# U.S. Department of Labor
# Occupational Health and Safety Administration
# Cranes and Derricks Negotiated Rulemaking Advisory Committee

## Meeting Summary -- July 30 - August 1, 2003

### Welcome and Opening Remarks

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, welcomed the members of the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) and thanked them for agreeing to assist OSHA in the development of a standard that will reduce injuries and fatalities, protect worker health and safety, and be adaptable to the current and future technological changes in the crane industry. Mr. Henshaw hopes and expects that C-DAC will create consensus standards based on the expertise of its members, and he committed OSHA to taking the necessary steps to promulgate federal crane and derrick safety standards based on C-DAC's recommendations.

### Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) Introductions

All members of C-DAC, who were present, introduced themselves.

### OSHA's Overall Goals for the Safety Standards

Noah Connell, Directorate of Construction, stated that OSHA's overall goal for the crane and derrick safety standards is to increase worker safety. In addition, OSHA is seeking a standard that will be understandable to its users; avoids ambiguity; provides certainty and clarity for enforcement; and satisfies the statutory requirements of the Paperwork Reduction Act.

### Overview of the Negotiated Rulemaking Process

Susan Podziba, Facilitator, Susan Podziba & Associates, provided an overview of the negotiated rulemaking process. She explained that C-DAC discussions will focus on seeking agreements in concept and ultimately, consensus regulatory language. The C-DAC may use workgroups to develop proposals for specific elements of the standard.

### Ground Rules

C-DAC members discussed and revised their ground rules, which will govern their activities throughout the negotiated rulemaking process. The ground rules were agreed to in concept subject to C-DAC review of the revised draft. C-DAC members had a lengthy discussion of their decision rule, and decided that members will strive for unanimous agreements, but agreements will be considered reached when no more than

two non-federal negotiators dissent. Dissenting members may request that their reasons for dissent be included in the preamble of the regulation, but they agreed to refrain from providing formal written negative comments on the final proposed regulatory language.

C-DAC members considered the use of proxies for members unable to attend meetings, but ultimately rejected the idea given that new proposals are generated during meetings.

**Public Comment**

Michael Casbon, National Association of Demolition Contractors (NADC), stated that NADC members have particular interests relative to crane safety during demolition. Mr. Casbon said that he will be available to serve on work groups, and he will provide C-DAC members with NADC's safety manual on cranes.

Brad Closson, of NACB Group, Inc. and ASME, stated that ASME will provide its standards and resources to CDAC to assist in development of the OSHA crane and derrick safety standards.

Hugh Pratt, Insulatus, Inc., explained how his product could reduce a significant percentage of injuries and fatalities due to electrocutions. He provided C-DAC members with a CD which explains the scale of the power line problem of and how the Insulatus product protects workers. He also said he would be available to provide support to CDAC, as appropriate.

Graham J. Brent, National Commission for the Certification of Crane Operators stated that he will be available to provide information and support to the C-DAC on crane operator qualifications, including information on the CCO program.

**Review and Revise List of Issues**

C-DAC members reviewed and finalized the list of issues they will discuss during their negotiations. In refining the list published in the federal register, they agreed to: 1) include issues of site conditions such as access and egress and ground stability as part of work zone control; 2) address blind picks as part of qualifications of signal persons and communications systems and requirements; 3) add maintenance and record-keeping requirements to crane inspection and certification records; and 4) discuss training requirements and demolition issues, within each regulatory section, as necessary. In addition, they will add the issues of: 1) critical and special lift procedures and 2) maritime crane operations.

**Discussion of Issues (per list of issues)**

The C-DAC members began by discussing of the scope of the standard and then decided to follow the draft Report of the Crane Work Group of the Advisory Committee

for Construction Safety and Health (December 2002), which follows, by section, the existing standard.

**Scope:** C-DAC members discussed the equipment that will be regulated under the standard. After trying various approaches, they decided to use a broad definition of the equipment covered with illustrative examples, and clearly identified exclusions. The draft definition of included equipment is: a power-operated machine used for hoisting, lowering, and horizontal movement of suspended loads. The examples of equipment and attachments included and exempted will be revised versions of the lists under scope and application of the Draft Crane Work Group Report. OSHA will draft regulatory language that reflects C-DAC discussions.

The key issues discussed included:

- **Exclusion of Equipment rated below 2000 pounds:** This exclusion is used in ASME B30 standards and New York City regulations. Included in this exclusion are "ponies," which are rated at under one ton and are used to lift curtain wall in hi-rise building construction.

- **Converted Equipment:** C-DAC members discussed equipment manufactured for a non-crane purpose that is converted to hoist material. The standard is expected to cover equipment whose primary function is crane operations.

- **Dedicated Pile Drivers:** C-DAC discussed including dedicated pile drivers, but determined that it would then also need to include drills and augurs. C-DAC members suggested that safety standards are needed for this equipment, but it is beyond the scope of this standard.

- **Definitions:** C-DAC members reviewed and revised the definitions listed in the Draft Crane Work Group Report and decided to convene a work group, at a later date, to review the definitions section. ASME referred C-DAC to its on-line lexicon of terms, and a C-DAC member distributed the SC&R Foundation's "Glossary of Common Crane and Rigging Terms."

- **Exclusion of Chain Falls:** The C-DAC members agreed to exclude chain falls, also called come alongs.

**Manufacturers Compliance:** This issue concerns deviations from manufacture specifications for crane operations. The C-DAC members discussed three distinct situations: 1) when specifications are not available, such as for old equipment; 2) when following specifications in "real world" circumstances is "unfeasible" in that doing so

could potentially cause safety hazards; and 3) when alternative methods can be safely used to assemble or disassemble a crane. The current OSHA standard requires a qualified engineer to determine and document limitations of the equipment; some C-DAC members supported a proposal to require a "qualified person," who may not be an engineer to perform such functions.

**Posting of Load Chart**

In the past, load charts were one-page documents that could be posted in the cab of the crane. Today, load charts include a series of charts that cover multiple variables. Current regulations require the charts to be tethered in the cab. Typically, load charts are pages in a loose leaf binder, which can be removed even when the binder remains attached. C-DAC members suggested that the standard require employers to ensure that the proper load charts and operator's manuals are readily available in the cab of the crane. C-DAC members also discussed electronic vs. paper load charts and decided it not to specify one preference over another.

**Signals:** The C-DAC members discussed hand and radio signals including the following key issues:

**Hand Signal Person:** C-DAC members discussed training for hand signal persons. Most C-DAC members agreed that currently, crane operators often rely on signal persons who are unfamiliar with standard hand signals and crane load dynamics. Some think that all signal operators should receive training from employers or unions; others stated that there are situations when crane operators train signal persons on site prior to lifts. One C-DAC member felt strongly that documentation, such as individual cards, be required for all signal people. This led some to raise concerns about OSHA enforcement violations.

**Radio Signals:** C-DAC members discussed the differences between secure and dedicated channels and agreed that dedicated lines will provide for safe communications, given that crane operations cease if there is a break in communications, including interference. In the case of multiple cranes on a site, the operators and signal persons will need to develop a system for identifying commands to each crane, for example, Crane 1, 2, etc. or by crane operator name.

**Logistics**

C-DAC will meet on the following dates:

**2003**
September 3, 4, 5
October 1, 2, 3
November 5, 6, 7
December 3, 4, 5

**2004**
January 7, 8, 9
February 4, 5, 6
March 3, 4, 5
March 31, April 1, 2
May 5, 6, 7
June 2, 3, 4
July 7, 8, 9

C-DAC members discussed locating some of its meetings outside of Washington, DC. C-DAC members offered meeting space in Phoenix and Las Vegas, and OSHA has a facility in Chicago. OSHA will review the request to hold meetings outside of Washington, DC.

**Sending and receiving documents:** Documents will be provided electronically prior to meetings.

**Background Readings and Documents:** C-DAC members requested OSHA Subpart R, OSHA General Industry Standards, ASME B30.3 Tower Cranes, B30.9 Slings, B30.23 Personnel Lifting Systems, and ANSE A10.42.

**Expert Presentations:** C-DAC members will invite a maritime crane operations expert for a presentation at a future meeting.

**Travel:** C-DAC members asked OSHA to review the questions of travel reimbursement and securing blocks of hotel rooms at government rates for future meetings.

Next Steps
**Documents**: The facilitator will distribute revised ground rules, a draft meeting summary, and a draft agenda prior to the September 3,4,5 meeting. OSHA will distribute draft regulatory language reflecting C-DAC discussions.

**Crane Illustrations:** C-DAC members will receive an electronic file containing crane illustrations. Members are asked to review the illustrations for inclusion with the regulatory text.

**Travel:** OSHA will provide information on travel-related issues.

Attendance
**Present:**
Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)

Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Michael Hyland, American Public Power Association
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co.
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator

**Not Present:**
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers