

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

FINAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 98, Section 5001
of the General Industry Safety Orders

Cranes and Other Hoisting Equipment-Signals**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modification that is the result of Board staff evaluation.

Section 5001. Signals.

This section requires the use of a qualified signal person when the point of operation is not in full and direct view of the operator unless a signaling or control device is provided for the safe direction of the operator. It also addresses: 1) giving stop signals, 2) use of a uniform signal system, 3) use of hand signals, 4) care of systems other than manual (hand) signal systems, and 5) posting of legible charts which explain and depict the type of signaling system in use.

New subsection (f)(1) would require the employer to ensure effective communication and notification to jobsite crane operators and signal persons of the presence of other cranes which are operating within the swing radii of each other. A modification is proposed to clarify that the term "swing radii" reflects the radii of the boom swing by adding the word "boom," before "swing radii."

The proposed modification is necessary to ensure the employer understands that when two cranes are working in proximity to each other, communication as described in subsection (f)(1) is required when there is the possibility of inadvertent boom to boom contact within the swing radii of the booms.

Summary and Response to Written and Oral Comments:

I. Written Comments

There were no written comments received.

II. Oral Comments

Oral comments received at the January 18, 2007, Public Hearing in Costa Mesa, California.

Mr. Victor Esparza, Safety Representative, Operating Engineers, Local 12.

Comment:

Mr. Esparza described an accident involving a collision between two tower cranes that occurred because the operators were on different frequencies. Mr. Esparza recommended the proposal require operators to be on the same radio frequency.

Response:

The Board acknowledges and agrees with Mr. Esparza's statement regarding a single, dedicated frequency for operators using two-way radios.

The Board thanks Mr. Esparza for his comment and participation in the Board's rulemaking process.

Mr. Kevin Bland, Attorney, The Bland Law Group.

Comment:

Mr. Bland representing the California Framing Contractors Association and Residential Contractors Association, stated that the advisory committee discussed the use of radio frequency communication and dedicated channels to eliminate interruptions and that this is addressed in the proposed language.

The Board thanks Mr. Bland for his clarifying comment and participation in the rulemaking process.

Elizabeth Arioto, Board Member.

Comment No. 1:

Ms. Arioto asked for the purpose of conspicuously posting a signal chart at the jobsite (given only qualified persons are permitted to give signals) and where the chart is to be located.

Response:

Conspicuous posting of the signal chart is to ensure that operators and signal persons from other jobsites, or those trained according to a different signal system will be aware of the signal system to be used on the site they are working. Signal charts are usually posted on the crane, however existing language in Section 5001 does not rule out posting the chart at any other location, provided it is conspicuous.

Comment No. 2:

Ms. Arioto asked if general contractors should be involved in the communication responsibility outlined by the proposal and if this was discussed by the advisory committee.

Response:

Construction Safety Orders (CSO) Section 1511(b) requires the construction site employer to determine predictable hazards and the kinds of safeguards needed to prevent accidents and protect workers (pre-job planning). Consistent with Section 1511, the CSO addresses the need for contractor safety programs, advance planning for construction activities and a code of safe practices. The advisory committee recognized Section 1511 and believes the proposed language compliments the pre-job planning standards contained therein.

Dr. Jonathan Frisch, Board member.

Comment:

Dr. Frisch asked if the proposal is clear as to whether the dedicated frequency pertains to all cranes involved in site operations or if there would need to be a separate frequency for each crane.

Response:

All cranes at risk of coming in contact with each are to be on a single, dedicated radio frequency.

Mr. John MacLeod, Board Chairman.

Comment:

Chairman MacLeod asked if a dedicated radio frequency would be used only by the two crane operators at risk for inadvertent contact and whether there might be other people on the same frequency giving instructions to the crane operators.

Response:

The dedicated frequency would be used by only those crane operators and signalpersons involved on the job site. The use of a dedicated frequency eliminates crosstalk that may occur from others in the vicinity.

MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS

No further modifications to the information contained in the Initial Statement of Reasons are proposed as a result of the 15-day Notice of Proposed Modifications mailed on March 23, 2007.

Summary and Response to Written Comments:

No written comments were received.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard 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 standard. 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 as and less burdensome to affected