

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

**INITIAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: CONSTRUCTION SAFETY ORDERS  
Chapter 4, Subchapter 4, Article 29, Section 1710(a)

GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 98, Section 4999

**The Securing of Loads Prior to Release from Cranes and Other Hoisting Apparatus****PROBLEM ADDRESSED BY PROPOSED ACTION**

This rulemaking action is being initiated by the Division of Occupational Safety and Health (Division) by memorandum to the Occupational Safety and Health Standards Board (Board) dated August 28, 2000. In its memorandum, the Division recommended rulemaking to ensure that loads being placed by cranes or other hoisting devices are secured or supported to prevent inadvertent movement of the load prior to the load being released or detached. The Division's memorandum (with attachments) included the summary of an accident that occurred on November 30, 1999 involving a construction worker who fell and sustained a fatal head injury after releasing a load of trusses attached to a crane before they were secured. The Division also indicated that several other fatalities had occurred over the years associated with the releasing or detachment of loads from cranes or other hoisting devices.

Since hoisting apparatus such as telescoping-boom forklifts with attachments, such as a jib (outer end lifting arm of a crane), are used on construction sites to carry loads, the Division is recommending an amendment to the Construction Safety Orders (CSO), Section 1710(a), with regard to the erection of structures. The Division is also recommending an amendment to the General Industry Safety Orders (GISO), Section 4999, which contains the requirements for the handling of loads during crane, hoist and derrick operations. This rulemaking action will address the concerns of the Division with respect to the securing of loads prior to being released.

## **SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

### **Construction Safety Orders, Section 1710. Erection of Structures.**

#### **Section 1710(a). Bracing.**

Section 1710(a) pertains to lateral and progressive bracing of loads such as trusses and beams during construction. This subsection also requires building structures/members to be braced, connected, and adequately stabilized or anchored to prevent the shifting of structural members. A new subsection (a)(4) is proposed to ensure that loads are not released from cranes or other hoisting apparatus (i.e., forklifts or aerial devices equipped with attachments for rigging and/or the lifting of loads) until the load has been secured or supported to prevent any inadvertent movement. Hoisting apparatus, such as rough terrain telescoping-boom forklifts with special attachments such as a jib (outer end lifting arm of a crane), and certain truck-mounted aerial devices with a variety of lifting attachments, are used to move and carry loads on construction sites.

The proposed amendment to add new subsection (a)(4) is necessary to ensure that loads carried by cranes and other hoisting devices, like those discussed above, have secured and supported loads prior to being released or detached so as not to inadvertently topple causing serious injuries or death to workers.

### **General Industry Safety Orders, Section 4999. Handling Loads.**

Section 4999, in GISO Article 98, "Operating Rules" regarding crane, hoist, and derrick operations, addresses operations such as attaching loads, moving loads, the holding of loads and safe practices before and during hoisting. However, Section 4999 does not address the securing of loads prior to release or detachment from a crane or other hoisting apparatus. A new subsection (g) is proposed that is necessary to ensure that loads are secured or supported before release or detachment to prevent any inadvertent movement of the loads upon release.

## **DOCUMENTS RELIED UPON**

1. Memorandum dated August 28, 2000 to John MacLeod, Executive Officer, Occupational Safety and Health Standards Board, from John Howard, Chief, Division of Occupational Safety and Health, with two attached Cal/OSHA form 9's "Request for New, or Change in Existing Safety Order" dated July 1, 2000.
2. Division of Occupational Safety and Health Accident Report form [CALOSH-36(s)] and accident investigation summary dated May 19, 2000.

These documents are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

## **REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES**

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

## **SPECIFIC TECHNOLOGY OR EQUIPMENT**

This proposal will not mandate the use of specific technologies or equipment.

## **COST ESTIMATES OF PROPOSED ACTION**

### **Costs or Savings to State Agencies**

No state agencies handle loads using cranes or other hoisting equipment which are momentarily suspended for placement as in construction. Therefore, no costs or savings to state agencies will result as a consequence of the proposed action. See also the heading "Impact on Businesses" below.

### **Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### **Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Industry experts recognize that good safety practice dictates that suspended loads be secured prior to release. The proposal provides a regulation that reinforces expert opinion and requires that loads placed by cranes and other hoisting apparatus be secured or supported before the load is released.

### **Cost Impact on Private Persons or Entities**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **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.

### **EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may effect small businesses.

### **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 reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that 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.