

**Comments/Notes from Cranes/Derricks Stakeholder Meeting
July 15, 2021**

Done

Needs to be talked about

Response given after stakeholder meeting

General Comments
<p>Q. Will a recording of this meeting along with the meeting notes be available to all attendees</p> <p>A. We will not be recording this meeting. We will be sharing comments and questions after this meeting.</p>
<p>Q. Overall change</p> <ul style="list-style-type: none"> • Proposed language – change “cranes and derricks” to “cranes/equipment”. • Position – Recommend word revision: <ul style="list-style-type: none"> o Modify “equipment” to “load handling equipment”. Equipment is too broad. <p>A. We will be making this revision.</p>
<p>Q. I know you have started into the document, but at some point can you go through where you are at in this rule making process. This is a Stakeholder Meeting will there be more Stakeholder Meetings then go to public hearings, timeline, etc.</p> <p>A. We will go over it.</p>
<p>Q. This is such a technical topic, and typing our comments into the chat/ question box is difficult to do real-time..... Not an ideal way to hold a stakeholder meeting.</p> <p>A. Thank you for your comment.</p>
<p>Q. Please don't rush through this.... it takes us all a while to add feedback via the chat. Please go slow enough to accommodate us having to type up our thoughts!</p> <p>A. We will try to get it to the appropriate speed.</p>
<p>Q. Wouldn't Cranes eventually get its own chapter, similar to Fall Pro 296-880? Sort of a Unified Cranes Chapter?</p> <p>A. This would be something that might be addressed long term, but not at this time.</p>
<p>Q. Where can we review these proposed changes other than this meeting? Thank you?</p> <p>A. Yes. Comments and questions, as well as draft language documents, will be available after the meeting. Questions/Comments may not be available until next week as formatting can sometimes be a challenge, depending on how many questions we receive. I wanted to ensure we got through all the language first. We will be having more meetings as there will be more to discuss on these changes and potentially other changes.</p>
<p>Q. Will all of the written Q&A's be provided to attendees?</p> <p>A. Yes, and these will be available on our website as well.</p>
<p>Q. There is absolutely no meaningful way to participate in this "stakeholder" meeting.... you are rushing through the process here, we are not getting two-way dialogue. Why are we not able to</p>

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speaking? The typing of our commentary is very cumbersome and not welcoming of input. A 180 page draft that we have had less than two full weeks (thanks to a holiday weekend) to read, digest, and prepare comments. And here we are on an extremely limiting platform being rushed through a "presentation" of the proposed changes.... we aren't discussing them. And there is no way to discuss as you have everyone muted and forced to type up their responses. This is not what a stakeholder experience should be. How did we go from a multi-day meeting with open dialogue to this restrictive format and only 3 hours. It's like you don't want our feedback or input.

A. This process is indeed cumbersome, and I apologize for that. We use this to record the questions and answers to help us when we make changes post-meeting. We do want to hear from you. After we get through all the language we are opening up the forum for better dialogue. Unfortunately, we have a limited window of time given the numerous other rules we are working on. This will not be the last meeting. This is trying to get us caught up after having it sit during COVID and OSHA adding more changes that we need to address. I please ask for everyone's patience, as this will take longer but we were determined to at least inch this forward and not let it sit idle for another year.

Q. If you have a specific question about the scope, we should have time after the draft run-through to go over it. Thank you Brian, you folks are doing a great service in these difficult times.

A. This is definitely a new and challenging way to do a stakeholder meeting.

Q. I request a copy of all comments and answers so we can read and review as the meeting is not conducive to participation. As soon as I start to ask a question or type in feedback, Bill scrolls another page.

A. You, and all here who want them, will have all of the comments and answers available.

Q. It's not just about the meeting pace... it's the pace with which you are handling this rulemaking. How did we go from a multi-day, in person meeting to this format and furthermore just breezing through all these changes (which we have only had access to for maybe 10 business days) and leaving us feeling as though this is our only opportunity for comments and discussion on department position... You didn't even address the rulemaking process at play and what your timelines are or how else to engage on this rulemaking. And what's worse is the draft you are showing us on your screen is DIFFERENT from what was published to us....so we are trying to read all this as you go, flipping pages before we can grab screen shots or even read all the content.

A. We will be having several more stakeholder meetings on this rulemaking. The CR-101s on Operator Qualification and Incident Reporting were rescinded on July 6th and the new CR-101 on those and the new OSHA Cranes and Derricks in Construction was filed July 6th to combine all three into one project. Today, my intent was to get through one pass through of all language. We will be having many more discussions and have many more meetings to have detailed discussions on potential changes and challenges that you all notice. There are no dates or timelines for filing a CR-102 and we have not scheduled another stakeholder meeting. We would like to schedule no earlier than a month from today, but may not be that early. We also, given any state restrictions, would like to get back to in person stakeholder meetings come this fall (as early as September/October). All documents, as well as questions/comments from the Q&A, will be available to all of you. The Q&A document may take a day or so for formatting after download.

Q. Where do we get this copy of the draft. Not the same as I receive nor downloaded.

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<p>A. This copy has a few changes made due to comment received in the last couple of days. It will be available on the website.</p>
<p>Q. when will this revision be available ? And when do the changes take affect?</p>
<p>A. After we discuss the rules and suggestions made, there will be additional stakeholder meeting.</p>
<p>Q. If this is still in infancy, those ASME standards may be outdated by the time this is finally published.</p>
<p>A. Thank you for your input. This also happened in 2010 as we included a 2007 version of B30.5. Thank you for your input.</p>
<p>WAC 296-155-52900 Scope</p>
<p>Q. WAC 296-155-52900(3)(a)(i) Recommend wording revisions:</p> <ul style="list-style-type: none"> o Modify “Cranes” to “Cranes/equipment” to be consistent throughout document. o Modify “one ton” to “2,000 pounds” to be consistent throughout the document. o Remove “s” from “buildings”
<p>A. Thank you for these suggestions, we are making these revisions.</p>
<p>Q. WAC 296-155-52900(4)(u):</p> <ul style="list-style-type: none"> • Proposed language – to remove “hoist and lower (by means of a winch or hook) and horizontally move” and replace with “handle”. • Position – Recommend wording revisions: <ul style="list-style-type: none"> o “Handle” is to generic of a term. Would recommend including same language as found in exception: “when configured with an attachment for hoisting which includes but is not limited to a winch pack, jib with a hook at the end, or a jib used in conjunction with a winch.”
<p>A. Thank you for the comment. In this case we want to use the more generic term because this is an entire exemption from all of Part L. We use the more specific language to clarify when operator certification would be required.</p>
<p>Q. Subsection (t) " digger derricks when used for activities that are covered under chapter 296-45 " change to " digger derricks and equipment such as bucket trucks that are exempt"</p>
<p>A. We will discuss this suggestion, thanks you for making it. This is speaking about the exemption for digger derricks, and so talking about other equipment that is already exempt doesn't fit.</p>
<p>Q. Correction " digger derricks and equipment such as utility bucket trucks when used for activities covered under 296-45 are exempt "</p>
<p>A. (4) Operation, conditions, work methods and other work related situations or activities notspecifically covered by this chapter are subject to the rules and regulations of chapter 296-24WAC General safety and health standards; chapter 296-27 WAC Recordkeeping andreporting; chapter 296-32-WAC Safety standards for telecommunications; chapter 296-62WAC General occupational health standards; chapter 296-155 WAC Safety standards forconstruction work; chapter 296-800 WAC Safety and health core rules; and, insofar asapplicable to employee safety and health, chapter 19.29 RCW. Additionally, operations,conditions, work methods and other work related situations or activities may</p>

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be subject to additional rules and regulations depending upon the nature of the work being performed.

Q. WAC 296-155-52900 (3)(a)(ii) Can you please clarify (ii)? I read that PITs are exempt when configured to handle a suspended load, but the next statement in parenthesis says when not configured with an attachment. Can I as a forklift operator use a basic commercially available forklift hoisting attachment on my forks to pick up a column form with rigging to set it? This is only done infrequently, as in some cases the on-site tower crane cannot reach a few peripheral columns. If I need crane certification to do this, what level of certification would that have to be...although it would probably be unobtainable by a small sub-contractor like the one I work for anyway?

A. 52900 (3)(a)(ii) says that when using a forklift to handle a suspended load, but not equipping it with a winch or jib, you do need to follow the rules in Part L, but you do not need to have a machine or operator certification. 52900(3)(b)(i) requires that when using a forklift with a winch or jib equipped, you also must have an operator certification. In your example, you would not need to have an operator certification, but you will need to be trained in handling suspended loads with the forklift.

Q. It would be helpful to have more clarity around the forklift/PITs and what the requirements will be both when using attachments and when suspending loads from the forks. When is a certified operator required vs when is it not? Is a factory supplied rigging point on the machine considered an attachment?

A. Thank you for your input and a factory installed hook or rigging eye is not an attachment. A certified operator would be required when handling suspended loads using a jib or winch. When handling a suspended load with a PIT in any other way, the rules of chapter 155-Part L apply, but it would not need a machine certification, or an operator certification. A factory supplied rigging point would not be considered an attachment.

Q. WAC 296-155-52900 (4)(u) As a follow-up question to 52900 (3) hoisting with a jib, subpart (u) proposal is to remove reference to winch or hook. I believe (u) "PITs are exempt except when configured to handle a suspended load" would mean in all cases even when not equipped with a winch or jib as in the example I gave and the hook attachment is not extended out beyond the forks of the forklift. Should this sub-part (u) be clarified by leaving in the winch or jib reference?

A. A PIT handling a suspended load will need to follow all parts of this rule except for machine and operator certification. PITs that handle a suspended load using a jib or a winch will also need to have a certified operator, but will still be exempt from machine certification.

WAC 296-155-52902 Definitions

Q. Definitions: Fall Restraint System,

A. This has been included.

Q. Definitions. Shouldn't it be Full-Body Harness, not just Harness, or is that a given?

A. Fall protection equipment. Guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems. Fall restraint system. A fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt

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or body harness, along with an anchorage,connectors, and other necessary equipment. The other components typically include a lanyard,and may also include a lifeline and other devices.

Q. Define tip over

A. Thank you for your question, this will be considered, definition in dictionary may be helpful.

Q. Can you define a jib? Many attachments are simple steel pieces that the forks slide in to with a hook directly below it. Some have a piece of steel that extends out several feet beyond the forks and others have an adjustable piece to reach farther out. And other fancy ones can adjust the extension to 30 or 60 degrees from horizontal. They show the capacities at any given distance where the hook is beyond the fork attachment. Also, I am aware that the intent is to lessen the frequency of forklift tipovers, but in my opinion, that is an equipment training/forklift certification deficiency that should be addressed instead of not allowing any forklift operators to use this equipment.

A. A jib would be an extension that allows for a greater radius at the pick point. So in your examples the ones with the hook below the forks would not be jibs. Those that extend the reach by several feet would be considered jibs.

Q. (d) Except where the employer has developed its own procedures, The crane manufacturer or its authorized distributor, shall ensure that the manufacturer’s assembly/disassembly procedures for tower cranes are being followed during assembly/disassembly. Nothing in this section shall preclude the manufacturer from contracting with a third party to ensure that their procedures are being followed; however, the crane manufacturer, its authorized distributor or the crane owner (not to include the equipment lessee) shall assume the role of qualified and/or competent person for assembly/disassembly and shall not delegate.... Then you really need to define assembly and disassembly because setting up a mobile crane is not the same as assembling.

A. Thank you for your question/answer. We agree setting up some mobiles (small) is very different than say a large 300tn etc. where assembly is needed. **There is a definition in Part L already.**

WAC 296-155-53214 Crane decertification and reinstatement

Q. How did you select this language on "regardless of activity...."

A. This language was developed by Anne Soiza and Brian Haight. **The intent is to not cite out of Part L if the damage etc. happens while not performing construction work, but to have the crane decertified and inspected by an accredited certifier prior to it performing construction work again.**

Q. 296-155-53214 (1) (c)- significant being removed... this was hotly debated the last time around.

A. This piece will need to have more discussions before it is finalized. **296-155-53214(1)(c) helps give flexibility by having a certifier make the determination, while having the potential damage taken serious and addressed. The language has been created through stakeholder meetings. If there is another suggestion for language please let us know, but this seems to be a nice compromise.**

Q. Those phone number and email should be in Bold or highlighted somehow to stand out

A. Thank you for the suggestion.

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WAC 296-155-53300 Operator qualifications and certification
<p>Q. 296-155-53300 (1)(a) Does the requirement of an operator having a certification by a nationally recognized accrediting agency apply to mobile mini cranes that are de-rated to 2,000lbs or less when they are used inside a multi-story building? Or, in this scenario, does the exempt rule apply if the operator is trained and evaluated for competency with the equipment they are operating without going through a nationally recognized accrediting agency?</p>
<p>A. This will be discussed at the end for open questions.</p>
<p>Q. Is their going to be a state cert along with the federal cert for operators/</p>
<p>A. Same National Certification such as NCCCO or NCCER. No separate State certification. WA state has accepted nationally accredited operator certifications since 2010. These are the same certifications that Federal OSHA now accepts.</p>
<p>Q. Your getting into employer and union conflicts on drug testing</p>
<p>A. We are looking for lots of input on substance testing. We have added language into the operator duties which may resolve this issue.</p>
WAC 296-155-53301 Lift director
<p>Q. Can the lift director also be the certified crane operator?</p>
<p>A. Yes, they can. This really depends on the complexity of the lift that is occurring. As the complexity increases, more people are going to be needed to cover all of the responsibilities. As an example, for the simplest lifts, the operator can also be the rigger and lift director, and no signalperson is needed.</p>
<p>Q. Can an operator be a lift director ?</p>
<p>A. Yes, they can.</p>
<p>Q. Is this chapter going to outline that baseline?</p>
<p>A. Yes, it is all located under the Lift Director section</p>
<p>Q. And how do you evaluate a responsibility? (A) How do you determine a Qualified Third Party Evaluator?</p>
<p>A. This is currently in the definition.</p>
<p>Q. can the lift director be the person operating the crane or rigging ?</p>
<p>A. Yes, they can.</p>
<p>Q. How do you determine if the Company or organization is qualified to evaluate their own lift director?</p>
<p>A. This is discussed under the definition section for evaluator.</p>
<p>Q. 2 people are delivering roofing materials to a construction site , 1 operator and 1 rigger / loader , will they need a lift director too ?</p>

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A. One person may perform multiple duties, such as being the lift director. The code already spells this out.

Q. For the Electric Utility Construction Industry this new lift director test is a costly burden to get our Certified Crane Operators through as on any given day especially in construction world that person changes. Just need to consider this in the cost analysis of this change.

A. Thank you for your input, this will be reviewed.

Q. Lift director testing. Qualified rigger and signal person – written evaluation test – is this necessary to test knowledge base vs. general training. Need clarification on testing.

A. Agree, needs clarification. Yes this is necessary as we've had accidents now as the result of not having a qualified LD. The new requirements will help ensure the LD is knowledgeable enough to perform their duties.

WAC 296-155-53204 & 06 Additional inspection criteria and proof load testing – articulating boom cranes. Additional inspection criteria and proof load testing – tower cranes.

Q. Tower crane - (1) So you are now requiring the pre-erect only at site prior to erection? This defeats the major reason for a pre -erect inspection allowing time for repairs to occurs prior to day of erection. Bill seemed to completely jump over this

A. Yes. It would still be a good idea to inspect at the yard, but the code doesn't prohibit that from occurring still.

WAC 296-155-53400 General requirements

Q. (77) Recommend to add clarifying language as to acceptable means and methods. Issues have occurred in the industry in the past where AWP's have been tethered to improper locations causing structural damage. Trading one problem for another.

A. Thank you, we will review this further. Every job site doesn't have the ability to address this in the same manner. Giving flexibility but also requiring it to be properly addressed would be fair and flexible.

Q. (77): Tying back cranes so they do not come off buildings. Not exceeding 75% of crane capacity, why tie back? i.e., spider cranes.

A. The code requires that employers ensure that the equipment will not inadvertently move, giving other options.

WAC 296-155-53402 Assembly/disassembly

Q. The A/D director role should have more involvement of the crane owners and or the crane manufacturer with new language to support this. Is there any move towards this?

A. We will discuss this when we get to the A/D section of the rule. It has been addressed with proposed language under the owner duties. 53401(3)(i) Ensuring that work involving the assembly

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<p>and disassembly of a crane is supervised by an assembly/disassembly director. See WAC 296-155-53402.</p>
<p>Q. One week in advance it is hard to say who the A/D will be</p>
<p>A. Thank you, we will review this. Altered to naming the employer of the A/D director.</p>
<p>Q. When known, the A/D will be provided a week in advance, regardless, once know, an additional email with that information shall be provided at least 24 hours prior to the start.</p>
<p>A. Thank you for your input, good suggestion.</p>
<p>Q. I would suggest adding/changing the requirement that if the a/d director finds issues - the crane certifier shall be consulted</p>
<p>A. Thank you</p>
<p style="text-align: center;">WAC 296-155-53408 Power line safety</p>
<p>Q. o 1. Assembly / disassembly: this is messy when tower cranes are involved. I would like to advocate for mandatory utility notification. Most contacts with tower cranes are during this process when setting limits etc. utilities could have the option to set the system in non-reclose to prevent serious injury, I also advocate for mandatory standby when limits / protection is disabled.</p> <ul style="list-style-type: none">o I would advocate for provisions to prohibit any operation over substations without utility approval, this would include counterweighto Option 3 Planning Meeting: utilities should be notified and given the option to attendo (b) nonconductive tag lines Please explaino cover / barrier - conflict with WAC 45 , needs more discussion
<p>A. Proposed language for contacting utility owner has been added, for tower cranes under 53408(1)(a)(iv)(G). There is a definition of nonconductive, and there have been nonconductive taglines available. Cover/barrier language is not mentioned in this section.</p>
<p>Q. 155-53408 (4) – this entire section should be deleted; it is essentially a blanket variance and should not be allowed without explicit utility approval.</p>
<p>A. Some of the notification to line owners will be happening and will be recorded in a document, example of which is in the 155-53408 rules. Thank you for your suggestions.</p>
<p>Q. Trucks are unloaded right next to live lanes all the time. How would this be addressed?</p>
<p>A. They are currently required to follow the requirements in 296-155-53408.</p>
<p style="text-align: center;">NOT SURE WHICH WAC THESE APPLY TO????</p>
<p>Q. Can a hoist line load test for certification be done at the hoist line manufacturer (or supplier) or does the line load test have to be done on the actual crane to be considered certified?</p>

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<p>A. For the purposes of crane certification, it needs to be tested on the machine. Wire rope certs are a different thing that is not what is being addressed here.</p>
<p>Q. It's been my experience, there are not many Rigger 2 trained personnel in this region. If that's accurate, will sufficient time be allocated to accomplish this requirement?</p>
<p>A. Rigger 2 certification is not a requirement.</p>
<p>Q. Hoisting loads over public - will this rule clarify a need or no-need for permitting in certain areas such as downtown Seattle for shutting down a road?</p>
<p>A. This need would be clarified by the cities not by L&I.</p>
<p>Q. Will your department be able to assist us with street closure requests in the surrounding cities for crane assembly/ disassembly activities?</p>
<p>A. The department does not issue street closure permits and has no way of assisting for these matters.</p>
<p>Q. Are pike poles outlawed in place of a tag line then?? (As an alternative means to control the load).</p>
<p>A. Thank you for your question. We will discuss this further. The tag line or restraint line requirement found in Part L is at least as effective as OSHA's requirement for tag lines.</p>
<p>Q. The pre inspection at the owners yard is very important. This gives time in yard to be repaired.</p>
<p>A. I don't believe the inspection at the yard is going away , but we are wanting a inspection after unloading at the site. We have seen damage or the wrong section loaded from the yard. Damage in shipping (tower cranes) to the jobsite - this should be already well covered by the crane technician and a/d director for review - should not require the third party certifier to do.</p>
<p>Q. We are a curtain wall company that uses Valla 25 EL. How do we prevent this crane from moving. It has brakes. We also own a Spyder Crane Rated at 1990 lbs. this utilizes outriggers. is this considered secured from moving?</p>
<p>A. Generally this would be done with a tie-back affixed to a point of the building structure that can adequately support it.</p>
<p>Q. Does documentation i.e.; NCCCO operators license cover the rule for operator evaluation, or is that change supposed to be conducted also by the employer?</p>
<p>A. The operator's certification is separate from their qualification for a specific machine. The evaluation is part of ensuring that the operator is qualified to operate the specific machine they will be using. The evaluation is conducted by the employer.</p>
<p>Q. Utilities should be notified</p>
<p>A. They are for operations inside table 4 clearance. In addition, proposed language for contacting utility owner has been added, for tower cranes under 53408(1)(a)(iv)(G). There is a definition of nonconductive, and there have been nonconductive taglines available. Cover/barrier language is not mentioned in this section.</p>

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Q. Any work over a substation should be prohibited , this would include counterweight swing over a substation

A. We will need to have further discussion on this. **Has this been an issue, as substations are typically fenced off from what I've seen?**

Q. Hoisting loads with a forklift attachment, do not agree that jib attachment that a certified crane operator be required.

A. **This proposed language will be at least as effective as OSHA's**