

CPSC LAWSUIT IGNORES HOME ELEVATOR SAFETY PROGRAM ALREADY UNDERWAY

Consumer Products Safety Commission Has Refused to Lend Its Support to thyssenkrupp Access Corp. Safety Efforts in Favor of Relentless Pursuit of ‘Recall’

The administrative lawsuit filed by the Consumer Product Safety Commission (CPSC) against thyssenkrupp Access Corp. on Wednesday, July 7 puts semantics ahead of real attempts to make consumers safer while conveniently ignoring the facts that the CPSC has been fully aware of thyssenkrupp Access Corp.’s communication outreach efforts for years, and the agency has chosen to not lend its support to either the current or prior home elevator safety program. In fact, the lawsuit asks an administrative law judge to “order” a number of actions that CPSC knows thyssenkrupp Access Corp. is already taking. Despite the inaccurate implications of CPSC’s press release and misleading news reports, thyssenkrupp Access Corp. is already providing free inspections, free hardware, and free installations to affected homeowners to address a hazard that CPSC knows is the result of improper third-party installations of safe, compliant elevators.

Indeed, CPSC knows that for years thyssenkrupp Access Corp. has worked to help homeowners address improper third-party installations of home elevators that were delivered to dealers by the company before it exited the residential elevator business in 2012. Elevators installed with an excessive gap space between hoistway and elevator doors create a potential child entrapment hazard, which could cause serious injuries or even death. **For years, thyssenkrupp Access Corp. has urged, and still today urges, owners of homes where any thyssenkrupp Access Corp. elevator was installed to take immediate action to prevent children from using or accessing the elevator until the home has been checked to see if there is an excessive gap space and space guards installed to reduce that gap space.** Qualifying homeowners can register for free gap space measurement assistance and free space guards to reduce excessive gap spaces at homelevator-safety.com or by calling, toll-free, 1-800-285-9862.

Since 2013, the CPSC has been well aware of thyssenkrupp Access Corp.’s extensive outreach efforts to alert homeowners to this installation hazard and offer space guards to reduce the gap space. And the CPSC has been fully informed of thyssenkrupp Access Corp.’s enhanced Home Elevator Safety Program, which launched in February 2021 and included a press release to alert dealers and homeowners ([Press Release](#)).

Nevertheless, rather than supporting this or our prior voluntary elevator safety initiatives, the CPSC has chosen the legal route to demand that thyssenkrupp Access Corp. conduct a “recall” - even though the elevators themselves were safe and met applicable standards at the time of delivery. Excessive gap space is created through improper installation. CPSC’s action fails both to recognize the true source of the safety issue – the installation – and to acknowledge thyssenkrupp Access Corp.’s historical efforts to help homeowners make their elevators safer by taking voluntary steps to reduce the gap space – steps that CPSC itself appears to approve. For these reasons, thyssenkrupp Access Corp. cannot assent to the CPSC’s demand to call its program a “recall.”

Further, thyssenkrupp Access Corp. is disappointed to read press reports citing an unnamed agency official who reportedly improperly and inaccurately suggested that CPSC regulators had been spurred to action because of attempts to inspect and fix home elevators without alerting the regulators. In fact, CPSC is well aware of these voluntary efforts, and, in 2014, closed a prior investigation with no action. Now, even though nothing about the elevators has been changed since that time, CPSC is demanding a “recall” that mirrors the voluntary steps thyssenkrupp Access Corp. is already taking – steps publicly available at <https://www.homeelevator-safety.com>.

Here are other facts:

- Although thyssenkrupp Access Corp. exited the home elevator business in 2012, it began developing its homeSAFE elevator safety campaign in 2013 to help raise awareness about the safe installation, operation and maintenance of home elevators, with special focus on the need for homeowners to consider measures to reduce the gap space, such as by installing space guards.
- thyssenkrupp Access Corp. advised CPSC of its efforts to alert home elevator dealers, and to ask dealers to alert their customers, that home elevators improperly installed with an excessive gap space between the hoistway door and elevator car door could increase the risk of tragic child entrapment incidents.
- In 2014, thyssenkrupp Access Corp. briefed CPSC on the elements of the voluntary homeSAFE campaign to assist homeowners whose elevator installations may not meet applicable voluntary codes. That voluntary action, which was joined by multiple elevator industry associations, provided safety information so homeowners could assess whether their home elevators were installed with an excessive gap space. Homeowners with thyssenkrupp Access Corp. elevators were offered space guards at a discounted price. CPSC declined to join that initiative but indicated its approval of these measures, which was not a “recall.”
- Most recently, thyssenkrupp Access Corp. informed CPSC of its reinvigorated and enhanced home elevator safety campaign involving free gap space measurement and free space guards. On February 16, 2021, thyssenkrupp Access Corp. launched its Home Elevator Safety Program, an expanded version of the 2014 campaign. The company is committed to maintaining the program for at least the next five years. Full program details, including a video illustrating the potential hazard and many other important materials, are available at: <https://www.homeelevator-safety.com>. CPSC saw and reviewed these materials prior to initiating this lawsuit.
- The company invites people with a home or rental property elevator produced by thyssenkrupp Access Manufacturing, LLC, thyssenkrupp Access Corp., Access Industries, or National Wheel-O-Vator to register at <https://www.homeelevator-safety.com> or call our toll-free number at 1-800-285-9862 to schedule a free home inspection. thyssenkrupp Access Corp. will send a contractor to measure the gap space and install free space guards if needed.
- thyssenkrupp Access Corp. has notified its former dealers, urging them to contact homeowners directly with a letter and fact sheet explaining the potential hazard and free space guard

program, and to also share homeowner information with us so we can follow-up with homeowners directly. The company is also sending these dealers follow-up notifications.

- The company plans to ask all known residential elevator dealers for their help identifying homes where a thyssenkrupp Access Corp. elevator might be installed, even if those dealers never handled a thyssenkrupp Access Corp. elevator, so that thyssenkrupp Access Corp. can contact those homeowners directly and urge them to participate in the free space guard program.

thyssenkrupp Access Corp. created Facebook and Twitter pages for the program and initiated paid media outreach to increase consumer awareness of the home elevator safety program and participation to correct installations. thyssenkrupp Access Corp. will also be notifying governors and state insurance commissioners about the voluntary program this week.

CPSC has been fully briefed on the many details of this robust, voluntary program. thyssenkrupp Access Corp. is dismayed that, despite the discussions of the past months, the CPSC is unwilling to publicly support thyssenkrupp Access Corp.'s efforts to address residential elevator installation hazards unless the company's program is mischaracterized as a "recall." thyssenkrupp Access Corp. is not "recalling" elevators. It is, however, voluntarily assisting homeowners and promoting safer use of elevators that might have been installed with an excess gap space through a robust communications outreach program and free installation of free space guards.

thyssenkrupp Access Corp. remains hopeful that CPSC will publicly support the specific steps it is well aware that the company is taking to alert residential elevator owners to the hazards that may result from improper third-party installations that left excessive gap spaces. The company also hopes CPSC will assist it in encouraging homeowners to take advantage of the simple, free tools thyssenkrupp Access Corp. is offering to help them identify and reduce any such gap spaces. However, thyssenkrupp Access Corp. cannot characterize its voluntary efforts to address installations handled by third parties as a "recall" or agree to be responsible for the actions of the third-party dealers and installers.

thyssenkrupp Access Corp. is a company that designed and manufactured elevators only for home use and it should not be confused with other companies that sell, install, and modernize elevators in settings such as low and high rise commercial and residential buildings that are subject to inspections by applicable authorities having jurisdiction. The home elevator products designed and manufactured by thyssenkrupp Access Corp. met all applicable safety codes when sold. Our free space guard program is intended to address issues with installations that resulted in an excess gap space.

Despite the fact that thyssenkrupp Access Corp. ceased manufacturing, selling and distributing new products in the United States in 2012, we take our commitment to enhancing homeowner safety very seriously. For that reason we want to help homeowners verify whether or not their home elevators manufactured by thyssenkrupp Access Corp. and its predecessors - thyssenkrupp Access Manufacturing, LLC, Access Industries, and National Wheel-O-Vator – may have been installed with an excessive gap space and, if so, offer an option to homeowners to reduce that risk.

To determine whether or not your home elevator was manufactured by any of the companies listed above we recommend that you check your owner's manual or contact the dealer who originally sold you that equipment.

Press Contacts:

Howard Fencil

Thom Fladung

216.321.7774

info@homelevator-safety.com