

CONCISE EXPLANATORY STATEMENT

Tower Crane Permit & Safety Requirements (2SHB 2022 Implementation)

WAC 296-155-53401, 296-155-53910 and 296-155-53911

Public Hearings: September 23, 29, & 30, 2025

Adoption: November 4, 2025

Effective: December 5, 2025

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I. Purpose of Rulemaking

This rulemaking implements the requirements of Sections of 4 and 6 of Second Substitute House Bill (2SHB) 2022 (Chapter 311, Laws of 2024), codified under RCW 49.17.435 and 49.17.440.

This rulemaking also repealed WAC 296-155-53910 and amended WAC 296-155-53401 to remove (5)(n), which was updated during the larger Part L rulemaking filed on August 5, 2025, (WSR 25-16-089). Those two sections listed out notification requirements regarding the assembly, disassembly, and reconfiguration of a tower crane that will become obsolete with the new permitting program rules.

A. Background

In 2024, 2SHB 2022, addressing construction crane safety, was signed into law. The bill created new requirements for tower cranes.

The law directed L&I to establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. The minimum requirements for the permit include a complete permit application, safety conference, certain notifications to L&I, inspections, and other provisions.

Beginning January 1, 2026, prime contractors must obtain a permit from L&I prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. This requirement applies to tower cranes already assembled prior to January 1, 2026, and this rule includes a process for already assembled cranes to comply.

Specifically, some of the topics this rulemaking addresses include:

- Permit requirements related to tower cranes.
- Permit applications and safety conferences.
- Permit denials, suspensions, and revocations.
- Requirements of prime contractors.
- Other housekeeping changes.

B. Summary of the rulemaking activities

Chronologic summary of this proposed rulemaking:

- January 21, 2025 – CR-101 (Preproposal Statement of Inquiry) filed to initiate proposed rulemaking relating to tower crane permit and safety requirements.

- February 27, 2025 – Notification sent to stakeholders announcing that two stakeholder meetings (Tukwila and Spokane) have been scheduled in order for DOSH staff to provide a brief overview of 2SHB 2022, answer questions, and seek stakeholder feedback to assist with scoping the preliminary draft version of the rule.
- March 24 and April 1, 2025 – DOSH conducted two stakeholder meetings to gather feedback from stakeholders on scoping of the preliminary draft rule. A deadline for submitting additional feedback was set for April 8, 2025.
- April 30, 2025 – DOSH sent a preliminary draft rule to stakeholders prior to the next series of stakeholder meetings.
- May 2025 – Three additional stakeholder meetings (Tukwila, Spokane and virtual) occurred to discuss the preliminary draft rule and receive feedback. A deadline for submitting additional feedback was set for May 28, 2025.
- June 2025 – DOSH updated the preliminary draft language based on stakeholder feedback.

II. Changes to the Rules (Proposed rule versus rule adopted)

WAC 296-155-53911

- Subsection (6)(c) – Replaced “However, the tower crane may resume operation” with “Operation of the tower crane may occur.....”. This change was made to clarify that operation of the crane in this subsection applies both to when the crane is resuming operation following reconfiguration, and when the crane is first beginning operation following assembly.

III. Comments on Proposed Rule

A. Comment Period

The formal public comment period for this rulemaking began on August 20, 2025, and ended October 3, 2025. L&I received four written comments and seven people provided oral testimony during public hearings.

B. Public Hearings

DOSH held three public hearings.

Date	Location	Attendees	Testified
September 23, 2025	Spokane	3	2
September 29, 2025	Tukwila	23	5
September 30, 2025	Virtual via Zoom	25	0

C. Summary of Comments Received and L&I's Responses

Below is a summary of the comments L&I received, both through testimony and written comments, and the responses. Comments received are summarized by topic in order to provide clarity for response and are not a verbatim accounting of each individual comment.

Comments	L&I Response
WAC 296-155-53401(3)(g) Recommend CHANGING (3) (g) to say: "Designating and using personnel that meet the requirements for a competent and qualified person as defined in WAC 296-155-52902 and 296-155-53402 for the purposes of inspections, maintenance, repair, transport, assembly, and disassembly, and reconfiguration;" Rationale: We support the responsibility of the crane owner to ensure competent and qualified persons are engaged in crane inspections, maintenance, repair, transport, assembly, disassembly, and reconfiguration. Reconfiguration is added to this requirement to be consistent with the remainder of the chapter regarding assembly, disassembly, and reconfiguration.	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L. This comment did not result in a change to the adopted rule language.
WAC 296-155-53401(4)(g) Recommend CHANGING (4) (g) to say: "Using personnel that meet the requirements for a competent and qualified person as defined in WAC 296-155-52902 and 296-155-53402 for the purposes of inspections, maintenance, repair, transport, assembly, and disassembly, and reconfiguration;" Rationale: We support the responsibility of the crane user to ensure competent and qualified persons are engaged in crane inspections, maintenance, repair, transport, assembly, disassembly, and reconfiguration. The additional WAC citation is to ensure consistency with the remainder of the chapter.	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L.

	This comment did not result in a change to the adopted rule language.
WAC 296-155-53401(5)(f) Recommend CHANGING (5) (f) to say: “Ensuring that every assembly, disassembly, or and reconfiguration of a crane is supervised by an A/D director as defined in WAC 296-155-52902 and 296-155-53402, and the A/D director is on-site;” Rationale: To receive a full definition of an A/D director, both WAC 296-155-52902 and 296-155-53402 sections need to be read. It is therefore recommended that both citations be listed. The use of “or” in the listing of assembly, disassembly, and reconfiguration introduces a potential loophole in the requirement for an A/D director’s on-site supervisory presence.	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L. This comment did not result in a change to the adopted rule language.
WAC 296-155-53401(5)(o) Recommend CHANGING (5)(o) to say: “The site supervisor of the construction project must ensure that a qualified technical representative of the distributor or manufacturer, who is knowledgeable of assembly, disassembly or and reconfiguration, will be present during assembly, disassembly, or and reconfiguration of a tower crane to assure that such procedures are performed in accordance with manufacturer operation instructions and guidelines.” b) Rationale: The spirit of the legislation is to have a qualified technical representative of the actual process that will be performed to be present during the process being performed.	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L. This comment did not result in a change to the adopted rule language.
WAC 296-155-53401(7)(x) Recommend ADDING (7)(x) to say: “Refusing to operate the crane during an assembly, disassembly, or reconfiguration when an A/D	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The

Director is not present or assigned to directly supervise the assembly, disassembly, or reconfiguration procedure.” b) Rationale: It is important to state the responsibility of crane/equipment operators is to have an A/D Director be present and supervising all assembly, disassembly, and reconfiguration procedures.	rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L. This comment did not result in a change to the adopted rule language.
WAC 296-155-53401(8)(l) Recommend ADDING (8)(l) to say: “Refusing to participate in an assembly, disassembly, or reconfiguration when an A/D Director is not present or assigned to directly supervise the assembly, disassembly, or reconfiguration procedure.” b) Rationale: It is important to state the responsibility of riggers is to have an A/D Director be present and supervising all assembly, disassembly, and reconfiguration procedures.	Thank you for the comment. This rulemaking is being conducted specifically to address requirements set forth in RCW 49.17.435 and RCW 49.17.440. The rulemaking repeals the language in WAC 296-155-53910, and amends language in WAC 296-155-53401, specifically removing subsection (5)(n), which will no longer be applicable once the language in WAC 296-155-53911 is effective. L&I will note these suggested edits for consideration as part of a future rulemaking addressing changes to chapter 296-155 WAC, Part L. This comment did not result in a change to the adopted rule language.
WAC 296-155-53911(4)(a)(ii) Recommend ADDING (4)(a)(ii) to say: “All individuals invited to participate that do not attend receive all relevant information to their area of responsibility that arose from the safety conference.” b. Rationale: If individuals are important enough to invite to a meeting, any relevant information arising from the meeting should be shared with those individuals.	Thank you for the comment. L&I agrees that it is critical for relevant information from safety conferences to be shared with all parties involved in the work. The individuals selected as required attendees at the safety conference are designated representatives whose duties include communicating outcomes and applicable information to relevant individuals. The required attendees are chosen for their operational oversight and expertise to ensure accurate, consistent dissemination of such information. This responsibility is already

	inherent to their roles, making the addition of the language in subsection (4)(a)(ii) unnecessary. This comment did not result in a change to the adopted rule language.
WAC 296-155-53911(7)(a) Revocation of permits is solely tied to the prime contractor’s record of Safety and Health violations. In some cases, the way that this work is contracted, the prime contractor is not as directly involved in these operations as the department assumes, also the fact that the department expressed that any safety and health violations will be considered in revocation or denial of permits is concerning. The denial or revocation of a permit could preclude some contractors from doing this work for 3 years and the violations may not be relevant to crane operations. The department indicated at the hearing that there is not “line in the sand” meaning that the contractor’s history is in the “eye of the beholder” and then the burden falls on the contractor to prove that a violation is not relevant to this operation.	Thank you for the comment. RCW 49.17.435(3) requires the prime contractor to obtain a tower crane permit, establishing the prime contractor as the permit applicant. While L&I understands there are concerns about the record of safety and health violations for the purposes of permit approval being limited to the prime contractor only, the adopted rule language is consistent with the requirement in the statute. RCW 49.17.435(8) states “the department must deny a permit if the permit applicant has a record of safety and health violations which indicates that the permit applicant may not be maintaining a safe worksite or operation.” The statute does not establish limiting factors for L&I to consider certain types of safety and health violations for the purposes of denying a permit application; therefore, all safety and health violations need to be considered when making a decision about permit approval or denial. The three-year lookback period for safety and health violations, in the adopted rule, was selected to be consistent with the lookback period DOSH uses when issuing repeat violations. As mentioned above the statute does not provide L&I with the authority to limit the violation types that would be a factor in obtaining a permit. Rather, L&I will assess the entirety of the prime contractor’s three-year history of safety and health violations to determine if the violations indicate that they may not be maintaining a safe worksite or operation. This comment did not result in a change to the adopted rule language.

My comment is regarding the denial of a tower crane permit, particularly if the tower crane is already erected prior to the implementation date of this new rule. I understand criteria for denying a tower crane permit includes a safety and health violation within three years of the permit application. My concern is that there are no guidelines to this process other than the blanket statement, “L&I must deny a permit if the prime contractor applying for the permit has a record of safety and health violations, within the three years preceding the application date, which indicates they may not be maintaining a safe job site or operation”. Contractors by nature are problem solvers, but to evolve and innovate there must be boundaries or criteria to work within in order to adapt towards a solution. Here the only stated measure is that a single violation “<u>could</u>” be the reason for denying a permit. That gives a single de minimis violation within a 3-year period the same weight as a serious, willful or repeat violation within that same 3-year period, which I assume is not the intent. I think guidelines are needed to ensure that contractors can plan their work accordingly and ensure compliance with DOSH expectations and written rules with specific definitions and criteria to work within. In this case, the lack of definition creates an unnecessary problem that could be resolved with guidelines to follow regarding the denial criteria regarding violations.	Thank you for the comment. RCW 49.17.435(8) states “the department must deny a permit if the permit applicant has a record of safety and health violations which indicates that the permit applicant may not be maintaining a safe worksite or operation.” The statute does not establish limiting factors for L&I to consider certain types of safety and health violations for the purposes of denying a permit application; therefore, all safety and health violations need to be considered when making a decision about permit approval or denial. L&I will assess the entirety of the prime contractor’s three-year history of safety and health violations to determine if the violations indicate that they may not be maintaining a safe worksite or operation. The intent of this approach is, by design, to ensure that something such as a single de minimis violation, on its own, in the prime contractor’s history of safety and violations would not result in a tower crane permit application being denied. This comment did not result in a change to the adopted rule language.
General Comments	L&I Response
Implementation	
I understand that this particular portion of the regulation is being implemented because of House Bill 2022, so it’s required, but there are a lot of moving pieces to this, and as its implementation forward a couple of observations and suggestions. I think it would be good if there were periodic meetings after implementation to take industry input about how the implementation is going and ways to improve perhaps the administrative portions of this. I will say that on behalf of the members of the NWCOA and perhaps others in the industry some real concern about the resource commitment to support the	Thank you for the comment. L&I understands the concerns shared by stakeholders about implementation of the new requirements established in RCW 49.17.435 and RCW 49.17.440, and the adopted rule. L&I appreciates the willingness of industry and labor representatives to continue engaging in conversations about what effective implementation of the adopted rule entails, to ensure information

implementation of this particular regulation. Without sufficient resources, staffing, etc., implementation can be problematic and detrimental to the efficient construction processes in the industry. You can see by the attendance at today's meeting people are very interested in having safe workplaces, not only for the workers on-site, but the general public that comes to this proximate or adjacent to the construction site. That is the ultimate goal. To achieve that goal takes a number of steps. Part of it is regulation. Part of it is enforcement of the regulation. Part of it is the administration. I'd like to echo comments on the resources and staffing that the department has in place to implement this. We see this as problematic. We already have kind of a deficit of the number of people out doing enforcement as it is, and now we're planning on implementing a very complex set of rules. We are very concerned about staffing in the cranes department as they are already understaffed and shuffling people to new positions, which leaves gaps in compliance and outreach and gaps in trained, proficient inspectors to enforce.	and new requirements are communicated through robust education and outreach efforts. L&I is currently working to develop education and outreach tools to aid in compliance with the adopted rule, as well as development of a dedicated information page on the L&I website. L&I is also developing a new DOSH directive specific to tower crane permits. The directive helps to ensure industry and labor can more easily understand what compliance looks like, and is a helpful tool for DOSH compliance staff to ensure consistency when engaged in enforcement activities. A number of staff have been hired to support the work of the Tower Crane Permit Program. These staff are dedicated to processing permit applications, staff who will both perform compliance in the field and work with prime contractors during the initial application process and throughout the life of the permit, as well as a supervisor who will provide support across all areas of the program. L&I will also be leveraging staff in the Crane Compliance group, as needed, and the DOSH Consultation group has staff dedicated to performing education and outreach related to the requirements in the adopted rule. This comment did not result in a change to the adopted rule language.
If the department expects us to offer grace and time to get up to speed on this rule implementation, why is that same grace not being extended to the industry? Director Joel Sacks and Assistant Director Craig Blackwood both indicated that a phase in period of 6+ months would be allowed, however rulemaking representatives have made it very clear that there is no grace period and enforcement will begin immediately upon rule efficacy on both rule packages. Even though internal DOSH staff have yet to receive training and updated tools on the contents or expectations of these rules or given new inspection checklist protocols.	Thank you for the comment. RCW 49.17.435 (3) establishes January 1, 2026, as the date prime contractors are required to obtain a permit for work involving the operation, assembly, disassembly, and reconfiguration of a tower crane. While the statute does not contemplate a six-month delay in enforcement, the adopted rule does provide a grace period (with conditions) for prime contractors to submit their initial tower crane permit application after the adopted rule is effective. The goal of this grace period is to address concerns about immediate L&I enforcement, and to account for the time needed for prime

	contractors to submit an application for, and receive, a tower crane permit. This comment did not result in a change to the adopted rule language.
IT System	
Relying on the same system as elevators for permitting is very, very concerning to us. Having a front row seat and watching that elevator process, it took way longer than it needed to, and the system still has significant issues after years, and the fact that we have a lack of a back-up plan here is pretty concerning to the contractor community. Based on the elevator system that the permit system may not be ready as the department currently does not have a plan in place for back-up on January 1st. We do not feel the department has the permitting system ready as they intend to use the same system that was used for elevator permitting, which took YEARS to get up to speed and is still experiencing issues. Even with beta testing volunteers from our membership, there is still much work to be done.	Thank you for the comment. L&I staff is working diligently to ensure that the tower crane permit application portal is ready to receive permit applications when the adopted rule is effective. In addition to working closely with the system developer to address technical issues, L&I is engaging in multiple rounds of external user testing to ensure individuals who will be using the system have an opportunity to offer feedback, and identify any concerns about system usability. In response to concerns about having a backup process should the system not operate as intended, L&I staff are currently working to build a manual process, which will allow for applications to be submitted outside of the portal. This comment did not result in a change to the adopted rule language.
Fees	
Permitting Fees. Knowing that at times in L&I's past, there have been budget concerns and limitations on spending. The permitting fees should be established. A base fee for continued L&I crane permitting operations should be implemented. With future raises if justified by any increased workload etc. Also the base fee should included the ongoing standby of compliance staff on weekends or planned overtime & unplanned overtime. Justification: Most A/D happens on weekends. Sometimes multiple days and in very tall buildings can take a week or more to Disassemble. Many contractors in WA also work in other states which already	Thank you for the comment. Although RCW 49.17.440 does give L&I the authority to set fees for tower crane permits, L&I has elected not to establish fees in the adopted rule. Following implementation of the adopted rule, L&I plans to assess costs associated with program operation, at which time the decision could be made to establish fees as part of a future rulemaking. This comment did not result in a change to the adopted rule language.

have crane permitting fees.	
Severe Violator Program	
Recommend INCLUDING in the Tower Crane Permit process: Department review of the federal Occupational Safety and Health Administration (OSHA) Severe Violator Enforcement Program (SVEP) list for record of health and safety violations by the prime contractor. b) Rationale: The OSHA SVEP list is a public record of employers who have repeatedly demonstrated a willful disregard for worker safety through serious violations, including fatal/catastrophic incidents or repeated/willful violations. Employers are included for failing to correct hazards or for demonstrating “egregious” safety violations. If a prime contractor is listed on this public record for health and safety violations, the Department should consider this information in the awarding, denial, suspension, or revocation of a tower crane permit.	Thank you for the comment. L&I will explore options of ways to leverage the information provided by the OSHA SVEP list to help inform the tower crane permit process. This comment did not result in a change to the adopted rule language.
Testimonial from parents	
The family of Sarah Pantip Wong testified to the significance of losing their daughter and the impact of the lives lost and injuries incurred due to the collapse of a tower crane in Seattle, WA on April 27, 2019. The family members testified in support of the rule and asked L&I to promptly adopt the safety standards outlined in the adopted rule.	Thank you for the comment. L&I appreciates the information provided about how the requirements established in the adopted rule will have a positive impact for workers and their families. Those who were injured or lost their lives should never be forgotten. Their memories should always be a reminder of the importance of providing a safe workplace and continually striving to improve safety to prevent any future injuries or fatalities.