

Stakeholder Meeting Summary
Enduris Training Facility - Spokane
May 13, 2025

Chapter 296-155 WAC, Part L
Tower Crane Permit and Safety Requirements

Department of Labor & Industries (L&I) staff present:

Hannah Dettling
Allison Drake
Cindy Ireland
Matt Ludwick
Carryn Shute
Bill Sloniker
Thomas West

Attendees and organizations represented:

Associated Builders and Contractors Inland Pacific Chapter
Garco Construction

Summary:

Meeting called to order at 1:00 p.m.

Discussion: DOSH staff welcomed attendees.

DOSH staff shared with attendees the purpose of this rulemaking is to align the standard with Second Substitute House Bill 2022 (Chapter 311, Laws of 2024) codified under RCW 49.17.435 and 49.17.440. This rulemaking will implement the requirements of Section 4, which become effective January 1, 2026.

DOSH staff provided an overview of the preliminary draft rule:

Tower Crane Permit Requirement

- Beginning January 1, 2026, a tower crane permit is required for any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane.
 - The prime contractor is responsible for obtaining a permit, and must possess the permit at all times a tower crane is on the job site.
 - For tower cranes in operation prior to January 1, 2026, the prime contractor must submit an application for a permit by February 1, 2026. Note: Any reconfiguration or disassembly activities after January 1, 2026, require a permit.
 - The permit requirements do not apply to self-erecting tower cranes.

Application Process

- Applications must be submitted using L&I's online portal.
- The following information must be provided/addressed when applying for a permit:

- Acknowledgement that all safety orders, crane manufacturer instructions and guidelines, written procedures from an RPSE, and recommended practices will be followed prior to assembly, disassembly, and reconfiguration.
- Name of the A/D director. A copy of the A/D director's national A/D director certification will be required January 1, 2027, or 12 months after a program from a nationally accredited organization is approved by L&I.
- Written accident prevention program for all employers that will be involved with the operation, assembly, disassembly, or reconfiguration of the tower crane.
- Written job plan addressing requirements of the manufacturer's manual tailored to the job site conditions where the tower crane will be installed.
- Certification that a technical representative of the distributor or manufacturer will be present on-site for all assembly, disassembly, or reconfiguration to assure processes/operation are performed in accordance with manufacturer operation instructions and guidelines, or alternate plans/instructions approved by an RPE.
- Copies of applicable qualification(s) or certification(s), operator licenses, and documentation demonstrating experience, for all employees involved in the operation, assembly, disassembly, or reconfiguration of the tower crane.
- Information detailing if the crane manufacturer instructions and guidelines, or alternate plans/instructions approved by an RPE, will be used for assembly, disassembly, or reconfiguration.

Safety Permit Conference

- Prior to issuing a permit, L&I will schedule and conduct a safety permit conference.
 - The safety permit conference is 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.
 - At L&I's discretion, it may be attended remotely utilizing video technology.
- The prime contractor must attend, and ensure that:
 - The A/D director, lift director, and technical representative of the distributor or manufacturer attend. If the A/D director or lift director performing the work is unable to attend, an alternate representative from the same employer may attend in their place; and
 - 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 are all invited to attend (attendance is not required).
- The safety conference will address:
 - Requirements and responsibilities of the prime contractor;
 - Manufacturer operation instructions and guidelines, or alternate plans/instructions approved by an RPE, and recommended best practices;
 - 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;
 - The written accident prevention programs of the permit applicant and all entities required in the operation, assembly, disassembly, and reconfiguration of the tower crane;
 - The permit applicant's written job plan; and
 - For each employee directly involved with the permitted work, a review of their experience, and applicable qualifications or certifications, including a copy of all crane operator licenses.

Permit Issuance

- If all application and safety permit conference materials provided by the prime contractor are complete, L&I will issue a permit within five working days of the safety permit conference.
- If the application or safety permit conference materials are not complete, L&I will provide the prime contractor with a written list of missing or incomplete materials, before leaving the safety conference. Upon receiving the completed materials, L&I will:
 - Issue the permit within five working days of receiving the outstanding materials; or
 - Deny the permit in writing.

Additional Requirements

- The prime contractor must notify L&I of any assembly, disassembly or reconfiguration.
 - Notification must be made at least 20 working days in advance of the activity, and the prime contractor must receive confirmation from L&I to proceed.
 - If the date of assembly provided on the permit application does not change, this notification is not required.
 - If the date of assembly, disassembly, or reconfiguration changes from the date initially provided to L&I, the prime contractor must notify L&I as soon as practicable, but not less than two works days in advance of the initial date, unless infeasible.
 - L&I must respond to initial notification within five working days.
 - Prior to receiving confirmation to proceed, the prime contractor may be required to provide additional information, participate in an updated safety conference, or both.
- If it is infeasible for the prime contractor to have a technical rep of the distributor or manufacturer present for assembly, disassembly, or reconfiguration, they must notify L&I and receive confirmation to proceed.
- L&I must inspect the tower crane once assembled, following any reconfiguration, or any other permitted activities.
 - The tower crane may resume operation following inspection by a certified crane inspector, and there are no deficiencies affecting the structural integrity or safe operation of the tower crane.
- If L&I identifies deficiencies directly affecting structural integrity or safe operation of the tower crane, the deficiencies must be addressed immediately and the tower crane cannot operate until the deficiencies are corrected.
- The prime contractor must notify L&I within five working days following completion of disassembly indicating that disassembly is complete.

Permit Denials, Suspension, and Revocation

- If a permit is suspended or revoked, the tower crane cannot be used for permitted activities until the permit is reinstated by L&I.
 - L&I will provide written notice specifying the reasons for denial, suspension, or revocation.
- L&I must deny a permit if the prime contractor applying for the permit has a record of safety and health violations, within the three years preceding the application date, which indicates they may not be maintaining a safe job site or operation.
- L&I must suspend or revoke a permit if the permit holder:
 - Has failed to comply with applicable occupational health and safety standards or regulations involving tower cranes;
 - Fails to notify L&I in advance of the assembly, disassembly, or reconfiguration of a fixed tower crane;

- Fails to ensure that a technical representative of the distributor or manufacturer of the tower crane is present on-site during assembly, disassembly, or reconfiguration, or to provide notification to the L&I that it is infeasible to do so;
- Fails to immediately correct deficiencies directly affecting the structural integrity of a tower crane;
- Fails to correct deficiencies directly affecting the safe operation of a tower crane; or
- Has refused L&I entry to a worksite that contains activity for which a tower crane permit is required.

Appeals

- A denial, suspension, or revocation of a permit may be appealed to L&I within 15 working days after the denial, suspension, or revocation order is communicated.
- L&I 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 L&I.
- The applicant or suspended or revoked permit holder has the burden of establishing that it qualifies for a permit.
- The director or authorized representative shall preside at the hearing, which must be open to employees or employees' representatives.
- 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.
- 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.
- The director's or authorized representative's decision is subject to appeal to the board of industrial insurance appeal under RCW 49.17.140.

Questions and answer session:

- The prime contractor is mentioned throughout the rule, what about the sub-contractors? Sub-contractors are more involved and usually know more than the prime.
- Subsection (3)(b): A/D certification – who provides this certification?
- Subsection(3)(e): Question using “assure” should be “ensure”. Also look at the sentence structure.
- Subsection (4): Who from the prime contractors should be at the safety conference?
- Subsection (4)(a)(i): Technical representative of the distributor or manufacturer – this might be difficult to comply with.
- Subsection (4)(a)(ii): These attendees should be required not only invited.
- Subsection (5): Inefficiencies are likely, waiting for L&I’s review could potentially delay projects that are on strict timelines.
- Subsection (6)(b): Can “infeasible” be defined or removed?
- Subsection (6)(e): Why contact L&I when a disassembly is complete?
- Subsection (7)(a): If the prime contractor has a bad safety record with violations, does the sub-contractor’s record also play into this?
- Subsection (8)(c): “It” should be replaced with “applicant or permit holder”.

Following the presentation of draft language, meeting materials and Q&A session, DOSH staff provided a review of the rulemaking timeline and next steps.

Meeting concluded at 2:20 p.m.