

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
AND NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **January 20, 2011**, at 10:00 a.m.  
in Room 358 of the County Administration Center,  
1600 Pacific Highway, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **January 20, 2011**, following the Public Meeting,  
in Room 358 of the County Administration Center,  
1600 Pacific Highway, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **January 20, 2011**, following the Public Hearing,  
in Room 358 of the County Administration Center,  
1600 Pacific Highway, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

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JOHN D. MACLEOD, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given that the Occupational Safety and Health Standards Board, pursuant to the authority granted by Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 20, 2011**.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7  
Group 13  
**Cranes and Derricks (Horcher)**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:**        **GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7  
Group 13  
**Cranes and Derricks (Horcher)**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates that the Board adopt standards at least as effective as federal standards addressing occupational safety and health issues.

On August 9, 2010, the U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) promulgated standards revising the Cranes and Derricks Standard and related sections found primarily in the federal Construction Standard, 29 CFR Part 1926, to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. The Board is relying on the explanation of the federal standards found in Federal Register, Volume 75, No. 152, pages 47906-48177, August 9, 2010, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which are the same as the federal standards except for editorial and format differences, or where existing state standards provide a higher level of safety. The Board notes that California standards for Cranes and Derricks are contained in Group 13 of the General Industry Safety Orders. Federal OSHA's promulgation also will require minor and incidental modification of California Title 8 Construction and Electrical Safety Orders as indicated in the attached documentation.

In the final rule, Federal OSHA has made incidental and related amendments of Federal Standards, Part 1926, as follows:

Subpart A – General.

Subpart C – General Safety and Health Provisions.

Subpart L – Scaffolds.

Subpart M – Fall Protection.

Subpart N – Cranes, Derricks, Hoists, Elevators and Conveyors.

Subpart O – Motorized Vehicles, Mechanical Equipment, and Marine Operations.

Subpart R – Steel Erection.

Subpart S – Underground Construction, Caissons, Cofferdams, and Compressed Air.

Subpart T – Demolition.

Subpart V – Power Transmission and Distribution.

Subpart X – Stairways and Ladders.

Appendix A to Part 1926

The Federal OSHA promulgation has also created new Subpart CC (Cranes and Derricks in Construction) and Subpart DD (Cranes and Derricks Used in Demolition and Underground Construction).

All of the foregoing amendments and additions are related to moving standards for cranes and derricks to newly created Subparts CC and DD in 29 CFR Part 1926. The new promulgation also addresses advances in the design of cranes and derricks, related hazards and employee qualifications necessary for safe operation.

Subjects addressed by the proposal include, but are not limited to, the following:

- Scope of application of this standard.
- Definitions of terms used in the Crane and Derrick Standard.
- Standards for design, construction and testing of cranes and derricks.
- Ground conditions.
- Assembly/disassembly, erection/dismantling.
- Power line safety.
- Crane inspection and testing.
- Wire rope selection, installation and inspection criteria.
- Safety devices and operational aids.
- Operation.
- Signals, signaling and signal person qualifications.
- Crane operator qualifications and certification.
- Qualifications of maintenance and repair personnel.
- Fall protection.
- Work area control.
- Keeping clear of the load.
- Free fall and controlled load lowering.
- Training.
- Hoisting personnel.
- Multiple-crane/derrick lifts – supplemental requirements.
- Equipment modifications.
- Tower cranes.
- Derricks.
- Floating cranes and derricks and land cranes/derricks on barges.
- Overhead & gantry cranes.
- Dedicated pile drivers.
- Sideboom cranes.

Because the proposed standards are substantially the same as the Federal OSHA final rule, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written comments and the oral comments at the public hearing is to:

- Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking.
- Solicit comments on the proposed effective date.

The responses to comments will be available in the rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3. The standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

## DOCUMENTS INCORPORATED BY REFERENCE

GISO Section 4884 [renumbered to Section 4884.1 in this rulemaking] presently lists numerous documents that have been incorporated by reference in the crane standards; however, in order to conform to the federal rulemaking, the following documents are newly incorporated by reference:

- ASME B30.2–2005, Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist).
- ASME B30.5–2004, Mobile and Locomotive Cranes.
- ASME B30.7–2001, Base-Mounted Drum Hoists.
- ASME B30.14–2004, Side Boom Tractors.
- AWS D1.1/D1.1M:2002, Structural Welding Code – Steel, 18th Edition.
- ANSI/AWS D14.3–94, Specification for Welding Earthmoving and Construction Equipment.
- BS EN 13000:2004, Cranes – Mobile Cranes.
- BS EN 14439:2006, Cranes – Safety – Tower Cranes.
- ISO 11660-1:2007(E), Cranes – Access, guards and restraints – Part 1: General, 2d Ed.
- ISO 11660-2:1994(E), Cranes – Access, guards and restraints – Part 2: Mobile cranes, 1994.
- ISO 11660-3:2008(E), Cranes – Access, guards and restraints – Part 3: Tower cranes, 2d Ed.
- PCSA Std. No. 2, Mobile Hydraulic Crane Standards, 1968.
- SAE J185, Access Systems for Off-Road Machines, reaffirmed May 2003.
- SAE J987, Lattice Boom Cranes – Method of Test, revised Jun. 2003.
- SAE J1063, Cantilevered Boom Crane Structures - Method of Test, revised Nov. 1993.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

## COST ESTIMATE OF PROPOSED ACTION

Federal OSHA’s estimate of compliance costs found at Federal Register, Vol. 75, No. 152, August 9, 2010, starting at page 48078. Based on information found at page 48112, the costs of compliance as a percentage of profits for five major industry sectors are summarized as follows:

<b>Industry Sector</b>	<b>Estimated cost as % of profits</b>
Crane Rental With Operators	2%
Crane Rental Without Operators (Bare Rentals)	2%
Own And Rent Cranes With Operators	4%
Own But Do Not Rent	1-3%
Crane Lessees	1%

Cost estimates for small businesses are generally similar to those stated above.

Federal OSHA has made a determination that the final standard is economically feasible for the affected industries<sup>1</sup>. Federal OSHA believes that the impact of compliance costs will be less than its estimates and that the economic impact of the final standard is most likely to consist of a very small increase in prices for construction projects involving work with cranes. Federal OSHA anticipates that crane rental companies, all of which must incur the costs of compliance unless they are already in compliance, should be able to

<sup>1</sup> Federal Register, Vol. 75, No. 152, page 48112.

pass through costs to lessees. Federal OSHA opines that the additional costs of crane safety measures are extremely small in relation to the value of construction, and there are no economic substitutes or alternatives to the use of cranes in construction. Thus, Federal OSHA believes it is unlikely that a price increase of the estimated magnitude would significantly alter the demand for crane services. If the compliance costs of the final standard are substantially recouped with an increase in rental prices, there would be little effect on profits. Federal OSHA is also of the opinion that impacts on all affected general industry sectors will be slight.

### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no significant economic impact is anticipated.

### **ASSESSMENT**

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### **REASONABLE ALTERNATIVES CONSIDERED**

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format and the Informative Digest is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721 and also at the at the OSHSB website.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than January 14, 2011. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing on January 20, 2011. Written comments should be mailed to the address provided below or submitted by fax to (916) 274-5743 or e-mailed to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

Since this rulemaking is undertaken pursuant to the Labor Code Section 142.3(a)(3), it is exempt from the provisions of the Administrative Procedures Act in accordance with that Labor Code provision. Consequently, the written and oral arguments or statements referenced in the previous paragraph are to be limited to the following issues:

1. Identification of any issues unique to California related to this proposal which should be addressed in this or a subsequent rulemaking; or
2. Comments on the proposed effective date.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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JOHN D. MACLEOD, Chairman