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News Release

Monday, November 10, 2014

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Safety Advocates Petition CPSC for Mandatory Residential Elevator Standard Citing Numerous Deaths

Today, The Safety Institute, Independent Safety Consulting and the Atlanta law firm of Cash, Krugler & Fredericks petitioned the U.S. Consumer Product Safety Commission to initiate mandatory rulemaking to set safety standards for residential elevators. The petition also requests a recall to repair current residential elevators with a hazard that has been responsible for numerous child deaths and injuries.

“This petition dovetails perfectly with the mission of The Safety Institute – to address hazards and defects that are under-served,” said Sean Kane, founder and president of the board of directors of The Safety Institute. “We are hoping that the CPSC will initiate rulemaking to close this longstanding safety gap.”

Many home elevators and similar versions in older apartment and commercial buildings have a dangerous gap between the elevator and hoistway door allowing children as old as 12 to fit between them. When the elevator is called to another floor, the hoistway door automatically locks, and the child’s body is carried along with the elevator car often crushing the child leading to death or catastrophic injuries. Industry has been aware of these dangers for more than 80 years, but has failed to adopt an appropriate, safe voluntary standard to address this design flaw. At least 55 child deaths have occurred since 1967; the most recent known death occurred in 2003.

In March, Attorneys Andy Cash and Dave Krugler urged the CPSC to address this defect, stemming from their representation of Michael and Brandi Helvey, whose son, now

seven-years old, suffered a severe head injury after becoming entrapped in a home elevator on Christmas Eve 2010.

“The elevator industry has known about this hazard for over 80 years. Despite knowledge of literally dozens of catastrophic injuries and deaths, the industry has refused to act to make residential elevators safe for all users,” says Andrew Cash. “We filed this petition with the CPSC so no additional families will have to suffer and go through what the Helveys, the Nelsons and so many other families have endured.”

A mandatory standard is required because the voluntary standards process has neither reduced the harm nor addressed the defect. The recall is for a retrofit repair that would either detect a presence in the door path, and prevent elevator operation, or physically fill the gap to prevent children and small adults from becoming entrapped.

According to CPSC’s own figures, there were an estimated 1600 injuries associated with residential elevators in just a two-year period. The most recent figures from CPSC’s NEISS system show that an estimated 1,600 injuries associated with residential elevators and lifts were seen in emergency departments from 2011 through 2012. In addition, death and serious injury incidents continue to occur nationwide, affecting a wide age-range of children:

- In 2001 an eight-year-old boy became entrapped between the swing door of a residential elevator at an Inn and Country Club in Bethel, Maine. When the boy opened the swing door, the door behind him closed before he could open the gate on the elevator. When a maid on another floor pushed the call button, interlocking the outer door, the boy became trapped between the outer swing door and collapsible gate nearly decapitating the young boy.
- In 2004 a five-year-old boy from Dallas, Texas was crushed and killed between elevator door and hoistway door. When he entered the elevator in his family’s multistory condominium. The accordion-style gate was not closed, allowing the boy’s body to be extended outside the door as the elevator started moving up. As the elevator ascended, his head was crushed by the second floor landing
- In 2010, a three-year-old boy from Cummings, Georgia was entrapped between the hoistway door and elevator accordion door. When his mother hit the call button from the 3rd floor, the child was trapped in this space. The child was crushed by the elevator when it re-leveled down to the second floor. His injuries are catastrophic and permanent.
- In November 2013 a Ten-year old boy suffered catastrophic brain injury and quadriplegia after becoming entrapped and pinned under elevator car in a vacation home they rented in Murrells Inlet, South Carolina. The jaws of life were eventually required to rescue the child from the elevator.

These incidents underscore the failure of voluntary elevator standards and the imperative for a strong mandatory standard.

“Industry could have, but failed to, adequately modify the voluntary standard to prevent injuries and deaths in home elevators,” says safety consultant Carol Pollack-Nelson. “We urge the CPSC to move forward towards establishing a mandatory standard to prevent grievous injuries from continuing to occur.”

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The Safety Institute examines areas of injury prevention and product safety across a broad spectrum. The Institute bases its plans and priorities on issues that require greater study and emphasis, as well as those which may be underserved by other organizations and advocates. The Institute gives special attention to those areas of emerging importance to injury and product safety, including the effects of new and changing technologies.