

# **DOSH DIRECTIVE**

**Department of Labor and Industries**

**Division of Occupational Safety and Health**

*Keeping Washington safe and working*

## **8.60**

# **Enforcement Policy for Construction Crane Certification and Crane Operator Qualifications and Certification Under WAC 296-155-529 through 53300**

**Updated: March 25, 2013**

### **I. Scope and Application**

This policy provides direction to all DOSH staff regarding compliance with construction crane certification and construction crane operator qualifications and certification requirements under WAC 296-155-529 through 53300. This policy applies statewide and replaces all previous instructions or guidance on this issue, whether formal or informal.

### **II. Background**

Responding to a 2006 catastrophic tower crane collapse in Bellevue, Washington, the 2007 Washington State Legislature added statutory requirements to the Washington Industrial Safety and Health Act (WISHA) related to construction crane safety (see RCW 49.17.400 through 49.17.440). The new requirements became effective January 1, 2010. The Department of Labor and Industries (L&I) has adopted rules to implement the new statutory requirements. WAC 296-155-53300 covers regulations for crane operator qualifications and certification as specified by RCW 49.17.430. WAC 296-155-532 covers regulations for crane certification as specified in RCW 49.17.420. The Division of Occupational Safety and Health (DOSH) is responsible for implementation and enforcement of these new requirements.

Employers, industry organizations, employees, and labor organizations are responsible for compliance with these rules and as such need to know how the rules will be interpreted and enforced. This directive does not create new requirements or burdens for employers, but does provide clear guidance and direction to DOSH staff and the public as needed on the application of the new rules, as well as the associated enforcement policy.

### **III. Application to Public and Private Electrical Utilities and the Railroad Industry**

- A. In the power generation and distribution industry, electrical power line and power system work, including “the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment” (WAC 296-45-015) is utility work and not considered construction for purposes of applying the new construction crane safety rules. Electric utility work also includes emergency response to restore electrical power during and after outages, both small and large.

Two specific exemptions to the construction crane safety rules apply to the electrical utility industry:

1. Service trucks with mobile lifting devices (digger-derrick) designed specifically for use in the power line and electric service industries or handling associated materials. (WAC 296-155-52900(4)(t))
2. Cranes used on-site in manufacturing facilities or powerhouses for occasional or routine maintenance and repair work. (WAC 296-155-52900(4)(q))

*NOTE: Occasional or routine maintenance and repair work means regular, customary and foreseeable work necessary to keep equipment in good repair and/or condition. This also includes regular, customary and foreseeable work necessary to return equipment to sound condition after damage. (WAC 296-155-52902)*

- B. Whenever construction work not covered by the exemptions noted above is performed by electric utilities, the construction crane safety rules apply. The operator of a crane used for such work must be properly certified by a nationally accredited organization as of January 1, 2010. If an electric utility hires a contractor to perform construction work not covered by the exemptions noted above, crane operators performing that work must also be properly certified by a nationally accredited organization as of January 1, 2010.

Additionally, it is recognized that there are numerous mutual-aid agreements between various electrical power utilities which, in an emergency or catastrophic power outage, cause employees of different utilities to form together in a partnership to work essentially like a single coordinated entity. These electric utility mutual-aid agreements do not represent change in employment for affected workers.

- C. The construction crane rules addressed in this Directive apply to cranes and crane operators performing construction activities on railroad rights of way. The rules do not apply to “rolling stock” insofar as this is covered by the Federal Railroad Administration. (WAC 296-155-52900(8))

It is understood that there are times when the railroad industry responds to emergencies, such as a recent flood or fallen debris obstructing railroad tracks. Such emergency work necessary to restore rail operations is not generally covered by the construction crane rule, and does not require certified cranes or certified crane operators. It will be required, however, that the operator has been competently trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use, as recommended by the crane equipment manufacturer. Chapter 296-155-035(2) applies.

- D. It is also understood that there are times when the railroad industry brings crews in from outside the State of Washington to perform work that is covered by the construction crane rules. In such circumstances crane operator training must be documented in one of the following ways:
1. Certification meeting the requirements of the Washington State construction crane rules or the comparable rules in another state with workplace safety and health jurisdiction.
  2. Certification meeting the requirements of OSHA's Construction Crane rule.
  3. When neither of the above are available or feasible in a timely manner, it will be expected that the operator has been competently trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use as recommended by the crane equipment manufacturer. This option will only be available until the phase in period for operator certification in the OSHA Construction Crane rule is complete.

#### **IV. No Accredited Written or Practical Test for Operator Certification Available**

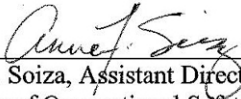
- A. Beginning January 1, 2010, if compliance staff encounter crane equipment in use for which there is no nationally accredited operator written or practical test established, and the equipment is operated by a non-certified operator, the CSHO shall not cite the employer for a violation of WAC 296-155-53300(1)(a). Instead, the CSHO shall include a message on the citation or notice issued advising the employer that once an appropriate certification is available as described in the rule, that the employer has one year to ensure that such non-certified crane operators become certified.
- B. The employer will be allowed to continue operating the crane provided the employer makes documentation readily available to the department indicating that the operator has been competently trained, evaluated and tested by the employer on the operating procedures for the piece of equipment in use, as recommended by the crane equipment manufacturer. If it is determined that the operator of such crane is not qualified, or that the training provided is ineffective, the employer shall be cited for violation of appropriate training requirements as described in the applicable industry standard.

**V. Enforcement and Consultation Policy**

All DOSH consultation and enforcement staff shall follow this directive for the enforcement of WAC 296-155-53300 (1) and WAC 296-155-53114 through WAC 296-155-53214. All other provisions of WAC 296-155-52900 through 53300 not specifically covered in this directive shall be enforced as written.

This directive shall remain in effect until superseded or cancelled.

Approved: \_\_\_\_\_

  
Anne F. Soiza, Assistant Director  
Division of Occupational Safety and Health  
Department of Labor and Industries

**For more information about this or other DOSH Directives, contact the Division of Occupational Safety and Health, P.O. Box 44610, Olympia, WA 98504-4610, or call (360) 902-5436. Visit the DOSH website at: <http://www.lni.wa.gov/Safety-health/>.**