

# SENATE BILL REPORT

## 2SHB 2022

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As Reported by Senate Committee On:  
Labor & Commerce, February 15, 2024

**Title:** An act relating to construction crane safety.

**Brief Description:** Concerning construction crane safety.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Reed, Berry, Ryu, Ormsby, Reeves and Santos).

**Brief History:** Passed House: 2/9/24, 77-20.

**Committee Activity:** Labor & Commerce: 2/15/24 [DP, w/oRec].

### Brief Summary of Bill

- Requires a prime contractor to obtain a permit before performing any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane.
- Establishes procedures and requirements for a valid permit, including requirements for safety conferences, inspections, and notifications.
- Creates criminal penalties for certain violations.
- Requires local governments to align permit issuance for street closures and provide certain notices when a tower crane is being assembled, disassembled, or reconfigured.
- Requires tower crane manufacturers and distributors to make available certain operational and safety information about tower cranes located in the state.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Hansen and Stanford.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, MacEwen and Schoesler.

**Staff:** Jarrett Sacks (786-7448)

**Background:** Washington Industrial Safety and Health Act. Generally, workplace safety is governed by the federal Occupational Safety and Health Act (OSHA). The federal Occupational Safety and Health Administration administers OSHA. Washington is a state plan state under federal OSHA. As a state plan state, Washington is authorized to assume responsibility for occupational safety and health in the state. The Department of Labor and Industries (L&I) administers and enforces the Washington Industrial Safety and Health Act (WISHA) and adopt rules governing safety and health standards for workplaces covered by WISHA. To maintain its status as a state plan state, Washington's safety and health standards must be at least as effective as standards adopted or recognized under OSHA.

Crane Safety. State law requires L&I to establish, by rule, a crane certification program and qualified crane operator requirements. Crane owners must ensure cranes are inspected and load proof tested by a certified crane inspector at least annually and after any significant modification or repair of structural parts. Tower cranes and tower crane assembly parts must be inspected both prior to assembly and following erection of the tower crane. A certified crane inspector must notify L&I if the inspector finds the crane does not meet safety or health standards. Operation of a crane by a non-qualified crane operator is prohibited. L&I establishes, by rule, the requirements to be a qualified crane operator. Qualified crane operators must have a valid crane operator certificate, for the type of crane being operated, issued by a crane operator testing organization which has an accredited program. The operator certification must include successful passing of a written and practical examination. Qualified crane operators must also have a certain number of hours of experience, which depends on the type of crane being operated, and pass a substance abuse test. State law also specifies when apprentice crane operators and trainees may operate cranes.

**Summary of Bill:** Permitting. Beginning January 1, 2026, a prime contractor must obtain a permit from L&I prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. L&I may allow exceptions. The prime contractor must possess an active permit at all times that a tower crane is present on a construction site.

The application for a permit must include information needed to ensure safety and establish responsibility for the operation, assembly, disassembly, and reconfiguration of a tower crane, including information such as:

- contact person's name and contact information for the overall project safety;

- names of the prime contractor, crane owner, crane users at the worksite, and assembly/disassembly director;
- a copy of the assembly/disassembly director's national assembly/disassembly director certification;
- crane manufacturer and crane model;
- prime contractor's certification that: (1) the prime contractor will comply with all applicable requirements of the WISHA, and that the conditions, practices, means, methods, operations, or processes used or proposed to be used will be safe and healthful; (2) the prime contractor will post at the worksite the permit and the crane certification; and (3) all assembly, disassembly, and reconfigurations will be performed with a technical representative for the tower crane distributor or manufacturer present; and
- a written job plan.

Before issuing a permit, L&I must complete a safety permit conference. The conference must require the presence of at least the following:

- permit applicant;
- assembly/disassembly director;
- technical representative for the tower crane distributor or manufacturer;
- representatives of the employees assembling, disassembling or reconfiguring the tower crane; and
- on public works projects, a representative of the governmental entity overseeing the project.

During the safety conference, the following must be evaluated:

- prior safety violations of the permit applicant and all entities required in the operation, assembly, disassembly, and reconfiguration of the tower crane;
- potential risks of the procedures and measures taken to minimize risks;
- written accident prevention programs;
- safety standards for tower cranes under the WISHA and applicable rules;
- the written job plan; and
- written self-attestations of the experience and qualifications of employees directly involved with the permitted work.

L&I must issue a permit within five working days of the safety conference if the application materials and safety conference materials are complete. If either are incomplete, the prime contractor must be provided with a written list of the outstanding materials before leaving the conference. L&I must issue the permit within five working days of receiving outstanding materials. L&I may issue conditional permits.

L&I must deny a permit if:

- the application fails to include all required elements;
- the safety conference is not held in compliance with the requirements; or
- the permit applicant has a record of safety and health violations that indicate the

applicant may not be maintaining a safe worksite or operation.

L&I must suspend or revoke a permit if the permit holder:

- fails to comply with any requirements or OSHA standards involving tower cranes;
- fails to notify L&I in advance as required;
- fails to ensure that a technical representative was present during assembly, disassembly, or reconfiguration;
- fails to immediately correct deficiencies directly affecting the structural integrity of the tower crane, or fails to correct deficiencies directly affecting the safe operation of the tower crane; or
- refuses L&I entry to a worksite that contains activity for which a permit is required.

Administrative procedures are established for appealing the denial, suspension, or revocation of a permit.

Notifications and Inspections. As a condition of a valid permit, the permit holder must notify L&I in advance of any assembly, disassembly, or reconfiguration of the tower crane in a time specified by L&I. The permit holder must receive the L&I's confirmation to proceed.

As part of the permit process, the L&I must inspect permitted activities, including the tower crane once assembled or reconfigured. A permit holder may not operate the tower crane once assembled or reconfigured unless approved by the L&I after initial inspection.

Tower cranes and parts must be inspected prior to and following every assembly, disassembly, and reconfiguration. Any issues identified must be tracked and corrected.

Department of Labor and Industries Rulemaking. L&I must adopt rules, including:

- a process for determining when L&I will be present for the assembly, disassembly, and reconfiguration of a tower crane;
- requirements for the prime contractor to ensure that a qualified technical representative will be present during assembly, disassembly, and reconfiguration;
- requirements for the presence of an assembly/disassembly director at every assembly, disassembly, and reconfiguration and requirements for qualifications of an assembly/disassembly director;
- conducting inspections;
- establishing maximum allowable wind speed for tower crane assembly, disassembly, and reconfiguration;
- requirements for a written job plan; and
- establishing effective stop work procedures that ensure the authority of any employee to refuse or delay tasks related to a tower crane that the employee believes could reasonably result in serious physical harm or death.

L&I may adopt rules for permitting fees, and fees must be deposited in the industrial

insurance trust funds.

Manufacturer Instructions and Guidelines. A tower crane manufacturer and distributor must provide all relevant operation instructions and guidelines for the safe use and maintenance of the manufacturer's or distributor's tower cranes located in the state to any person who requests access to the materials. L&I must determine the required information, format, and distribution channel of the materials. Information must be provided in a reasonable timeframe as determined by L&I.

Criminal Penalties. An employer is guilty of a misdemeanor if the employer:

- allows any person to engage in the assembly, disassembly, or reconfiguration of a tower crane without direct supervision by a qualified assembly/disassembly director; or
- allows a tower crane to be assembled, disassembled, or reconfigured not in accordance with manufacturer operation instructions or written procedures from a registered professional structural engineer.

Street Closures and Notice. When a worksite contains a tower crane, the local government in which the tower crane is located must do the following before any assembly, disassembly, or reconfiguration occurs:

- align permit issuance for street closures with the definition of assembly/disassembly work zone;
- issue permits in a timely manner; and
- provide notice to residents and occupants of buildings within the assembly/disassembly work zone.

Assembly/disassembly work zone means the total area that the crane and/or components or attachments could reach if the crane were to collapse. Height of the crane, length of boom, attachments, and loads, must all be considered to calculate the area.

Maritime Cranes. The provisions of the bill do not apply to cranes used on marine vessels and at ports, terminals and marine facilities for maritime activities regulated by L&I.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2025.

**Staff Summary of Public Testimony:** No public hearing was held.

**Persons Testifying:** N/A

**Persons Signed In To Testify But Not Testifying: N/A**