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**Inspection system in need of repair;  
RISKEY RIDE / SPECIAL REPORT** Second of three parts This project was  
overseen by Stephen Kurkjian, senior assistant metropolitan editor.

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The elevator doors slammed shut behind Joseph Pasquale and his two boys, leaving his 3-year-old daughter trapped inside the shaft in a 10-inch space between the car and a decorative door in the lobby of her family's Back Bay condominium building.

As the car started down to the basement with Pasquale and his sons, he realized his daughter was missing and yelled to his wife, who was in the lobby, "I don't have Irene!"

The little girl's screams filled the shaft as the weight of the descending car crushed her against the door, squeezing the air out of her lungs, breaking her ribs, and tossing her onto its roof. The gears ripped into her tiny back.

"The scariest part was we could hear her screaming, but we couldn't find her," said Caren Pasquale, recounting the June 26 accident that left her daughter scarred, but miraculously alive.

Irene Pasquale is just one of many victims of a lax state inspection system that allows deteriorating and hazardous elevators to operate after they have flunked safety tests or failed to undergo annual inspections.

Nearly 40 percent of the state's 24,289 passenger and freight elevators have not been inspected during the past year, despite a state law requiring annual tests by inspectors assigned to the state Department of Public Safety, according to a computerized analysis of state elevator-inspection records.

In some areas of the state, the problem is even more alarming. In Worcester, nearly three out of four of the city's elevators have not been inspected in the past year.

In fact, statewide, 3,277 elevators have not been inspected in the past five years.

But even when inspectors test elevators, they often fail to follow up on safety repairs they have ordered. The consequences are sometimes dire for the unwitting public.

Thirteen months before Irene Pasquale's accident at 297 Commonwealth Ave., a state inspector flunked the elevator during a safety test, but left it in service.

In a May 13, 1993 report, inspector Thomas R. Condon warned the trustees of the building that he would shut down the elevator if several repairs, including the installation of a safety edge, were not started within 30 days.

But it was an empty threat. State records indicate Condon did not return to investigate whether the work was done. If he had, he would have discovered that the doors were continuing to operate without a safety edge, which may have stopped the elevator doors from closing while Irene was outside the car.

"This makes me so furious to think that this whole accident was avoidable, which it was," Caren Pasquale said recently. "Initially we thought it was a freak accident, but we have since learned that it was an accident waiting to happen."

Charles H. Murphy, the No. 2 inspector in the public safety department, agreed the accident might have been avoided. But he defended the office's failure to reinspect the elevator, saying the state simply does not have enough inspectors to check every elevator annually or follow up on every order.

The state's 31 inspectors are responsible for not only inspecting 29,606 pieces of equipment - including dumbwaiters, wheelchair lifts and 765 escalators - but also investigating all accidents and following up on repairs that they order.

"There is just not enough time," Murphy said. "We would like to get to the point where they go back and follow up. We don't follow up on every order."

This failing has left a trail of victims.

A state inspector conducting an annual safety test in February 1993 on a freight elevator at E.P. Gowdy's office supply store on North Street in Pittsfield found that the car was operating illegally with safety devices that have been banned in the state since at least 1923, state records show.

In a report flunking the elevator, inspector Samuel Hannigan described damaged electrical circuits and a car that was dirty, had holes in its walls, and was a fire hazard.

Despite such glaring safety hazards, Hannigan left the car in service and warned the owners to begin repairs within 180 days or he would shut down the elevator.

But Hannigan never followed up.

Nine months after Hannigan flunked the elevator, a 38-year-old worker at E.P. Gowdy's suffered neck and back injuries when the elevator abruptly dropped about 4 feet. He was out of work for a week. The building owner did not return Globe calls.

The same inspector, Hannigan, flunked another freight elevator at the John R. Lyman Co. in Chicopee in July 1993 after finding that the car lacked numerous safety features required by law - including a device that regulates speed.

Again, instead of shutting the elevator down, Hannigan ordered the building owner to begin modernizing the elevator within 90 days. And again, the inspector failed to return to find out whether his orders were being carried out.

The work was not done. Last January, the elevator crashed to the bottom of the shaft from the sixth floor while three men were riding in it with a forklift. According to a state report, two workers were taken to the hospital, but no injuries were reported.

Speaking on behalf of Hannigan, Murphy said, "He did not go back and he didn't feel he had to. Generally speaking, he does not have time to go back."

Gerald A. Burke, general manager of the Lyman Co., said he believed the company had about 18 months to modernize the elevator. The company was obtaining estimates from elevator companies before the accident, he said.

"The stuff that the state wanted us to upgrade had no relation to the reason why it fell," said Burke. Yet when pressed for an explanation of what caused the accident, Burke said he couldn't recall.

"The inspectors not following up is a huge problem," said Boston attorney Peter F. Brady Jr., who recently won a \$ 596,000 settlement on behalf of a young man who suffered brain damage in an elevator accident at the University of Massachusetts at Boston. "They identify the problem, but they never follow it up, the owner does nothing, and the accident occurs. I have seen it five or six times."

Public Safety Commissioner Larry F. Giordano, who oversees elevators, defended the state's inspection system and insisted the public has no reason for alarm.

"Everybody would like to get more help, but you do the best you can with what you have," said Giordano, who resigned unexpectedly on Friday. "I don't see any problems with elevators."

Instead, Giordano blamed those who ride elevators for most problems that occur. "A lot of accidents that happen are because of people," Giordano said. "They put their briefcases in a door or they put their hand in. Most of the elevators are pretty good."

But a computer analysis of state inspection records shows that 33 percent of the 14,722 passenger and freight elevators inspected from Oct. 1, 1993 to Sept. 29 of this year flunked a safety test.

Yet each year, less than 2 percent of the state's elevators are shut down because of serious safety violations.

A Globe review of more than 100 elevator accidents throughout Massachusetts showed that people don't have to do anything wrong to be injured in an elevator.

A waiter whose index finger was severed by a service elevator at the Boston Marriott at Copley Place on June 22, 1990, believes problems with the elevator went undetected by the state because it failed to inspect the car that year.

State records show that the inspection of the elevator that slammed shut on Pedro Hernandez' hand was 11 months overdue.

"Certainly I think the inspection procedure is not really what it should be. There should be more follow up," said Chelmsford attorney John F. Gallant, who represents Hernandez. "Each elevator is only inspected once a year, and it's a very cursory inspection. There could be something wrong . . . but the state doesn't pick it up."

Even though Hernandez' accident was reported to the state the week after it occurred, the state did not inspect the elevator for another six months, records show.

Gallant said there had been numerous complaints about the elevator, including people getting stuck. But an attorney for the Schindler Elevator Co. of New Jersey, which maintained the elevator, said she was aware of just one earlier complaint.

"If something goes wrong with an elevator or escalator, it doesn't mean it's a problem with maintenance," said the lawyer, Judith A. Perritano of Boston. "It frankly could be a result of something the plaintiff or claimant did, like sticking their hand someplace where it doesn't belong. I think people are obligated to take care of themselves."

Schindler settled the suit for an undisclosed amount, but did not admit liability, Perritano said.

When elevators are inspected, mechanical problems sometimes go undetected.

A state inspector had just recertified an elevator at Harvard University's Holyoke Center on May 30, 1990 when it crashed.

"It started going down pretty quick," recalled Elizabeth Taber, 25, a computer programmer who got on the elevator at the 7th floor and pushed the button for the sub-basement. "I remember looking down at the floor, then all of a sudden there was a big jolt. I landed squarely on my tailbone."

"You don't know what's happening. You don't know if you're hanging on a thread. I leaned forward to get the phone and it jolted again. Then I didn't move. It was extremely scary and disorienting. "

Taber's cries for help were answered by state Inspector Richard L. Giovanella, who was inside the shaft with a maintenance worker inspecting an adjacent elevator.

A state report blames the accident on the elevator's generator.

Taber, who suffered a bruised tailbone and injured disc, was out of work for six weeks. She still has back and hip pain.

The dilemma for many elevator accident victims is their desire to avoid elevators and the necessity to ride them.

"Telling people not to ride elevators is like telling people not to ride cars or airplanes," said Taber. "Of course they're going to ride them. What people ought to do is bitch and moan to make sure the elevators they ride are safe." When they moved into their condo building 5 years ago, the Pasquales were worried about the 10-inch space between the inner and outer elevator doors. They asked City Elevator Co., the Melrose firm hired by the building trustees to maintain the elevator, to make it safer for children.

The company installed a baffle - a protruding piece of metal attached to the inside of the landing door facing the shaft that reduces the space between the elevator door and the landing door.

But an elevator consultant who inspected the elevator after Irene Pasquale's accident said the baffle was not long or wide enough to prevent a child from fitting between the doors.

The consultant, Joseph Morrissey, a former state inspector who works for Elevator Consulting Associates of Londonderry, N.H., was hired to check the elevator by St. Paul Insurance Co., which insures the condo trust. He said the accident was caused by the excessive gap, and inspectors should have ordered the gap reduced.

But Murphy, the state inspection official, said the space met state code.

"Only a child could have fit there," he said.

As for the failure of Condon, the inspector, to follow up his order requiring the installation of a safety edge, Murphy says it was not an order, just a recommendation.

"I believe the safety edge may have prevented or was paid to perform monthly maintenance, the company had not been inside the building for at least six months.

Albert F. Finn, president of City Elevator, insisted his company performed monthly maintenance on the elevator.

When asked why a safety edge wasn't installed, Finn said, "We tried to do it. You can't just go in and do the work. We had to notify the occupants that we needed to shut the elevator down to do the work." Residents kept telling him to come back another time, he said, so the work was postponed.

Wohlberg called Finn's claim "nonsense," and said she was never contacted by the company.

The Pasquales are convinced that a safety edge, which costs \$ 700 to \$ 1,000 according to Murphy's estimate, would have spared their daughter from the terrifying accident, and are haunted by how close they came to losing her.

Irene Pasquale was in critical condition after being rescued by Boston firefighters, but has made a complete recovery, according to her parents.

"There needs to be accountability from state inspectors as well as certified contractors," said Joseph Pasquale. "The state has a lovely way of dodging accountability."

Since Irene Pasquale's accident, a safety edge has been installed and alterations have reduced the space between the doors. New proposals are pending before the state Board of Elevator Regulations to require safety edges on elevators like the one that injured Irene Pasquale, and to reduce the space between elevator doors to an inch.

But an angry Joseph Pasquale thinks more can be done. "I think somebody should look into the division, the inspectors," he said. "If necessary, there should be a complete shakeup of the system."

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