

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

WAC 296-155-584, Scope

Concerning WAC 296-155-584 IBEW 77 has significant concerns regarding the limited exemptions provided in Section (2) of the proposed rules for the power line and electrical service industries. Those of us that make up the Electric Utility Safety Advisory Committee for the Department have been informed that Labor and Industries will construe the exemption to its narrowest applications and interpretations. To give you a specific example, the exemption language of (2)(d), a worker setting or removing a transformer on a pole is exempt from certification requirement. However, if that crew assignment were to remove an existing overhead transformer and set a new pad-mount transformer at a terminal pole location, conversion from overhead to underground line service, the removal is exempt, but the installation is not. Thus, a regulatory requirement to reconfigure the employer's crew structure. This requirement would have no practical application, no safety benefit, the fact is the overhead application being significantly more hazardous than the pad-mount and clearly no effectiveness is evidenced.

Sea Tac, Morning, Bob Guenther

We share the confusion and concern of Mr. Guenther with IBEW with what seems to be an inconsistency in the draft rule with being able to set a pole with a digger derrick, but in the same location and the same operator not being able to set a transformer on the ground with that same operator and equipment. So that is one of our questions.

Sea Tac, Morning, Tom Treat

The concern we have in our industry is that the definition of a crane is too broad. I understand the RCW -- in the past I have brought this up, and it was stated that the RCW doesn't allow or that the bill doesn't allow for changes, but I did notice in the RCW the definition section applies throughout RCW 49.17.400 through 430, unless the context clearly requires otherwise. So I think we have room to move on this. It allows us to change the definitions.

Sea Tac, Morning, Mike O'Neil

Our concern is that as the standard is right now drafted, it's my understanding and from talking to others that are much more in the know than I am on this, that this only applies to construction activities, but there are no limits on the size of the crane. The best way I can illustrate this is that I have a couple pictures here. This crane (indicating) is being used in maintenance. I'm sure the people in here can tell me exactly what it is, but it's a 100-ton plus crane. This one wouldn't be covered because it's being used in maintenance. However, this little stiff arm on the back of a pickup (indicating) is covered. The operator of this has to be certified, has to have training. It's a waste of the resources. The people that need this training are the people that are running the big cranes. The people that need to be certified are the people running the big cranes. We don't need a little stiff arm that only has an up and down on it that's being used to put a manhole cover on or take a concrete riser out of the back of a truck and into the hole inundating the system and sucking up the resources. It would be a simple change to indicate I the definition of a crane is anything under 5 tons.

Sea Tac, Morning, Mike O'Neil

I'd also like to echo Mike O'Neil's comments regarding the smaller truck-mounted cranes. We honestly feel the same way as he does. We're getting into a situation here where the lifting-related injuries that we're trying to prevent on our employees themselves

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

ergonomically-related are going to become a big issue here if we continue down the path of requiring all this NCCCO training and extra hours for the small truck-mounted. We're going to end up with where there's going to be people that are going to get rid of these truck-mounted booms, and we're going to end up having more musculoskeletal injuries because of that.

Sea Tac, Morning, Mandi Kime

I have just a couple comments that I would like to be able to bring here before you. One is having a minimum weight limit for tonnage on the crane. We do have a lot of one-tons or two-and-a-half ton trucks that have cranes mounted on them. The reason those cranes are mounted there -- and they're usually a one-ton or a two-ton crane -- is to lift equipment, materials and tools on and off the trucks, such as jumping jacks, plate compactors, that sort of thing. It's in an effort to protect people's backs. What we are saying by this rule the way it's currently written and the way I understand it is that those people would have to have some sort of certification to be able to lift a jumping jack onto the back of their truck, which takes away from the effectiveness of having the crane there in the first place, the purpose for that.

Sea Tac, Afternoon, Don Robinson

Local 77 specifically has significant concerns regarding the limited exemption provided in Section 2 of the proposed rules for the power line and electrical industry - electrical service industry. Those of us that make up the electrical utility safety advisory committee for the department, USAC, have been informed, L & I will construe the exemption to its narrowest application and interpretation. I - I'd like to give you a specific example. Using the exemption language of Section 2 (d), a worker's setting or removing a transformer on a pole is exempt from certification requirement. However, if that crew assignment were to remove an existing overhead transformer and set a new pad mount transformer at a terminal pole location for a URD conversion, conversion from overhead to underground, the removal would be exempt, the installation would not. Thus, a - a regulatory requirement to reconfigure the employer's crew, or at least the qualifications on that crew. This requirement would have no practical application within the industry. It would provide no safety benefit inasmuch as the overhead application. It's significantly more hazardous than the pad mount and it would provide no measure of effectiveness or efficiency. We believe the department should look at the language in the statute, quote, in part, specifically for use in power line and electrical services industry and provide a practical and meaningful exemption as once done in recent legislation in California. Both Washington and California were responding to and using the OSHA CDAC document for guidance. Failing that, we would request, at the least, Labor and Industries seek request legislation to clarify the scope and intent of the exemption for the power line and electrical service industry; i.e., the utility industry, not the construction industry.

Tumwater, Morning Dave Hutchins

Our position is that we're a small utility and our operators are actually quite talented employees, do a good job, and they're very familiar with their equipment and we, of course, want to comply in every way we can. But we want to make sure that we have not been eliminated, there would be no way that it would be practical for us to, just like Dave said, take a transformer down, off of a pole, swing around and set a new pad mount right at the base of the pole with a different kind of an employee or different kind of equipment. And so the work that they have done with the exception to the derrick digger rule in your proposal, if it could just include work on

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

those other things that small utilities and even large utilities do it would be much appreciated.

Tumwater, Morning, Jim Day

I would just like to support what Dave has said and for the utilities and stuff to support - support us in that way.

Tumwater, Morning, Ed Pauley

I wasn't prepared to state the WAC number, but I looked it up and it's WAC 296-155-584, Subsection 2, would be most of my comments will refer to that I guess. First, I want to state that it's the intent of Clark Public Utilities to be in full compliance with crane safety statute and regulations once the rules are finalized. My desire today is to clarify what the new rules will mean to our ongoing business. The current draft appears to address - address many of our earlier questions, but I'm here today to seek some clarification on a couple of areas of continuing interest to us and ask that you consider some additional suggestions. We think that we understand what the proposed regulations mean, but they are not completely clear to us and we ask you to provide affirmation in follow-up written communication that our interpretations are correct in each of these areas and/or that you concur or reject with our suggestions.

Vancouver, Morning, Andy Huck

The areas of interest deal with these items as follows: Number one, in previous informational sessions throughout the state you indicated that the intent - intended meaning of the utility exemption was to exempt any work done under WAC 296-45. The current draft language appears to fall considerably short of this and we would request clarity in reconciling your comments in previous sessions during the sessions and the draft rules as they exist right now.

Vancouver, Morning, Andy Huck

Number two, we've heard an interpretation that working in a location using the same equipment, and different rules apply above ground or below ground. If we're handling a vault to set in the ground with a crane with the same crane in the same location we're subject to operator's certification and crane inspection rules. However, lifting electrical equipment for placement on that vault with the same equipment, this can be done under the utility exemption. The rationale does not seem to be consistent with design - the rationale does seem to be consistent with the effort to make the workplace safer. The same inconsistency also appears to exist in operating on utility property or off utility property, which we've also heard discussed throughout this process.

Vancouver, Morning, Andy Huck

Number three, the use of vacuum trucks in utility underground work is becoming a much safer way to excavate around energized buried equipment and other appropriate situations. We understand these types of equipment will fall under the draft rules. Vacuum trucks do not appear to fit the definition of cranes as written, much the same as concrete pumping equipment. They do not lift materials, nor are they used to move suspended loads. We ask that you consider including vacuum trucks in a specific exemption.

Vancouver, Morning, Andy Huck

Number four, many states have established broader utility exemptions based on high voltage work and the experience of utility equipment operators. We offer the following examples and ask for the department to consider similar language that would include all utility work. For example, the Minnesota exemption states: Workers employed by or performing work for a public utility, rural

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

electric cooperative, municipality telephone company, or industrial manufacturing plant. These are exemptions under that law. Massachusetts utility exemption: A public - and this one is a little bit different. A public utility company which has self-propelled truck mounted cranes, derricks and similar hoisting equipment which is use for the maintenance and construction of the equipment of such company and which has at least supervisory employee who holds a license issued by the department and is designated as a responsible person in charge of hoisting equipment shall be exempt from the provisions of this section.

Vancouver, Morning, Andy Huck

In closing, we would like to request the Department of Labor and Industries consider providing clear textual and visual explanations of these rules and how they apply to construction, maintenance and operations. We believe this information would be a tremendous help to our employees and those of a multitude of other organizations throughout the state.

Vancouver, Morning, Andy Huck

I was in Olympia at the time that this bill was being considered by the state legislature, and at that time we had concerns to make sure that our utility type work had the exemptions. And I did go talk to the L & I about that, and my understanding at that time is that our exemptions included from the generator to the - to the meter base. And we talked about heavy construction cranes and we - we talked about the fact that - that, you know, in large construction jobs that we would have operating engineers operating those cranes doing our lifting. But the problem we have is - is much like what was just stated by the previous speaker is that utilizing - doing utility type work, we have a problem with WAC 298-584, and IBEW has significant concerns regarding the limited exemptions provided in Section 2 of the proposed rules for power line and electrical services industries. Those of us that make up the Electrical Utility Safety Advisory Committee for the department have been informed that L & I will construe the exemption in the narrowest application and interpretation. And I'm sure Dave referred this to you, but a specific example it was stated before here, we have been using as the exemption of language 2D: A worker setting or removing a transformer on a pole is exempt from certification requirement. How - however, if that crew assignment were to remove an existing overhead transformer and set the new pad mount transformer at the terminal pole location, the removal is exempt and the installation is not; thus, a regulatory requirement to reconfigure the employer's crew construction - crew structure. This requirement would have no practical application, no safety benefit, and of course we say the overhead is much more hazardous, and clearly no effective efficiencies. We believe the department should look at the language in the statute specifically for the use in the power line and electrical service industries, and provide a practical and meaningful exemption as was done in the recent legislation in California. Both Washington and California were responding to - and using the OSHA CDAC document for guidance. And as you know, we looked at that CDAC document, we didn't testify against this bill because we thought we were exempt. So at any rate, we'd appreciate your consideration and thank you very much for all the work all of you folks have done in traveling around the state. And I know that Dave has probably submitted this in writing to you and we're in support of - of all the rest of the part of this bill, but that's the one exemption that we - we do have concern with.

Vancouver, Morning, Bob Guenther

Second issue that I was going to address was 296-155-584 under the - the Crane Attachments section again actually. We have - the

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

CDAC scope is involved in this writing, and we would like to see the removal of the attachment testing. It has no bearing on the actual work of the crane. Predominantly we don't see that many accidents with it - with the attachments being involved.

Vancouver, Morning, Steve Jouwsma

I represent five electric utilities in the Tri-Cities area. Our concern about this rule is that there's no allowance for us to do underground work, which is becoming more and more a part of our business. There is specific exemption in here for line trucks doing work on poles and setting equipment on poles. And I understand that comes from the C-DAC document. I have looked and looked and looked for that, and I'm beginning to think that maybe that's a ghost document somewhere. I don't think that that was the intent of the legislature when they drafted House Bill 2171, to exclude the underground work that is an intrinsic part of our business. And we're asking that you reconsider that in your rule-making process, that you write that in clear language, that we're also exempt with our line trucks to do underground work. In times of crisis like the last year's winter storms, December and stuff, we need to have the flexibility to repair those lines and do the work without being encumbered by some of these rules.

Spokane, Morning, Stephen Frost

Under the RCW, it specifically lists service trucks of the electric utility industry, but it also limits it to handling associated materials to be installed or removed from utility poles. We do an extensive amount of underground work. We're required to lift pad-mounted transformers and heavy equipment in relation to that. I think that exemption should exist or extend to that.

Spokane, Morning, K.C. Dors

I was thinking through the Department's perspective on the crane inspectors... and while I understand the goal of testing and approving each inspector, I'm also concerned about the number inspectors to audit, the perceived impacts on the departments decisions relating to the inspectors, as well as the insurance requirements for most contractors...It seems that there might well be in excess of 300 inspectors... weighing that versus the possibility of 50-75 firms.... Less seems easier to manage...In the event each inspector were their own individual island, if one inspector was performing poorly, the threat of loosing the firms credentials would only impact one... This would mean the department would have to weed them all out...

Sicklesteel (written comment)

In preparing our curriculum for the "Injured Worker Program", I thought I'd suggest an addition to the drafted language.

Under 296-155-584 "Exclusions", there have been times where some of the excluded items are needed. It would be very helpful under the exclusions if you showed the proper WAC one should refer to if that happens to be the equipment involved. Example: Powered industrial trucks (forklifts) (Refer to Chapter 296-863 (Forklifts and other Powered Industrial Trucks). Safety Educators (written comment)

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

In our gravel mining operation and occasionally on road slides we use draglines. These machines are essentially very heavy duty crawler cranes. We believe these machines should be added to WAC 296-155-584

(2) Exclusions

(a) power shovels, excavators , concrete pumps, *and draglines*

Dulin (written comment)

There seems to be some confusion over whether hydraulic, telescopic, mobile truck cranes used by utility companies to perform electric line work (e.g. tower construction) are exempt from crane certification standards. This proposed rulemaking makes it clear that mobile truck cranes manufactured to the ASME B30.5 standards are not exempt from crane operator certification. However, the effect of the proposed rulemaking should clarify the intent of the term “electric line/digger derrick trucks” manufactured to the ANSI A10.31 standards being exempt from these crane certification requirements. Gary Lentsch (written comment)

After discussing all the issues’ with the different states my conclusion is none of them have any real direction. We all seem to be out there trying to do our own thing. None of them are requiring the hours we are asking for, nor is their inspection process as thorough as ours. I can see several areas we could loosen the rule: one being we should raise the size range to above 5 ton. We could also give more consideration to giving municipalities an exemption when they are adding on to their existing power grid using digger derricks. Gary Neal (written comment)

WAC 296-155-58400, Definitions

Under Definitions, WAC 296-155-58400, the word "attachments," not exactly sure why this is here. I didn't necessarily notice where the word "attachment" was used for the inspection process, but I would assume that the inspection process would include looking at attachments. If that is true the - the specific examples of augers and drills, magnet, piledrivers, and other items not to be limited to the ones that are listed, which I would just also could assume things like concrete buckets. The tracking mechanism and the inspection mechanisms would be incredibly hard to track, if not impossible, based on what these items are. There are no serial numbers on these items, et cetera. The personal platform as an attachment already has an inspection criteria and pre lift criteria outlined in the WAC's. Vancouver, Afternoon, Brian Clarke

WAC 296-155-58402, Accreditation of Certifiers of Cranes and Derricks - Requirements

Under (4)(b) I can understand the general liability. The automobile liability insurance, I'm not so sure about that because most of the jobs that you go on, they're not going to let you put your vehicle on the job site anyway. And some of us who come within the state to do inspections, we have a rental vehicle or we get a ride to the job site or whatever. The other item which you have to have is the errors and omissions. That's very critical for that to be in there. And I don't see any amounts anywhere of what you're going to decide it's going to be, but I've been in the business for many years, and for errors and omissions it's extremely expensive and very difficult to obtain as an inspection company. The other one that I don't understand is the malpractice insurance. I don't know if you guys were just using a generic form to fill this out, but I don't know what malpractice insurance is in regards to inspecting a piece of equipment. And also the industrial insurance.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

Sea Tac, Morning, Greg Teslia

I have a number of concerns related to owner-operators, particularly municipal governments and the certification process for operators and firms providing that service.

It didn't seem clear whether this relates to Article 296-155-58402, Accreditation of Certifiers of Cranes and Derricks - Requirements. Subparagraph (3) talks about different persons with the same person inspecting and certifying a crane when separate employees in the same company do that work. Is there an intent basically to prevent owner-operators from certifying their own cranes through this regulation?

Sea Tac, Morning, Ken Bailey

On the insurance requirement, cities most likely cover their own certifiers through the city's self-insurance program. So how would that be accomplished and limit the cities exposure only to while that certifier is working on the city's cranes?

Sea Tac, Morning, Ken Bailey

Does the city need to be accredited in order to certify its own cranes?

Sea Tac, Morning, Ken Bailey

My first comment here is on 296-155-58402 on page 6, item number (4)(b). You're putting in here a section where it says it must be covered by -- you list the types of insurance. One of the things that I think should be added to this is where applicable and maybe you feel you have it covered under Title 51, I'm not sure, but that's USL&H insurance. USL&H is applicable anytime you're on a pier. We run into that for any certification, of course, but there are times when this may be applicable to somebody who is working on a pier but not actually handling marine cargo. Unlike normal L&I where an owner of an inspection service can delete themselves from L&I, you cannot do that from USL&H. It's statutory.

Sea Tac, Afternoon, Lance Glydenege

On page 6, 296-155-58402, item number (3), I'm assuming that the intent of this -- and this is what I've been told by some other people that have been involved in this -- that the intent was not to have the same person who actually did the physical work? It could still be within the same company? Okay, that's what I'm looking for because we actually do both sides of that, and I just want to make sure -- I'm in favor of that.

Sea Tac, Afternoon, Lance Glydenege

One from WAC 296-155-58402. For the purposes of crane inspectors, the department is the sole deciding factor as to whether an inspector can be certified to inspect cranes in this state. The department reserves the right to deny licensing to anyone; however, they left no provisions for the applicant to appeal - to appeal the department's decision not to accept their credentials. Basically the department is creating a system where preferential treatment could exist, and unapproved parties could simply have no recourse, thus potentially destroying business or professional opportunities for inspector hopefuls.

Vancouver, Afternoon, Kris Miller

That's the Application Form and Applicant Qualifications, Paragraph 4, B as in boy. I had hired counsel to review this paragraph and

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

submit to me a document that I could read here. They did. I asked them for a short something to read and they gave me a ten-page document. I'm not going to read that thing to you because I don't think that's appropriate. I'll read you the conclusion. And this is by counsel admitted in the State of Washington. Because the legislature did not specifically require malpractice insurance at - as a minimum requirement for crane inspector certification and because of obtaining malpractice insurance does not affect the individual's ability to determine whether a crane meets the necessary safety and health requirements. This counsel believes this added requirement constitutes the department's attempts to exceed its authority conferred by the legislature. Malpractice insurance does not determine whether an individual is capable of inspecting a crane to determine whether it is safe or not safe. Rather, it merely provides an accessible remedy in the event an error is made. This has nothing to do with the legislation - legislative intent of requiring cranes to be inspected by a competent individual. And I will have this redrafted in a form a little bit shorter and submit it later.

Vancouver, Afternoon, Brian Clarke

I have a few questions I guess on the draft under WAC 58402, "Accreditation." That's page 6. Paragraph 2. I'm assuming this would reapply would be -- let's see. From what date? From 2010? To keep your accreditation?

Spokane, Morning, Paul Parrish

I have some other concerns on if you go down here to paragraph 4 and you go to (b), and you speak to "must be covered and submit proof of general liability insurance, automotive liability" and so on, even malpractice, would it be wise to make certifiers licensed contractors in states where they're bonded like we do in the elevator industry or do we need to be a corporation or -- because what you're doing here is -- can greatly enhance our insurance costs as certifiers. At present, we certify under professional liability. That's about \$3200 a year. And then we work under a hold harmless agreement. I have some with me if you want to read that. But I would hand some out. Because we as a certifier cannot take responsibility of the owner's crane while we're certifying it. So I have some concern with the way that is worded and where you're going to go with that as far as what you want us to be as far as the company or whether we're going to be a contractor or what.

Spokane, Morning, Paul Parrish

Under accreditation, under OSHA, there are some guidelines, and of course this all comes out of maritime, but that's the only place it speaks to accreditation. And of course this is accreditation even though it's in construction. And I won't read all this, Chuck. You probably know what it is. But OSHA is really a stickler on -- takes great pains to ensure that individuals or agencies granted accreditation do not result in or create even an appearance of any conflict of interest, favoritism, partiality or dependence in performing certification surveys. "It is essential that OSHA-accredited individuals and agencies maintain the highest standards of honesty, integrity, impartiality, in order to maintain confidence, respect and assurance of the proper performance of the OSHA certification program." Then they go on to say, "As a consequence, OSHA cannot accredit the following: An individual or firm for the sole purpose of inspecting their own equipment; an individual or firm privately engaged in maintenance, repairing, leasing or manufacturing of such equipment; and any individual who is currently employed with a company other than his own." And it goes on through the rest of it, which you're aware of. And as I read the draft, I see none of that language in here. And this, you know, is an OSHA standard,

**COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED**

although it's under maritime, but this is an accreditation program just like that, and I see a thing coming up here where you're going to have a lot of people trying to apply for this to do their own in-house stuff. I don't think that makes it a credible program.
Spokane Morning, Paul Parrish

Do we have a dollar number there as far as what the liability insurance is?
Spokane, Morning, Gary Neal

Is it your intention to develop forms for the inspection? If you have all the criteria here for inspections, are you going to have a standard format form that everybody uses for ease of compliance when you guys are looking at it? Is that the intention?
Spokane, Morning, Dana Morgan

The second area we talked in here about engineers designing basis for the tower cranes, and engineers inspecting if someone else has engineered a nonstandard base. We require the inspectors, in detail, outline the insurance that the inspectors are supposed to carry. We don't talk about the engineers having to be certified or what insurance they have to carry. And if we're going to require the inspectors to carry, you know, and companies that represent them carry general liability, I think the engineering firms that want to get involved in this should be required to carry the same thing.
Yakima, Morning, Jim Hopkins

You guys have a provision that actually makes it sounds like you're after third party inspectors. I, at this time, inspect our own cranes, and I do it. And I feel like I do a whole bunch of other cranes for other people as well, and I'm just as hard or harder on our equipment than I am on theirs. And I know our equipment better than if I hired him to come and do it. Why do I need to have a third party inspector in our yard? I watch that equipment day in and day out and see what goes wrong with it. I know what it needs and I also know where to look when I'm inspecting. I really do think the inspectors need to be able to pass the basic crane operator -- They need to be able to pass the test, i.e., the load chart. I've seen, in the classes that I've been at, a lot of them can't pass the load chart test very well. And if you're going to tell somebody how to load test that crane, you need to know how to read the chart.
Yakima, Morning, Lief Russell

Some of the crane inspectors are reaching 80 years old. Is there going to be some physical -- In order to operate a crane, you have to have physical dexterity, you have to have mental capacity, you have to have eye sight, hearing. Are there going to be some physical requirements?
Yakima, Afternoon, Dan Gerald

Most construction sites require insurance of the subs... in the event there are 300 inspectors on their own, it's unlikely that everyone would have insurance (unless this is regulated)... so we might be talking a considerably less number of inspectors that could actually inspect most of the sites...Sicklesteel (written comment)

WAC 296-155-58404, Accreditation – Application Form and Applicant Qualifications

Regarding the accreditation requirements for individual certifiers. Relating to the experience requirement, it requires at least five years of related experience. Three years must be actually crane inspection activity under the direction of an experienced crane certifier. How

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

are we going to grandfather existing folks into that since we currently don't have a great number of certified crane inspectors already?
Sea Tac, Morning, Ken Bailey

To expand on Subsection (2)(c) of 58404, it says that you can substitute some education for experience. Can it better define what kind of education? It says two years. Is that two years continuous? What kind of hours or certified training would that be?
Sea Tac, Morning, Mike Vincent

I would like to ask a question similar to that as to what kind of education would also be useful in the certification of the operators, something besides the seat time and work on the crane.
Sea Tac, Morning, Tom Treat

WAC 296-155-58406, Issuance of Accreditation

And then finally my last comment is for the purpose of crane inspectors the Department is set up as the sole deciding factor as to whether an inspector can be certified to inspect cranes. So the Department reserves the right to deny licensing to anyone. However, they've left no provisions for the applicant to appeal the Department decision not to accept their credentials. We feel that basically that could create a situation where preferential treatment could exist or where a person may want to appeal the decision and they're left with no recourse. We'd like to see something added in there to allow for an appeal process or a review process if their application is not accepted.
Sea Tac, Morning, Mandi Kime

WAC 296-155-58410, Duration and Renewal of an Accreditation

The other question I have is on page 9, which would come somewhere under the vicinity of 296-155-58410 or thereabouts. My question is as far as you're requiring that a person have three years of experience for inspection. Now, generally what has been done in the industry, at least on the side of the industry that I have been in, is that you take a person and train a person over a period of time, and it is common that once you feel competent with this person that you may actually have them go out and do inspections under your certification. Like if we do it on the Fed OSHA side, I'm the signatory so, therefore, I have to sign everything, regardless of what it is. So if I send somebody out to inspect something, regardless of whether they are recognized or not, it's still my deal. But it seems to me that there should be something in here for -- because this is really training on an apprenticeship basis, and part of this could be operational experience, where you have on mobile cranes where you have guys that have been operators for year that maybe decide they want to be an inspector, but there's a lot of people out there who are not operators and have never been operators that are good crane inspectors throughout the whole industry. So I think there should be some aspect in there.
Sea Tac, Afternoon, Lance Gyldenege

I'd just like to know on the inspector qualifications part of this, why they think that we need to go back to school every 3 years and attend 40 hours' worth of training every three years? I've been an inspector now for at least ten, and I regularly attend about every two years, stuff on it. It's never 40 hours' worth, but why so much?
Yakima, Morning, Lief Russell

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

When I read the sections talking about the inspectors issuing the certifications of the crane, I didn't see the title limit that certification was good for. We know it's a year, but, you know, maybe we need to just -- It could be that I just didn't see it.
 Yakima, Morning, Jim Hopkins

WAC 296-155-58412, Revocation or Suspension of an Accreditation

Item Number three, 296-155.58412. A concern why the draft allows for appeal process for the inspector under the suspension paragraphs and no appeal process for the applicant under 296-155-15 - or 18404, which is your accreditation application.
 Vancouver, Afternoon, Brian Clarke

The third area I want to talk about, and I understand why, if the Department's going to pull certifier -- a crane inspector's certification, I understand why it can't be appealed up through the Department, why, after the Department has reviewed it, it goes straight to the Superior Court. I would ask, and I think what should be written into the standard, the WAC, what is the standard that the Department's going to use? Otherwise, if they don't write it in here, it seems to me, Beth, that the court will look at this -- the court will use the abusive process standard. But if we write in a preponderance of the evidence, then that's what the court will look at to see if there was that when the standard is pulled.

Yakima, Morning, Jim Hopkins

I just have a question. Is there going to be a fine involved if they go past their time and they don't take care of the inspection that needs to be done, or if they get caught operating their crane out of inspection?

Yakima, Morning, Dan Gerald

The thing I'm thinking is that, what we're trying to do is put a little responsibility on the employer. Say that you have a man coming in, sometimes an operator needs a job so bad that he might "BS" a little bit about his certification. And maybe his certification runs out in December, and a job goes until January, he may try to sneak by for another month to finish out a job or something. What they want, I think, is, it looks like if the employer is responsible to see that an operator is certified through a certain date, and at that point that his job comes up and at the end of his certification, he still needs an operator there, that it would be the employer's responsibility as well to say, "Hey, your certification is up."

Yakima, Afternoon, Dan Gerald

WAC 296-155-58416, Issuance of Temporary and Annual Certificates of Operation

I've got a question too. Is the Department going to provide the required paperwork to do this? It read like you were going to provide the figures to identify each of the move section and stuff like this that you'd inspect and put the tags on them. Is that something that is going to be indeed supplied by you guys? There's going to be a standard form that everybody's going to use?

Yakima, Morning, Lief Russell

WAC 296-155-58418, Crane De-Certification and Reinstatement

I'd like to comment on Section 296-155-58418, Crane Decertification and Reinstatement. For tower cranes, under this Section 1, Item B, any overload other than proof load testing would be reason for decertification of the crane. But the tower crane

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

manufacturers do allow overload lifts, and these are qualified by the conditions of wind loading and special limits on each movement. So we have opportunities to give engineering picks, what we call, and we would not want the crane to be decertified because we exceeded the proof load which would be 100 percent of the stated value. In addition, on Item G in this Paragraph 1, we believe that not only tower cranes should be listed, but mobile cranes, too, for reasons of erosion or soil site conditions that are in question.
Vancouver, Afternoon, Mike Quinn

WAC 296-155-58420, Inspection Criteria

A full load test. You are talking maybe two different lengths of swing-aways, mega-wing, all different systems of counterweights, and you're going to set it up in each configuration -- and you're talking about with the jib at 40 degrees and then the jib being at 20 degrees and a jib at 3, with each set of counterweight configurations, and a half outrigger, full outrigger, and you're going to make a certified lift in each one of these positions in each one of these configurations? Is that the way you're thinking of doing this? Because you're talking about a monumental fee. I think it's kind of overboard and it will take forever, but that's beside the point. And when are you going to qualify or certify the capacity of the lift? What part of the chart are we going to go at? I understand bringing it up, but I can't understand in all practicality period why you'd want to have to test through all of those ranges.

Sea Tac, Morning, Doug Sellers

Proof load tests, page 21, Section (10). I would like to maybe shift some of the concepts from maximum and minimum into what the industry calls structural and tipping. The reason I think that's important is you can have maximum and minimum boom angles, but there are some charts that are one hundred percent structural, and you may be testing just the very same thing and not really changing anything that you are testing. And so having a structural element that you are testing and a tipping element. But if the crane is configured in a manner where it only has a structural or only a tipping, maybe it ought to be modified so that it can test both. And I would say that's the primary elements of the test, instead of maximum and minimum boom angles. So I would just encourage that.

Sea Tac, Afternoon, Thom Sicklesteel

The very first thing in going through your draft here, I was looking at your inspection form for the mobile cranes. I didn't notice anything with the tower cranes. Have you as a committee come up with an inspection form for the tower cranes?

Sea Tac, Morning, Greg Teslia

On part of the inspections of the tower crane it comes down to the basic engineering of it. My first question I'm going to ask you is do you guys have any wind gusts over 90 miles an hour within the state, and if you do, then I would recommend that you look at the ASEE-7 for the wind loads on the cranes, and that needs to be addressed because the basic design for a tower crane is 94 miles an hour. And the reaction forces given for your free-standing heights, your base foundations and your tie-ins and your top overhang are all to 94-mile-an-hour wind load or pressure or however you want to say it. If you have a 100-mile-an-hour gust, there's a possibility of you losing a crane. So that's something very critical that you really need to look into on the tower cranes.

Sea Tac, Morning, Greg Teslia

The second thing is that most of the country has 90-mile-an-hour wind speeds for the design of cranes. When I look into the codes, it

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

shows that Seattle has a special wind region area. If this means that Seattle gets hit with 100-mile-an-hour winds, the cranes should have the appropriate wind loads applied to them. If you say it's 90 miles an hour, then there's really no issue because the cranes are already designed to 90 to 94 miles an hour. I do a lot of hurricane loads on the Gulf Coast. And again, if this is a special wind region area, it should be addressed.

Sea Tac, Morning, Robert Posch

The certification of the tower crane you have to do the load test. Now, are you going to have the state-certified inspector being present for the load test on the tower crane? Or are they going to use the technicians, whoever erected it or whoever the person in charge is -- that they fill out their paperwork and they give you a certification and then you have the inspection on it? I don't know your process, and I don't see it in here for the tower cranes. I see it for a mobile crane, but I don't see how a lot of the paperwork that you have on the mobile cranes can apply to the tower cranes because it's a different kitty. It gets a little complicated when you get involved in that as you well know.

Sea Tac, Morning, Greg Tesla

One of my basic premises on any load test or any kind of testing of the crane is trying to keep the crane safety features on and working and functional. So I get concerned when there are comments about turning off bypass switches and allowing things to occur. I would request that that be drawn out of the thing. I think it's appropriate to run it up to the limit switch, and when the limit switch stops it -- I don't understand the thing that's achieved by turning the bypass switch and continuing to operate.

Sea Tac, Afternoon, Thom Sicklesteel

The same thing on the next page at the top of the page 20, about the boom upper limit switch and the lower limit switch. And on a lot of those you start getting into damage pretty quick. There's not a big area of tolerance between where the limit switch activates and where the damage starts to occur. So I would be concerned about that.

Sea Tac, Afternoon, Thom Sicklesteel

With regard to the boom sections and the length of boom sections, on page 22 it talks about the stability test and the telescoping crane tests, the different lengths. Again, I would suggest that that could be all accomplished by fully extending the boom. That's when most of the wear pad issues and all the other issues become apparent. And then do a structural and tipping test within that, and not have to do a fully retracted test, a mid test and then a fully extended. I don't think there is anything gained in any of those elements.

Sea Tac, Afternoon, Thom Sicklesteel

Paragraph (d) kind of freaks me out because when you put counterweight over a tire, you're outside of the arc that is allowed by most of the manufacturers for traveling with the crane, and so I don't know that driving a crane around with a counterweight over the tire that's been repaired and seeing what happens is a good concept.

Sea Tac, Afternoon, Thom Sicklesteel

I think the last thing I would like to say is related to the attachments and that sort of thing, and just maybe walking through a couple

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

of elements of the load test with attachments. A lot of times when we're doing a load test, we're doing the actual structure of the crane and that sort of thing, and I understand the concept of wanting to have attachments, you know, lifting things and that sort of thing. A lot of the cranes that you get into have jib sections that are used in multiple configurations. Some of them have to be rotated in order to work from like a luffing jib to a fixed jib, so you would actually wind up testing some of the sections twice in some of those scenarios. And so I don't know that that is -- maybe if you put in the full sections and do one load test you're good, but all the different configurations may not make a lot of sense. If we're required to do all of the load tests of all of the configurations of our larger equipment, we're predicting that that will take us up to two months of time, of down time, and that it would cost \$80,000 just for the certifier during that time and our crane time, so that's kind of the impact there. On a smaller boom truck, that probably can all be achieved in a day because typically you have the main boom and a swing-away, but when you get into the super lifts, fixed jibs, swing-away jibs and then all the various configurations, it can get kind of interesting.

Sea Tac, Afternoon, Thom Sicklesteel

What's the time period on replacing pendants on cranes? There is no actual time period criteria today. It's all a matter of what the condition of it is or what the subjective decision is of the inspector in conjunction with what the customer might argue about it. Ultimately, it's the inspector's responsibility. Crane pendants on mobiles and/or whirly-type cranes are a lot more critical than many other places. I'm just posing whether that needs to be addressed a little more clearly or be maybe more defined in there. I guess it would be landmark because there's nothing else throughout the country in regard to that, but we can be that way if we need to be.

Sea Tac, Afternoon, Lance Gyldenege

I want to make a comment on page 21, 296-155-844, number (1)(a). You mention in here proof load tests at maximum and minimum boom angles or radii or as close as practical. Typically Fed OSHA looks at the upper quartile or the lower quartile because you can't really get close in. I don't know whether this has been addressed before, but generally the rule of thumb has always been the inner quartile and the outer quartile. As long as you're somewhere inside of that, it meets the requirements that they're looking for. It seems to me that we should specify to that effect, along that line.

Sea Tac, Afternoon, Lance Gyldenege

This is in regard to pendants, and this is perhaps just a suggestion. Like it was said before, it's hard to track a pendant, whether one year old or well over 20 years old. Perhaps a system where a pendant has to be removed or pendants need to be removed every seven years or something like that and go out for an annual -- not an annual, but for a proof test to test them to see if they are worth what they're supposed to be. I don't know of an exact answer for a pendant problem, but it is very hard to get an owner to replace a set of pendants when you're looking at two-and-a-quarter inch wire and that's a lot of money and a lot of down time. I feel that some criteria needs to be set up for pendants because a 20-year-old pendant on a reasonably cycling machine -- you don't know whether it's going to go tomorrow or another ten years, so we've got to figure out some way of correcting that problem.

Sea Tac, Afternoon, Jeff Williams

The only comment that I had that I didn't get a chance when we were doing other meetings is on the worksheet -- inspection

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

worksheet that we have. And I was talking to Bill Rumberg (phonetic) about this also, this thing about the tram marks -- has that been discussed in your other meetings? The concern about tram marks are the marks that you put on the hook for a measurement through an opening. And most hooks, other than Crosby, don't have tram marks from the manufacturer. And the thing is how are we going to put those on and then how would they be transferred from one inspector to another or organization. If we continue to inspect the same hook then we would have those in our records, but if I inspect it one year and Bill inspects it next year how is the other inspector going to know what they are. So they are valuable. I'm just concerned about how we would transfer that information without going to the state and saying we need to access to these - to this data.

Tumwater, Afternoon, Leroy LaMar

First and foremost that is one of my main concerns to this whole process and what we're attempting to do here is the huge financial impact that this is going to incur on the employers. We talked about proof load testing a few minutes ago. To do every configuration every four years for a typical crane in our fleet, let's say a 250 hydraulic crane, it could take two to three weeks to do that proof load test if we put that crane into every configuration. 650-ton that we have, you're talking two or three months to - to do that. And just in round figures, that's revenue loss of in the neighborhood of \$50,000, if not more. So that's one consideration that I would like the board to recognize.

Vancouver, Morning, Steve Jouwsma

Under 58420, Inspection Criteria. And it's under Section - Paragraph 9, under Proof Load Testing, Paragraph D, Proof Load Tests are overload tests. This is not the case for the tower cranes. The 10 percent additional load that is required is a go no-go test to set the limits on the tower crane for the load - maximum load at the tip of the jib and then the maximum load that can be lifted out to what we call the knuckle point. So this - a 10 percent additional load is not to be lifted. It's not allowed by the crane manufacturer; whereas it's stated in the - the details here that the load has to be lifted and held above the ground service. That would not be the case for tower cranes. Under Paragraph 10, as we read all of this section which is testing, it appears to be for mobile cranes only, and we know that in the previous edition of these rules there was a - there was a section for the tower cranes and the overhead cranes. We believe that needs to be reinstated and that the conditions for the tower crane need to be clearly identified for their testing.

Vancouver, Afternoon, Mike Quinn

If we go down to paragraph 4, "General," and then to paragraph (b), this is -- is this going to be the strongest wording that you use for an RPE or are we going to have some more guidelines, like on the marine side, if you're going to put a crane on a barge, you're going to have to have a naval architect survey that barge unless it's got previous certifications or specifications that says it can handle a crane? This is kind of an open comment. It says basically that he should be aware of the type of equipment involved. But is he going to be a structural engineer or is he going to be a civil engineer? So I have some concern there about -- actually, that's what caused us to be here today is lack of engineering on a tower crane. It might have evolved, but it wouldn't have evolved with a knee jerk reaction from the press and the legislature.

Spokane, Morning, Paul Parrish

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

I would comment on some of the terminology as we go through this so it stays industry -- the norm of the industry. I noted back here in one place where you say -- and this is under the same section, 420, on page 19, you say, "After lowering hook ensure wire rope is packed." I think that should be "laid," but it should be common terminology that is used throughout the industry. I never packed wire on a drum in my life. But, you know, keep the terminology so it's industry standard.

Spokane, Morning, Paul Parrish

I ran some fast figures here the other night -- that if we were going to load test as originally assumed, the impact to the industry, and that would be the end user, which is the person that's paying for the project, to implement this program would approximately be 10,000,000 a year for a thousand cranes. If you've got 10,000 cranes in the state of Washington, that's \$100,000,000 impact to the industry.

Spokane, Morning, Paul Parrish

There's some practical issues with requiring the full load test every single year, as I think you've addressed, but I'll point out several. Number 1 is space. We're finishing an interchange in Kirkland right now right in the middle of Interstate 405. There is no space. There is -- it's physically impossible to do a load test on a crane in that job site. I'm sure building contractors in Downtown Bellevue, Downtown Spokane would say the same thing. So now you're talking about having to tear down your crane, haul it off site, put it back together again at somebody else's yard, do the load test in all configurations, probably take about a week, tear it down again, bring it back to the job. Now you've lost about two weeks worth of hook time. Not only that, but with the hook gone, obviously the associated carpenters and laborers typically depend on that hook in order to perform their work, so they're also going to be impacted, whether they're shut down or reassigned, I don't know. We don't typically have extra cranes on the job. If we have three cable rigs on the job, it's because we need three. If one goes away, we're going to stop work on that area or we're going to rent if you can find a rental crane. Just called this morning over in Seattle. If we wanted to rent a 100-ton crane from Nest Crane, they only do it operated. It's \$245 an hour. So that's about \$20,000 bucks for the two weeks on top of all the other costs. I mean, other places -- hopefully we'll shop around a little bit. That number shocked even me. But if we're talking \$20,000 to \$30,000 per test, I have six cable rigs. That's pretty easy to multiply out. You throw in some hydrocranes and it would easily be a couple hundred thousand just to my company to do the tests, so it's a serious financial impact. Yes, we put it into our bids to usually do work for the Washington state DOT, and therefore the bids are going to go up. And I think most people that follow the news know they're having troubles hitting their initial estimates now. So I think projects will extend out, take longer and definitely cost more. So I definitely applaud the changes you're proposing and support the changes as you outlined today.

Spokane, Morning, Max Kuney

The one thing I want to talk about first would be the -- and it's been touched on by several people here so far already, and that is the max load tests and so forth. And I don't have any specific figures to say this is what it's going to cost us, but I agree with the fact of those who have already testified with the hard numbers that it's going to be a very expensive process to say the least. But the other side of that, which I don't think has been addressed yet and I don't know if anyone else is going to, is the issue of safety as far as

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

concerning with these max load tests. In order to do this, you're going to have to take a crane -- you've already identified some hazards associated with it because you said we have to have enough place to do this. If we can't do it on site, it's going to have to be broken down and taken to another location, then it's going to have to be reassembled, and reassembled and disassembled in several different situations to match all the potential configurations for a particular crane. And I can't say it's an extremely dangerous process, but there are hazards associated with assembling and disassembling these cranes and doing the max load tests with it. So in the interest of, if you can say risk management, we'd be risking that one time every year for every crane exposing people to the hazards associated with that versus one every four years or whatever we happen to come up with, recommend four years. And what's even more so is that we own a tower crane now. We bought one about a year and a half ago. And if you were going to do a max load test on a tower crane, can you do it at the site? Well, maybe you can, maybe you can't. And if you were going to do that some place else, well, now you need a place to assemble that tower crane. You have to have a suitable pad to put it on, and then you also have to have cranes to assemble your tower crane. Then sections of the boom go on, sections of the boom go off. Every one of those particular phases of the inspection for that, there are some significant hazards. And we'll be exposing a lot of different people to a lot of those different hazards. So again, under the auspices of risk management, I would suggest that the idea of doing these things every year, exposing people to these hazards every year, should be evaluated from the standpoint of just safety itself.

Spokane, Morning, Jay Meyers

It's in section 4. It comes under general. And subparagraph (a) on that one, it says, "An accredited crane certifier must determine that the configurations of the crane or derrick are in accordance with the manufacturer's equipment criteria." I'm kind of confused at the terminology you're using there when you're saying the configurations of the crane. I'm assuming we're talking about load charts. I'll ask the question, I guess. Are we talking about load charts in that particular case?

That's why I'm confused. Anyhow, I don't have any suggested changes to the language, because I wasn't at this particular point sure where you were going with this, but let me make a side step with a little bit of personal philosophy. I like to see regulations that give the user a little bit of leeway in interpreting how they may want to accomplish a certain goal, a certain task. I do believe in that. But in this particular case here, I think your verbiage here needs a little bit more -- to be a little bit more specific in what we're calling configurations, because if you look at that, it's just -- it leaves you sort of empty. Saying, "Well, I don't really know what you're talking about." So I think that particular verbiage right there needs to be cleaned up right there.

Spokane, Morning, Jay Meyers

Then down at the bottom or below that, in subparagraph (b), it says, "Where the manufacturer's equipment criteria are unavailable, a registered professional engineer familiar with the type of equipment." I cannot dispute the idea of bringing an expert in to interpret what we need to know as far as if the manufacturer's data and criteria are not available. However, I would like to see something a little bit more specific as to what type of engineer you're going to want to see in there. And I think the verbiage there with "familiar with the type of equipment" is probably in this particular case a little too vague, because when you're asking somebody to come in and essentially put together a set of criteria for operating and inspecting something like a crane, you probably want to be a little bit

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

more specific as far as the qualifications of that person to do that. Qualifications and I would think experience level as well. Because you may have a structural engineer come in and do that. But has that structural engineer ever done the type of work required to do this? So both of these, subparagraph (a) and subparagraph (b), I think need to be reworded and a little bit more specifics brought into that. Because I don't believe that this is necessarily an area where we want a lot of interpretation brought out there. Because this conceivably could be an area where I brought an engineer in and then the outcome of it is from your standpoint that engineer wasn't really suitable, wasn't qualified. So I think we just need to be a little bit more specific right there.

Spokane, Morning, Jay Meyers

My other issue is the crane testing that you're looking at the present time is basically, if we're doing maximum pick off the chart, it can't be done with any crane legally. I can show you why. We have a simple crane. We raise the boom up to a maximum pick for this crane. And you can see where the ball is. It's well inside the operating radius of this crane. How would you possibly pick a maximum -- say this is a 300-ton crane. How are we going to pick 300 tons up? It's bragging rights. That's what those charts come from is bragging rights by the manufacturer. "We've got a 300-ton crane." "Well, we've got a 400-ton crane, but we pick a little closer." It's bragging rights. We need to use this test and do it a little more functional in the structural line of a chart out where the crane can function, which puts the components not into a tip situation but into a structural situation where the crane is actually under structural load. And in that test, you'll know what goes on.

Spokane, Morning, Bill Sullivan

As far as this maximum load testing, it seems like there's confusion there, and it looks like there is an honest effort on your part to try to get that tied down with something that would make sense. Certainly a large crane, in the case of a lattice boom crane, could have many configurations. Some of my new cranes have got -- I mean, the charts are that thick for various configurations with the luffing jibs and all the various extensions and that sort of thing, and various counterweight capabilities. So as far as an industry thing, so this becomes not a penalty to the people that have been operating in a good manner -- and typically the people that have more cranes and bigger cranes are the ones that are going to suffer the most. And if they have a good experience rating, it seems like it doesn't make sense to penalize them with having to test a crane in a dozen different configurations, and I would be adamant that there should be no testing done beyond the working chart for the crane. And I would think that you probably don't mean that because a crane's rated at 300 tons you need to physically see it pick 300 tons. We've done a fair amount of overhead crane work and testing and they're typically -- they're tested at 125 percent, but that's because they work with a much different safety factor, so it's not overstressing the crane to do that. In a mobile crane, you've got many other factors, including stability of the ground and the outrigger configuration and structural things that, if you go beyond the chart, I mean, I certainly wouldn't want any of my people going beyond the chart in normal working, so why would I want to do that in a test and then risk a problem following the test on another job? Because that is more likely where you're going to have a problem with a crane is maybe not at the time that you're overstressing it, but accumulation of before, so then it can occur when you're not expecting it.

Spokane, Morning, Gary Hite

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

I'd like to comment, also, on -- we've probably beat this to death, but on proof load testing. And I'd like you to keep in mind that when a crane manufacturer manufactures a crane, the boom design -- and I don't know whether or not I've got this code right or not, but I think it's J-403. When you design that boom and you proof the boom in its performance test, you take it to maximum load. In fact, overload. You go into a side haul mode that makes your hair stand on end because you know it's going to fall out of the sky, and if you did your job right, it doesn't. But after that is over with and the boom criteria's been proofed through design, usually all calculations after that point can be done by mathematical, because you've done the proof test. And that's what ASME B 30.5 refers to. And we've built all these cranes to that standard. And yet what we're trying to do is go beyond that, and I don't believe we should go beyond that in proof testing, because that was initially done when that individual crane was designed, all that was taken into consideration and was done according to a national standard. I guess all I'm saying is to go back and, you know, do 100-percent proof test that the manufacturer has already done is a lot of extra work and a lot of extra money.

Spokane, Morning, Paul Parrish

The costs involved in the crane certification process could be quite prohibitive and would have to be added to a project or the projects. The one obstacle for us is the fact that we are competing against other contractors in other states that do not require the same costs that we would have. And since we're based in Spokane, losing jobs in other states means we won't be bringing the moneys back to the state of Washington or Spokane for the economy part of it. And if the rule stays with crane certification done every year, then we can expect to have costs that could exceed \$50,000 a year. But I like the fact that we're probably going for more like the four-year deal. That will definitely spread things out over a period of time and that would be more livable as far as I think everybody's concerned.

Spokane, Afternoon, Jim Parker

I would have to agree that the annual capacity rating for the 100 percent I think would be quite undue, and I'd like to be able to see that reduced or at least brought down to the standard that is by OSHA, by the federal standard. The practicality of taking a crane out of a job site in a rural setting and bringing it to a location or bringing it back to a job site or bringing it back to a warehouse to do that testing versus literally going hours, if you've got a mobile testing, I think that the cost for it would be excessive in that field.

Spokane, Afternoon, Doug Carter

As the load testing comes down to -- I understand that we need to be in line with the federal, but I see no benefit of having to take a crane to its absolute maximum capacity for testing when we have no -- all we're doing is encouraging metal fatigue or anything else for a condition that can never be used out on a job site unless we pick something straight up and put it straight down. In the construction industry, that is not likely to happen. So would the department consider a different -- was the intent just for the configuration that the crane can be put in or would it be the ultimate that's on the sticker, knowing that a 200-ton crane in reality is going to be far less than that in its actual capacity in any field condition. So I would like to see that clarified. I would rather know that that crane is in great working shape within the load chart that is closer to what we're going to be able to use rather than the sticker that's on the side of it.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

Spokane, Afternoon, Shane Miller

There was a comment about the testing at 100-percent capacity. And from a safety point of view -- not from a manufacturer, but from a practical point of view, when I've gone on job sites, when I know that a heavy lift is going to be coming up, we set the standard at 85 percent capacity and we call that a critical pick. Just like you would have -- I know it's kind of a -- it's hard to compare, but OSHA and L and I has stated that if anybody is in fall protection gear and they experience a fall and that gear holds 5,000 pound capacity, any time they're in a fall and they put any type of strain on that, there's no way to gauge what it is, but any time it's been a stress, you have to remove that product from service even if it came up close to that 100-percent capacity. So I would probably concur that if I had a crane I was testing at 100-percent capacity every year, I would be very weary of it from a practical point of view. I know that our crane operators in the field are very weary even when they get up to that 85 percent, which doesn't happen that often. You know, we're usually well under that realm. And so from a practical point of view, they're being smart in the field about that, and it would be interesting to hear a crane operator, someone who's had many years of experience, how he feels about operating a piece of machinery that's being tested at 100 percent every year. You know, he might have some concerns about that fatigue.

Spokane, Afternoon, Doug Carter

Under the proof load testing, which would be on the WAC 58420, that's the way I read it off this page, it's under "B" and up higher. It reads that you've got to use certified weights for the proof load test and they'd be conducted, of course, in accordance with the manufacture's instructions. And then further down, "the proof load test must be applied at maximum and minimum boom angles or radii or as close to these as practical." You get in to the next paragraph, paragraph B, the way that reads to me, it looks like, you know, the hook block or load line could be your limiting factor on proof load testing a crane. I wouldn't necessarily have to proof load test it up to maximum capacity. Under B, it says, "Complete test must be performed on each load hook. The nominal test load must be at least 100 percent but not exceed 110 percent of the rated capacity, for the crane's configuration of reeving, boom length, et cetera. "The rated capacity must be the capacity shown on the posted load chart or as limited by other factors such as hook lock capacity or wire rope line pull." So how do you want me to test the crane? Do you want me to test it for line pull, or do you want me to test it for, you know -- What I do is load test it out there in the field to certify that crane. If I got a two-part block on a 440 10 crane, am I going to put 55,000 pounds on it and that's going to be good for my load test?

Lief Russell, Morning, Yakima

I didn't put down the WAC number, but I've talked to all you guys already about this. And the thing that I just wanted to bring up -- it went so long -- was the modifications of some of these cranes.

I think that there needs to be something more put into the draft to identify modifications and some of these things that I've talked about, some of these older cranes especially. Maybe a time limit put on a crane after so many years that it needs to have a complete shakedown. They do this with airplanes and helicopters and other pieces of equipment, and cranes are just as important as these things. And when I go to see these cranes and talk to these people that own them, they want me to point out specific things in the

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

laws that show them exactly what they can do and what they can't do. Sometimes trying to get an interpretation is a little bit hard. So if there was something easier that pertained to that, as far as modifications go, I think that there needs to be a whole section on that. And that's just the point I wanted to bring up. I think the rest of it is looking pretty good to me.
Yakima, Morning, Dan Gerald

We also feel strongly against the proposed annual 100% load test (as opposed to every 4 years). On many large projects all contractors on the site may rely on the same crane for material handling, if this crane were to be shut down for load testing, on a project that ran long, it could create financial and safety concerns for all parties involved. We do support load testing the crane as equipped at the time of the annual inspection with full boom to 100% capacity, a maximum load test every 4 years to be made in the contractor's yard (this allows all test weights and safety precautions to be easily met) with a window to allow for projects that run over on time (subject to the contractor obtaining a variance from the state to complete the test once the crane has moved off site).
Cobra Roofing (written comment)

Comment for draft rule WAC 296-155-58420 Inspection Criteria handed out at the subject meetings:
Paragraph (10) of WAC 296-155-58420 seems to go directly into proof load testing of mobile cranes rather than inspection criteria. In the previous draft rule version, inspection and proof load testing requirements were for specific types of cranes. Previous draft rule version WAC 296-155-58424 through 296-155-58432 should be retained for clear instructions for inspection and proof load testing the different types of cranes per the manufacturer's instructions.
For example, tower cranes have their load limits set to lift the maximum rated load just clear of the ground surface. An added 10% of maximum rated lifting capacity load block is attached to the hook, but the load limit device is set such that the crane cannot lift the added load block. These limits need to be set at the jib tip and at the point of maximum lifting capacity on the jib.
Mike Quinn (written comment)

The items noted below are the issue's that I believe need to be changed or adjusted to better fit the application.
WAC 296-155-58420 Inspection Criteria:
(4) (s) Parts such as pins, **bearings**, shafts, gears, rollers and locking devices for distortion, cracks or significant wear. (Rotec bearing needs to be torqued to manufactures specifications). (Mounting bolts on any commercial truck mounted crane should also be torqued to manufactures specifications).
(bb) (i) Performance indicators: unusual noises or vibration, low operating speed, excessive heating of the fluid, low pressure. (you need a mechanic to establish excessive heating of the fluid and low pressure).
(cc) (iii) Valve housing cracks: (Some or most of the valves are enclosed inside body panels, mechanics work)
(cc) (iv) Relief valves: failure to reach correct pressure. (mechanics work)
(ee) Hydraulic filters: (Removal or checking hydraulic filters is mechanics work).
(ff) Outtrigger pads/floats and slider pads for excessive wear or cracks. (Add check for cribbing/dunnage properly installed).
(5) (a) add (vi) (Seized or seized and welded cable ends). Each cable manufacture requires their ropes to be seized in different

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

manners. Some seized by wire and others welded.

(5) (e) (ii) (SHOULD READ) If the accredited crane certifier determines that, though not presently a safety hazard, the deficiency needs to be monitored, the accredited crane certifier must inform the employer to ensure that the deficiency is checked daily using the periodic inspection.

(5) (g) (ii) (B) Option B.. Institute the alternative measures specified in paragraph (f)(iii)

This should read (g)(iii).

(5) (g) (iii) (B) Impossible for the inspector/certifier to monitor. We don't want the certifier to become a rule maker. If the rope don't meet the inspection criteria it needs to be replaced.

(5) (iii) (C) and (D) need to read (g) not (f)

(6) If any deficiency is identified, an immediate determination must be made by the accredited crane certifier as to whether the deficiency constitutes a safety hazard or, though not yet a safety hazard, needs to be monitored by the employer in the monthly inspection. Should read: checked daily using the periodic inspection criteria.

(7) As above replace monthly inspection for: daily using the periodic inspection criteria.

(10) (g) Proof load tests must be conducted in accordance with the manufacturer's instruction. (We need to remember that all manufactures have there own load test criteria.

All accredited certifiers will need to know what applies.

Coast Crane (written comment)

Yearly load Testing to 100% Capacity: An example of the adverse impact this requirement would have would be our 82 ton truck crane at a remote jobsite. In order to test this crane to 100% capacity we would have to haul 164,000 pounds of dead weight (four truckloads) to the jobsite, unload each truck piece by piece, then figure out how to rig all four truck loads of dead weight to the crane, run the test, then load it all up again, and haul it out. This would involve a significant amount of crane time, during which it would be unavailable to the crew using it. We would have no choice but to send the crew home without pay while this was being accomplished and the job schedule would be delayed by whatever time the test took. The impact to workers pay, the job costs and the job schedule would be substantial. Harcon (written comment)

WAC 296-155-58554, Operator Qualifications and Certification

For your hours of operating experience I see you have broken it down into the tonnage, which is fine. It's just -- there has to be some kind of apprenticeship program to give operators a chance to learn the proper procedures to operate a crane. Whether it's union or non-union, it doesn't matter. There needs to be an apprenticeship program set up. It needs to be backed up by the state. Whether you guys are going to use the NCCCO or whatever accreditation you're going to use for your certifications, I'm sure you'll have something similar, and also for the test. That's a great organization, it works, and it's functional.

Sea Tac, Morning, Greg Teslia

I do question is on some of these cranes they only require 750 hours to operate a tower crane, whether it be a luff or a hammerhead or

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

whatever. I think you're really shortchanging yourself on that. The operator has the ultimate authority once he gets into that seat, and he has to have the knowledge of what he's doing. If you have a mechanic's boom, like that gentleman was showing on the back of a pickup truck, sure, he shouldn't have to have 2,000 hours of experience on that. That doesn't make any sense. And you've broken down the tonnage for the inspections on that. You have 14 tons and under. You might want to bring it down a little bit less for 5 tons or under, and maybe you don't want to have that certified, but that's up to you, how you want to decide that. But there's a big difference between a 5-ton little boom truck with a hydraulic arm on the back of a mechanic's truck to a boom truck that goes up to 170 foot of stick in the air. Now, he needs to have the experience. And they're the ones that get themselves in trouble real quick, usually with power lines or tipping, and they're the ones that should have also more than 750 hours of experience. A lot of people are going to argue with that, but I went through an apprenticeship program myself, and I put in twice as many hours as that. Just for the mobile crane we had to put in 4,000 hours. It adds up, but that's where you get your experience.

Sea Tac, Morning, Greg Teslia

The other one is a concern with the -- that you've heard many times -- the number of hours of experience. We have programs for training our crane operators that are similar to what NCCCO provides, and we have sent people to that organization to be trained for inspection and operation, and we have tried to bring that home with us, and we have found that hours of experience don't necessarily equate to safety. Our younger people tend to have a very safe attitude and take a lot of technical interest in the setting up of the crane and use of the equipment, and the number of hours just don't make sense to us.

Sea Tac, Morning, Tom Treat

The one thing that I would like to possibly address is the weight restrictions where you've got a break point at 15 ton above and 15 ton below. You might want to break that down into more categories, similar to what the other individual brought up. If you have a crane that lifts 500 pounds -- there are several hundred of those units in the area. I don't think they should be viewed with the same level as a tower crane and a large mobile crane. You may want to re-think your categories of cranes. I believe with Cal/OSHA anything 3 ton and below are exempt from certification, and you may want to consider that.

Sea Tac, Morning, John Field

The first is that we feel the number of hours of crane-operating experience and crane-related experience are substantially more than necessary to demonstrate operator proficiency. The point of the rule is obviously for worker safety, but it's also to establish the minimum requirements of proficiency, not necessarily to create an expert. That is our concern there. I'm not going to go through it line by line and give you guy's hours. I'm just saying as a general rule we feel that the hours are excessive.

Sea Tac, Morning, Mandi Kime

Another issue that was brought up during the stakeholder process was the possibility of placing the onus or responsibility onto the employer for the tracking of the hours for the operators. As an association we feel that it kind of limits the portability of operators from company to company, and it's also creating for us employers, as well as for the operators themselves, a huge, endless paperwork trail, and we'd like to see some way that we can come to a compromise on where that responsibility lies and a way to streamline it

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

and track it a little bit more efficiently.

Sea Tac, Morning, Mandi Kime

My basic concern is that I want to ensure that there is not a barrier for workers that are currently doing this work every day. The folks that I represent and the type of work that electricians are doing -- they potentially use boom trucks, the smaller boom trucks. I'm talking about something that's 20 tons or less. It's something that we use on a daily basis and certainly do not want to see electricians or other folks within the building trades be barred from continuing to use the tools that they use every day. I don't see a grandfather provision within these requirements, and that concerns me greatly. I don't necessarily understand how past experience is going to be credited towards certification. I would hope that there would be some allowance for past experience when petitioning the department.

Sea Tac, Morning, Tracy Prezeau

I'd like a clarification on -- now, you're saying that an operator can hand the employer a piece of paper saying, yes, I have this amount of hours on this piece of equipment, and then they will be brought in for certification or given a certification based on that?

So it's up to the employer to decide whether that declaration is true or false?

So what liabilities fall on the employer once they employ that person and they believe that that be true and the State says that we need to recognize that statement, and then something happens and we find out that those aren't true? Who takes the fall for that?

Is there going to be something that the State is going to put together that is like a form that the operator signs and it's put together by the State making sure that this operator is stating everything that is true?

Sea Tac, Morning, Jackie Garner

It's my understanding that there is only one nationally-accredited testing agency or accrediting agency, and that potentially can present another barrier for workers in the industry. Obviously, if you have a shortage of certified workers, employers are hit as well, and if you can't employ a certified crane operator, your work is not going to get done. Additionally, it's my understanding that the testing fee for a worker is approaching \$500, which if that is correct is much higher than any other testing or certification requirements that I'm familiar with as an electrician, whether it's an electrical administrator, electrical journeyman or any of the sub-specialties. I think if that fee is correct, then that is a huge barrier for workers in this industry, and I think maybe a parallel path needs to be explored.

Sea Tac, Morning, Tracy Prezeau

It's WAC 296-155-58554. It's on page 1, paragraph 2. It just says, "The employer must ensure the crane/derrick operator re-certifies at least every five years." I think the employers can't really do that. They can make sure that they have a certified card, and in the program itself it is important to make sure that any operator certification program we have has a recertification element in it for every five years.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

Sea Tac, Afternoon, Thom Sicklesteel

On the back, on page 4 of the same WAC, Section (iv) it says, "The trainee/apprentice must not operate the crane/derrick in any of the following circumstances." One thing I would want to see added into that is a critical lift as defined by the company. The reason for that is that critical lifts may be a high percentage of chart or something else, and it may not be a good thing to have a trainee in the seat in those situations as well.

Sea Tac, Afternoon, Thom Sicklesteel

I think it would be appropriate to have some type of exception for situations where there's a factory technician or a factory service person or somebody that comes with the crane to operate the crane. I understand that they would not have -- they may not have a CCO. If they come from Germany, they don't understand what a CCO is, and they may come out there and need to operate the crane. I think it's reasonable to have a CCO person or an approved operator next to them, but they wouldn't really qualify as a trainee under that scenario and may need to actually operate the crane in multiple crane lifts or some of these other examples. So I would just raise that.

Sea Tac, Afternoon, Thom Sicklesteel

The hours are really what I wanted to speak about. I think they are excessive, and I think it works towards a monopoly and it stops people from working, both people who want to get into the construction field and companies that want to go forward.

Sea Tac, Afternoon, James Amphlett

The second point is the crane operator hours being tracked by the employer. Although we have a lot of long-term employees, we also have a large number of employees that work for us for much shorter periods of time. Being able to track their hours as a company for them to be able to use a crane is very burdensome from an employer's standpoint. It seems like there needs to be something else in place to be able to do that.

Sea Tac, Afternoon, Don Robinson

With respect to WAC 296-155-48554 we - we have a comment and request a change. We support the proposed rules and the accompanying crane operator experience Table 1 in its present form with one exception. We request the department consider increasing large telescopic boom cranes swing cam from under 28 tons to 40 tons. And finally, we would urge the department to make no further revision upward of operator experience requirements. Again, that amendment from 28 ton to 40 ton would differ from my earlier testimony.

Tumwater, Morning, Dave Hutchins

On tracking hours of operators. Sicklesteel's in full agreement that we have the operators sign and attest on a document of their experienced hours. We highly recommend that we have some kind of language in the rule that states that the operators must track their own hours after that and not have it be the crane owner's responsibility or the employer's responsibility.

Vancouver, Morning, Steve Jouwsma

I'd like to comment on Section 296-155-585, Operator Qualifications and Certification, in particular for tower cranes. In discussion

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

with people in our own organization and other contractors, we believe that the 750 hours for actual crane operating experience and the hours of crane-related experience are too high and that they should both be 500 hours for the overhead Hammerhead crane and the Luffer crane. The self-erecting crane hours are satisfactory.

Vancouver, Afternoon, Mike Quinn

In addition to requiring every crane operator to obtain NCCO certification prior to January 1, 2 - 2010, we feel the number of hours a crane operator experience and crane related experience are substantially more than necessary to demonstrate operator proficiency as the NCCO certification is an arduous process that requires proficiency. The point of the rule is to establish minimum requirements of operator proficiency, not to dictate that crane operators have extensive expert level experience.

Vancouver, Afternoon, Kris Miller

It is also discussed that the responsibility of tracking the hours be on the employer. By doing so, the department is, in essence, removing portability of operators from company to company. It will force us an endless paperwork trail of seeking these records from operators' previous employers.

Vancouver, Afternoon, Kris Miller

With the exception - with some exceptions this rule applies to small mounted cranes with less than five-ton capacity. Thus protections we have put in place for protection of our employees for lifting, related injuries, now require the same level of certification as someone operating mobile cranes with capacities well in excess of 300 tons and additional hours of experience - experience operating and working in relation to this equipment.

Vancouver, Afternoon, Kris Miller

First we'll look at WAC 296-155-585, Table 1, and as the prior testifiers have went, I'm okay - we're okay with the related experience, but the number of hours for actual hours excess - especially for the tower cranes and the 300-ton mobile and truck cranes we feel is excessive.

Vancouver, Afternoon, Brian Clarke

We are wondering on the experience and what have you that you're suggesting there, is there any means for grandfathering experience? And then we get down to some verbiage dealing with consideration of two years of additional experience and it mentions certain crafts that are there, and we're wondering what to do - say if we've got someone that has like two years of erection experience with a tower crane, would that follow over into that additional two hours of experience?

Vancouver, Afternoon, Bruce Poinsette

Some of the areas that still really deeply concern me for the industry is the hours that I see, even on the draft. I continue to ask labor, "Where did we come up with these hours of training?" And also operation. That they're still way out of proportion. Dan, you've come out of the industry. You know that the people operating that equipment are not sitting there eight hours a day five days a week operating it. When you sit there and talk about 1000, 500, 750 hours and that person's maybe only doing that operating maybe a half an hour a week once a month, those are the realities for the industry in general. And we have already adopted some of the

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

manufacturers' regulations, which I applaud you for, and I think we need to continue to look at the people in this industry. My concern, as I've expressed to the operating engineers, is that you come up with these hours and there's nothing to substantiate the hours. Let alone substantiate the hours, I'm trying to figure out how I work with my members to record the hours and to keep track of those hours. As you know, I came out of the industry in the construction field on the highway side, and I'm trying to figure out how would we have cost coded that 15 minutes, that half hour, this once a month or whatever, when it's impossible to track. And Mr. Kuney said the job site issue alone -- we've gone through this many times, Dan, when we talked about the issue of backing on a job site and how it changes hour by hour and the lack of space to do it. Now we're talking about trying to do testing. And again, for those who are going to cut corners, not do it right, that's not what this is about. This is about how do we as an industry encourage everyone to come to the table and to participate in a positive way and not make regulations that are going to push them to the other side of "How can I get away with not doing this?"

Spokane, Morning, Wayne Brokaw

I'll respond to this way. I have been in collective bargaining for over 30 years. The hours that are here at this point, these are not the hours that we in the industry want. They have been compromised from what the operating engineers, per se, have put on the table. So in other words, we can start at zero hours and they can start at a thousand and we end up at 500. Does that mean that 500 hours is the appropriate number of hours of training? No, it doesn't. That's what I'm asking you here is I'm asking you, pleading with you, to get down to reality. When I sit down and look at 750 hours of the training and the operation, we're talking 1500 hours. That's no way required. And as I said earlier, you take those 1500 hours and take them at one-hour increments at one day a month for a small operator, look at how many years we're looking at. I know that because of negotiations, that's the way labor and management is. We start at different places and we work to a compromise. And I'm asking you to go beyond the compromise. I'm asking you to get down to the reality of the industry and the whole process of recordkeeping with this, the practicalness of people being able to obtain this and retain it. The retention is my biggest thing. When I was in the industry, we did some crane operation retraining of operators who had been in the field for 30 years. And one of the things that was interesting, the people that I thought were very good operators, all of a sudden, some of the things that they had forgotten that were basics. And when those hours get extended, it becomes like sitting in a meeting or a classroom. You lose a lot over a long period. I'm saying let's really focus on what the requirements are to keep people fresh, to keep them active. And when we put extra hours on there, people lose interest. It's like apprenticeship. We keep talking about why we have so few apprentices retained in the program. And I sit here and say to the state apprenticeship counsel, it's the length of time and the number of hours. And operating engineer is a good example. We're talking 6,000 hours to graduate, yet I can go learn to operate a backhoe in about two weeks to be efficient at it. So why shouldn't I get a certificate so I can make a journeyman's rate of pay because I am efficient at a backhoe? Why do I have to have 5,500 other hours to become a journeyman when I know I'm never going to operate a roller, I'm never going to operate a blade in my career. And that's what I'm saying about these hours is there's a lot of need here to be real and not put it in negotiating mode, and I think the hours have become a negotiating mode. You know, what can we compromise to? And I'm saying we're working too hard to find compromises.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

Spokane, Morning, Wayne Brokaw

A couple issues I'd like to address. It's on the 296-155-585, the experience hours. On that, I guess a couple things I'd like you to consider on that to rearrange the grouping a little bit. On the third section of the large telescopic boom crane section, if we could take that up from the 28-ton level to about the 40-ton level, that would encompass most of the truck-mounted boom trucks, and that's primarily what we use. And then the hours are a bother to me, too. Like the previous gentleman said, we have a crane on the job site for a week and we'll use it for two hours on one day and we'll be down getting ready to do the next thing. That's a lot of time to try to put into it. And I understand all these hours are after the fact that we've already sent, you know, people in to be trained and certified, and this is just so we can come to the state and say, "Okay. Now we got to block this many hours in before we can get our license." Well, just cost alone we're looking at \$20,000 or \$40,000 to train a guy. And for the operation we do, we just eliminated that situation. And we're hiring somebody because we can't justify. And the other thing we're going to do is not use a crane anymore. I mean, cost is going to push us back to -- we're going to buy a knuckle boom that's not being regulated and start using things that maybe aren't the exact same -- they're not the best unit, but we're going to do what we have to do to be competitive. Because if we can't be competitive, we're not going to have a job.

Spokane, Morning, Martin Hughes

First of all, on the operator qualifications and certification. We're generally pleased with the new version. But like Mr. Brokaw ahead of me and the gentleman just prior to myself, we are also very concerned about the actual and related experience hours that came out in the latest version. With all due respect -- and I was not there, but I'm sure there's a couple of folks who were -- we recognize the department tried to reach a compromise on the hours. However, we would probably differ about how this rests today. We think what was agreed on in the meeting to some extent is not what's now on the table. Toward that end, I'm going to offer, for the record, some suggested changes -- and I'll give this to you at the conclusion of my testimony -- that's pretty specific about what we think would probably be acceptable. We've been pleased with participation of our members from the industry to look at these, and I have to tell you, while there was a lot of grumbling about them, what we're going to submit today, we think that generally can be lived with. And we would also support the change in the tonnage thing the gentleman prior to myself mentioned, as well.

Spokane, Morning, Kate McCaslin

We're concerned about the degree to which these hours are transferable from one category to another. We would urge the department to allow the carrying of hours from one category to another where it is appropriate and sensible.

Spokane, Morning, Kate McCaslin

Requiring the employer to insure the operator, recertify at least five years, we're concerned it needs a bit of clarification. Specifically, we can understand that recertification will require re-passing of the practical and written exams. That just makes sense. Along with the substance abuse requirement. But will the operator be required to show that he or she has obtained all the hours once again in table 1 that was originally required or will some lesser number of hours be acceptable? Of course we would urge that you allow some lesser number of hours.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

Spokane, Morning, Kate McCaslin

With regard to the prequalification training period, this obviously is a very, very important time as a trainee learns how to operate the crane. But we'll remind you that the contractors have a big stake in this, as well. They're not going to allow people out on those cranes who they don't think are reasonably qualified. They have too much liability. They don't want their employees getting hurt. They don't want other people getting hurt. And they don't want something bad to happen to the crane or the job site. So they're going to be concerned about this. But we do consider that -- or we do think that the way the regulation is currently outlined is a little excessive. Specifically to require that the trainee be in a constant line of sight is kind of beyond common sense. We would ask you to reconsider that your line of sight would be eliminated after say 100 hours of training. That means the trainee has reasonable amounts of experience, and while a supervisor could still be on the job site, and we certainly would agree with that, we believe he should be able to do other things while the trainee is operating. Of course this should not apply to critical lifts or multi-crane lifts, in which case the line of sight requirement should still apply.

Spokane, Morning, Kate McCaslin

Finally, with regard to that item, in part 5 and 6, we would ask for further clarification as to what the department considers documentation. Especially after January 1, 2010. Will it be actual time sheets? Will it be letters from former employers? Or what other additional requirements will be required? Both employers and operators should know this now up front so that they can adequately prepare for that time after 2010.

Spokane, Morning, Kate McCaslin

I agree with AGC is compromise is not the way to go in this issue. Other states are fully comfortable and have good records with certification, both written, a proficiency test, medical and drug testing. This proficiency test would be done not necessarily with a crane that this operator will be running, but it'll give the testing team or qualifier a good idea if this person is proficient at crane skills. Crane skills come, yes indeed, with hours. We all realize that. But in a company say the size of the Haskins Company, we don't have a crane operator per se every day. Some of us old guys, it's not going to affect us a bit, because we're going to go right in, because we've been here for years and years and years. But how are we going to get new guys on board? We just can't do it with these kind of hours that you're talking about. So I believe that, you know, it's generally accepted across the nation that we don't put hours onto the operators, that it's simply done with certification process, done with proficiency testing.

Spokane, Morning, Bill Sullivan

It's my belief that there is no relationship between -- directly -- between the hours of operation and safety. There's obviously some people with a lot of years under their belt that are safe, but I also believe that that can also create some complacency. In the accidents that I've seen in my tenure in the crane world, it's the cranes have tipped over because of improperly deployed outriggers, outriggers that were never deployed, and every one of those was by a senior operator with over 15 years of experience. So my take on this is, if we're specifically out to look at safety, I don't know how this is going to be enforced, but I think it has to be the obligation of the owner and the obligation of the operator to put somebody with a proper mindset on the crane. And they know who they are. They

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

know who their employees are that have the right mindset, the proper temperament to operate a crane. You put the onus on them, and also the repercussions of noncompliance on them, and I think that's your best target to safety. I don't think there's any relationship with hours of safety. I've seen -- relationship between hours and safety. I've seen very, very green, quote/unquote, unskilled operators operate very carefully, very slowly, in a way that is safer than some people that have been doing it all their life, because it's a temperament and a mindset issue, not an hours of operation.

Spokane, Morning, Dale Fruit

I'll talk to you on the 296-155-585 for operator hours of experience. And the key word here is experience, and that's what most everybody is striving for. That's part of being qualified is having the experience. And we've related it down to hours or we've tried to relate it down to hours. And that's not always a guarantee. When we look at the classifications of cranes here, there are so many different configurations of those cranes, whether they're luffing booms. All those different things that really play into does that guy have experience on the equipment as configured that he's going to be operating. And I would still like to see, rather than us go this way with hours of experience, that we make the operators feed their experience into a data bank and the employer determine whether that guy has the experience level in the type of work he's doing, because it could also be what type of work. In the Hanford area we're doing work with people in suits supplied with air, running cranes. That's a tough thing to do because vision is so limited, and it takes experience, and we have to assign people, even though they still may be qualified on that class of crane, the person who's had experience in that specific activity. And that's key to it is you have to have experience in that type of activity, whether you're erecting structural steel or you're doing demolition type work, that's the key thing. The problem is the way we're doing it here we're either going to create people who are either going to lie about it or do other things. Having run cranes out of this local, 370, I know that the actual hours in the seat time is not actually the hours you were dispatched on that crane. There's a big difference. There's a big gap there. And having run a crane doing some things doesn't necessarily mean that I was qualified to do capacity picks on that crane. And I would really like to see some really creative ways of looking at this, because what we need to do -- put it back on that employer. If he's going to assign somebody to sit on that crane and operate it, he's got to be responsible and make sure that guy is qualified not only for the equipment he's going to be on, regardless of his certifications, but he also has the experience and he's been evaluated on that specific equipment as configured for the type of work he's going to be assigned.

Spokane, Morning, Dana Morgan

I struggle with some of the hourly deal, and again, the disparity in hours. But what I have seen over the years is people that do use people that are not qualified, and for the last six weeks they have been shown as a laborer at a lesser rate. And the day they have the accident, for four hours, they're shown as a crane operator. So the people that are doing it right in the industry are penalized for that. And my concern is the accidents I see in the field are probably more often caused by using a crane too small in capacity to do the job that it ends up doing. So if we make it to where there's a less requirement for somebody to use the wrong rig, that doesn't seem very smart. I think the hours are probably -- seem to be a difficulty for everybody, and I would agree because somebody's done something wrong for a thousand hours doesn't make them less likely to have an accident tomorrow than somebody that's done it right for 500,

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

but to have such a disparity in the hours -- I look at this in the smaller crane categories, that because I use a crane that's too small to do it, I'm entitled to use a guy that also doesn't know how to use it? It doesn't make a lot of sense. I do favor the NCCO testing because it does give you a better indication than trying to sort out how many hours a guy has. I mean, it would be easy for me to accomplish, because my guys, you could go right back to your Labor and Industry rates and the hours are going to be recorded in a crane category. For somebody that's an excavator and uses a crane occasionally, I would say it's pretty difficult for him to substantiate hours, because he doesn't report hours on that guy until the day there's a problem.

Spokane, Morning, Gary Hite

Under the operator qualifications, I would like to parrot some of the things that have been said here before. Specifically under the large telescoping boom cranes, swing cab, I think the disparity between the 40 and 500 hour classifications are dramatic. I believe that one of the other gentlemen spoke about 40 tons. I believe that that center category should read from 50 plus to 130 tons. As I have operated a fair number of cranes in the 20-plus category and 30-plus category and there's virtually no difference in them, all the way up to and including 50-ton cranes. I think that disparity is far too great.

Spokane, Morning, K.C. Dors

Another item on the back page, page 4, under iv, the training and apprentice, (A), under that, it speaks about a trainee cannot operate a crane within 20 feet of a power line that's up to 350 KV or within 50 feet of a power line that was over 350 KV. I'm going to assume that you're going to say that it's okay for a licensed operator to operate within that range. I think that might be a conflict with some of the other WAC rules. Is that going to be in conflict with 296-45? If you're operating within 10 feet of a 350 KV line, you're in a serious safety violation.

Spokane, Morning, K.C. Dors

Fourth item on the No. 4 and 5, at the bottom of page 4, documentation that the employer can accept. Is a simple statement by the operator going to suffice for that or is there going to have to be some verification from previous employers on that?

Spokane, Morning, K.C. Dors

Just a pile-on comment, I guess, regarding hours of operation. I have trained and licensed many, many crane operators, and I've seen those that, you know, after, you know, a day or two in the chair are very proficient. I've seen those after their 250th hour that aren't any better than they were in the first five minutes. So to use number of hours in terms of proficiency in my mind really doesn't mean a lot.

Spokane, Morning, Tim Kramer

I've got several items, and one is on the hours. I believe we could -- and what I will do is endorse the hours that Kate McKaslin gave you that I think are workable. And I agree with most people that testified along these hours as far as an operator is an operator and you're going to know in about five minutes whether he's going to be an operator or whether he isn't. I mean, if we're going to spend the time to work with somebody that has the capabilities of being an operator or are we just going to go through the drill and say, "Hey, you've got to have all these hours. Now that you've got those hours, you're an operator." Not the case. So we need to address

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

that.

Spokane, Morning, Gary Neal

We've got this little crane, and most of our cranes, with the exception of tower cranes, have a little one-man cab in it. Everybody recognizes what a one-man cab in a crane looks like, with the exception of possibly a boom truck, and it has a one-man stand-up station that you can work in. Now, to my recollection, when you're working in this crane and you've got this crane set up on a job site, you're going to have -- the way I understand it, you're going to have to have this roped off, your outriggers are going to have to be set up, and you're going to have it roped off so nobody can get caught in the pinch points and so on and so forth. Okay? My question to you is: How and where do I put this certified crane operator that's going to be monitoring what my trainee does? That's a question.

Spokane, Morning, Gary Neal

I'd like to address again the classifications change, crane size there, on the 28 to 100 -- where we had down there 28 to 100 ton, I would like to go along with the minimum of 50 to 130, but I was trying to be in a compromise mode there. And I agree with the gentleman that acknowledged the fact that there isn't a nickel's worth of difference in the operation of a 20-ton swing cab crane as there is in a 100-ton swing cab crane. We've discussed that openly in our stakeholders meetings. All that does is just create more headache for somebody if we're going to force as many hours on them in order to operate that same crane. So we can move that number to 50, 60, whatever the case may be, and it won't bother me in the least.

Spokane, Morning, Gary Neal

You said a couple things here in relation to having a qualified crane operator supervising an apprentice, and there were a couple things that were said that were not necessarily in the standard here. And when we -- and what's not in the standard here is what was referenced here is, well, we expect -- in a sense, we expect that journeyman operator here to be, you said, responsible for and in control of that crane. Now, what you've got here in the guidelines here are pretty -- in a sense, when you start comparing it to what you've said, are somewhat vague in that we're talking about line of sight, direct communication, this sort of thing. And where I'm going with this whole thing -- as far as an employer that operates cranes quite often and then throwing out the idea of how willing would we be as an employer to allow any training to be done on our jobs. I guess what I'm saying is that there's a lot of room for interpretation on both sides. There's room for interpretation on your side, there's room for interpretation on our side.

Spokane, Morning, Jay Meyers

The portion of the crane safety rule that has me concerned is the amount of hours that is required to establish an operator. We're a relatively small general contractor that operates in different states, and we own three cranes -- a 70-ton Limon lattice mobile crane, a 65-ton Grove hydraulic crane, and 17-ton National Truck crane. I really feel we need to reduce the requirements for these larger cranes, such as the lattice boom truck cranes and the large telescopic boom cranes, to half of the proposed numbers. We do not run our cranes on a daily basis, but intermittently as the project goes on. We might run a crane for a couple hours one day and then it might sit for maybe up to a week just because of the weather or just the way the job is progressing. So accumulating enough hours

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

within a given time is pretty tough to do. We also work in very remote locations. This necessitates our having to access our own fleet of cranes, and since having a crane service company go out three or four hundred miles from their locations becomes a real challenge for us and a very expensive one. And the cost of fuel is going up, and freight and everything else. So keeping our cranes is really a cost-saving item for us, as well as a benefit to our customers. In the past, we've trained new operators from within our work force. When they have shown responsibility, attitude and patience to be able to handle the stress related to crane operation, we have moved them along to become operators. And we don't take for granted that they're crane operators. We make sure that they can run a crane if they are new hires.

Spokane, Afternoon, Jim Parker

Now, the cost to train the operators will be dependent on the amount of hours required to train them. These costs -- I just kind of roughly did some stuff this morning -- could be in excess of \$45,000 just to get an operator up and running with some of the hours we're talking about here. So it's just another thing we have to pass along in our general conditions on our jobs when we're bidding our projects and stuff like that.

Spokane, Afternoon, Jim Parker

Rural resources. We operate from Colville down to Richland over into Butte, Montana, and then definitely here in Spokane. And so in that type of setting, we've been given some interesting situations, and the ability to even -- you know, when you have cranes in those locations, if there's a problem with them, finding the resources to be able to come out for them, get them fixed, let alone the manpower. The crane operators, especially over here, can be in short supply, so having the ability to pick from a pool of them is quite limited. And then when you're going to have to have two operators on one rural setting where this setting might be a little bit different from a larger project, a crane could be on a project for from a number of weeks to a number of months, but never a setting where they're going to be situated like in a DOE site where you plan to have this crane for two and a half, three years. And so that type of situation would constitute some of these things you need to take into consideration over here in the eastern state.

Spokane, Afternoon, Doug Carter

The other thing that concerned me is, in looking at this from a practicality point of view, for the two cranes that we have, is if you're in a tower crane where you have a nice cab up there, you can actually get individuals up there, but in a hydrocrane, you have the capacity for one seat and that's it. So having somebody else up in that cab would be unsafe, let alone a person that can be standing there can be a pinch point and you could actually have a bad accident or maybe a fatality. But having two people in the crane is really not practical. I've been up in tower cranes before in the crow's nest up there in the cab, and that might be a possibility. But usually tower cranes are based upon projects that are going to be established for a designated long set of time, but not for the work horses, which I consider is the mobile cranes.

Spokane, Afternoon, Doug Carter

I would have to agree with the previous gentleman, especially for some of these mobile cranes, that the number of hours that are being proposed would probably need to be cut just for the fact -- that there's a couple of factors. The ruralness, the ability to be able

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

to find operators, and the ability for them to stay here. If they have a project that they could, say, go to another part of the state where they can be able to get that year-and-a-half, two-year project, they'll probably pack up and leave and leave us high and dry, and our resources would be cut drastically then.

Spokane, Afternoon, Doug Carter

I think needs to be addressed are clarifying on the experience as far as the operator hours. I would interpret this matrix as presented that any hours in a crane would qualify at any level, and I think that that should be made quite clear that that is the intent. Otherwise it needs to be defined well. So if a person that was a certified operator at a -- for a boom truck and he put three thousand hours on there, those hours would apply up and/or down the scale would be how I would interpret it. But it definitely is left open at this point.

Spokane, Afternoon, Shane Miller

In regards to the related experience, it would be my recommendation that anything in excess of 500 hours on related experience is redundant at best. If you have a very gifted crane operator, while the norm for training has been working as an oiler or definitely there before they're in the seat, but if you do have somebody that's showed their abilities to be a great crane operator, there's no sense for them to go backwards to get hours to be able to operate the crane that they already are great at. But at 500 hours, I think that would be more than enough. Also, in regards -- looking down the list and these hours, I would like to see, you know, the hours reduced. I could provide this matrix to you, rather than go through each one individually. But down to the point of the self-erecting cranes, 50 hours, that's more of a rental consumer crane and the capacities in it are no more -- are often much less than that of the small telescopic cranes, and yet their hours are increased. Yes, it's only 50 hours, but that means I have to pay somebody to come out and baby-sit one of my guys that, once they have it down after their first initial training and they've already gone through the training and certification process and demonstrated their abilities, that there again, that seems in excess. I'd like to see that cut down to only 30 hours.

Spokane, Afternoon, Shane Miller

We are insurance and bonding agents here in town specializing in larger commercial contractors. And the picking of an arbitrary number of hours reminds me of my old partner's saying when referring to underwriters. Some underwriters have 20 years of experience and some underwriters have 20 one-year experiences. And I think that's also the case in the construction industry is that just because someone has a certain amount of time and grade, so to speak, doesn't make them any better or any worse. Unfortunately, in my 33 years I've been on a lot of jobs where there has been an accident or a fatality, and more often than not it was caused or the fatality is a very experienced worker. And I'd almost rather see a young eager person operating a crane than an old hand.

Spokane, Afternoon, Bill Davis

I deal with a lot of in-house manufacturing processes with overhead cranes internally inside of our shop. And I'm looking at the draft operator certifications for overhead cranes. We don't have a can operator, so we have pendant and remote control type cranes. And I'm looking here at, basically, the number of hours of training that's required to, you know, do this. I haven't seen specifically every

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

three years, but I venture to stay with that standard certification, which is normal three years for recertification. Why so many hours to do the training for overhead cranes inside of a building? I mean, I understand why the training is needed, but I just can't see doing 40 hours of training in a, you know, a three-year period for that particular process. I do certify our crane operators now. Do they go through 40 hours? No. Do they go through about three or four hours? Yes. And hands-on? Yes. But that's about it, and it has shown to be adequate. I don't have any crane casualties, problems, hazards, damage to equipment and material, so I'm just looking at time-wise along with that as, you know, being a little excessive. Also the fact is, are they going to require certification for overhead cranes? I noted in the draft, but I see it as far as the mobile cranes, you know, outside. That, I agree with. It's just interior in the buildings.

Yakima, Morning, Jim Ferrington

As far as the qualifications for the inspectors, it's not totally spelled out, it's still to be drafted, right? The way I see it, some rules are going to be made. The Department still has to make determinations on testing qualifications, that sort of thing. And what I'd like to know is, if it's in there some place, and I've talked to Chuck about this earlier, but maybe everybody else wants to know, if crane inspectors are going to be required to pass NCCCO certification for operating -- taking classes as far as doing the practical and the written examinations so that they understand the function of the crane and they're able to run a crane through its basic operations in order to understand how a crane operates in order to be able to inspect it to make sure that it is operating correctly, I just want that noted in there someplace. I think that would be a good idea, because there are a lot of young operators and a lot of young inspectors coming up the line who don't have the experience and the background, that haven't been exposed to a lot of these cranes. And NCCCO does provide schooling and testing, and it's not a hard edge of the test or the easy edge, it's somewhere in the middle, that anybody that has basic operating skills should be able to operate the cranes through the course. And they should be able to take the test with a little bit of studying. And basically, it's the same knowledge that a crane inspector should have, is what is required of the operator.

Yakima, Morning, Dan Gerald

Currently, we do have cranes, mobile cranes, and overhead cranes. And we do provide our own training to our operators before they're allowed to operate. This training is repeated about every three years. My question to you is, we're a small employer. To put somebody forth through the certified training through the state, I've called around, checked it out, and I think the actual rates vary depending upon where you go, but it can vary from \$1,500 to \$3,000 per person. My question is, is there -- can there be any application made, where the employer could possibly become the certified state trainer and allow them, then through the state certification, to train their employees on how to operate the cranes? We're still going to get the state certification, but it's more of a train-the-trainer type course. The reason why I'm asking for that is, if you look at smaller employers who have to absorb those costs of that training, we've become a training ground for employees who are then going to go work for someone else and make a lot more money. The irrigation districts can't afford to pay. So what I'm looking for is not to eliminate the training because I think it's necessary, but to provide an avenue that it can become affordable without employee retention problems, or the ability to be able to

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

afford the training.

Yakima, Morning, Betsy Jordan

That brought up one thing and triggered something. On the operator qualifications, but it talks about, I think, the current draft you have in front of you says the employer shall ensure that the operator renew their qualifications every five years or something like that. And I've been told that the thought was that that -- the employer will ensure that the operator, that language would come out, and it would just say the rules require the operator to renew every five years. If you need me to look it up, I can. But the concern is, if you say the employer will be -- it becomes now -- What does that mean? Now, we all agree that the operator should get the -- certified every five years, and the rule should say that, but we would just ask that the term "the employer shall see that the employee or the operator is renewed every five years" be removed.

Yakima, Afternoon, Jim Hopkins

There's another section that says, "The employer is responsible to see that every operator is certified." What we're talking about here is, and maybe I'm talking money. When it says the employer's responsible, that implies, and I've seen enough of it to where that's the employer, you know, pays for it, the employer gets it done. And all we're saying is, they've got to renew every five years. And if they're not certified and I leave them on the crane, that's my problem. I've got to pull them off the crane, but it's the operator that has to go find, you know, and get -- do the recertification. That's the distinction, at least, I was trying to make. Did I misunderstand what that was saying?

Yakima, Afternoon, Jim Hopkins

Another point that just came up recently, the NCCO sent out a memo that there are some bogus licenses out there. People make copies just like they do with hundred dollar bills and whatnot. And people are taking their copy of the license, putting their picture on it and trying to make some bogus licenses. So now, during testing, you have a license that looks like it's fraudulent or something's wrong or damaged, they're asking that, under every test to help the examiner, they take a copy of the NCCO license, send it to them certified to make sure it's all right. You know, there's fraud in anything we do these days. You can't put that on the employer.

Yakima, Afternoon, Dan Gerald

And on that, we're going to have a bit of a problem documenting those hours than what I thought of. ... So my suggestion would be, just like I have to do when I fly, I have a flight book. And when I land, I put down what plane I was in, the hours I spent in the air, and, you know, and sign it. And, you know, if I were an operator, it would seem that I'm the one that I would trust the most to keep track of what my livelihood is going to be down the road.

Yakima, Afternoon, Jim Hopkins

The only place it would become an issue is, if it did go to court, and somebody said, "Where did you get background for the operator he produced the right paperwork to me, you know, and then we have to prove its authenticity in court. Which leaves you out of the mix, and then it goes to the court. But at least they followed the rules to get there.

Yakima, Afternoon, Dan Gerald

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

We develop our operators from within our company. New operators are trained by our senior operators and certified by Overton Safety before they are allowed to operate independently. Once certified we monitor our operators on a periodic basis to ensure continued safety and proficiency. What we have found is, that on the boom trucks and cranes we use, after 10-15 hours of monitoring a new operator we can tell whether or not someone is going to be successful as an operator. When dealing with self erecting tower cranes we are able to make almost all operators proficient within about 8 hours.

Based upon this experience we feel the 100% line of sight rule is not needed after an initial (roughly ¼ of the total hours required) observation period (excluding critical lifts). Our material deliveries often arrive spread over several days or weeks resulting in our bringing a crane onsite several times. We feel the cost that we (and other contractors like us) would have to pass on due to this rule would result in increased costs to developers and building owners, place a negative financial impact on the building industry and may put some contractors out of business. Cobra Roofing (written comment)

Due to the new regulations going into effect on January 1, 2010, pertaining to crane operators and operator training, we want to make you aware of the crane operator training program currently being developed by our organization, WTCA – Representing the Structural Building Component Industry. We want to provide you some background on our industry and explain why we believe WTCA is the best equipped entity to provide effective crane operator training for the structural building components industry.

Established in 1983, WTCA is a national not-for-profit trade association currently representing the interests of 790 truss and wall panel manufacturer and structural component distributor members across the United States. This industry designs, manufactures, sells and delivers the structural elements that frame many homes and commercial buildings such as roof and floor trusses, wall panels, I-joists, engineered wood beams, plywood and oriented strand board (OSB). In several of these communities, it is common practice to deliver wall panels and roof trusses using a truck with an attached boom crane. This crane allows manufacturers to help framers at the jobsite set wall panels correctly with minimal handling and to place roof trusses on framed walls (commonly referred to as ‘above the top-plate or to the top plate delivery’) for easier framer installation.

Due to this common practice in our industry, WTCA is currently creating a truck driver training program to provide valuable information and industry best practices as they pertain to every aspect of structural building component transport and the delivery process. As part of this training program, we will provide thorough instruction for drivers on boom crane operation and safe handling of structural building components as they are delivered using a crane on the construction jobsite.

This training will focus primarily on the information and skills necessary to pass the operator certification tests administered currently by the National Commission for the Certification of Crane Operators (NCCCO) and will also cover industry best-practices. Our belief is that we can provide the most effective training for these particular crane operators because of our extensive knowledge regarding the unique handling requirements and properties of structural building components. We also have years of experience providing effective workforce technical, safety and quality training and certification for those working in the component manufacturing industry to draw upon. We believe that we can easily and effectively create a training and certification program for these drivers/crane operators.

Again, the intent of this letter is to make you aware of our efforts to develop a driver and crane operator training and certification program and to request your assistance in helping us adhere to the requirements you establish in the state of Washington for crane operator trainers.

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

WTCA (written comment)

In the section about Crane Operator Certifications, I would like to see the following changes:

I work for an Irrigation District and we currently have 2 mobile cranes and eight overhead cranes that are stationary in pumping plants. The mobile cranes are used mostly during the fall maintenance period and the spring start up period and then used very rarely. It would be a very long process to get operators 40 hours of operating time to get them thru the training period. The District calculated that it would take approximately three years for one of our new operators to get his/her 40 hours in, therefore must work with the trainer for the first two to three years. This is a huge expense for the District to have 2 people to pay for one job in order to be in compliance. Our crane use is very small, but very necessary during our maintenance season and during start up. We are moving pipe and lifting structures to continue our current maintenance and any emergency that might come up. Our overhead cranes are used when our pumps in the pumping plants fail or need maintenance. These pumps are large and cumbersome and require an overhead crane in order to move them from one spot to another or to load on to a flatbed for transport.

Another problem with we have with the draft proposal is the state certification required for each operator. Being such a small part of our operation, the cost associated with getting operators certified would be very costly. Our Irrigation District stretches from Banks Lake to Othello and across to Vantage which covers approximately 250,000 acres of irrigated farm ground. In order for us to meet the needs of maintenance or respond to an emergency, the District has trained (within our organization) a number of crane operators to respond to the needs of the field and for emergencies. In the event of needing these people to be state certified in order to operate a crane, the District would have to certify quite a number of people to respond. Once we state certified these individuals we would lose them to organizations or companies that could increase their pay quite significantly, so the District would become a training ground for other organizations. This would be a cost that we would not see a benefit from. I agree that all operators need to be trained before use of cranes, I also agree that the training should be a training with set objectives and direction, what I would like to have considered is to add an allowance that allows organizations to train a trainer who would be state certified and then allow that trainer within the organization to train their people with their equipment to meet the state standards. Quincy-Columbia Basin

Irrigation (written comment)

Knez Building Materials Co. supplies Drywall products to job sites in Oregon and Washington. This is done with boom trucks that lift materials to windows, doors and other accesses into the buildings up to 65 feet in height. The boom also referred as a small Hydraulic Knuckle Boom can lift 1,700 lbs. to 5000 lbs. depending on our situation.

Our operators training is as follows,

They have passed a Federal Motor Carrier physical and drug test. Have a current commercial driver's license class A, or B, and a fairly clean driving record. The operator is given a drive test with an instructor in the vehicle he is going to operate. The operator is given an instructor that begins teaching the operation of the boom, load charts and mechanical work charts are gone over. 3 to 5 hours of getting familiar with the boom in the yard. 5 to 10 days the instructor stays with the operator on truck on the job, teaching on all situations. Next the operator is allowed to go out on his own close to the instructors office and is in contact by phone or radio if he

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

any questions. Company Safety officers also watch the operator's performance for days. Our training process involves many variables, eg. Working on a steep hill, getting brakes and outriggers set properly, working on unstable ground, working on a barge or around the edge of streams and rivers, working on sand. Loading and unloading other trucks in tight situations, working around pipes and wires inside and out side of buildings. I have included some pictures so you may have a better understanding of what our boom trucks do. With the new State of Washington Crane Certification Program, I have no problem with the 20 hours of crane time to be certified, all of our operators have hundreds of hours now, if that can be used. The main problem is in the written certification testing that is made for a crane, not a small Hydraulic Knuckle Boom trucks as the state refers to it. Our people are trained for a boom not a crane, our safety record is excellent, no boom accidents in years. Our people would not understand the workings of a crane and they have no reason too, they are fine boom operators with a great safety record. I do not see Crane Operating Engineers going out and getting CDL driver's licenses or stocking sheet rock by hand off of boom trucks like our operators do. A great difference between a crane and boom trucks is we do not have a cable or hook our load is moved loose on the forks and held there by gravity and operator skill. It would be incredible hardship on our company to put 20 operators through a school for certification that could take 3 days to a week and use the boom for class testing. Our people are working 40 to 60 hours a week now. If there is to be a state certification for boom trucks then the test should be made for boom trucks not cranes. Our operators are truck drivers most crane operators are not unless they are on truck crane. I have found no state or city that has a mandatory state or city Boom Certification or regulation in the United States for operators or equipment. Knez (written comment)

Operator Training: We believe wholeheartedly in thorough crane operator training, however, we believe that the proposed requirements are onerous in the extreme. In our case, the requirement that significant portions of the training be conducted with continuous observance by another operator, who does nothing but observe, would most likely mean that we would have to shutdown one of our cranes for each training session so that the operator of that crane would be available to observe the training. This would mean that the crew depending on that operator's crane would have to be sent home, without pay, and no progress would be made on the operation they were working on. It is obvious that the substantial cost of the idle crane operator, as well as the delay to the job schedule, would be significant. Harcon (written comment)

Miscellaneous

RCW (2)(e) talks about the engineering of non-standard bases. I think you're kind of narrowing yourself into one specific area. There's a lot of engineering that goes into it. Whether you want to get involved with in general all foundations -- you have tie-ins to the cranes, modifications to the cranes. What I read here is just because of one accident, you're being specific for that one item.
 Sea Tac, Morning, Robert Posch

You say independent professional engineer. Is that in the state of Washington, or can that be out of state? You might want to clarify that and add a little more to that.
 Sea Tac, Morning, Robert Posch

Is that it's not clear to me at this time whether or not existing apprenticeship programs, whether union or non-union, will have the

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

ability to be recognized by the nationally-accredited agency to train their own apprentices to ensure again that there is not a bar for workers to continue to do the work they're doing every day in the industry.

Sea Tac, Morning, Tracy Prezeau

My focus is understanding how the rules are going to apply to cranes that most of the time operate inside the manufacturing facility. Kind of harmonizing -- there's two places in the statute that talk about construction and manufacturing. One is in 49.17.400, paragraph 4. It defines construction. And then you have the language in 410 that seems to have some kind of a carve-out too. I don't have any prepared language to suggest, but I'm wondering if we are going to see more refinement of the proposed rule that kind of addresses that and how that issue will proceed.

Sea Tac, Afternoon. Ann Cockrill

We value the openness with which the department has - has gone about gathering the information and the input for these proposed rules; again, recognizing that 2010 effective date. We appreciate L & I's initial breakdown and prioritization of sections for rules. This will allow affected workers and employers the maximum time possible to document and/or acquire the mandatory experiences.

Tumwater, Morning, Dave Hutchins

As I understand it, these drafts that have been reviewed and the comments and the changes and this is sent back to the state legislature - legislative for their approval. Can it be changed then again? Can they come back and say no, we don't agree with what the proposals are by the Department of L & I and they say no, we want to change to this? Is that still possible?

Tumwater, Morning, Dave Houchin

One further question that we have is if an economic impact study has been completed on these rules.

Vancouver, Afternoon, Kris Miller

Occasionally very unique situations come up in the construction of our world especially as the buildings are getting bigger and faster in the construction process. Are there opportunities to exceed - to bring in very large cranes? As an example, this last year we brought in a 12,000-ton crane to do 100-ton picks for us on a - an Arizona project. This crane was one of two of the largest cranes in the United States. It was a Gottwald 912G. The crane - the people associated with this crane, the operators, the assemblers, the truck drivers, et cetera, were all very specialized. And under this process we could see a very challenging time in getting the crane inspected by somebody who would be considered by the department certified to inspect such a large crane, let alone the process of getting it - an operator certified. So I - my recommendation is that there is a consideration somewhere for temporary short-term unique situations for the certification of the crane as well as a certification of the operator. Like I said, it's a very unique situation, and yes, there are months and months of time spent in the preparation, in the preplanning of something like this, but it is very unique with the crane and the inspectors - I mean the crane and the people working, and the operators working around the crane. Some very, very specific - as a matter of fact, that specific crane, there are only two people in the world that are allowed to operate that crane.

Vancouver, Afternoon, Brian Clarke

The last piece, which is something that I brought here in the first stakeholders' meeting, was to make sure that we take a good look at

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

those nonstandard bases for entire cranes. I'm reading a document here and it says that basically: Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base shall be reviewed and acknowledged as acceptable by an independent professional engineer. And then we get into other stuff about inspections, and I think I wanted to make sure that we fully understand that the nonstandard base go through some sort of inspection process before we take and put a crane on top of it and create another type situation.

Vancouver, Afternoon, Bruce Poinsette

As we go forward on this legislation, though, in implementing regulations, we know also, and I think the department recognizes, that if implementation of the legislation is excessive and exceeds what is necessary to create and maintain safe working conditions, it does have the potential to also create huge shortages in cranes and crane operators. Clearly those shortages will drive up the cost of construction to consumers, to construction owners, and ultimately could cost many, many jobs in the industry. So just to reiterate, while we know it's imperative that we be safe on our job site, we also believe that the implementation of legislation must be thoughtful, it must be reasonable, and it must be based upon common sense. Every regulation that is promulgated should have a rational basis and be able to show that its implementation produces a viable and a real increase in safety on the job site. We believe that's what the department's been committed to so far. We know that's what the stakeholders have been committed to. And we look forward to continuing to work with you as we go forward on the regulations.

Spokane, Morning, Kate McCaslin

And the other thing I found a little bit curious is that, while we know that at the end of the day the employer is responsible for the job site and their equipment, and throughout the regulation the employer is referenced, I would also urge that if there's some way to make the employee, the worker, him or herself responsible for making sure that they're certified, that should be included, as well. They should have some measure of responsibility in addition to what the employer has.

Spokane, Morning, Kate McCaslin

In the electric utility industry, we use a derrick called a digger derrick, and that's kind of spelled out into the terms of what's being excluded, but it kind of stops on the part of me being attached to a power pole. The electric industry does a lot of pad-mount transformers, vaults and everything else that we use the same equipment for. So kind of going back through, I kind of did some work on -- with the California crane law. And it went into effect in 2005. However, in 2006, they had to come back and define derrick. And I've got some information here from the California Register. It starts right here. And California has come back in and defined derrick. And I'm going to give you a little statement here. I'll give you a copy of it. Electric line trucks usually equipped with a boom and auxiliary equipment for setting poles, digging holes or elevating material to workers. This type of equipment is known as a digger derrick or derrick truck. Electric line trucks are designed and built to meet American National Standard ANSI A 10.31 which applies to the digger derrick trucks, except for multiple cranes built to -- what you were talking about -- American Society of Mechanical Engineers, which is ASME B 30.5. There seems to be confusions over where a hydraulic telescopic mobile crane used by utility companies to perform electrical line work such as tower construction or whatever we may be doing with it are exempt from

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

the crane certification standards. This proposed rule makes it clear that mobile trucks manufactured under ASME B 30.5 and the one that you have brought up there are not exempt. However, the proposed rule making should clarify the intent of electric line truck, digger derrick trucks, manufactured under ANSI A 10.31 standard to being exempt from these crane certifications.

Spokane, Morning, Gary Lentsch

How do we keep from creating a conflict of interest in the process of certifying -- having an employee on our payroll -- and I'm not talking about mine, so to speak, but it comes into play here. Okay? Let's take any crane house as an example. Okay? In the state. How do we go about having a crane certifier in house certifying their cranes and not having a severe conflict of interest? Now, we look at that and we come back, "Okay. Well, Mr. Neal, how about Coast Crane Company?" Okay? "How can you have in-house certifiers on your payroll?" Are you following where I'm going here? It becomes a real difficult issue. But we don't actually supply cranes to people that -- the operator of the crane is out on somebody's payroll. Okay? To me, we're talking about a mighty thin line that we're walking here having a person capable of certifying a crane working on someone's payroll that's going to have a bearing on whether that man makes a living tomorrow.

Spokane, Morning, Gary Neal

First, I'd like to address the board make-up. As I look down through this, I don't see anyone from the state of Washington as a crane manufacturer, like the example would be Lampson Corporation, which is the largest -- manufacturer of the largest mobile cranes in the world, and they probably hire as many operators if not more than anybody. I don't see them on this list. I don't see Hanford Hoisting and Rigging, which is -- the Hanford area now has one of the largest -- the largest construction job in the world going on out at the vit plant. And as for myself, the only certification people I see on here is the folks out of Florida, which are well known but they're still not from the state of Washington. And I see Mr. Rumberg, Bill, from the maritime, which is good. So I guess I would ask who selects additional members for this board? Does the board itself or do you -- or does L and I?

I guess I'm saying none of us were contacted in eastern Washington that I know of.

Spokane, Morning, Paul Parrish

Another thing that comes to mind is NCCO does not use hours. If, for example, an apprentice in another state goes and takes his NCCO test, passes it, does his hands-on and has the credentials in his pocket and he comes up here, and in order to cross that union line you might have to continue on as an apprentice, but yet he's a qualified operator from another state, how is that going to fall into place? That's something to think about.

Spokane, Morning, Paul Parrish

And as I'm reading this, if we have an inspector out there and we're putting it together and going up and he has to run off to go do something, that really is shut down until he can return, as I understand it. And as we go through this process, I would ask the department to really consider the utilization of the manufacturer's representative be equal to an inspector of being on the job site for the erection of that and inspection.

Spokane, Afternoon, Wayne Brokaw

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

The other thing I would encourage that the companies do in my outhouse practice here is that if we're going to do the inspectors, I would really encourage an LLC be established for those companies so when Mr. Davis gets ready to look at the insurance, he separates the company from the inspection side. I think that's going to be important.

Spokane, Afternoon, Wayne Brokaw

The third part I'd like to add this afternoon is that the stakeholders that we had talked about this morning, that I would really encourage you to expand that. One of our companies in the Tri-Cities, Lampson Crane is internationally probably No. 1 of everyone. They have been a very active member of ours for many years. And there were a couple of others that had spoken up today that would also be in consideration to expand that. And I think that would be really positive for you because they do bring in that manufacturer's side of things, which I think is an integral part that's sort of been minimized. And again, they would be able to address the hours of training that they think is appropriate because that's what their world is about.

Spokane, Afternoon, Wayne Brokaw

I have a concern with a newer type of crane out there. Terex has taken over Peiner (AKA PECCO for Peiner Electric Crane Company) and they have a few new crane designs. I've only ran across the Peiner 405 and 415, but it's enough to make me wonder about the safety of these cranes. The design for the Superstructure is improved mainly in using lighter materials and design. For the most part it's tried and true, I have no issue with it. Where I'm concerned is in the mast. The mast for these cranes are the same as the ones used in the PECCO 400 and 280's. These were some of the most commonly used cranes in the US and are still readily available with old tower. These S-35 towers have a design life. I don't know what that is and to get an answer out of Terex may take a court order, not to mention that they do not own the old design. It's important to note that most of these cranes began their lives in the early 70's. That's nearly 40 years of cycling through stresses. We don't know how many times they've been shock loaded, How many storms they've seen, earthquakes in California... the list of potential problems goes on and on. I have included two links to websites about micro-cracking and crane design life. Please note that the container cranes referred to in the crane design life are far stiffer than tower cranes, and micro cracks are undetectable unless the structure is loaded. So how do we tell companies that if they are going to buy a new crane, they can't put it on 40 year old tower that could conceivably end up being 80 years old when removed from service? You must understand that we find stress cracking in cranes all of the time. It looks like stretch marks in skin due to the ductility left in the material below the oxidized layer. So the stiff oxidized layer cracks while the ductile A-36 steel still bends. At what point do we just get to say as a state, we can no longer assure the safety of this steel, therefore it can no longer be used? This also applies to the bolts still in use with pitting corrosion. I assure you that they will show up in the new cranes. We need a sell by date on tower cranes. They move way too much to be a item that blindly runs forever. De-rating them after 35 years may be an option but that doesn't address them being stood max free standing and simply swaying due to loading and unloading cycles. I also have been told that cranes from China are on the way. I found Chinese made Liebherr towers for sale last night. That's scary stuff

"Some counterfeit components are easy to spot, some even the manufacturer has difficulty identifying," said Christopher Schneider, tower crane project manager for Liebherr-Werk Biberach GmbH. "We believe that using these parts may result in the collapse of a

COMMENT DOCUMENT
CRANE OCTOBER/NOVEMBER STATEWIDE MEETINGS
COMMENTS RECEIVED

tower crane." I know that my intent is to find a way to have it noted clearly in the reports that we can only report as to the visual inspection of these cranes. The Chinese are well documented as making parts as cheaply as possible even if it's lead paint on a child's toy. Rasmussen (written comment)