

CRANES – STAKEHOLDER COMMENTS – January 5, 2022

COMMENT	RESPONSE
Forklift Issue	
Is Federal OSHA not re-addressing the forklift tele handler issue upcoming with a new revision in the spring? Scott Ketchum from OSHA stated this at a meeting at the NCCCO Foundation Industry forum held on November 11, 2021.	OSHA has not officially publicized that they will be making any changes.
I concur, we should consider waiting on this until the revision this spring from OSHA.	Thank you for the comment.
The OSHA compliance directive I sent you is a written document and it does NOT enforce the rule as written but rather “with winch and hook.”	From the supplied document effective 10/17/2014: OSHA believes that this amendment would ensure that the forklift exclusion aligns with OSHA’s original intent when it issued the standard. Therefore, any forklift that lifts with a boom (including the boom of the forklift itself) and a hoist would be covered by requirements of the cranes a derricks standard. For example, a variable-reach forklift would also be covered by the cranes standard if it is configured with a hoist and used like a crane.
Would this mean a NCCCO certification?	Any certification would be accepted, as long as they are accredited and meet that criteria. NCCCO would be acceptable.
So any time a forklift is used to lift a crane operator is required? No matter what they are using to lift?	This is correct.
Why couldn't we just require that all PIT operators who handle suspended loads must be properly trained to do so? Under WAC 296-863.	We must be at least as effective as OSHA. Currently for OSHA, at a minimum, there is a requirement for certified operators when the machine is using a hook.
Can you please expand on the data of accidents you are referring to and whether this rule change would have prevented those accidents?	A certified operator operating a forklift being used as a crane would be educated on dynamic loading, pick an carry, attachments, reading a load chart, many of the factors that seem to lead to accidents. Not every accident is reported when a forklift is tipped over, but we do hear about some of them unofficially.
Where are the stats you communicate of incidents that seems to be driving this rule of PIT and CCO certification?	Inspections we in the crane department have conducted.
This is even required if the load is less than 2,000lbs.?	No, if the equipment capacity is less than 2,000 pounds then only part of the rules apply, as outlined in the 2,000 pound and under section of rule.
It wasn't clear in other Q&As. So when rigging to the pick point on the carriage or using a pick point attachment on the forks with a fixed length choker to attach it to the load (i.e., no hoist) a certified operator is needed? And by certified we mean NCCCO as an example?	When a forklift is configured to hoist like a crane, then Part L would apply. If the gross capacity of the machine is more than 2,000 pounds then a certified operator would be

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	required. The new OSHA language for "most similar" would apply on what certifications would be accepted.
What kind of certified operator?	The new OSHA "most similar" language would apply.
So you are saying we need a certified crane operator for this task?	That is correct.
What type of certified operator?	It will be up to each nationally accredited testing agency to determine what certification will apply to the equipment being used.
"Most similar" just seems very wishy washy. Who deems it "most similar"? Feels like it is less clear what to do or what is expected. Lack of clarity leads to confusion and an erosion of safety.	This is the OSHA language that is already in effect nationally. It will be up to each nationally accredited testing agency to determine what certification will apply to the equipment being used.
This change is hugely impactful to construction, without definitive proof that the change you are proposing would have stopped the accidents you speak of. Along those lines, Federal OSHA is addressing tele handlers, and NCCCO is working on certification... why are we in a rush to put the cart before the horse on this?	This is OSHA initiated and has been in effect nationally since 2018. We must be at least as effective as OSHA, but the draft language would be simple to understand along with promoting safety.
So to clarify, a national forklift operator certification would suffice as long as it involves suspended load training?	It will be up to each nationally accredited testing agency to determine what certification will apply to the equipment being used.
Does this apply if a load suspended from a forklift is moved only up and down, not horizontally, even if the capability of moving horizontally exists? I'm asking in light of the exemption listed in section (n): "Machines equipped with a boom that is limited to up and down movement only and does not rotate."	Yes it would apply, as the forklift is not limited to only up and down movement.
Are you able to provide the forklift tip over statistics for the past 10 years to show the trend being discussed?	No, as not all tip overs are reported or found unfortunately, and our system doesn't give the ability to search for forklift tip overs.
Does the forklift need a manufacturer rated specific lifting point? People rig around members of the fork carriage and consider that safe to rig to instead of a fork captured rated lifting device.	It will be up to the equipment manufacturer as to where and how loads may be applied to their equipment.
If NCCCO comes out with a Tele handler Certification will DOSH change the verbiage to the standard to accept this instead of the crane operator required certification?	The language will not be changed, however it would be accepted as long as NCCCO determines that the certification will cover the particular equipment being used.
Following up on my initial question, the phrasing of the exemption in 4(n) makes it sound as though a rough terrain forklift would be exempted because the boom is limited to up and down movement, but the machine itself is not.	As a forklift is mobile, it is not limited to up and down movement.

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Regular straight mast forklift trucks do not have the ability to move a suspended load horizontally. Only a tele handler does. Should the WAC rules not state the horizontal load movement.	A “regular straight mast forklift” has the ability to move horizontally by driving forward and backwards.
Is there a definition of hoist? Putting a pallet on the forks fits this listed definition from the Oxford dictionary of "hoist": an act of raising or lifting something.	The commenter answered their own question.
CCO Certification will be for Tele handler rotating boom or fixed boom, it does not state "Forklift".	Thank you for the comment.
Do we need to be a crane operator, or a tele handler operator?	It will be up to each nationally accredited testing agency to determine what certification will apply to the equipment being used.
OSHA DIRECTIVE NUMBER: CPL 02-01-057 says exempt: When not equipped with a boom and hoist. Also in the flowchart that addresses what is covered and when it says: Configured to hoist and lower (by means of a boom and hoist) and horizontally move a suspended load. AND in writing it says: The proposed change would exclude forklifts from coverage under the standard unless they are equipped with a boom and a hoist and used like a crane. OSHA believes that this amendment would ensure that the forklift exclusion aligns with OSHA’s original intent when it issued the standard. Therefore, any forklift that lifts with a boom (including the boom of the forklift itself) and a hoist would be covered by requirements of the cranes a derricks standard. For example, a variable- reach forklift would also be covered by the cranes standard if it is configured with a hoist and used like a crane.	Thank you for the comment. This directive from 2014 states “any forklift that lifts with a boom (including the boom of the forklift itself) and a hoist would be covered by requirements of the cranes & derricks standard.” Our draft proposal: Powered industrial trucks (forklifts) when configured to handle a suspended load are only exempted from WAC 296-155-531 (Issuance of annual certificates of operation) and 296-155-532 (Crane certifier accreditation and crane certification). See WAC 296-155-53300(1)(f) for operator certification information. Operators must also follow the requirements in chapter 296-863 WAC, Forklifts and other powered industrial trucks. By including all forklifts, an employer can choose what equipment will best suited for the job and site, versus trying to use equipment that may avoid using a certified operator.
Since it hasn’t been addressed on the Q&A I will put this here as well so everyone see’s it. OSHA DIRECTIVE NUMBER CPL 02-01-057 says exempt: When not equipped with a boom and hoist. Also in the flowchart that addresses what is covered and when it says: Configured to hoist and lower (by means of a boom and hoist) and horizontally move a suspended load. AND in writing it says: The proposed change would exclude forklifts from coverage under the standard unless they are equipped with a boom and a hoist and used like a crane. OSHA believes that this amendment would ensure that the forklift extension aligns with OSHA’s original intent when it issued the standard. Therefore, any forklift that lifts with a boom (including the boom of the forklift itself) and a hoist would be covered by requirements of the cranes & derricks standard. For example, a variable-reach forklift would also be covered by the cranes standard if it is configured with a hoist and used like a crane.	Thank you for the comment. This directive from 2014 states “any forklift that lifts with a boom (including the boom of the forklift itself) and a hoist would be covered by requirements of the cranes & derricks standard.” Our draft proposal: Powered industrial trucks (forklifts) when configured to handle a suspended load are only exempted from WAC 296-155-531 (Issuance of annual certificates of operation) and 296-155-532 (Crane certifier accreditation and crane certification). See WAC 296-155-53300(1)(f) for operator certification information. Operators must also follow the requirements in chapter 296-863 WAC, Forklifts and other powered industrial trucks. By including all forklifts, an employer can choose what equipment will best suited for the job and site, versus trying to use equipment that may avoid using a certified operator.

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How are you going to handle a straight mast forklift truck lifting a suspended load on the forks? It is not a tele handler.	The scope includes all forklifts that are configured to handle a suspend load, performing construction work.
What type of certification will DOSH accept as most similar for a standard such as a tele handler and straight mast forklift?	It will be up to each nationally accredited testing agency to determine what certification will apply to the equipment being used.
Absolutely should NOT cover a straight mast lift truck that does not move the load horizontally. Because the Valla has a hoist at least it meets some of the statement in the rule.	Thank you for the comment. When they have wheels, they do have the ability to move a load horizontally.
What other testing agencies are available, other than CCO?	They need to be a nationally accredited testing agency. Some others are: OECP, NCCER, EICA
Will the new rule extended to non-construction industries that use tele handlers?	No, this is for equipment being used for construction work.
How is lifting a suspended load with a straight mast forklift any different than lifting as suspended load with a loader or backhoe?	We haven't heard of many tip overs occurring on excavators or backhoes, but do for forklifts.
Do you have any idea how impactful administratively and financially it is to include straight mast?!?	Yes. And if we don't include them, an employer trying to avoid using a certified operator might choose to use a straight mast in an unsafe situation where an all-terrain should be used
So if a sling is placed over the forks of a vertical mast forklift to suspend a load, does the operator need to be nationally certified as a crane operator?	The operator would need to be certified on the most similar type of equipment offered by the nationally accredited testing organization being used.
If WA is requiring National Certification of straight mast forklift truck operators handling a suspended load, how is the employer going to get that National Certification for that type of equipment? CCO Tele handler certification is not intended for straight mast machines, and having them Certified on a mobile crane is a huge overkill.	The operator would need to be certified on the most similar type of equipment offered by the nationally accredited testing organization being used. The testing organizations can determine what certification is most similar. This language is currently in place by OSHA.
I agree with Ron, if you require PIT operators handling suspended loads to be a Nationally Accredited Certified Operator, then why wouldn't you require Certified Operator for a bucket loader lifting a suspended load?	We don't hear about tip overs for bucket trucks etc. being used to hoist. If the industry would like these to be included, then let us know so we can discuss adding this requirement.
Or rigging to a tooth of a loader/excavator bucket? No crane cert needed? same issue as mentioned above, people maybe making mistakes and was looking for possible clarification in WAC to help explain.	We don't hear about tip overs for loaders, excavators etc. being used to hoist. If the industry would like these to be included, then let us know so we can discuss adding this requirement.
Until NCCCO or other accredited agencies have specific training, how can our members (Laborers) continue to work and stay in compliance?	The operator would need to be certified on the most similar type of equipment offered by the nationally accredited testing organization being used. The testing organizations can determine what certification is most similar. This language is currently in place by OSHA.
Can I just add a shackle to the picking eye and eliminate the hook?	If that is what is what would be safer, but it won't avoid the requirement of using a certified operator. The draft language is: configured to handle a suspended load.
The Valla Mini Crane does boom in and out, the 25EL does. We are a glazier company that uses Valla's and Spyder cranes to set our unitized curtain wall.	Thank you for the comment. There are of course different models of cranes that are on wheels that have a straight mast, such as the Valla model 25 ELD.

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CCO’s certification for tele handler will be for a “Tele handler Operator.”	Thank you for the comment.
From NCCCO Foundation: Telescopic Handler (Non-Rotating Boom) most similar certification; Telescopic Boom Crane – Fixed cab. www.ncccofoundation.org/most-similar/	Thank you for the comment.
Operator Table (Hours)	
What were the reasons to keep the hour requirements? I guess that was my question if your having the evaluation why the need for the hours verification also? What were folks reasons for this?	OJT is an integral part of all apprenticeship programs in the state, as well as all certification and licensing requirements administered and enforced by the Department. For instance, you cannot obtain certifications (electricians, plumbers, elevator construction, etc.) without having the appropriate OJT. The minimum hours help ensure this occurs.
Agreed table should be removed. This evaluation should be efficient.	Thank you for the comment.
I agree with the last speaker the chart should be removed.	Thank you for the comment.
WAC Crane operator experience Table should be removed and replaced by the Employers Operator Practical Certification of Qualification as per Fed OSHA.	Thank you for the comment.
Loose the table.	Thank you for the comment.
Poll was taken during the meeting and the vote was 49 to remove, 7 to keep.	
Other Comments	
Is this meeting being recorded?	No. It is not.
Operator requirement - 53300(1)(h) Pass a substance abuse test... doesn’t mention when or how often (prior to test/cert, or as DOT, random, etc.)	Correct. The certification organizations and employers can and do require more frequent testing.
Would this language from ASME be more clear regarding substance abuse test? (6) A negative result for a substance abuse test. The level of testing will be determined by the standard practice for the industry where the crane is employed and this test shall be confirmed by a recognized laboratory service.	Through stakeholder meetings, we have language that appears to please most.
Will PIT operators need to be in compliance with all other areas of this standard? Substance abuse testing?	When being used as a crane, aside from the equipment needing to be load tested and certified, yes.

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The requirement for drug testing and physical requirements should say per applicable ASME B30 standard.	Thank you for the comment.
CCO requires passing a physical exam that meets the ASME requirements. B30.5 requires passing an exam every 3 years.	Thank you for the comment.
Thanks for your comments about the OSHA rule Rob! Looks like this L&I draft goes beyond OSHA.	Thank you for the comment. The proposal is at least as effective as OSHA. Washington State has been a leader and a pioneer in it's rules, and will continue to do so.
When you open for public hearings will they be in person, preferably!	Thank you for the comment.