

FINAL BILL REPORT

2SHB 2022

C 311 L 24
Synopsis as Enacted

Brief Description: Concerning construction crane safety.

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

House Committee on Labor & Workplace Standards
House Committee on Appropriations
Senate Committee on Labor & Commerce

Background:

Washington Industrial Safety and Health Act.

Generally, workplace safety is governed by the federal Occupational Safety and Health Act (OSHA). However, Washington is a "state plan" state under federal OSHA, which means Washington is authorized to assume responsibility for occupational safety and health in the state as long as Washington's standards are at least as effective as the OSHA standards. The Department of Labor and Industries (Department) administers and enforces the Washington Industrial Safety and Health Act (WISHA) and adopts rules governing safety and health standards for workplaces covered by the WISHA.

Construction Crane Safety.

State law requires the Department 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 the Department if the crane does not meet safety or health standards. Operation of a crane by a nonqualified crane operator is prohibited. The Department establishes, by rule, the requirements to be a qualified crane operator.

Summary:

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.

Permit Requirements Related to Tower Cranes.

The Department must establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. The minimum requirements for the permit include a complete permit application, a safety conference, certain notifications to the Department, inspections, and other provisions.

Beginning January 1, 2026, prime contractors must obtain a permit from the Department prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. The Department may allow for certain exceptions.

Permit Application and Safety Conference.

The application for a permit must include certain specified information such as the name of the assembly/disassembly director and the prime contractor's certification that all assembly, disassembly, and reconfigurations will be performed with a technical representative for the tower crane distributor or manufacturer present.

Before issuing a permit, the Department must complete a safety permit conference, which may be conducted remotely. The Department must determine the information and materials required to be submitted prior to the safety conference, the materials required to be reviewed at the safety conference, and the persons required to attend the safety conference.

During the safety conference, the following must be evaluated:

- potential risks of the procedures and measures taken to minimize risks;
- written accident prevention programs;
- a written job plan; and
- for each employee directly involved with the permitted work, a review of their experience and qualifications.

The Department 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. The Department must issue the permit within five working days of receiving outstanding materials. The Department may issue conditional permits.

Permit Denial, Suspension and Revocation.

The Department must deny a permit if the permit applicant has a record of safety and health violations that indicate the applicant may not be maintaining a safe worksite or operation.

The Department must suspend or revoke a permit if the permit holder:

- fails to comply with applicable standards involving tower cranes;
- fails to notify the Department 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 the Department 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.

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.

Rulemaking.

The Department must adopt rules that include, among other things:

- a process for determining when the Department 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.

The Department may adopt rules for permit fees, and fees must be deposited in the industrial insurance trust funds.

Information from Manufacturers and Distributors.

Tower crane manufacturers and distributors must make certain operational and safety information about their tower cranes available upon request by any person, within a reasonable time and in a format as determined by the Department.

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 the 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.

Miscellaneous.

Definitions are created for the following terms: (1) "assembly, disassembly, and reconfiguration"; (2) "assembly/disassembly work zone"; (3) "crane owner"; (4) "prime contractor"; and (5) "reconfiguration."

The provisions do not apply to cranes used on marine vessels and at ports, terminals and marine facilities for maritime activities regulated by the Department.

Votes on Final Passage:

House	77	20	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: January 1, 2025