

## **Tower Crane Permit & Safety Requirements Rulemaking Preliminary Draft Rule Language – April 30, 2025**

WAC 296-155-539XX Tower Crane Permits.

- (1) Beginning January 1, 2026, prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane, the prime contractor must obtain a permit issued by the department. The prime contractor must possess a permit at all times a tower crane is present on a job site.
  - (a) For tower cranes in operation prior to January 1, 2026, the prime contractor must submit a permit application to the department by February 1, 2026. No work involving reconfiguration or disassembly may occur prior to the prime contractor obtaining a permit issued under subsection (5) of this section.
  - (b) The permit requirements contained in this section do not apply to self-erecting tower cranes, as defined by ASME B30.29. Self-erecting tower cranes must still meet all other applicable requirements contained in chapter 296-155 WAC, Part L.
- (2) The prime contractor must apply for a permit through the application portal on the department's website. The application must be submitted at least 20 working days in advance of the planned date of assembly.
- (3) All of the following information must be provided and addressed when applying for a permit:
  - (a) Acknowledgement that all applicable safety orders, crane manufacturer operation instructions and guidelines, written procedures from an RPSE, and recommended practices prior to the assembly, disassembly, and reconfiguration of a tower crane will be followed and adhered to.
  - (b) Name of the A/D director. Beginning the later of January 1, 2027, or 12 months after the date an A/D director program is approved by a nationally accredited organization

recognized by the department, the application must include a copy of the A/D director's national A/D director certification.

- (c) The written accident prevention programs for all employers that will be involved with the operation, assembly, disassembly, or reconfiguration of the tower crane. If an employer is added to the project after a permit is issued under subsection (5) of this section, for each employer added, the prime contractor must also provide the department with a copy of the written accident prevention program five working days prior to the employer engaging in any operation, assembly, disassembly, or reconfiguration activities on the job site.
- (d) A written job plan that addresses the requirements of the manufacturer's manual tailored to the job site conditions where the tower crane will be installed, as appropriate for assembly, disassembly, and reconfiguration of a tower crane.
- (e) Certification that all assembly disassembly, and reconfiguration will be performed with a technical representative of the distributor or manufacturer present on-site to assure that such processes and operations are performed in accordance with manufacturer operation instructions and guidelines, or alternate plans/instructions approved by an RPE. The representative must be knowledgeable of the assembly, disassembly, and reconfiguration procedures.
- (f) Experience and qualification documentation for all employees directly involved in the operation, assembly, disassembly, or reconfiguration of a tower crane. If an employee is added to the project after a permit is issued under subsection (5) of this section, the prime contractor must provide to the department experience and qualification documentation for the employee five working days prior to the employee engaging in

any operation, assembly, disassembly, or reconfiguration activities on the job site.

Experience and qualification documentation includes:

- (i) A copy of the employee's qualification(s) or certification(s), including all crane operator licenses; and
  - (ii) Documentation demonstrating employee experience.
- (g) Information detailing if the crane manufacturer instructions and guidelines will be followed, or if alternate plans/instructions approved by an RPE will be utilized for assembly, disassembly, or reconfiguration.
- (4) Prior to issuing a permit, a safety permit conference will be scheduled and conducted by the department to ensure all parties involved with the assembly, disassembly, or reconfiguration of the tower crane are aware of the requirements and responsibilities under the permit, including manufacturer operation instructions and guidelines, or alternate plans/instructions approved by an RPE, and recommended best practices. At the department's discretion, it may be attended remotely utilizing video technology.
  - (a) The prime contractor must attend the safety conference, and ensure that:
    - (i) The A/D Director, lift director, and a technical representative of the distributor or manufacturer attend the safety permit conference as required attendees. If the A/D director or lift director specifically performing the work is unable to attend, another A/D director or lift director representing the same employer may attend on their behalf; and
    - (ii) The following attendees are invited to participate in, but are not required to attend, the safety permit conference: a safety representative of the prime contractor, a representative of the tower crane operator's employer and

mobile crane operator's employer, and the local government entity issuing street closure permits under RCW 36.70B.270.

- (b) At a minimum, the safety conference will address:
  - (i) The requirements and responsibilities of the prime contractor;
  - (ii) Manufacturer operation instructions and guidelines, or alternate plans/instructions approved by an RPE, and recommended best practices;
  - (iii) The potential risks of the procedures, including those addressed in the crane operating manual, as well as specific measures to be taken by the permit applicant and all entities required in the operation, assembly, disassembly, or reconfiguration of the tower crane to minimize these risks;
  - (iv) The written accident prevention programs of the permit applicant and all entities required in the operation, assembly, disassembly, and reconfiguration of the tower crane;
  - (v) The permit applicant's written job plan as required under subsection (3)(d) of this section; and
  - (vi) For each employee directly involved with the permitted work, a review of their experience, and qualifications or certifications, including a copy of all crane operator licenses.

(5) Permit issuance.

- (a) If the application materials, and the materials presented by the prime contractor at the safety permit conference, are complete, the department will issue a permit under this section within five working days of the initial safety permit conference under subsection (4) of this section;

(b) If the application or safety permit conference materials are not complete, the department will provide the prime contractor with a written list of missing or incomplete materials, before leaving the safety conference. Upon receipt of completed materials from the prime contractor, the department will:

- (i) Issue the permit within five working days of receiving the outstanding materials;  
or
- (ii) Deny the permit in writing as provided in subsection (7) of this section.

(6) Additional requirements.

(a) The prime contractor must notify the department of any assembly, disassembly, or reconfiguration of a tower crane.

- (i) The notification must be made at least 20 working days in advance of the activity, and the prime contractor must receive confirmation from the department to proceed with assembly, disassembly, or reconfiguration.

(A) For assembly only, if the date of assembly provided on the permit application does not change, notification under this subsection is not required.

(B) If the date of assembly, disassembly, or reconfiguration changes from the date initially provided to the department, the prime contractor must notify the department as soon as practicable, but not less than two working days in advance of the initial date provided to the department under this subsection, unless it is infeasible to do so.

- (ii) The department must respond to the initial notification within five working days.

- (iii) Prior to receiving confirmation from the department to proceed, the prime contractor may be required to provide additional information, participate in an updated safety conference, or both.
  - (b) If it is infeasible for the prime contractor to have a technical representative of the distributor or manufacturer present on-site as required under subsection (3)(e) of this section, the prime contractor must make timely notification to the department, and must receive confirmation from the department prior to proceeding with any assembly, disassembly, or reconfiguration of the tower crane.
  - (c) The department must inspect permitted activities for the tower crane once assembled, following any reconfiguration, or any other permitted activities. However, the tower crane may resume operation once the requirement in WAC 296-155-53206(1) has been met, and there are no deficiencies affecting the structural integrity or safe operation of the tower crane.
  - (d) If the department identifies deficiencies that directly affect the structural integrity or safe operation of a tower crane, the deficiencies must be addressed immediately, and the tower crane cannot be operated until the deficiencies are corrected.
  - (e) Within five working days following completion of disassembly, the prime contractor must make notification to the department indicating that disassembly is complete.
- (7) Permit denials, suspension, and revocation. If the permit is suspended or revoked, the tower crane may not be used in operations, nor can assembly, disassembly, or reconfiguration occur until all deficiencies have been addressed and the permit is reinstated by the department. The department will provide written notice of denials, suspensions, or revocation of a permit specifying the reasons for the denial, suspension, or revocation.

- (a) The department must deny a permit if the prime contractor submitting the permit application has a record of safety and health violations, within the three years preceding the date of the application, which indicates that the prime contractor may not be maintaining a safe job site or operation.
- (b) The department must suspend or revoke a permit if the permit holder:
  - (i) Has failed to comply with applicable occupational health and safety standards or regulations involving tower cranes;
  - (ii) Fails to notify the department in advance of the assembly, disassembly, or reconfiguration of a fixed tower crane as required under subsection (6) of this section;
  - (iii) Fails to ensure that a technical representative of the distributor or manufacturer of the tower crane who is knowledgeable of assembly, disassembly, and reconfiguration procedures is present on-site during assembly, disassembly, or reconfiguration, or to provide notification to the department as required under subsection (6)(b) of this section;
  - (iv) Fails to immediately correct deficiencies directly affecting the structural integrity of a tower crane;
  - (v) Fails to correct deficiencies directly affecting the safe operation of a tower crane; or
  - (vi) Has refused the department entry to a worksite that contains activity for which a permit issued under subsection (5) of this section is required.
- (8) Appeals.
  - (a) A denial, suspension, or revocation of a permit may be appealed to department within 15 working days after the denial, suspension, or revocation order is communicated.

- (b) The department will hold a hearing at such place designated by the director or authorized representative for the convenience of the attending parties within two working days of receipt of the appeal by the department.
- (c) The applicant or suspended or revoked permit holder has the burden of establishing that it qualifies for a permit.
- (d) The director or authorized representative shall preside at the hearing, which must be open to employees or employees' representatives.
- (e) The applicant or permit holder shall notify the employees or employees' representatives of such hearing a reasonable time prior to the hearing, but in no case later than 24 hours prior to the hearing. Proof of such notification by the applicant or permit holder must be made at the hearing.
- (f) The director or authorized representative shall issue a decision within 10 working days of the hearing. The director's or authorized representative's decision may affirm the order, reverse the order, or reverse the order with conditions to mitigate any deficiencies.
- (g) The director's or authorized representative's decision is subject to appeal to the board of industrial insurance appeal under RCW 49.17.140.