Chapter 38

CRANE OPERATIONS

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Chapter 38-A

LICENSING OF CRANE CERTIFIERS

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to require that any person engaging in the testing, examination and/or certification of cranes, including but not limited to tower cranes and derricks used in lifting services exceeding three tons rated capacity, obtain a crane certifier's license from the Division or be approved by the Division to work as a surveyor under a license issued by the Division.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 7375 through 7384 and Title 8 California Code of Regulations Sec. 344.60 through 344.67 and 5021.

PROCEDURES:

A. LICENSURE

A license to certify cranes and derricks may be obtained from the Division of Occupational Safety and Health by satisfying the requirements found on the crane certifier's license application form and by passing a written examination.

B. APPLICATION

1. Content

   An applicant for a crane certifier's license shall submit a completed application to the Division's Crane Unit and shall provide the following information as a part of the application process:

   a. The location of the applicant's principal place of business and the areas of the state where the crane certifier will conduct certifications;

   b. A statement specifying the type(s) of certification(s) the applicant desires to perform.

   c. A resume of the applicant, and every other person who is to be approved

as a Surveyor. Each resume shall contain at a minimum the following information:

(1) Applicant's full name, mailing address and telephone number.

(2) Any relevant professional licenses, registrations and certifications possessed by the applicant.

(3) Applicant's complete educational history, including trade schools attended, manufacturers seminars attended and any other types of training.

(4) Applicant's complete work history establishing at least five years crane and/or derrick-related work experience in the type of crane that the applicant is seeking licensure for. The work history shall include the job duties performed in each employment, the name of each employer, his or her mailing address and telephone number, and the name, address and telephone number of the applicant's immediate supervisor's at that employment if the applicant was not immediately supervised by the employer.

(5) Descriptive details concerning testing instruments to be used by the applicant. Upon request by the Crane Unit, the applicant shall provide test reports or other verification of the accuracy of the testing instruments.

(6) At least three personal references and at least three business references.

d. Samples of periodic or annual inspections that the applicant has completed.

NOTE: Periodic and Annual Inspections record are required to be documented as per T8CCR 5031(c)(4).

2. Fees

All applications shall be accompanied by the appropriate application and examination fees (see Section G).

3. Processing

a. The Crane Unit shall notify the applicant in writing within 30 working days of receipt of an application if the application is complete.

b. If the application is incomplete, the Crane Unit shall notify the applicant that the application is deficient and what specific information or documentation is required to complete the application.

NOTE: Incomplete applications shall be considered "pending" by the Crane Unit for 180 days after first being filed. After 180 days, the applicant shall be required to file a new application.

4. Approval or Denial

a. Approval

(1) The Division shall notify the applicant within 30 working days after a completed application is filed if the applicant has satisfied the minimum requirements for licensure, and if the applicant meets the eligibility requirements to take the written examination(s).

NOTE: The Crane Unit may conduct an investigation to verify the information contained in the application.

(2) When an application has been approved and examination eligibility determined, the Crane Unit shall notify the applicant of the date, time and place of the written examination.

b. Denial

If an applicant cannot satisfy the license application requirements, including eligibility to take the written examination, the Crane Unit shall notify the applicant that his or her license application has been denied and shall specify the reasons.

C. EXAMINATIONS

1. Examination Eligibility

a. Existing Crane Certifiers and Surveyors

Individuals and agencies, and employees of those agencies, who have been licensed or approved by the Division as crane certifiers and possess an inactive Division certification number (e.g., A- 133 or A-176), shall be deemed qualified to take the required written examinations.

b. New Applicants

Any applicant seeking licensure as a crane certifier pursuant to T8CCR

344.60 shall file an application with the Division's Crane Unit.

2. Types of Written Examinations

   a. General Knowledge Test (Type G)

      (1) The General Knowledge Test includes the following subjects: general principles of operation, maintenance, repair, capacities, limitations, general characteristics, inspections, certifications, recordkeeping, and the regulations and references of the Division relating to cranes and derricks.

      (2) The General Knowledge Test has a minimum of 70 and a maximum of 100 questions.

   b. Bridge & Gantry Test (Type B&G)

      (1) The Bridge & Gantry Test includes the following subjects: travelling or bridge cranes, storage cranes, gantry cranes, portal cranes, jib cranes, pillar cranes, pintle cranes, wall cranes, polar cranes, container cranes of rated capacity exceeding one ton, and any modifications of these types which retain their characteristic features except when an order is specific as to type of crane.

      (2) The Bridge and Gantry Test has a minimum of 50 questions and a maximum of 100 questions.

   c. Mobile Crane Test (Type M)

      (1) The Mobile Crane Test includes the following subject: locomotive cranes, crawler cranes, motor truck cranes, both hydraulic and friction, boom-type excavators, derricks and any modification of these types which retain their characteristic mobility, except such units of one ton or less capacity and railway or automotive wrecking cranes and aerial devices designed and used for positioning personnel.
      (2) The Mobile Crane Test has a minimum of 50 questions and a maximum of 100 questions

   d. The Tower Crane Test (Type T)

      (1) The Tower Crane Test includes the following subjects: all cranes of the general type such as those having a revolving horizontal jib, fixed or luffing, and counterjib on a single vertical mast, as shown in T8CCR 4885, Figures 16 and 17.

      (2) The Tower Crane Test has a minimum of 50 questions and a maximum

of 100 questions.

3. Required Examinations

   a. All applicants are required to pass the General Knowledge Test prior to taking any of the specialty tests.

   b. All applicants are required to pass one or more of the specialty tests prior to certifying the type of crane or derrick covered by that examination.

      NOTE: An applicant may take as many of the specialty tests as they wish so long as the applicant satisfies the examination eligibility criteria.

   c. An applicant shall take and pass the appropriate specialty examinations for the types of certifications which his or her Surveyor-employees are going to perform regardless of whether the applicant is actively certifying crane or derricks himself or herself.

4. Source of Examination Questions

   a. Examination questions are based on the following sources of information:

      (1) Title 8 California Code of Regulations (T8CCR);

      (2) American National Standards Institute Standards (ANSI);

      (3) American Welding Society Standards (AWS);

      (4) National Electrical Codes (NEC);

      (5) Society of Automotive Engineers (SAE);

      (6) Crane Manufacturer's Association of America (CMAA);
      (7) Power Crane & Shovel Association (PCSA);

      (8) Load test procedures by the Crane Certification Association of America

   b. Examination questions may also be based on questions submitted by crane certifiers, surveyors, crane manufacturers and other relevant entities.

5. Examination Format

   a. Most of the examination questions will be of the multiple choice type.

Five potential answers will usually be listed, and only one will be correct.

b. Some questions will call for a true or false answer and some questions will call for a yes or no answer.

c. Certain questions will utilize graphs, diagrams and charts. Graphical and chart materials shall be supplied by the examiner at time of examination and shall be collected at the end of the examination.

d. Answer sheets separate from the examination shall be provided by the examination administrator to facilitate scoring.

6. Examination Location

Examinations shall be held at locations throughout the state.

7. Examination Administration

a. Types of Examinations

Applicants are permitted to take more than one type of examination during one testing session if time permits. A testing session may be more than one day in length.

b. Administrator

All crane certifier examinations shall be administered by Crane Unit Staff and other Division personnel, as appropriate.

c. Rules

(1) No material may be brought into the examination room by applicants during the examination other than an electronic pocket calculator (which is subject to approval by examination administrator).

(2) All required graphs, charts, descriptive literature or other reference material needed to correctly answer questions will be supplied by the examination administrator.

(3) The examinee shall not remove any examination materials provided by the examination administrator or scratch paper or notes made by the examinee during the examination.

(4) If an examinee wishes to leave the examination room during the

examination, all examination materials shall remain under the control of the examination administrator while the examinee is out of the examination room.

(5) Examinees shall not use telephones during the examination period.

(6) In the event that the applicant cannot complete the examination in the time allotted, the examination administrator shall determine whether the examination shall be continued or rescheduled.

NOTE: Although no actual time limits have been placed on examination session, a determination by the examination administrator shall be final as to examination rescheduling

.

(7) There will be no communication permitted between examinees during the examination. Any question(s) requiring clarification will be handled by the examination administrator.

(8) No cellphones or hand held computers are allowed in the testing room during testing periods

(9) No camera or devices with cameras are allowed.

(10) Any misunderstanding of the language or phrasing of any examination question shall be discussed with the examinee during the examination. If the examination administrator and the examinee cannot agree on the meaning of a particular question, the question shall be flagged and the matter shall be referred to the Deputy Chief for Research and Standards or Principal Safety Engineer for resolution after the examination is completed.

(11) Violation of the above ground rules shall be deemed appropriate cause to terminate the examination, at the discretion of the examination administrator, and shall be cause for forfeiture of testing fees.

(12) A copy of these rules will be sent to the applicant with the notice of time and place of the examination. A written affirmation of these rules will be executed at time of examination.

8. Grading, Scoring and Notification of Results

a. Review

To preserve the integrity of the test, a review of the exam will not be conducted. However, the examiner may inform the tester what areas that he/she needs to study.

b. Scoring

(1) All examinations are given on a "PASS-FAIL" basis.

(2) To pass a particular examination, the applicant must correctly answer 70% of the questions asked on the exam.

(3) All applicant scores shall be held in strictest confidence by the Crane Unit.

c. Notification of Results

(1) Successful Applicants

(a) Each successful applicant shall be notified in writing by the Crane Unit that they have passed the examination(s) and shall be sent applicable licensing credentials within 60 days of completion of the written examination.

(b) A license verification letter and a laminated Identification Card shall be issued to each successful applicant.

(c) The designations "B&G," "M" and "T" shall appear on the ID cards to reflect the certifier's or surveyor's scope of practice.

(2) Unsuccessful Applicants

Each unsuccessful applicant shall be notified in writing by the Crane Unit that they did not pass the examination(s) and sent an application for retesting.

9. Retesting

a. Any applicant who fails to pass any of the required examinations shall be given an opportunity to retake the examinations(s) at no additional fee.

NOTE: Reexaminations after the first retest shall be subject to applicable examination fees.

b. All retesting shall be conducted within 30 days from the date the unsuccessful examination was administered.

(1) For applicants identified as "Existing Certifiers", the applicant may continue to certify during the period between examinations.

(2) For new applicants, no credentials shall be issued until the application and examination have been successfully completed.

10. Examination Security

a. All examination materials shall be kept secure.

b. Proposed questions for the various tests will be maintained in a locked filing system.

c. Any examination-related data, such as lists of examinees, examinations, mailing lists and other related materials shall be maintained on computer diskettes under a security system controlled by the Crane Unit. Copies of all examinations given shall be maintained in secure files for the duration of the crane certifier's license period plus five years.

D. LICENSURE DURATION AND RENEWAL

1. Period of Licensure

A crane certifier's license shall be valid for three years.

2. Renewals

a. Application for renewal shall be submitted to the Crane Unit not less than 60 days prior to the date of license expiration.

b. Since the interval for written testing is six years, each second such renewal requires a license applicant and surveyor to successfully pass the General Knowledge and applicable specialty examinations in order to continue to function as crane certifiers and surveyors.

E. CRANE CERTIFIER RESPONSIBILITIES

1. Certification
   a. Supervision

(1) All testing, examinations, inspections, heat treatments, repairs and recordkeeping procedures, with the exception of purely clerical

duties, shall be carried out only by the licensed certifier or persons designated in the licensing process.

(2) Certifiers who do not possess a Professional Engineer's license in the State of California may contract with an engineer who meets Title 8 Safety Order requirements to supervise their certification activities. Such contractual arrangement shall be a condition of the maintenance of accreditation.

b. Testing

(1) Test Equipment Accuracy

The certifier shall ensure that dynamometers or other test equipment used for certification be tested for accuracy by adhering to the period specified for servicing by the manufacturer.

NOTE: All equipment testing shall be conducted in accordance with the National Bureau of Standards or other applicable authority.

(2) Testing Reports

Where test equipment is not the property of the certifier or the surveyor, test reports shall be made a part of the certifier's or surveyor's records and shall be made available upon request for inspection by the Crane Unit.

(3) Proof Load Test

A copy of each certificate relating to annual examination and/or unit proof load test is required to be available with each crane or derrick, or at the work site.

c. Signature

All certifications for cranes and derricks, proof load test documents and Notice of Crane Safety Deficiencies, shall be signed by the licensee or surveyor who actually performed the work. If the certificating agency does not wish to issue a certification unless it has been signed by an officer of the agency, then that officer may co- sign the certification with the Surveyor.

2. Reporting Crane Safety Deficiencies

A certifier shall complete and forward a Notice of Crane Safety Deficiencies (IS-162) to the Crane Unit whenever a crane certifier discovers during a certification inspection of a crane or derrick that the crane or derrick has deficiencies

affecting its safe operation. See Chapter 38-C.

3. Recordkeeping

   A certifier shall maintain records of all work performed for each certification, including reports of tests performed by others, e.g., non-destructive testing, heat treating and other tests, at the certifier's principal place of business. Upon request, the certifier shall make available to the Crane Unit all records for examination.

   NOTE 1: The certifier shall not co-mingle test applications and other materials related to the Crane Certifier Testing Program in the general business files maintained for and by each Certifier and Surveyor.

   NOTE 2: Any certifier's failure to comply with duties under T8CCR 4884 through 5035 shall be grounds for suspension or revocation of a certifier's or surveyor's credentials to certify cranes. See Chapter 38-B.

F. TRANSFER OF SURVEYOR CREDENTIALS

1. A Surveyor may transfer his or her accreditation from one Certifier to another providing the following conditions are met:

   NOTE: A surveyor is an individual who is licensed as a crane certifier but can only inspect, examine and certify cranes under the supervision of a licensed crane certifier.

   a. An application is made to the Crane Unit stating the reason for requesting the transfer of credentials and the date of the transfer, and shall be accompanied by the appropriate fee.

   b. The surveyor is not under investigation or suspension by the Division.

2. If the date of the requested transfer is more than six months from the date on which the surveyor will be required to requalify by retesting, no further retesting will be required.

   NOTE: The test date to be used to determine the retesting date shall be the oldest credential the surveyor possesses, since not all surveyors take all tests at the same time. Some certification credentials may have been added after original testing date.

G. FEES

1. Application Fee $250.00

2. Test Fees

    a. General Knowledge $190.00

    b. Bridge & Gantry Crane $190.00

    c. Mobile Crane Test $190.00

    d. Tower Crane Test $190.00

3. Renewal of License $ 75.00

4. Transfer of Credentials $ 50.00

5. Replacement/Lost Credentials $ 20.00

NOTE: Applicants may take as many specialty examinations as time permits during an examination session if the applicant has been accepted to the examination session and has paid the $250.00 application fee and $190.00 for the General Test and one Specialty Test. Any additional tests taken will be at the rate of $190.00 each. However, when three or four tests are taken at one examination session, the maximum testing fee will be $380.00.

H. ROSTER OF CRANE CERTIFIERS

A roster of Licensed Crane Certifiers is available to the public and to Cal/OSHA staff from the Crane Unit website.

I. MONITORING OF CRANE CERTIFIERS AND COMPLAINTS AGAINST CRANE CERTIFIERS

See Chapter 38-B.

Chapter 38-B

MONITORING OF CRANE CERTIFIERS AND SURVEYORS

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to monitor licensed crane certifiers and surveyors to ensure that crane certifiers and surveyors certify cranes and derricks in accordance with all applicable California laws and regulations.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 60.5, 6308, 7375 through 7384, and Title 8 California Code of Regulations Sec. 344.60 through 344.67.

PROCEDURES:

A. CRANE CERTIFIER AUDITS

1. Crane Certifiers and Surveyors

   Any person engaging in the testing, examination and/or certification of cranes and derricks used in lifting service, exceeding three tons rated capacity, is required to be licensed as a crane certifier by the Division of Occupational Safety and Health, or be approved by the Division as a surveyor to certify cranes under the authority and supervision of a licensed crane certifier.

2. Frequency of Crane Certifier Audits

   a. Audits of the activities which are performed by crane certifiers and surveyors licensed by the Division may be conducted by Crane Unit personnel at least once during each certifier's licensing period. These audits are non-enforcement activities where citations are not issued.

   b. Complaints and accidents involving crane certifiers or surveyors shall be given a higher priority for investigational resources by the Crane Unit. Crane Unit responses to complaints and accidents are enforcement activities which may result in the issuance of citations.

c. NOTE: Many Crane Certificating Agencies are one person operations with no employees. Appointments are allowed for non-enforcement audits. Appointments are not allowed for any enforcement activities.

3. Scope of Crane Certifier Audit

   Audits shall consist of, but not be limited to, the following:

   a. An on-site review of a representative sample of inspection records from recent crane certifications;

   b. A review of the crane certifier's or surveyor's inspection and testing procedures; and

   c. A review of all Notices of Crane Safety Deficiencies, verifications of Corrections of Crane Safety Deficiencies, and crane certifications issued which are required to be maintained for a period of five years in accordance with applicable regulations.

   d. The Crane Unit may also inspect a recently certified crane to verify if the surveyor missed deficiency items.

4. Documentation

   a. Crane certifier audits shall be documented and any deficiencies shall be placed in the Certificating Agency's files. The Crane Unit shall provide the crane certifier a copy of the deficiencies.

   b. The Crane Unit shall discuss the deficiencies and necessary corrections with the crane certifier. The Crane Unit shall document corrective actions to be taken by the crane certifier.

5. Follow-up

   a. The Crane Unit may issue a warning letter to the crane certifier of deficiencies found during the audit. For serious or ongoing deficiencies, the Crane Unit may pursue suspension or revocation of the license as described in Section D.

   b. The Crane Unit may refer the Crane Certifier to the local District Office of the Enforcement Branch for a separate and independent enforcement inspection, using a Cal/OSHA Form 90 (Referral Form).

B. COMPLAINTS ABOUT CRANE CERTIFIERS

1. Complaint Referral

   Any complaint received by the Division about a crane certifier or surveyor alleging improper inspection, certification, or failure to adhere to any applicable Labor Code requirement or Title 8 Safety Order pertaining to crane certification shall be referred to the Division's Crane Unit for evaluation. When referring a complaint about a crane certifier or surveyor to the Crane Unit, the District shall complete a Cal/OSHA Form 90 (Referral Form).

   NOTE: Each complaint about a crane certifier or surveyor shall be subject to the confidentiality requirements found in Labor Code Sec. 6309.

2. Crane Unit Evaluation

   The Crane Unit will evaluate each complaint to determine an appropriate response. An appropriate response may consist of a letter from the Crane Unit to the crane certifier or surveyor asking for additional information and/or an inspection of the activities of a crane certifier or surveyor.

3. Inspections

   Inspections of crane certifiers and surveyors require the participation of District Office compliance personnel. Any referral from the Crane Unit for District Office assistance in the investigation shall be approved by the Deputy Chief for Research and Standards or the Principal Safety Engineer. Approved referrals shall be directed through the Deputy Chief for Field Enforcement and the Regional Manager to the appropriate District Manager. Any investigation of a complaint about a crane certifier or surveyor shall be conducted by a team consisting of District Office and Crane Unit personnel in accordance with the appropriate procedures found in the Division's Policy and Procedure Manual.

4. Citations

   a. Based upon determination by the inspection team, the District Office shall issue citations to crane certifiers if a violation of a Title 8 Safety Order can be established and documented in accordance with appropriate procedures found in the Division's Policy and Procedure Manual.

   b. Crane certifiers may be cited for violations of Title 8 California Code of Regulations.

C. CRANE ACCIDENTS INVOLVING CRANE CERTIFIERS

Whenever a District Office initiates an investigation into the cause of an accident involving a crane, the Crane Unit shall be immediately notified by the District Office

of the accident by telephone or email, and a Referral Form shall be completed and transmitted to the Crane Unit. Upon notification and after determining the nature and scope of the accident, the Crane Unit shall work cooperatively with the District Office as part of the inspection team, and in addition to the main accident investigation shall determine if any act or omission by a crane certifier or surveyor licensed by the Division was associated with the accident.

D. SUSPENSION OR REVOCATION OF CRANE CERTIFIER LICENSURE

1. Conditions for Licensure Suspension or Revocation

   A crane certifier's or surveyor's license to certify cranes may be suspended or revoked under any one of the following conditions:

   a. Gross negligence, gross incompetence, a pattern of incompetence, or fraud in the certification of a crane;

   b. Willful or deliberate disregard of any occupational safety order while certifying a crane;

   c. Misrepresentation of a material fact in applying for, or obtaining, a license to certify cranes; or

   d. Upon showing of good cause.

2. Suspension or Revocation Decision

   The adverse findings from any non-enforcement audit, programmed or complaint inspection or any accident-initiated investigation of a crane certifier or surveyor shall be reviewed by the Deputy Chief for Research and Standards or Principal Safety Engineer, and the Chief Counsel to determine whether sufficient grounds exist to suspend or revoke the license of a crane certifier or surveyor.

3. Period of Suspension or Revocation

   The period of suspension or revocation shall be for six months for a first suspension or revocation, and one year for each subsequent suspension or revocation. The certificating agency shall obtain a new license from the Division following a suspension or revocation.

4. Suspension or Revocation Hearing Procedures

   a. A hearing shall be held to determine whether the license of a crane certifier or surveyor should be suspended or revoked. Written notice shall be provided by the Crane Unit to the Crane Certifier or Surveyor License

Holder of the date, time, and place of the hearing at least 48 hours in advance. Service shall be by personal service or certified mail to the address shown on the crane certifier application form. The hearing notice must specify the reasons for the contemplated suspension or revocation action so that the License Holder is adequately able to prepare for the hearing.

NOTE: The Division shall also include within the Notice of Revocation or Suspension specific conditions which must be met before the applicant shall be entitled for a new certification.

b. The hearing shall be held at Division Headquarters or such other location as may be designated by the Director. The Chief of the Division, or his or her designee, shall serve as the hearing officer. A representative of the Crane Unit shall present the Division's case at the hearing; unless the Chief Counsel determines that a staff attorney shall present the Division's case.

c. The hearing officer shall preside at the hearing and shall electronically record the entire hearing.

d. The hearing officer shall make a judgment whether the license of a crane certifier or surveyor should be suspended or revoked based on the evidence presented at the hearing. During the hearing, the Division shall establish good cause for the action taken.

NOTE: Good cause is deemed to exist if the Division establishes any of the following criteria:

(1) Gross negligence, gross incompetence, a pattern of incompetence, or fraud in the certification of a crane;

(2) Willful or deliberate disregard of any occupational safety order while certifying a crane;
(3) Misrepresentation of a material fact in applying for, or obtaining, a license to certify cranes;

(4) Upon showing of good cause; or

(5) That the licensed certifier has committed any of the following acts:

(a) Failure to meet or comply with the requirements of this article or the limitations imposed on the license; or

(b) Performance of work not in compliance with applicable laws and regulations.

e. If the hearing officer decides not to suspend or revoke the license of a crane certifier or surveyor, then the hearing officer shall inform the crane certifier or surveyor of the decision as soon as possible after the conclusion of the hearing, but in no case more than 24 hours after the hearing.

f. If the hearing officer concludes that the license should be suspended or revoked, then the hearing officer shall render a final decision as soon as possible, but in no case more than 24 hours after the hearing.

NOTE: The period of suspension or revocation for the commission of any act in the NOTE in Section D.4.d (1) through (4) above shall be six months for the first such suspension and one year for each subsequent suspension or revocation. The commission of an act referenced in NOTE in Section D.4.d.(5) above may result in suspension or revocation for up to one year.

g. The Chief, or his or her designee, shall notify the crane certifier or surveyor and the Crane Unit of the final decision. In addition, the Chief, or his or her designee, shall notify in writing all compliance and consultation offices of the final decision, if it results in license suspension or revocation.

h. When notifying the crane certifier or surveyor of a suspension or revocation decision, the Chief, or his or her designee, shall also inform the crane certifier of surveyor of the right to request an appeal of the Division's decision to the Director of the Department of Industrial Relations and their right to file an application for licensure with the Division after the period of suspension or revocation has run.

i. If the crane certifier or surveyor requests an appeal of a suspension or revocation decision, the filing of an appeal shall not stay the revocation or suspension and such action shall remain in effect as such time as the applicant presents proof that the specified written conditions required by the Division are met or until otherwise ordered after resolution of the appeal.

5. Suspension or Revocation Appeal Hearing Procedures

If the crane certifier or surveyor indicates to the Chief that he or she wishes to avail themselves of their right to appeal the Division's final decision to suspend or revoke their license, the Chief shall immediately notify the Director and the following appeal hearing procedures shall be followed.

a. The Director shall conduct the appeal hearing at a place designated by the Director within five working days of the appeal by the crane certifier or surveyor of the revocation or suspension decision.

b. Written notice shall be provided to the crane certifier or surveyor of the date, time, and place of the appeal hearing at least 24 hours in advance. The appeal hearing notice shall specify the reasons for the revocation or suspension so that the crane certifier or surveyor is adequately able to prepare for the appeal hearing.

c. The Director shall preside at the appeal hearing and shall electronically record the entire hearing. The certifying agency shall have the burden establishing qualification for licensure.

d. The Director shall make a judgement whether the suspension or revocation of the license should be upheld or overturned based upon a review of the evidence presented at the first hearing and any new evidence presented at the appeal hearing. The hearing officer shall inform the crane certifier or surveyor of the final decision as soon as possible after the conclusion of the hearing, but in no case more than 24 hours after the hearing.

e. The Director's decision shall be final except for any rehearing or judicial review provided for by law.

f. Requests for a rehearing shall be filed with the Director within ten days from the date of the Director's decision.

E. RESTRAINING ORDER AND ORDER PROHIBITING USE

1. If the license of the crane certifier or surveyor has been suspended or revoked and the crane certifier and surveyor continues to engage in work which requires a valid license, a request for a restraining order shall be made by the Crane Unit, through the Deputy Chief for Research and Standards or Principal Safety Engineer, to the Chief Counsel.

2. If the Crane Unit determines that a crane certified by a crane certifier or surveyor whose license has been suspended or revoked and the crane poses an imminent hazard, as described in Labor Code Sec. 6325, then an Order Prohibiting Use shall be issued by the Crane Unit in conjunction with the appropriate District Office.

F. MISDEMEANOR VIOLATIONS INVOLVING CRANE CERTIFIERS

1. Unlicensed Crane Certifiers

   Labor Code Sec. 7379 makes it a misdemeanor for an individual to engage in the certification of a crane if that individual is not licensed pursuant to the Division's Crane Certifier licensure regulations.

a. If a District Office learns that any person is engaging in the certification of cranes in the State of California without having first obtained a license to do so by the Division, the District shall immediately notify (by completing a Referral Form) the Crane Unit which shall conduct an investigation to determine the licensure status of the crane certifier or surveyor.

   NOTE: Prior to initiating the investigation, the Crane Unit will confer with the Deputy Chief for Research and Standards or Principal Safety Engineer and the Chief Counsel to determine the need for involvement in the investigation by the Bureau of Investigations.

b. If, after investigation, the Crane Unit finds that the crane certifier or surveyor is unlicensed, the Deputy Chief for Research and Standards or Principal Safety Engineer shall be informed. The Deputy Chief or Principal Safety Engineer will consult with the Chief Counsel to determine an appropriate course of action.

2. Licensed Crane Certifiers

   a. Labor Code Sec. 7378 makes it a misdemeanor for a licensed crane certifier or surveyor to fraudulently certify that a crane is in compliance with the criteria established by the Division when it is not.

   b. If a District Office learns that any crane certifier or surveyor has fraudulently certified a crane in the State of California, the District Office shall notify (by completing a Referral Form) the Crane Unit which shall conduct an investigation to determine the status of allegedly fraudulent crane certification.

      NOTE: Prior to initiating the investigation, the Crane Unit will confer with the Deputy Chief for Research and Standards or Principal Safety Engineer and the Chief Counsel to determine the need for involvement in the investigation by the Bureau of Investigations.

   c. If, after investigation, the Crane Unit finds that the crane certifier or surveyor has fraudulently certified a crane, the Deputy Chief Research and Standards or Principal Safety Engineer shall be informed. The Deputy Chief or Principal Safety Engineer will consult with the Chief Counsel to determine an appropriate course of action.

G. OFFICE PROCEDURES

1. The Crane Unit shall develop a separate file for each non-enforcement audit, complaint inspection and accident investigation involving a crane certifier or

surveyor.

2. The Crane Unit shall forward a complete copy of the contents of any file resulting from enforcement action to the District Office for inclusion in the District Office enforcement file.

3. All OIS data entry shall be done by the District Office and not the Crane Unit.

Chapter 38-C

CRANE SAFETY DEFICIENCIES

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to ensure that all deficiencies affecting the safe operation of any crane or derrick found by a crane certifier or surveyor during the certification process and reported to the Division are corrected in a timely fashion.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 7375 through 7384 and Title 8, California Code of Regulations, Sec. 344.80, 344.81 and 5021.

PROCEDURES:

A. CRANE CERTIFIER RESPONSIBILITIES

1. Obtaining Licensure from the Division

   a. Any person engaging in the testing, examination and/or certification of cranes used in lifting loads exceeding three tons rated capacity is required to be licensed as a crane certifier by the Division of Occupational Safety and Health or be approved by the Division as a surveyor authorized to certify cranes under the authority and supervision of a licensed crane certifier.

   b. Any person who certifies a crane in the State of California without first obtaining a license from the Division is subject to a misdemeanor violation of the California Labor Code Sec. 7379.

2. Maintaining Required Records

   Crane certifiers are required to maintain complete and accurate records pertaining to each crane and derrick of all inspections, tests and other work performed as well as copies of all Notices of Crane Safety Deficiencies, verifications of Correction of Crane Safety Deficiencies, and crane certifications issued for the previous five years and provide these records to the Division upon request. Failure by a licensed crane certifier to maintain required records

may result in license suspension or revocation. See Chapter 38-B.

3. Reporting Crane Safety Deficiencies

    a. Licensed crane certifiers are required to notify the Division's Crane Unit of any deficiencies affecting the safe operation of a crane which were found during the course of the certifier's certification inspection within five working days following the inspection.

    b. Form IS-162, Notice of Crane Safety Deficiencies, or its equivalent, shall be used by licensed crane certifiers or approved surveyors to report crane safety deficiencies. See Attachment A.

    c. Notices of Crane Safety Deficiencies shall be submitted by crane certifiers to the Division's Crane Unit. Any Notice of Crane Safety Deficiencies received by a District Office shall be immediately forwarded by the District Manager to the Crane Unit.

    d. Crane certifiers need only notify the Division's Crane Unit of those crane safety deficiencies which either affect the safe operation of the crane or violate applicable Title 8 Safety Orders, American National Standard Institute (ANSI) standards or a manufacturer's written specifications.

    e. Failure by a licensed crane certifier to report crane safety deficiencies affecting the safe operation of a crane may result in license suspension or revocation. See Chapter 38-B.

4. Correction of Crane Safety Deficiencies Prior to Issuing A Crane Certification

    a. Crane certifiers are required to verify that all deficiencies affecting the safe operation of a crane are corrected prior to issuing a certification to the crane owner/operator.

    b. Form IS-162, or its equivalent, shall be used by licensed crane certifiers or approved surveyors to report that crane safety deficiencies have been corrected.

    c. All Corrections of Crane Safety Deficiencies shall be submitted to the Division's Crane Unit. Any corrections submitted to a District Office shall be immediately forwarded by the District Manager to the Crane Unit.

5. Reporting Correction of Crane Safety Deficiencies
   After determining that the crane safety deficiencies which were reported to the Division have been corrected, crane certifiers are required to submit a signed

verification to the Crane Unit that all reported crane safety deficiencies have been corrected together with a copy of the crane certification certificate.

NOTE: Failure by a crane certifier to notify the Division that crane safety deficiencies have been corrected may result in the crane certifier being cited by the Division or in suspension or revocation of the crane certifier's license.

B. EVALUATION OF NOTICES OF CRANE SAFETY DEFICIENCIES

1. Initial Review of Notices

   When a Notice of Crane Safety Deficiencies is received by the Crane Unit, the Notice shall be evaluated to determine the nature and severity of the reported deficiency.

   NOTE: The Crane Unit, through the Deputy Chief for Field Enforcement and the Regional Managers, shall ensure that all Notices of Crane Safety Deficiencies inadvertently sent by crane certifiers to the District Offices are immediately sent to the Crane Unit.

2. Deficiencies Not Affecting the Safe Operation of a Crane

   If the Crane Unit determines that the reported deficiencies do not affect the safe operation of the crane, no further investigative action shall be taken.

   NOTE: Examples of deficiencies not affecting the safe operation of a crane would include missing stickers and missing fire extinguishers

3. Deficiencies Affecting the Safe Operation of a Crane

   The Crane Unit shall contact the Crane Certifier to determine if the deficiencies have been corrected. If the Crane Unit determines that the reported deficiencies affect the safe operation of the crane and if the deficiencies still exists, the Crane Unit shall conduct an investigation of the reported deficiencies which may include one or more of the following:

   a. An inspection of the crane which is the subject of the Notice of Crane Safety Deficiencies by a team consisting of Crane Unit and compliance personnel from the District Office in whose jurisdiction the crane is located;

      (1) A request for an inspection shall be made by Crane Unit personnel to the appropriate District Manager through the Regional Manager by completing a Cal/OSHA Form 90 (Referral).

(2) The Crane Unit will specify on the Referral Form whether the deficiencies need to be investigated within 15 days or within 30 days from receipt of the Referral Form.

(3) Any citations resulting from the inspection shall be issued by the District Office.

(4) After completion of the inspection, the Crane Unit member of the team shall retain for the Crane Unit's records a copy of the inspection report and any citations issued. When abatement has been completed, the District shall also forward to the Crane Unit a copy of the Cal/OSHA Form 160 and/or Cal/OSHA Form 161.

b. Contacting the reporting crane certifier to obtain additional information about the reported crane safety deficiencies; and

c. Contacting the owner of the crane to obtain additional information about the location and operational status of the crane which is the subject of the Notice of Crane Safety Deficiencies.

4. Failure to Cooperate Or Incompetence or Fraud

If a crane certifier or surveyor does not respond to inquiries from the Division for additional information, or the investigative findings reveal incompetence or fraud, a referral shall be made by the Crane Unit to the Deputy Chief for Research and Standards for possible suspension or revocation of the crane certifier's license. See Chapter 38-B.

C. EVALUATION OF VERIFICATIONS OF CORRECTION OF CRANE SAFETY DEFICIENCIES

1. Deficiencies Corrected

a. When a verification of Correction of Crane Safety Deficiencies is received by the Crane Unit, the verification shall be evaluated to determine the completeness of the verification.

NOTE: The Crane Unit shall ensure that all verifications of Correction of Crane Safety Deficiencies are sent by crane certifiers and by District Offices to the Crane Unit for evaluation.

b. The Crane Unit will maintain copies of Notices of Crane Safety Deficiencies and verifications of Correction of Crane Safety Deficiencies for five years.

2. Deficiencies Not Corrected

a. When the Crane Unit does not receive a verification of correction of crane deficiencies within thirty days from receipt of a Notice of Crane Safety Deficiencies indicating deficiencies exist which affect the safe operation of a crane, the Crane Unit will initiate an investigation into the failure to receive verification.

b. An investigation of uncorrected deficiencies by the Crane Unit may include any of the investigative options listed in Section B 3(a) through (c) above.

3. Failure to Cooperate Or Incompetence or Fraud

   If a crane certifier does not respond to inquiries from the Division for additional information, or the investigative findings reveal incompetence or fraud, a referral shall be made by the Crane Unit to the Deputy Chief for Research and Standards for possible suspension or revocation of the crane certifier's license. See Chapter 38-B.

D. INSPECTION AND CITATION PROCEDURES

1. To the extent feasible, all inspections of cranes and/or operations involving cranes shall be conducted by a team consisting of Crane Unit and compliance personnel from the District Office in whose jurisdiction the crane is located; participation of Crane Unit staff shall be arranged whenever possible through the use of a Cal/OSHA Form 90 (Referral Form).

2. If a crane is in use without being certified by a licensed crane certifier, compliance personnel shall, upon consultation with the Crane Unit, cite the crane owner and/or operator for a violation of T8CCR 5021(a) and any other applicable Title 8 sections.

   NOTE: If an imminent hazard is present, an Order Prohibiting Use shall be issued by the District and the Crane Unit shall be immediately notified.

3. If a crane is in use and has been validly certified by a licensed crane certifier, the inspection team shall conduct an inspection of the crane. See Attachments B, C and D for Inspection Checklists for Mobile, Hydraulic and Bridge and Gantry Cranes. Also see the Compliance Directive for Cranes and Derricks in the Cal/OSHA Policy and Procedure Manual.

   NOTE: When there is reason to believe that a crane certifier has fraudulently issued a crane certification, inspection personnel shall summarize the reason(s) for their belief and submit their findings to the Deputy Chief for Research and Standards or his/her designee. See Chapter 38-B.

4. If deficiencies noted on the Notice of Crane Safety Deficiencies are observed during the inspection, the inspection team shall cite appropriate sections of Title 8 pertaining to crane safety (T8CCR sections 1610-1619.5; 4884 through 5049). If other violations are observed during the inspection, compliance personnel on the inspection team shall cite applicable sections of the Title 8 Safety Orders.

E. CRANE UNIT OFFICE PROCEDURES AND FORMS DISTRIBUTION

1. When a Notice of Crane Safety Deficiencies (IS-162) is received, the Crane Unit staff shall date stamp the IS-162 and file it in the pend file by certifier, by date of the crane certifier's inspection.

2. Crane Unit Staff shall review the pend file of IS-162s once each week and flag those IS-162s with no verification of Correction of Crane Safety Deficiencies for further review by a Crane Unit safety engineer.

3. When a verification of Correction of Crane Safety Deficiencies is received, the Crane Unit staff shall date stamp the verification, pull the IS-162 corresponding to the verification, and give both to a Crane Unit safety engineer for evaluation.

4. Crane Unit staff shall keep a copy of all Cal/OSHA Form 90 referrals sent to or by District Offices requesting the other unit’s participation in inspections of cranes.

5. Copies of all crane inspections performed by inspection teams, including copies of any citations issued and Cal/OSHA Forms 160/161, shall be maintained in the Crane Unit's files.

6. The Crane Unit shall forward any documentation pertaining to a crane certifier whose activities may be subject to suspension or revocation of his or her crane certifier's license to the Deputy Chief for Research and Standards or his/her designee.