

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 96,
Section 4966(a)(1) of the General Industry Safety Orders

Erection and Dismantling of Tower Cranes

There are no modifications to the information contained in the Initial Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS**I. Written Comments**

There were no written comments received.

II. Oral Comments

Oral comments received at the May 11, 2000 Public Hearing, Los Angeles, California.

Board Dialog:

Mr. William Jackson, Occupational Safety and Health Standards Board (OSHSB) Member; Mr. Mel Davis, OSHSB, Principal Safety Engineer; and Mr. Jere Ingram, Board Chairman.

Comment:

Mr. Jackson asked Mr. Davis if Title 8, Section 341.1 was a Division of Occupational Safety and Health (Division) regulation for permits for tower crane erection. Mr. Davis responded that it was and that the Division also develops regulations that are to be complied with by crane certifiers.

Mr. Jackson noted that Section 341.1 requires the erection of tower cranes to be performed under the supervision of management or the manufacturer's representative. He asked if the proposed change to Section 4966(a)(1) was intended to require written documentation to verify that the tower crane was in fact dismantled under the supervision of management or a manufacturer's representative. Mr. Davis responded that the supervised erection/dismantling of tower cranes is already a requirement.

Mr. Jackson questioned whether the proposal was necessary to make the job safer since it appears the proposal consists of striking existing language and referring the employer to another regulation which employers must already comply with. Mr. Davis indicated that Board staff would take Mr. Jackson's comment into consideration.

Mr. Ingram attempted to clarify Mr. Jackson's point by asking him whether he was suggesting Section 4966(a)(1) be deleted. Mr. Jackson stated that his recommendation would be to delete the section, however, he wanted Board staff to study his recommendation.

Response:

Board staff has studied Mr. Jackson's recommendation and believes that Section 4966(a)(1) should remain in Title 8. Board staff believes that it is necessary to clearly indicate to employers who own and operate cranes that they are to perform tower crane erection/dismantling and climbing under the supervision of a crane certifier/surveyor or crane manufacturer's safety representative. Staff believes that written verification that the aforementioned operations will be supervised is reasonable and consistent with Labor Code Section 7382.

Labor Code Section 7382 requires employers to perform erection, dismantling or climbing of tower cranes under the supervision of a crane manufacturer's safety representative or a person representing the licensed crane certifier. Labor Code Section 7382 also establishes the failure to do so as a serious violation. Given this, Board staff believes it is imperative that it be clearly communicated to employers that they must document that they performed the aforementioned tower crane activities under supervision.

Falsification of written documentation required in Section 341.1(b)(2) could subject the employer to significant enforcement liability. While the written documentation itself affords the employee no safety, the written documentation requirement will help to ensure that employers provide supervision during erection, dismantling and climbing of tower cranes.

Deleting Section 4966(a)(1) from Title 8 could result in employers not being readily aware of the above requirement or its location in Title 8 and subject them to greater risk of enforcement action by the Division as many employers are not familiar with the Division's regulations. Therefore, a reference to Section 341.1(b)(2) in Section 4966(a)(1) is important.

For these reasons and upon consideration of Board staff's rationale, the Board believes the deletion of Section 4966(a)(1) is unnecessary.

DETERMINATION OF MANDATE

This regulation does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative 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 adopted action.