

# SENATE BILL REPORT

## SB 5990

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, February 27, 2007

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

**Brief Description:** Regarding crane safety.

**Sponsors:** Senators Kohl-Welles, Weinstein, Murray, Roach, Hobbs, Fairley, Keiser, Eide, Rasmussen, Oemig, Fraser, Berkey, Tom, Regala, Franklin, Prentice, Spanel, Sheldon, Clements, Jacobsen, Haugen, Hargrove, Pridemore, Kauffman, Kastama, Kilmer, Shin, McAuliffe, Rockefeller, Honeyford, Poulsen and Kline.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 2/19/07, 2/27/07 [DPS, w/oRec].

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass.

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

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

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

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

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Proposed Substitute As Heard In Committee (Labor, Commerce, Research & Development): Crane Certification:** L&I must establish, by rule, a crane certification program for cranes used in construction.

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, in 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.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Labor, Commerce, Research & Development):** An intent section is added to clarify that the bill is intended to promote the safe condition and operation of cranes used in construction work. The definition of construction is modified to add that it does not include manufacturing facilities or powerhouses. Cranes used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work or crane operators operating cranes on-site in manufacturing facilities or powerhouses for occasional or routine maintenance are exempted from the bill. The Department of Labor and Industries may consider similar standards and practices used by the federal government in establishing its crane certification inspection and load proof test requirements.

**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: This bill comes as a response to the accident that occurred in Bellevue in November 2006, when an individual died as a result of a tower crane falling over. Preliminary results from the investigation indicate there was a problem with the base of that crane. The bill is meant to regulate people in the construction industry and addresses safety on the job and safety for the general public. The bill provides a sufficient statutory framework for L&I to develop crane safety program. It recognizes consensus documents and provides the necessary guidance to L&I on rulemaking. The bill has support from industry, labor, and L&I and will make a difference for worker and public protection. The language incorporates C-DAC and will be in compliance with federal rules when adopted.

CON: Businesses in manufacturing use cranes and the bill should exempt manufacturing. The term construction should be defined.

OTHER: Utility exemptions are a point of concern; including whether installing new poles and lines are considered construction; and whether boom trucks that are designed to do utility work are included under the exemption. Clarification on how the bill applies to boom trucks is needed. Funding the costs of the bill from the accident fund and medical aid account is a concern. Other exemptions for other lifting devices and non-construction industries are needed. Alternative load testing procedures must be added as well as a physical examination requirement for operator certification. A phase in period is needed before the bill takes effect.

**Persons Testifying:** PRO: Senator Kohl-Welles, prime sponsor; Randy Loomans, Allan Darr, International Union of Operating Engineers; Mike Bremmer, City of Bellevue; Thom Sickelsteel, Sickelsteel Cranes; Steve Cant, Department of Labor and Industries; Peggy Tlapak, Widows; Rick Slunaker, Associated General Contractors.

CON: Grant Nelson, Association of Washington Business.

OTHER: Gary Smith, Independent Business Association; Larry Stevens, Mechanical Contractors Association, National Electrical Contractors Association; Gregg Milne, Snohomish P.U.D.