

WSR 21-14-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 6, 2021, 8:41 a.m.]

Subject of Possible Rule Making: Safety standards for cranes; chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.400, 49.17.410, 49.17.420, 49.17.430, and 49.17.440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making under consideration is federally initiated. The Occupational Safety and Health Administration (OSHA) recently updated their standard for cranes and derricks in construction. These updates included clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA also altered a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. OSHA's rule also establishes minimum requirements for determining operator competency. Another recent update by OSHA included exemptions and clarifications for unique equipment used in roadway railway work.

This rule making is also intended to provide clarity on the department of labor and industry's interpretation of requirements related to crane decertification and reinstatement. The changes under consideration would clarify what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. The proposed language will also add crane tipovers as a reporting requirement, while the assumption is that a crane involved in a tipover would be given an inspection prior to returning to service.

Finally, state-initiated amendments will also be proposed to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Additional housekeeping changes will also be included.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44610, Olympia, WA 98504-4610, phone 360-902-5522, fax 360-902-5619, email Cynthia.Ireland@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

July 6, 2021
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Director