

**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



Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 92, Section 4889**Warning Devices for Overhead Cranes****PROBLEM ADDRESSED BY PROPOSED ACTION**

Section 4884 of the General Industry Safety Orders (GISO) requires cranes to be designed, constructed and installed in accordance with the appropriate American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) national consensus standard listed for each type of crane. The ANSI/ASME B30.2 and B30.17 standards address the requirements for overhead and gantry cranes. These two standards require a warning device for cab and remote-operated cranes. GISO Section 4889(a) addresses the warning device requirements for overhead cranes controlled from a cage or cab. However, Section 4889(a) omits any reference to warning device requirements for cranes controlled by remote operation. This rulemaking action proposes amendments to require remote-operated cranes to be equipped with an operational warning device.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 4889. Warning Devices.****Subsection (a)**

Existing subsection (a) requires an audible warning device to be mounted on each crane controlled from a cage or cab that is equipped with a power traveling mechanism. It is proposed to replace the phrase "controlled from a cage or cab" with the phrase "overhead traveling or bridge crane." The purpose of the amendments for subsection (a) is to include remote-operated cranes within the scope of overhead traveling cranes that require a warning device. Remote-operated cranes are equipped with a power traveling mechanism and therefore, the proposal would require a warning device on them. Remote-operated cranes can be controlled from locations where the operator has a limited or obstructed view of the crane and/or its load. Therefore, a warning device is a necessary safety feature to warn persons that may be near the path of the crane's travel. The amendment will also provide consistency with the ANSI/ASME B30.2 and B30.17 requirements for warning devices on overhead cranes.

An exception to the warning device requirement is proposed for floor operated cranes controlled with a pendant station. Floor operated cranes allow the operator to be in close contact with the load. The exception is necessary to permit the use of these cranes without a warning device because the operator in close proximity to the load is able to warn persons near the path of the crane travel. The exception is also consistent with the federal OSHA counterpart regulation in 29 CFR 1910.179(i).

Subsection (d)

Existing subsection (d) requires that cranes controlled from a cage or cab whose warning device has become inoperative shall not be operated until the warning device is repaired or replaced. The subsection permits temporary operation of the crane without a functional warning device if a person is positioned to warn those in the path of the crane or its load.

It is proposed to replace the phrase "controlled from a cage or cab" with the phrase "overhead traveling or bridge crane." The proposed amendment is necessary to include remote-operated cranes that function with a power traveling mechanism in the scope of cranes that require inoperative warning devices to be repaired or replaced prior to use. As indicated above under subsection (a) amendments, a functional warning device is a necessary safety feature for remote-operated cranes.

An editorial revision is proposed for subsection (d) for the purpose of clarifying that a spotter used in lieu of a warning device must have a clear view of the crane load and operator.

DOCUMENTS RELIED UPON

1. Memorandum to John MacLeod, Executive Officer, Occupational Safety and Health Standards Board from John Howard, Chief, Division of Occupational Safety and Health dated April 2, 1999 with attached form for new, or change in existing safety order.
2. USA Standard Safety Code for Cranes, Derricks, Hoists, Jacks and Slings, USAS B30.2.0 –1967 standard for Overhead and Gantry Cranes, Section 2-1.11, published by the American Society of Mechanical Engineers (ASME).
3. American National Standards Institute (ANSI)/ASME B30.2-1983 standard for Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist), Section 2-1.12.
4. ANSI/ASME B30.2-1996 standard for Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist), Section 2-1.15.
5. ANSI/ASME B30.17-1980 standard for Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist), Section 17-1.12.
6. ASME B30.17a-1994a, addenda to ANSI/ASME B30.17-1992 standard for Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist), Section 17-1.15.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No adverse impact on small businesses is anticipated from the implementation of the proposed amendments. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. Overhead traveling cranes are manufactured to meet ANSI/ASME national consensus standards. These standards already require that remote-operated cranes be equipped with a warning device. The proposal will ensure that warning devices on remote-operated cranes are functional and kept in good working condition.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

The proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. Also see the heading above, Specific Technology and Equipment.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination or Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations 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 the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations 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 regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations 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 regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No alternatives considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.