5. Develop proposed changes so as to modify the standard into your community's Standard Operating Procedure. This is a skill set that has to be undertaken with diligence and free from bias.
6. Implement the changes to the standard and begin enforcement.
7. Periodically meet and discuss the effects of codes and standards as adopted on your community and adjust as needed. Handle any application for variance by filtering using the hierarchy provided by OSHA to ensure the highest safety with the lowest fiscal impact to our business owners.
8. Look to the future and repeat your Standard Operating Procedure as time passes thereby bringing future standards into your code library to enforce.

Comment 2

Definitions in a standard are generic at times and may not represent what needs to be achieved in a jurisdiction. For this reason it is recommended that the definition of elevator personnel be revised to encompass not only the criteria in ASME A17.1 but also the working language to establish the proper training and qualified persons are performing work on complex electromechanical machinery our families, friends and fellow passengers ride and use daily. We are not a licensed state and therefore all the more reason to ensure trained qualified personnel are established through our code once adopted. The definition should read as follows:

Elevator Personnel: Persons who have been trained in the construction, maintenance, repair, inspection, and testing of equipment and are enrolled in or have completed a certified apprenticeship program approved by the Commonwealth of Pennsylvania. Personnel whom have been established as elevator personnel prior to the effective date of this statute as defined by being awarded completion of a nationally recognized elevator education program approved by the Common Wealth of Pennsylvania and have at least 5 years unsupervised experience working in the elevator industry shall be considered elevator personnel.

Comment 3

In the 2016 edition of ASME A17.1 a change was published that no longer bypasses an in-car stop switch or an emergency stop switch when the elevator is recalling on Firefighters' Emergency Operation, Phase I. This is flawed due to several factors. The first being despite it being a requirement that an in-car stop switch is restricted to only be in the possession of elevator personnel elevator companies and other entities habitually provide these restricted keys to persons whom should not have them. Furthermore regarding an emergency stop switch freight elevators having operators who understand the restrictions on freight elevators are not consistent and the code requirements are not detailed enough to ensure a knowledgeable person would be in control of a freight elevator with an emergency stop switch when Firefighters' Emergency Operation Phase I is actuated. This would result in untrained persons stopping an elevator that an engineering control is operating to move the elevator to a safer location. The best scenario for any elevator recalling on FEO Phase I is to complete that operation. In addition this ASME code change was not subject to code coordination wherein the timing of a shunt trip device when installed in accordance with a recommendation by NFPA is in effect. Please note that code coordination simply is not practiced despite claims that it is.

Please take exception to this change in ASME A17.1-2016/CSA B44-16, any requirement such as 2.26.7 and 2.27.3.1.6 that in part no longer defeat the in-car stop switch and the emergency stop switch. They should remain defeated in that scenario.

Comment 4

Please assemble your safety board, or an ad hoc board to, recognize, communicate and ultimately adopt codes and standards only after a comprehensive review of the language which in this case represent approximately 1600 changes from that which is being enforced at this time.

Thank you for this opportunity today. We wish you all the best in your completing this important work.