

February 9, 2011

Oregon OSHA - Adopted Changes Cranes and Derricks in Construction

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Oregon OSHA held two public hearings in January 2011. Testimony was received at the hearings as well as written comments submitted throughout the comment period. All comments were carefully considered before proceeding with this final rulemaking.

Oregon OSHA adopted most of the Federal OSHA changes as they appear in the August 9, 2010 Federal Register. These changes revise the construction industry crane and derrick rules found in new Subpart CC of 29 CFR Part 1926. The Oregon OSHA differences are outlined in this document.

The crane and derrick construction standard was revised to update and specify industry work practices necessary to protect employees. This final standard also addresses advances in the designs of cranes and derricks, related hazards, and the qualifications of employees needed to operate them safely. Under this final rule, employers must determine whether the ground is sufficient to support the anticipated weight and associated loads of hoisting equipment. The employer is also required to assess hazards within the work zone that would affect the safe operation of hoisting equipment, such as power lines and objects or personnel that would be within the work zone or swing radius of the hoisting equipment. Finally, the employer is required to ensure that the equipment is in safe operating condition through required inspections and that employees in the work zone are trained to recognize hazards associated with the use of the equipment and any related duties that they are assigned to perform.

Federal OSHA, in 1926.1427 Operator qualification and certification, paragraph (k), implemented a phase-in period based on a number of comments that Option (1) of the section (operator certification by an accredited testing organization) is the only viable option for many employers. Concern was also expressed about the availability of sufficient accredited testing organizations to meet the demand that this rule would create. Therefore, in the final rule, Federal OSHA has provided a four-year phase-in period for compliance. Oregon OSHA is keeping the current Oregon Administrative Rule (OAR 437-003-0081 Crane operator safety training requirements) until such time that the 1926.1427(k) phase-in period has expired, November 10, 2014.

Federal OSHA established minimum clearance distances for power line safety up to 350 kV for equipment in accordance with Table A of 1926.1408 Power line safety (up to 350 kV) – equipment operations. Table A is based upon the same formula that was used in subpart N (the 10-foot rule) and is similar to Table 1 in ASME B30.5–2004. Unlike subpart N, which required employers to calculate the minimum clearance distance from a formula, Table A sets specified clearance distances in a readily understood table and requires no calculations. Oregon OSHA's Crane Advisory Committee (CAC) pointed out that Table A of the final rule specified alternating current (AC) and did not address minimum clearance distances for direct current (DC). Therefore, Oregon OSHA is inserting a note clarifying that the clearance distances for power line safety up to 350 kV (AC) for equipment established in Table A, will apply to (DC) electrical distribution and transmission power lines as well. A note will also be placed in section 1926.1411 Power line safety while traveling under or near power lines with no load, to emphasize (DC) voltages.

Section 1926.1423 Fall Protection, of the Federal OSHA rule, contains provisions designed to protect workers on equipment covered by subpart CC from fall hazards. Falls have traditionally been the leading cause of deaths among construction workers. The federal Crane and Derrick Advisory Committee (CDAC) determined that safety would be enhanced by addressing the problem of fall hazards associated with cranes and derricks comprehensively and that putting requirements in subpart CC would make it easier for employers to readily determine the applicable fall protection requirements.

The Oregon OSHA CAC recommended revising portions of the fall protection section in 1926.1423. Specifically, it was decided not to adopt the following sections in 1926.1423:

- (d) Personal Fall Arrest and Fall Restraint Systems
- (e) Fall Protection Requirements for Non-Assembly/ Disassembly Work
- (f) Assembly/Disassembly
- (h) Tower Cranes
- (j) Anchoring to the Load Line
- and portions of (g) Anchorage Criteria, and (k) Training

To maintain consistency throughout the Oregon construction industry, the committee felt that changing paragraphs (d), (e), (f), and (h) to one fall height of ten (10) feet would give clarity to this new rule and parallel Oregon's current rule regarding general fall protection requirements under OAR 437-003-1501 General Fall Protection.

Adopted new OAR 437-003-1423 Fall Protection will:

- replace 1926.1423(d) with 437-003-1423(1)
- replace 1926.1423(e) and (f) with 437-003-1423(2)
- replace 1926.1423(g)(1) with 437-003-1423(3)
- replace 1926.1423(h) with 437-003-1423(4)
- replace 1926.1423(j) with 437-003-1423(5)
- be added to 1926.1423(k) as 437-003-1423(6)

Federal OSHA also made changes in the following areas in Construction. Oregon OSHA adopted these changes except where specified:

- Subpart A General, new rule 1926.6 is added which is an incorporation by reference of agencies of the U.S. Government, and other organizations. 1926.31 is removed with the majority of the text included in the new 1926.6. The new 1926.6 will parallel the existing standard 1910.6 in general industry.
- Subpart C General Safety and Health Provisions, 1926.31 was removed and reserved.
- Subpart L Scaffolds, 1926.450, scope, application, and definitions applicable to the subpart was revised to say the section does not apply to crane or derrick suspended personnel platforms and the criteria for aerial lifts are set out exclusively in 1926.453.
- Subpart M Fall Protection, 1926.500 scope, application, and definitions applicable to the subpart, 1926.500 was amended by revising paragraph (a)(2)(ii), adding paragraph (a)(3)(v), and revising paragraph (a)(4).
- New subpart DD, consisting of section 1926.1500 was added to read, Subpart DD—Cranes and Derricks Used in Demolition and Underground Construction, applies only to employers engaged in demolition work covered by sections 1926.856 and 1926.858, and underground construction work covered by section 1926.800. The subpart applies in lieu of 1926 subpart CC.
- The Subpart N heading was revised to read Helicopters, Hoists, Elevators, and Conveyors from the former heading Cranes, Derricks, Hoists, Elevators, and Conveyors. 1926.550 was redesignated as 1926.1501 in new subpart DD. 1926.550 is reserved and 1926.553 was amended by adding paragraph (c) base-mounted drum hoists. Oregon OSHA relocated OAR 437-003-0080 Wind velocity device, and OAR 437-003-0081 Crane Operator Safety Training Requirements, into new subpart CC, 1926.1427.

- Subpart O Motorized Vehicles, Mechanical Equipment, and Marine Operations, 1926.600 was amended by revising paragraph (a)(6). Oregon OSHA is not adopting 1926.600(a)(6)(i), (a)(6)(ii), and (a)(6)(v), but adopted new rule OAR 437-003-3600 Equipment, to replace Federal OSHA language of “crane” with “equipment” in the three paragraphs.
- Subpart R Steel Erection, 1926.753 was amended by revising paragraphs (a) and (c)(4) to reflect provisions of subpart CC.
- Subpart S Underground Construction, Caissons, Cofferdams, and Compressed Air, 1926.800 was amended by revising paragraph (t), hoisting unique to underground construction.
- Subpart T Demolition, Removal of walls, floors, and material with equipment, 1926.856 was amended by revising paragraph (c) as well as 1926.858 is amended by revising paragraph (b).
- Subpart V Power Transmission and Distribution, 1926.952 was amended by revising paragraph (c).
- Subpart X Stairways and Ladders, 1926.1050 was amended by revising paragraph (a).
- Subparts AA and BB [Reserved].

This is Oregon OSHA Administrative Order 1-2011, **adopted and effective February 9, 2010.**

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Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 9, 2011 by the
Date prior to or same as filing date

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449
Rules Coordinator Address Telephone

to become effective February 9, 2011 as Oregon OSHA Administrative Order 1-2011.
Date upon filing or later

Rulemaking Notice was published in the December 2010 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt changes to Division 3, Construction. Oregon and Federal OSHA changes in Cranes and Derricks.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: OAR 437-003-1423, 437-003-3600.

AMEND: OAR 437-003-0001.

ORS 654.025(2), 656.726(4)
Stat. Auth.

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

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/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

2/4/11
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

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