

## LABOR SERVICES DIVISION[875]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board (Board) hereby gives Notice of Intended Action to amend Chapter 71, “Administration of the Conveyance Safety Program,” and Chapter 72, “Conveyances Installed On or After January 1, 1975,” Iowa Administrative Code.

In 2008, the Board promulgated a rule concerning material lift elevators; however, the rule was not published until February 2015 due to a computer error. Rather than enforce the 2008 regulation retroactively, the Board proposes different requirements for material lift elevators.

In order to understand these proposals, an understanding of relevant definitions is necessary. Pursuant to Iowa Code section 89A.3, safety standards of the American Society of Mechanical Engineers (ASME) are commonly adopted by reference and applied to conveyances. The Iowa statutory definition of “material lift elevators” is comparable to the ASME definition of “Type A” material lift. The Iowa statutory definition of “freight elevators” is comparable to the ASME definition of “Type B” material lift. The Iowa statutory definition of “material lift elevator” also includes a vertical reciprocating conveyor if it penetrates a floor.

These amendments set forth standards for material lift elevators and establish fees for material lift elevator installation permits. The Board proposes to adopt by reference the relevant ASME standards for new installations.

The purposes of these amendments are to protect the health and safety of the public, align the rules with statutory authority, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on January 26, 2016, a public hearing will be held on January 27, 2016, at 1:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted no later than January 27, 2016, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in this rule. Applicable variance procedures are set forth in 875—Chapter 66.

After analysis and review of this rule making, no adverse impact on jobs is expected.

These amendments are intended to implement Iowa Code chapter 89A.

The following amendments are proposed.

ITEM 1. Amend rule **875—71.1(89A)**, definition of “Conveyance,” as follows:  
 “*Conveyance*” means any elevator, escalator, material lift elevator, dumbwaiter, wind tower lift, CPH, or other equipment governed by Iowa Code chapter 89A. “*Conveyance*” includes a vertical reciprocating conveyor that penetrates a floor.

ITEM 2. Rescind paragraphs **71.16(3)“b”** and “**c.**”

ITEM 3. Reletter paragraphs **71.16(3)“d”** to “**h**” as **71.16(3)“e”** to “**i.**”

ITEM 4. Adopt the following **new** paragraphs **71.16(3)“b”** to “**d**”:

*b.* Material lift elevators: \$500.

- c.* Other hydraulic elevators: \$750.
- d.* Other traction elevators: \$1000.

ITEM 5. Rescind rule 875—72.22(89A) and adopt the following **new** rule in lieu thereof:

**875—72.22(89A) Material lift elevators.** This rule applies to a vertical reciprocating conveyor or material lift elevator that serves two or more floors of a building or structure. The provisions contained in ASME A17.1, Sections 7.4 through 7.7 and 7.9 through 7.11, are adopted by reference for material lift elevators installed on or after March 1, 2016.