

SB 34_U.S. CPSC Commissioner Trumka_Fav.pdf.pdf

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Position: FAV



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

COMMISSIONER RICH TRUMKA JR.

February 1, 2022

Chair Delores G. Kelley
Finance Committee
3 East
Miller Senate Office Building
Annapolis, MD 21401

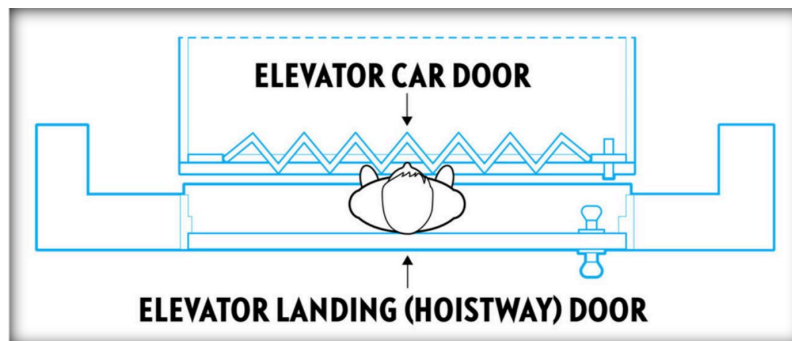
Re: Testimony **In Support** of SB 34 Residential Elevators – Inspections

Dear Chair Kelley,

I write in support of Maryland SB 34, an act to require professional inspections of residential elevators each time they are installed or change ownership. These comments represent my own individual views, rather than those of the U.S. Consumer Product Safety Commission (CPSC).

As a CPSC Commissioner, my mission is to protect the public from unreasonable risks of injury or death associated with consumer products, including residential elevators. These elevators can pose serious risks.

Tragically, experience has shown that dangerous gaps between the doors of residential elevators can trap and injure children. This diagram illustrates the hazard:



Source: CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards (Jan. 11, 2022), <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSC-Urgent-Warning-Stop-Using-Waupaca-Residential-Elevators-Due-to-Fatal-Entrapment-and-Serious-Fall-Hazards>.

CPSC has stated that it is aware of at least 131 injuries from door entrapments in residential elevators.¹ In a 2017 memorandum, CPSC staff identified five children who died after being caught and crushed by elevator doors, and an additional three children who became trapped between an outer hoistway door and an inner accordion door, two of whom suffered grave injuries from entrapment.² In one case, a 4-year-old “was found dangling in the elevator shaft, upside down, with his foot lodged between the elevator car and the elevator shaft.”³ He “suffered physical scarring and permanent vision loss as a result.”⁴ In the summer of 2021 alone, three more children became entrapped in residential elevators and one of them was fatally crushed.⁵

In most cases, these horrific entrapments could be prevented with a cheap and simple fix: a space guard that fills the gaps between the inner and outer elevator doors. CPSC has approached residential elevator companies whose products pose entrapment risks and tried to remedy the hazards. Several companies agreed to voluntary recalls: Otis Elevator Company,⁶ Bella Elevator, LLC,⁷ Inclinator Company of America,⁸ and Savaria Corporation⁹ have agreed to voluntary recalls providing space guards. However, other companies have refused. When Waupaca Elevator Company, Inc. refused to recall its residential elevators, CPSC was forced to issue a warning to the public to stop using the elevators until they could be examined by a local elevator service company or qualified inspector.¹⁰ Similarly, CPSC was forced to sue thyssenkrupp Access Corp. when it refused to recall its residential elevators.¹¹

¹ *Staff Recommendation to the Commission on Petition CP 15-1 Requesting Rulemaking on Residential Elevators*, at 37 (Mar. 15, 2017) (online at <https://www.cpsc.gov/content/Commission-Briefing-Package-Petition-CP-15-1-Requesting-Rulemaking-on-Residential-Elevators>).

² *Id.* at 35–36.

³ *CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards* (Jan. 11, 2022) (online at <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSC-Urgent-Warning-Stop-Using-Waupaca-Residential-Elevators-Due-to-Fatal-Entrapment-and-Serious-Fall-Hazards>).

⁴ *Id.*

⁵ *Id.*

⁶ *Otis Elevator Company Recalls to Inspect Private Residence Elevators Due to Entrapment Hazard; Risk of Serious Injury or Death to Young Children* (Dec. 17, 2020) (online at <https://www.cpsc.gov/Recalls/2021/Otis-Elevator-Company-Recalls-to-Inspect-Private-Residence-Elevators-Due-to-Entrapment-Hazard-Risk-of-Serious-Injury-or-Death-to-Young-Children>).

⁷ *Bella Elevator Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children* (Jan. 11, 2022) (online at <https://www.cpsc.gov/Recalls/2022/Bella-Elevator-Recalls-Residential-Elevators-Due-to-Child-Entrapment-Hazard-Risk-of-Serious-Injury-or-Death-to-Young-Children>).

⁸ *Inclinator Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children* (Jan. 11, 2022) (online at <https://www.cpsc.gov/Recalls/2022/Inclinator-Company-of-America-Recalls-Residential-Elevators-Due-to-Child-Entrapment-Hazard-Risk-of-Serious-Injury-or-Death-to-Young-Children>).

⁹ *Residential Elevators Recalled by Savaria Corporation Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children* (Jan. 11, 2022) (online at <https://www.cpsc.gov/Recalls/2022/Residential-Elevators-Recalled-by-Savaria-Corporation-Due-to-Child-Entrapment-Hazard-Risk-of-Serious-Injury-or-Death-to-Young-Children>).

¹⁰ *CPSC Urgent Warning: Stop Using Waupaca Residential Elevators Due to Fatal Entrapment and Serious Fall Hazards* (Jan. 11, 2022) (online at <https://www.cpsc.gov/Newsroom/News-Releases/2022/CPSC-Urgent-Warning-Stop-Using-Waupaca-Residential-Elevators-Due-to-Fatal-Entrapment-and-Serious-Fall-Hazards>).

¹¹ *CPSC Sues thyssenkrupp Access Corp. Over Deadly Gap Hazard in Residential Elevators; Action Prompted by Three Incidents: One Child Died, Another Permanently Disabled, and a Third Hospitalized After*

Hazardous residential elevators remain in homes. This bill will help address that risk. Professional elevator inspectors are equipped to identify hazards in residential elevators and recommend appropriate solutions to minimize risks—but only if they have the chance to inspect the elevators. This bill would make those inspections happen and help catch hazards before more tragedies strike.

Thank you for your consideration, and I urge a favorable report on SB 34.

Sincerely,

/s/ Rich Trumka Jr.

Rich Trumka Jr.

Commissioner

U.S. Consumer Product Safety Commission

Becoming Entrapped (July 7, 2021) (online at <https://www.cpsc.gov/Newsroom/News-Releases/2021/CPSC-Sues-thyssenkrupp-Access-Corp-Over-Deadly-Gap-Hazard-in-Residential-Elevators>).

SB034_SenYoung_FAV.pdf

Uploaded by: Ronald Young

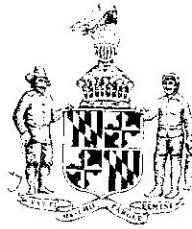
Position: FAV

RONALD N. YOUNG
Legislative District 3
Frederick County

Budget and Taxation Committee
Chair, Executive Nominations Committee

Senate Chair, Joint Subcommittee on
Program Open Space/Agricultural Land
Preservation

Joint Committee on Administrative,
Executive, and Legislative Review



The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

February 3, 2022

SB034 - SUPPORT

Public Safety - Residential Elevators – Inspections

Annapolis Office

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District Office

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Dear Chair Kelley, Vice Chair Feldman, and members of the Senate Finance Committee,

SB034 seeks to add residential elevator inspections to state law. Maryland law currently only requires inspections of commercial and public building elevators.

The federal Consumer Product Safety Commission (CPSC) estimates that residential elevators are linked to 4,600 injuries and 22 deaths from 1981 through 2019.⁷ However a 2007 study, using the CPSC's National Electronic Injury Surveillance System (NEISS) data puts elevator-related injuries much higher at 29,030 for children age 19 and younger from 1990 to 2004, or an average of 1,935 injuries per year.⁹

While the total number of Maryland children injured or killed by elevators is unknown, it was the death of a Maryland child in 2001 that forced the Otis Elevator Company to recall home elevators made before 2012 for inspection and repairs.^{4,6} All the studies agree that the most frequent cause of injury is an elevator door closing on a body part, most often when children get caught and crushed between the door and the elevator carriage.⁸ An issue that is easily remedied by reducing the space to the standard of 4 inches or less (small children are too big to fit into a 4 inch space).⁵ Maryland thankfully adopted into law the American Society of Mechanical Engineers (ASME) safety standards of 4 inch gaps for elevators. Unfortunately, it only applies to elevators that are inspected.

Furthermore, the ASME codes only apply to elevators installed after 2017, leaving the 300,000 to 500,000 currently installed residential elevators in the United States uninspected.⁵ It's unclear how many of these elevators are in Maryland, because while the Maryland Department of Labor tracks the number of commercial elevators by county and location, it was not able to provide a similar list for private residential elevators.

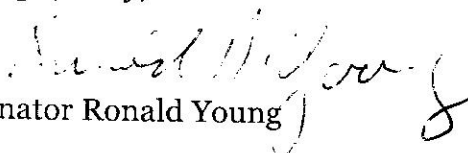
In July 2021, the CPSC issued its first ever safety recall for residential elevators due to the danger posed to children.⁶ But the CPSC recall only involves only about 5,000 home elevators out of the estimated 300,000 to 500,000 installed elevators.⁶ Furthermore, only one manufacturer, Otis Elevator Co., voluntarily agreed to the recall, even though the problem is seen across the industry and comes on the heels of a CPSC lawsuit against another elevator company, ThyssenKrupp.⁷

SB034 seeks to correct this safety issue by requiring inspections upon installation and each time the home changes ownership. When this bill was introduced last year, the Department of Labor, Licensing, and Regulations (DLLR) raised concerns that home elevator inspections may increase the State elevator inspectors backlog. SB034 addresses this concern by providing that the inspections are conducted by a third-party private elevator inspection company, licensed by the State of Maryland. In addition, the cost of inspection, repairs, and upgrades are paid by the homeowner, if the repair is not already covered by a CPSC recall.

I offer an amendment to add Senator Benson as a cosponsor of the bill.

I ask that you vote favorably on **SB034** to correct this public safety issue, particularly for our children.

Respectfully,


Senator Ronald Young

Additional Information

States that required in-home elevator inspections ^{12, 13}

California

Massachusetts

Minnesota

New York

Oklahoma

Washington

Resources

1. Baca, Nathan. July 30, 2021. WUSA9.com. "Elevators inside vacation rentals can crush children, according to federal regulators" (Dec 29, 2021)
<https://www.wusa9.com/article/news/investigations/some-home-elevators-deadly-dangerous-for-children/65-4796e56d-962a-4c15-bea9-8265de9d3863>
2. Consumer Product Safety Commission. July 07, 2021. CPSC.gov. "CPSC Sues thyssenkrupp Access Corp. Over Deadly Gap Hazard in Residential Elevators; Action Prompted by Three Incidents: One Child Died, Another Permanently Disabled, and a Third Hospitalized After Becoming Entrapped" (Oct. 20, 2021)
<https://www.cpsc.gov/Newsroom/News-Releases/2021/CPSC-Sues-thyssenkrupp-Access-Corp-Over-Deadly-Gap-Hazard-in-Residential-Elevators>
3. Consumer Product Safety Commission. Dec. 20, 2020. CPSC.gov. "Otis Elevator Company Recalls to Inspect Private Residence Elevators Due to Entrapment Hazard; Risk of Serious Injury or Death

- to Young Children” (Dec. 29, 2021)
<https://www.cpsc.gov/Recalls/2021/Otis-Elevator-Company-Recalls-to-Inspect-Private-Residence-Elevators-Due-to-Entrapment-Hazard-Risk-of-Serious-Injury-or-Death-to-Young-Children>
4. Cremen, Alanea. August 11, 2021. WUSA9.com. “Child falls through home elevator shaft in Potomac, officials say” (Dec. 29, 2021).
<https://www.wusa9.com/article/news/local/potomac/child-falls-through-home-elevator-shaft-potomac-montgomery-fire-rescue-spokesperson/65-db7184be-d5e2-47e8-b06c-040644b2bbb7>
 5. Frankel, Todd. February 13, 2020. The Washington Post. “Another child was crushed by a home elevator, just months after U.S. regulators decided against safety recall”
https://www.washingtonpost.com/business/economy/another-child-crushed-by-a-home-elevator-just-months-after-us-regulators-decided-against-safety-recall/2020/02/13/963c161e-4b5d-11ea-bf44-f5043eb3918a_story.html
 6. Frankel, Todd. Dec. 17, 2020 at 7:50 am *Updated Feb. 15, 2021 at 7:52 am*. The Seattle Times. “After years of devastating home elevator accidents, first safety recall announced” (Dec. 29, 2021)
<https://www.seattletimes.com/business/after-years-of-devastating-home-elevator-accidents-first-safety-recall-announced/>
 7. Maas, Russell. July 09, 2021. AboutLawSuits.com “CPSC Files Lawsuit Over Residential Elevator Gap That Has Caused Death, Serious Injury” (Oct. 20, 2021)
<https://www.aboutlawsuits.com/cpsc-elevator-gap-lawsuit-185662/#:~:text=The%20U.S.%20Consumer%20Product%20Safety,been%20linked%20to%20severe%20injuries>
 8. McCann, Michael, PhD, CIH. September 2013 “Deaths and Injuries Involving Elevators and Escalators” (Dec. 29, 2021) CPWR – The Center for Construction Research and Training
https://www.cpwr.com/wp-content/uploads/publications/elevator_escalator_BLSapproved_2.pdf
 9. O’Neill J, Steele GK, Hulsingh C, and Smith GA. 2007. “Elevator-related injuries to children in the United States, 1990 through 2004.” Clin. Pediatr. 46(7): 619-625.
<https://doi.org/10.1177/0009922807300232>
<https://journals.sagepub.com/doi/10.1177/0009922807300232>
 10. ThyssenKrupp. “Elevator Space Guards”. (Dec. 29, 2021) <http://www.elevatorspaceguard.com/>
 11. Tollen, Luke. June 29, 2021. AboutLawSuits.com “Vacation Home Elevators May Pose Hidden and Deadly Risk When Traveling, CPSC Warn” (Dec 29, 2021)
<https://www.aboutlawsuits.com/elevator-gap-warning-185356/>
 12. “Does a Home Elevator Need to be Inspected”. Nationwidelifts.com (Dec 30, 2021)
<https://www.home-elevator.net/info-does-home-elevator-need-to-be-inspected.php>
 13. Oklahoma Department of Labor. 2019. Elevator Safety Act and Administrative Rules. Section 380:70-3-5. https://www.ok.gov/Labor/documents/20190114_TRANS_RUL_ELV_Rules.pdf

Maryland Assembly Letter regarding Senate Bill 34

Uploaded by: Timothy Marshall

Position: FWA



Specializing in Elevator Consulting and Inspections

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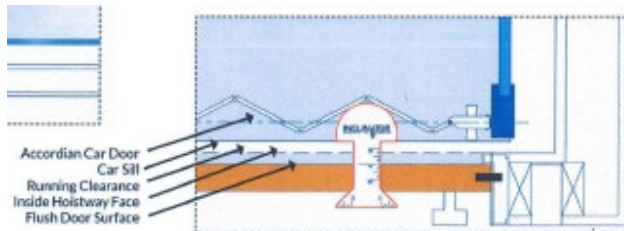
February 1, 2022

Economic Matters Committee
General Assembly of Maryland
90 State Circle
Annapolis, MD 21401

In support with amendments and include the bill number: SB34.

Dear Members of the Economic Matter Committee,

Kids are being killed by residential elevators and our state is doing nothing to prevent it. Currently there are no inspections or any type of oversight for the installation of residential elevators. Residential elevator companies install the elevator as a subcontractor, and they have no support to make sure the installation meets the ANSI A17.1 elevator code. The big issue is the elevator contractor does not normally supply the hoistway doors, because they typically match the other doors in the house. The doors typically do not meet the current code requirement.



5.3.1.7 Protection of Hoistway Openings

5.3.1.7.1 Where Required. Where a hoistway enclosure is required, landing openings shall be protected by swinging or horizontally sliding doors or gates. Landing openings in solid hoistway enclosures shall be protected the full height by solid swinging or horizontally sliding doors. Their fire-protection rating shall be not less than required by the building code (see 1.3). The doors or gates shall be designed to withstand a force of 670 N (150 lbf) applied horizontally over an area 100 mm × 100 mm (4 in. × 4 in.) in the center of the doors or gates without permanent displacement or deformation.

5.3.1.7.2 Clearance Between Hoistway Doors or Gates and Landing Sills and Car Doors and Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 75 mm (3 in.). The distance between the hoistway face of the landing door or gate and the car door gate shall not exceed 125 mm (5 in.).

I recently was selected to be an expert witness for a case in North Carolina and I saw firsthand how easily this loss of life could have been prevented. Just like Maryland, North Carolina does not any type of residential elevator inspections. The maximum clearance allowed between the accordion gate and the hoistway door is 5". The elevator in North Carolina was installed in 2003. It was installed with a clearance that measured more than 8". This child was seven years old. The elevator moved in the up direction with the young boy hiding in the elevator threshold. His father acted heroically and tried to free his child, but to no avail. The lifeless body of his child was dropped into his arms as the fire fighters were able to lower the elevator down. The manufacturer provided a statement below prior to our site investigation. We are better than this.

Several house bills have been submitted to prevent these types of accidents, but our legislatures have done nothing.

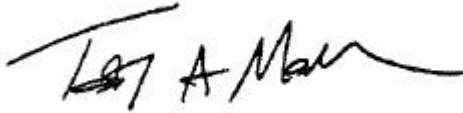
SENATE BILL 34 would require all new installations per tested and another inspection would be required when the house was sold or transferred to a new owner. This will help but I think all existing elevators should be inspected to prevent serious injury or loss of life.

During the site inspection, I met with Eric Toussaint, Product Safety Investigator, with the US consumer Product Safety Commission. They have recently announced a public service announcement on residential elevator safety for a simple guide to identifying dangerous elevators. Release Number 11-050.

I am in favor of the Senate Bill 34 with the following amendments:

- Make sure the gap between the doors is no more than code requirements. Have a qualified elevator inspector examine the residential elevator for this dangerous gap and other potential safety hazards.
- Remove the exemption for units installed prior to January 1, 2023, and have any dangerous gap made safer by placing space guards on the hoistway door or installing an electronic monitoring device that deactivates the elevator when a child is detected in the gap.
- Provide a requirement for all residential units to be registered with the State of Maryland DLLR.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. Marshall". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Timothy A. Marshall
Arundel Elevator Consulting

JUL
21

Company Statement

Posted by Custom Elevator | News, Statements | No Comments

The Custom Elevator family is deeply saddened by the tragic death of the 7-year-old boy that occurred on a residential elevator installed in a rental property in Corolla, North Carolina. It is impossible to know the pain and suffering this family is experiencing. Our thoughts and prayers are with the family and friends of this young child.

We have little knowledge of what occurred. The information we do have is primarily from media reports, including The Washington Post article stating that the elevator involved in this tragedy “was manufactured by Custom Elevator.” The Washington Post reporter contacted our office for comment. We are unable to meaningfully comment until a full and complete investigation of the incident. We can, however, share that our company is in the business of manufacturing and supplying elevator components that comprise a home elevator system. Several parts, including the outside entry door (hoistway door) to an elevator are typically supplied by local contractors. Further, Custom Elevator is not involved with the installation of the elevator system. As a manufacturer, our responsibility is to design and manufacture safe and effective elevators. Custom Elevator prioritizes safety with standards that meet or surpass governing laws and regulations.

As our responsibility does not extend to the installation of elevators, we cannot comment on whether our elevators are being installed properly and in accordance with applicable code. That responsibility falls on those responsible for installing residential elevators. Responsibility also falls on government officials who enact our laws and, in many jurisdictions, inspect the installation of elevators before issuing a certificate of occupancy. Certain jurisdictions, including North Carolina, require rental properties to comply with all current applicable building and housing codes. North Carolina follows ASME A17.1/CSA B44, which sets forth the current safety standards for elevators, including the placement of the hoistway elevator door when the elevator is being installed. Many tragedies occur if the hoistway door is installed improperly or not in accordance with applicable Code.

Additional resources:

The Consumer Product Safety Commission (CPSC) estimates that over a 2-year period, some 1 ,600 people were hurt on home elevators, which typically don’t have the same safety features as commercial elevators. Most of the deaths and serious injuries occur when children get trapped in the gap between the elevators’ exterior and interior doors. (Courtesy of Microsoft Bing)

Residential Elevators are killing small children, and little is being done to stop it. Feldman Shephard 02/09/2021 [Home Elevator Accidents \(feldmanshepherd.com\)](#)

Risk of Injury Due to Residential Elevator Accidents on the Rise **June 23, 2021**

By The Doan Law Firm

[Growing Risk of Injury Due to Residential Elevators \(thedoanlawfirm.com\)](#)