

State of Maryland
Elevator Safety Review Board
Business Meeting Minutes

DATE: June 23,2023
TIME: 10:00 a.m.
LOCATION: Held Virtually via Google Meet
<https://meet.google.com/vbg-mvtj-mtv?hs=122&authuser=0>
Join By Phone: (U.S.) =+1 470-400-5690
PIN: 546 397 236#

MEMBERS PRESENT:

Ed Hord, Chairman
Thomas Lindsay
Michael Moran
William “Bill” Hosea
Jason Dankner

MEMBERS ABSENT:

Lance Brown
Charles “Pete” Meeks,

LABOR OFFICIALS AND STAFF PRESENT:

Ralph Dillman, Labor and Industry
Dave Dearborn, Labor and Industry
Kimberly Smith Ward, Assistant Attorney General
LaKissha Thornton, Administrative Officer

GUEST PRESENT:

Luke Metzinger, Alimak Group USA, Inc.
Stephanie Lumbark, Delaware Elevator- Public Member

CALL TO ORDER

Chairman Hord called the Business Meeting of the Maryland Elevator Safety Review Board to Order at 10:02 a.m.

APPROVAL OF THE MINUTES

Director Bull stated that the minutes of the April 28, 2023, Business Meeting had not yet been drafted. He asked to Board to excuse the error and stated that the Minutes of April 28, 2023, meeting would be drafted and distributed to the Board for review at the next meeting.

COMPLAINT COMMITTEE REPORT

There was no report from the Complaint Committee.

APPLICATION REVIEW COMMITTEE REPORT

There was no report from the Application Review Committee

REVIEW OF PSI EXAMINATION STATISTICS AND LICENSE TOTALS

Director Bull reported that two (2) candidates were tested in April 2023, with two (2) candidates having passed for a pass rate of 100%. He also reported that zero candidates were tested in May 2023. Since January 2023, three (3) candidates have tested, with two (2) having passed and one (1) having failed for a pass rate of 33%. Since the inception of test 78 candidates have been tested, with 36 having passed and 42 having failed for a pass rate of 46%. There are currently 1,109 active licensees.

CORRESPONDENCE

There was no correspondence.

EXECUTIVE DIRECTORS REPORT

Director Bull reported that Commissioner Matt Helminiak (Div. of Labor and Industry) had been replaced by Commissioner Devki Virk.

Director Bull reported that Commissioner Greg Morgan (Div. of Occupational and Professional Licensing) had been replaced by Commissioner John Dove. He stated that Commissioner Dove was not able to attend the meeting due to a scheduling conflict and looked forward to introducing himself to the Board at the August meeting.

Director Bull informed the Board that a joint meeting of the Boards in the Mechanical Licensing Unit had been proposed by the Chairman of the Board of HVACR Contractors. Director Bull stated that the meeting would be held between the Chairs and Vice-Chairs of each Board in the Unit. He further stated that he would provide more details to the Board regarding the meeting when they became available.

COUNSEL'S REPORT

There was no report from Counsel.

CHAIRMAN'S REPORT

There was no report from the Chairman.

OLD BUSINESS

Chairman Hord asked for an update on the information panel being developed by Board staff and Ms. Danielle Anderson. Director Bull reported that Ms. Anderson had been unable to work on the pamphlet as she had been given several priority assignments from the Secretary that could not be delayed. Director Bull requested that Chairman Hord and the other Board members email Ms. Thembi any items that they wished to have included in the pamphlet and ensured that an update would be provided at the August meeting.

Director Bull advised the Board that that he intended to implement e-licensing options for original applications and license renewals. He stated that the Board would soon begin accepting electronic submissions of original applications through a secure upload option on our website with the intention of reducing application processing time. Mr. Danker expressed support for the e-licensing option, stating that he was still receiving reports of applicants and licensees experiencing processing delays. He also expressed concerns regarding the website's search features. Chairman Hord questioned whether it would be possible for Board staff to cross check our database's list of active licenses to ensure that each was featured on the website. Director Bull replied that the site was designed to update in real time and that cross checking each record would not be feasible due to staffing constraints.

Dave Dearborn joined the meeting at 10:12 a.m.

There was no other Old Business.

NEW BUSINESS

Chairman Hord introduced Luke Metzinger of Alimak Group USA, Inc. Mr. Metzinger thanked the Board for the opportunity to speak before them. He stated that on behalf of Alimak Group, he was requesting that the Board consider issuing a declaratory ruling that would allow unlicensed mechanics to work on Wind Turbine Tower Elevators (WTTEs) as each of their mechanics would be required to complete the following safety certifications before being able to work on the WTTE:

- Global Wind Organization WINDA Training consisting of the following courses:
 - o Fire Awareness
 - o Manual Handling
 - o First Aid
 - o Working at Heights
- Confined Space Awareness for General Industry
- Electrical Safety and LOTO (lock out tag out) for General Industry
- OSHA 10 Hour Construction
- Introduction to NFPA 70E for all industries

- Hoist Specific Training- Tractel Safety Inspection and Maintenance
- Avanti E-Learning Model Specific Operator Training (2-year Certification)
- Avanti IIM Model Specific- Installation, Inspection, and Maintenance Training (2-year Certification)

Mr. Metzinger continued giving an explanation of the differences between typical building elevators and WTTEs. He stated that when WTTEs were initially codified they fell under MD Regulation according to ASME A17.1/B44 Section 5.11 but since then have been removed from that regulation and made to have their own standard under ASME A17.8/B44.8. He continued stating that because WTTEs were not covered under the same regulation as building elevators that persons working on them should not be subject to all of the requirements of the former regulation and that Alimak felt they should only be responsible for training specific to WTTE equipment.

Chairman questioned the need for the declaratory ruling asking if there were instances where there were no available licensed Elevator Mechanics to service the WTTEs. Mr. Metzinger replied that Alimak does not hire licensed Elevator Mechanics and that the WTTEs are serviced by their own technicians. He stated that, in the past, when service is required for a WTTE that a licensed Elevator Mechanic from a separate company is hired to be on-site to supervise the work of the technicians. The Elevator Mechanic is not involved in performing the work itself, as they are not qualified to do so. Mr. Dillman replied to Mr. Metzinger's statement saying that in the past he had observed similar instances on sites where WTTEs need to be serviced. Mr. Lindsay and Mr. Moran both expressed that they felt if the licensed Mechanic was only on-site in a supervisory capacity that the Mechanic served little purpose, other than complying with the law. Chairman Hord replied that he felt that the wind turbine mechanics should simply become licensed. He continued stating that if such an exemption would require a statutory change it could take years for the change to take effect and if it could be done by regulation it could take several months, which could cause a burden to the burgeoning industry. Mr. Danker expressed concern over the implications of carving out exemptions to the law. He proposed creating a new class of licensure or adding a classification to the existing license to accommodate WTTE mechanics.

Mr. Moran asked Mr. Danker if the IUEC provided a list of companies that provided wind turbine training to which Mr. Danker replied there was such a list and he would provide it for the Board. Chairman Hord restated his concern as to why Alimak's mechanics could not become licensed. Mr. Metzinger stated it was not in the company's interest to become licensed for several reasons. He stated the primary reason was to ensure safety as their mechanics were the most qualified to service and certify the WTTEs. The second reason was in the interest of their business. He stated that several states have already granted them an exemption from licensure and that if they were required to license their mechanics in one State they would be required to license them in all of the states in which they operate. Mr. Moran stated that as a person who worked in a niche elevator industry, he faced similar challenges and hardships when his company was required to be licensed as an elevator renovator company when legislation was passed and that he felt it was the business' responsibility to comply with the law. Chairman Hord agreed with Mr. Moran stating that as an architect there were several areas of architecture that he would never interact with as a professional but that he had been required to learn them in order to qualify to be licensed. He continued, stating it was the Board's responsibility to protect and promote the safety of the citizens of Maryland by enforcing the laws of our statute.

Mr. Metzinger cited a declaratory ruling previously granted by the Board, No. 2019-1, noting that the Board had made exceptions to the statute in the past. Mr. Lindsay stated that he felt that an exemption should be granted based on the explanations presented by Mr. Dillman and Mr. Metzinger previously in the meeting. Mr. Dillman stated that he did not have any objection to granting the exemption and that, from a safety standpoint, he felt the people who have the most experience working with WTTEs should be the people who service, maintain and certify them. Chairman Hord requested the Counsel Ward provide input on the matter. Counsel replied that she could not provide legal advice in an open session of a meeting and that the Board would need to convene in a closed session before she could comment. A motion was made by Mr. Danker to enter closed session, to consult with counsel to obtain legal advice, seconded by Mr. Moran. By a roll call vote the Board voted to enter a closed session with Danker, Moran and Hord voting to enter and Mr. Lindsay and Mr. Hosea voting against entering closed session.

The Board entered a closed session at 10:57 a.m., pursuant to Maryland Annotated Code, General Provisions, sec. 3-305(b)(7).

The Board reconvened in the open session of the meeting at 11:28 a.m. Mr. Lindsay did not return to the open session.

Chairman Hord reported that the Board would form a committee to address the proposed exemption. He stated that committee would consider whether the Board should grant the exception, whether the exception would require legislation and any other issues it felt relevant. He informed Mr. Metzinger that in the meantime, their company would either need to continue to hire third- party licensed Elevator Mechanics to be on-site or have their technicians become licensed Elevator Mechanics. Mr. Metzinger thanked the Board for their time and consideration. Chairman Hord asked if any member of the Board wished to volunteer for the proposed committee. Mr. Danker and Mr. Moran volunteered to join the committee along with Counsel Ward and Mr. Dillman. Mr. Moran made a motion to form a committee to review Mr. Metzinger’s proposal to grant a licensing exemption, seconded by Mr. Danker, and by a roll call vote passed by the Board.

ADJOURNMENT

A motion was made to adjourn the June 23, 2023, Business Meeting of the Elevator Safety Review Board was made by Mr. Danker, seconded by Mr. Moran and unanimously carried by the Board at 11:33 p.m.

Signature On File

08/25/2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on: 08/25/2023