

Preliminary Draft Rule Language

Implementation of Second Substitute House Bill 2022 (2SHB 2022)

During the 2024 legislative session, the Washington State Legislature passed [2SHB 2022](#), addressing construction crane safety. The requirements of the law go into effect January 1, 2025, and the Department of Labor & Industries must adopt rules. This preliminary draft rule language specifically address changes in sections 5, 6, and 7 of the bill.

The requirements for contractors to obtain a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of tower crane (section 4 of the bill) are effective January 1, 2026. Those requirements will be the subject of subsequent rulemaking, which will be completed in 2025.

Language from 2SHB 2022	Preliminary Draft Rule Language
<p>Section 5(2)(d) Tower cranes and tower crane assembly parts must be inspected by a certified crane inspector prior to <u>and following every assembly, disassembly, and reconfiguration of a tower crane. Any issues identified throughout the procedure must be tracked and corrected according to this chapter and applicable department rule.</u></p>	<p><i>WAC 296-155-53206 Additional inspection criteria and proof load testing – Tower cranes.</i></p> <p>(1) Tower cranes and tower crane assembly parts must be inspected by a certified crane/equipment inspector prior to and following every assembly, disassembly, and reconfiguration of a tower crane. For the purposes of this subsection and following disassembly only, an A/D director can satisfy the requirement for performing an inspection.</p> <p style="padding-left: 40px;">(a) These inspection must occur prior to utilizing the crane for work.</p> <p style="padding-left: 40px;">(b) These inspections must be documented and remain on site. Documentation must include the details of all issues identified during the inspection and any corrections made.</p>
<p>Section 6(2)(a) A process for determining when the department will be present for the assembly, disassembly, and reconfiguration of a tower crane;</p>	<p><i>WAC 296-155-53910 (NEW SECTION)</i></p> <p>(1) At least seven days prior to the assembly, disassembly, or reconfiguration of a tower crane, the site supervisor must notify the department, and provide the information outlined in WAC 296-155-53401(5)(n). Upon receipt of this information, the department will assess the details of the site and activities taking place, as well as additional information such as the site supervisor’s history of violations under chapter 49.17 RCW, as factors in determining if the department will be on site for the assembly, disassembly, or reconfiguration.</p>

Language from 2SHB 2022	Preliminary Draft Rule Language
<p>Section 6(2)(b) Requirements that the prime contractors of construction projects acknowledge all applicable safety orders, crane manufacturer operation instructions and guidelines, written procedures from a registered professional structural engineer, and recommended practices prior to the assembly, disassembly, and reconfiguration of a tower crane;</p>	<p><i>WAC 296-155-53401 Duties of assigned personnel.</i></p> <p>(5)(n)(v) An attestation that all applicable safety orders, crane manufacturer operation instructions and guidelines, written procedures from an RPSE, and recommended practices for all assembly, disassembly, and reconfiguration work will be followed.</p>
<p>Section 6(2)(c) Requirements that the prime contractor of the construction project ensure that a qualified technical representative of the distributor or manufacturer who is knowledgeable of assembly, disassembly, and reconfiguration procedures will be present during assembly, disassembly, and reconfiguration of a tower crane to assure that such procedures are performed in accordance with manufacturer operation instructions and guidelines;</p>	<p><i>WAC 296-155-53401 Duties of assigned personnel.</i></p> <p>(5)(p) 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, and reconfiguration procedures, will be present during assembly, disassembly, and reconfiguration of a tower crane to assure that such procedures are performed in accordance with manufacturer operation instructions and guidelines.</p>
<p>Section 6(2)(d) Requiring prime contractors of construction projects to follow crane manufacturer operation instructions and guidelines or alternate plans/instructions approved by a registered professional engineer when assembling, disassembling, and reconfiguring a tower crane;</p>	<p>Language to address this requirement is contained in the preliminary rule draft updates (March 2024) to chapter 296-155 WAC, Part L. Please see WAC 296-155-53900(4) and (6).</p>
<p>Section 6(2)(e) Requiring the presence of an assembly/disassembly director at every tower crane assembly, disassembly, and reconfiguration to directly oversee all work performed. The assembly/disassembly director may not serve in any other capacity while directly supervising a tower crane assembly, disassembly, or reconfiguration procedure;</p>	<p>Language to address this requirement is contained in the preliminary rule draft updates (March 2024) to chapter 296-155 WAC, Part L. Please see WAC 296-155-53900(6) and WAC 296-155-53401(1)(b).</p>
<p>Section 6(2)(f) Conducting programmed inspections of workplaces that contain tower cranes;</p>	<p><i>WAC 296-155-53910 (NEW SECTION)</i></p> <p>(2) The department will conduct programmed inspections of workplaces that contain tower cranes.</p>
<p>Section 6(2)(g)</p>	<p>Language to address this requirement is contained in the preliminary rule draft updates (March 2024) to chapter 296-155 WAC, Part L.</p>

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Establishing requirements for the maximum allowable wind speed for tower crane assembly, disassembly, and reconfiguration;	Please see WAC 296-155-53900(23) and WAC 296-155-53401(9).
<p>Section 6(2)(h) Establishing requirements for a written job plan that addresses the requirements of the manufacturer's manual tailored to the site conditions where the tower crane will be installed, as appropriate for assembly, disassembly, and reconfiguration of a tower crane;</p>	<p><i>WAC 296-155-53401 Duties of assigned personnel.</i></p> <p>(9)(e) Creating a site-specific assembly/disassembly/reconfiguration plan. This plan shall be in written or digital format, and remain on site for the entire duration that the crane is on site. The plan shall include at least the following:</p> <p>(x) The requirements of the manufacturer’s manual must be used to tailor the assembly, disassembly, and reconfiguration plan.</p>
<p>Section 6(2)(i) Establishing requirements that must be met to be considered a competent and qualified assembly/disassembly director including, beginning January 1, 2027, or 12 months after the date an applicable certification program is approved by a nationally accredited organization recognized by the department, certification from a national organization recognized by the department;</p>	<p><i>WAC 296-155-53303 Assembly/disassembly director qualifications.</i></p> <p>(3)(f) FOR TOWER CRANES ONLY: For the assembly, disassembly, and/or reconfiguration of a tower crane, the A/D director must also have a valid assembly/disassembly director certification, issued by a nationally accredited organization recognized by the department. This requirement is effective beginning January 1, 2027, or 12 months after the date an applicable certification program is approved by a nationally accredited organization recognized by the department.</p>
<p>Section 6(2)(j) Establishing effective stop work procedures that ensure the authority of any employee, including employees of contractors, to refuse or delay the performance of a task related to a tower crane that the employee believes could reasonably result in serious physical harm or death. The rules must ensure that employees who exercise stop work authority are protected from intimidation, retaliation, or discrimination; and</p>	<p><i>WAC 296-155-53900 Tower cranes – General.</i></p> <p>(2)(a) All employees, including employees of contractors, have the right to refuse or delay the performance of a task that they believe could reasonably result in serious physical harm or death;</p> <p>(b) All employees, including employees of contractors, have the right to recommend to the lift director and the site supervisor that an operation or process be partially or completely shut down on the basis of a hazard that can result in serious physical harm or death;</p> <p>(c) The work may not resume until the site supervisor, lift director, and operator discuss the</p>

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	<p>concerns, and that a formal determination has been made by the site supervisor that it is safe to recommence work; and</p> <p>(d) Any employee who exercises the rights under this subsection shall be protected from intimidation, retaliation, or discrimination.</p>
<p>Section 6(2)(k) Other rules necessary to implement sections 3 through 7 of 12 this act.</p>	<p>No additional language is being added at this time.</p>
<p>Section 6(3) The department may set fees in rule to be charged for permits issued under section 4 of this act in an amount sufficient to cover the costs of administering section 4 of this act. Fees shall be deposited in the industrial insurance trust funds.</p>	<p>Fees for permits issued under Section 4 of 2SHB 2022 will be addressed in a subsequent rulemaking in 2025.</p>
<p>Section 7 A tower crane manufacturer and distributor shall, without exception, provide all relevant manufacturer operation instructions and guidelines, including assembly, disassembly, and reconfiguration instructions, for the safe use and maintenance of all of the manufacturer's or distributor's tower cranes located in the state to any person who requests access to such materials. The prescribed information, format, and distribution channel must be determined by the department. These materials must be written in the English language with customary grammar and punctuation. Information must be provided within a reasonable time frame, as determined by the department.</p>	<p><i>WAC 296-155-53900 Tower cranes – General.</i></p> <p>(69) The tower crane manufacturer and distributor shall, without exception, provide all relevant manufacturer operation instructions and guidelines, including assembly, disassembly, and reconfiguration instructions, for the safe use and maintenance of all of the manufacturer's or distributor's tower cranes located in the state, to any person who requests access to such materials. The materials must be written in English with customary grammar and punctuation, they may be provided in digital format, and must be provided within seven business days from the date of the request.</p>