

SENATE BILL REPORT

ESHB 2171

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, March 19, 2007

Title: An act relating to crane safety.

Brief Description: Regarding crane safety.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, VanDeWege, Condotta, Green, Seaquist, Dickerson, P. Sullivan and Sommers).

Brief History: Passed House: 3/07/07, 97-0.

Committee Activity: Labor, Commerce, Research & Development: 3/19/07 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin and Prentice.

Minority Report: Do not pass.

Signed by Senators Hewitt and Holmquist.

Staff: Kathleen Buchli (786-7488)

Background: Under the Washington Industrial Safety and Health Act (WISHA), the Department of Labor and Industries (L&I) has adopted crane safety rules. Tower cranes must be erected, maintained, and used according to the manufacturer's specifications. Modifications to a crane, including the crane base, must be engineered to meet the manufacturer's specifications using a professional engineer. Crane owners or contactors must ensure crane operators are trained and experienced; maintain cranes to the manufacturer's specifications; and inspect cranes before initial use and while in regular service.

The federal Occupational Safety and Health Administration (OSHA), through the Crane and Derrick Negotiated Rulemaking Committee (C-DAC), has reached consensus on crane

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operator rules and is expected to adopt rules regarding the certification of crane operators in 2008. The C-DAC consensus document does not address crane certification.

Current law does not provide for the certification of crane operators or for the certification of cranes used in construction.

Summary of Bill: Crane Certification: L&I must establish, by rule, a crane certification program for cranes used in construction. The term construction does not include manufacturing facilities or powerhouses.

The crane certification program must include: certification requirements for crane inspectors; a process for certified crane inspectors to issue temporary certificates of operation and for L&I to issue a final certificate of operation; a requirement that cranes are inspected and load proof tested at least annually; requirements that tower cranes and tower crane assembly parts are inspected before assembly and after erection of a tower crane; requirements that a nonstandard tower crane base be reviewed by an independent professional engineer before installation; notification to L&I of cranes that do not meet safety or health standards; and inspection report requirements.

Cranes operating in the state must have a valid temporary or final certificate of operation issued by the certified crane inspector or by L&I posted in the operator's cab or station. Certificates are valid for one year from the date the temporary operating certificate is issued.

Crane Operators: No person may operate a crane unless he or she is a qualified crane operator. L&I must establish, by rule, qualified crane operator requirements.

Qualified crane operator requirements must include that the crane operator have a valid crane operator certificate for the type of crane to be operated and issued by a nationally recognized accrediting agency; have up to 2,000 hours of documented crane operator experience, which meets experience levels established by the department for crane types and capacities; and pass a substance abuse test.

Apprentice or trainee crane operators may operate a crane if he or she works under the direct supervision of a qualified crane operator.

L&I may recognize crane operator certifications from other states if the jurisdiction's credentialing standards are substantially similar to the qualified crane operator requirements established by L&I.

Exemptions: The bill provides a specific list of exemptions, which include: power shovels; excavators; backhoes; automotive wreckers; tow trucks; service trucks with mobile lifting devices used in the power line and electric service industries; equipment originally designed as vehicle-mounted aerial devices; hydraulic jacking systems; stacker cranes; forklifts; mechanic's truck with hoisting device when used in activities related to equipment maintenance and repair; equipment that hoists using a come-along or chainfall; dedicated drilling rigs; gin polls used for the erection of communication towers; tree trimming or tree removal work; anchor handling with a vessel or barge using an affixed A-frame; roustabouts; and cranes used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2010.

Staff Summary of Public Testimony: PRO: Cranes are not currently regulated in this state. The operator requirements in the bill are reasonable and it is appropriate to address the specific requirements in rulemaking. Industry should have an opportunity to provide input regarding operator requirements and they will get this opportunity during the rulemaking process. L&I supports the bill as written and believes that a maximum of 2,000 hours for the operator requirements is enough to ensure trained operators. This bill will save lives. International standards should be adopted to ensure operators certified in this state will be able to work elsewhere, but this is an issue that could be approached during the rulemaking process and does not need to be added to the bill.

CON: Many crane operators and employers have training programs in place already and it is not necessary to put those requirements into rule. It is too time consuming to qualify crane operators. Most cranes are used sporadically and crane operators will be unable to get the required operating time in. The bill could raise construction costs because apprentices would be operating the cranes and they must work under a qualified crane operator. If there are few qualified crane operators, there could be fewer companies in the market; construction could slow down and costs would increase. Smaller contractors would be adversely affected because they do not have operators who would be able to meet the hourly requirements. Technological advances make cranes safer and the hourly requirements may be too much in light of the safer technology.

OTHER: The concept of having an experience requirement is supported, but a lower threshold should be in place for this requirement. Private railroads that are not common carriers should be added to the list of exemptions for routine maintenance and repair work. Clear guidance to L&I is needed. It appears that L&I is exceeding its rulemaking authority in its proposed standards; there is no requirement that operators demonstrate the ability to operate equipment in the bill. There is no guidance on how the hourly operator experience requirements will be verified. There is no need to reinvent the wheel in training crane operators because crane operators are being trained today. L&I rules should be adopted within a year so that the Legislature can review them before the bill takes effect in 2010.

Persons Testifying: PRO: Randy Loomans, International Union of Operating Engineers #302; Steve Cant, Department of Labor and Industries; Danny Thiemens, National Commission for the Certification of Crane Operators.

CON: Kris Hiscup, Coast Crane Company; Cliff Webster, Associated Builders and Contractors.

OTHER: Dave Houchin, Lumbermens and Northwest Truss Fabricators Association; Dan Coyne, Simpson Lumber; Rick Slunaker, Associated General Contractors; Larry Stevens, Mechanical and Electrical Contractors; Gary Smith, Independent Business Association; Amy

Brackenbury, Building Industry Association of Washington; Carolyn Logue, National Federation of Independent Business.