Construction Elevator Contractors Association

Member Contractors
Bigge Crane & Rigging Co.
Cabrillo Hoist
McDonough Construction Rentals, Inc.
Morrow Equipment Co. L.L.C.
Sheedy Hoist

447 Georgia Street, Vallejo, CA 94590
p. 707.552.6040 f. 707.552.6090

Michael J. Vlaming
Executive Director

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OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

December 21, 2018

Christina Shupe, Executive Officer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Re: Petition to Amend Title 8, Subchapter 4, Article 14, Sections 1604.5(d)(2)

Dear Ms. Shupe:

Enclosed is a Petition to Amend Section 1604.5(d)(2) of Article 14 regarding the Construction of Towers, Masts and Hoistway Enclosures.

Please confirm receipt of this Petition. Should you have any questions regarding this petition, please do contact me at 707/552.6040 or via email at mjv@cecacontractors.org .

Very truly yours,

Michael J. Vlaming
Executive Director

Encl.

Petition to Amend
Title 8
Subchapter 4. Construction Safety Orders
Article 14. Construction Hoists

The Construction Elevator Contractors Association ("CECA") is an association of licensed employers in California engaged in the erection, operation and dismantling of construction personnel hoists used in the construction of multi-story buildings. The members of CECA include: Bigge Crane & Rigging, Bragg Crane & Rigging, Cabrillo Hoist, Maxim Crane Works, McDonough Elevators, Morrow Equipment and Sheedy Hoist.

CECA members have experienced inconsistent interpretations and enforcement of the current regulation by CalOSHA field inspectors regarding the erection of personnel hoists. The current regulations provide for different requirements regarding the personnel hoist attachment (or "tie-in") to the structure during erection. In addition, the current regulation regarding the erection of personnel hoists was based on a published consensus industry standard that has been recently modified. This inconsistent application of the regulation and changed consensus industry standard now warrant a revision of the California regulations.

CECA proposes a change in Construction Safety Order in order to harmonize it with current industry standards and improve safety and predictability in the personnel hoist industry in California.

1. **Proposed Change to Subchapter 4. Construction Safety Orders-Article 14. Construction Hoists-Section 1604.5(d)(2):**

   a. Regulation 1604.5(d)(2) and (3) currently states:

      (2) Each hoist structure shall be anchored to the building or other structure at vertical intervals not exceeding 30 feet. Where the building or other structure is of such character that tie-ins cannot be made, the hoist structure shall be guyed by means of a suitable number of guys. Such guys shall be fastened to adequate anchorages to ensure hoist structure stability. When wire rope is used for guys, the rope shall be at least 1/2-inch in diameter.

      (3) Tie-ins shall conform to, or be equal to, the manufacturer's specifications and shall remain in place until the tower or mast is dismantled.

   b. This Petition proposes that section 1604.5(d)(2) be revised to read as follows:

      (2) Each hoist structure shall be anchored to the building or other structure ~~at vertical intervals not exceeding 30 feet~~ **in conformance with, or be equal to, manufacturer's specifications**. Where the building or other structure is of such character that tie-ins cannot be made, the hoist structure shall be guyed by means of a suitable number of guys. Such guys shall be fastened to adequate anchorages to ensure hoist structure stability. When wire rope is used for guys, the rope shall be at least 1/2-inch in diameter.

(3) Tie-ins shall conform to, or be equal to, the manufacturer's specifications and shall remain in place until the tower or mast is dismantled.

RATIONALE:

The purpose of safety regulations in the Construction Safety Orders is to protect the construction workers on the site of construction and the general public. Sections 1604.5(d)(2) and (3) are substantially similar to the industry consensus safety standards contained in ANSI A10.4-2007 Section 5.4.2 and 5.4.3. ANSI A10.4-2007 states in pertinent part:

> 5.4.2 Each hoist structure shall be anchored to the building or other structure at vertical intervals not over 30 feet (9.14m) as measured on the tower. Where the building or other structure is of such construction that tie-ins cannot be made, other means of securing the mast to the structure shall be designed by the manufacturer or by a qualified engineer. The hoist structure shall be guyed by means of a suitable number of guys. Such guys shall be fastened to adequate anchorages to ensure the stability of the hoist structure. When wire rope is used for guys, the rope shall be at least ½ inch (1.27cm) in diameter.
>
> 5.4.3 Tie-ins shall conform to or be equal to manufacturer specifications and shall remain in place until the tower or mast is dismantled. Where tie-ins for cantilever hoist towers are over eight feet (2.44m) in length, measured from the center of the tower to the point of attachment on the structure, the hoist installation shall be designed by a representative of the manufacturer or a qualified engineer. They shall be installed only with the written consent of the manufacturer or upon certification by a qualified engineer. The data shall be available to the enforcing authority prior to acceptance of installation.

However, in 2016, ANSI changed sections 5.4.2 and 5.4.3 of A10.4-2016 to the following:

> 5.4.2 Each hoist structure shall be anchored to the building or other structure at vertical intervals in accordance with manufacturers design specifications. Where the building or other structure is of such construction that tie-ins cannot be made, other means of securing the mast to the structure shall be designed by the manufacturer or by a registered professional engineer.
>
> 5.4.3 Tie-ins shall conform to or be equal to manufacturer specifications and shall remain in place until the tower or mast is dismantled.

The revised ANSI standard basically eliminated the reference to the specific maximum interval distance (30 feet) and replaced it with anchoring in accordance with the manufacturer's design specifications. With the change in ANSI standards regarding tie-ins, section 1604.5(d)(2) is now inconsistent with the consensus industry safety standard and deviates from the basis for the original regulation. In addition, the current wording in 1604.5(d)(2) is different from the language in 1604.5(d)(3) regarding the appropriate spacing for the tie-in to the building. This has led to inconsistent interpretations and citations from CalOSHA inspectors. By updating section 1604.5(d)(2) to the current industry consensus, this

regulation will return it to alignment as it has been in the past and it will eliminate the ambiguity in interpretation of subsections (d)(2) and (3).

CONCLUSION

Subchapter 4. Article 14. Section 1604.5(d)(2) should be revised as proposed in this Petition to be consistent with current ANSI standard. This would not only bring the California standard in alignment with current industry consensus safety standards, but would eliminate the basis for the inconsistent interpretation and enforcement by CalOSHA field inspectors.