



Regulatory Update

Final OSHA Rule on Cranes and Derricks In Construction: FAQs

EXECUTIVE SUMMARY

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has released a historic new standard addressing the use of cranes and derricks in construction. The new standard replaces a standard that was decades old.

OSHA has also released a set of Frequently Asked Questions (FAQs) regarding the new standard. This Alamo Insurance Group Regulatory Update sets out the FAQs, which are available at www.osha.gov/cranes-derricks/faq.html.

Please read below for more information and contact your Alamo Insurance Group representative with any questions.

OSHA FAQs

1. **When will the rule be effective?**

Nov. 8, 2010.

2. **Is every requirement of the rule effective at the same time?**

No. While most of the requirements in the new rule are effective 90 days after publication in the *Federal Register*, which occurred on Aug. 9, 2010, there are certain provisions that have delayed effective dates ranging from 1 year to 4 years from the effective date of the rule.

3. **Where can I find a copy of the rule?**

The rule is available at www.osha.gov/FedReg_osha_pdf/FED20100809.pdf or at <http://edocket.access.gpo.gov/2010/pdf/2010-17818.pdf>.

4. **How will this rule improve worker safety on construction sites with cranes and derricks?**

This new standard will comprehensively address key hazards related to cranes and derricks on construction worksite, including the four main causes of worker death and injury: electrocution, crushed by parts of the equipment, struck-by the equipment/load, and falls. Some of the significant requirements in this new rule include: a pre-erection inspection of tower crane parts; use of synthetic slings in accordance with the manufacturer's instructions during assembly/disassembly work; assessment of ground conditions; qualification or certification of crane operators; and procedures for working in the vicinity of power lines. It is anticipated that this final standard will prevent 22 fatalities and 175 non-fatal injuries each year.

5. **How is the final rule different from the rule proposed Oct. 9, 2008?**

Several provisions have been changed or modified from the proposed rule. These changes include:

- Employers must comply with local and state operator licensing requirements when they meet the minimum criteria specified § 1926.1427.

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- The clarification that employers must pay for certification or qualification of their currently uncertified or unqualified operators.
 - A clarification that written certification tests may be administered in any language understood by the operator candidate.
 - When employers with employees qualified for power transmission and distribution are working in accordance with § 1910.269, that employer will be considered in compliance with this final rule's requirements for working around power lines.
 - Employers must use a qualified rigger for rigging operations during assembly/disassembly.
 - Employers must perform a pre-erection inspection of tower cranes.
6. **When will compliance assistance materials be available to the public?**
OSHA has posted a preliminary fact sheet and this FAQ, and anticipates having fact sheets and other material available soon. These materials will be posted on www.OSHA.gov as they become available.
7. **Does the final rule require crane operators to be qualified or certified?**
Yes. This final rule requires operators of most types of cranes to be qualified or certified under one of the methods set forth in § 1926.1427. Employers have up to four years to ensure that their operators are qualified or certified unless they are operating in a state or city that has operator requirements.
8. **Does the final rule allow cities or states to have their own licensing or certification program for crane operators?**
Yes; however, that city or state's requirements must meet the minimum criteria that is set forth in this rule at § 1926.1427.
9. **Does the final rule require riggers to be certified?**
No, riggers are not required to be certified. However, riggers must be a qualified person for the performance of specified hoisting activities such as during assembly/disassembly work and those that require employees to be in the fall zone to handle a load. The rigger would be considered qualified through possession of a recognized degree, certificate or professional standing; or by extensive knowledge, training and experience, successfully demonstrating the ability to solve/resolve problems related to rigging work and related activities.
10. **Does the final rule require signal persons to be certified?**
No, signal persons do not have to be certified. However, the employer of a signal person must ensure that the signal person is qualified. This qualification must be done by a qualified evaluator, which may be a third party or an employee of the signal person's employer. The evaluator must demonstrate that he or she can accurately assess whether an individual meets the qualification requirements specified by this final rule for signal persons.
11. **How does this new rule affect those states that administer their own OSHA-approved safety and health plan?**
State plans must have job safety and health standards that are "at least as effective as" comparable

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federal standards. State plans have the option to promulgate more stringent standards or standards covering hazards not addressed by federal standards.

12. How was this rule developed?

OSHA's Advisory Committee on Construction Safety and Health (ACCSH) established a workgroup to develop recommended changes to the requirements in Subpart N for cranes and derricks. ACCSH then recommended that the Agency use negotiated rulemaking to develop a new rule. The Cranes and Derricks Negotiated Rulemaking Committee (C-DAC) was established and provided a consensus draft document to the Agency. OSHA used this document to develop the proposed rule. After reviewing public comments on that proposed rule and information received during four days of public hearings, OSHA developed this final rule.

13. What interests were represented on the C-DAC committee?

The 23 C-DAC members represented a wide variety of interests. These included crane and derrick manufacturers, suppliers, owners, leasing companies, construction companies that use cranes and derricks, general contractors, labor organizations representing construction employees who operate and work with cranes, electric utilities, the insurance industry and government.

Source: Occupational Safety and Health Administration

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