

VOSH PROGRAM DIRECTIVE: 12-254D**ISSUED: 01 May 2018****Subject****Cranes and Derricks in Construction, §§ 1926.1400 through 1926.1442****Purpose**

CHANGE VI: This change extends for an additional year the employer duty to ensure crane operator competency for construction work and the date for requiring crane operator certification in §1926.1427(k).

CHANGE V: This change extends for an additional three years the employer duty to ensure crane operator competency for construction work and the date for crane operator certification to November 10, 2017.

CHANGE IV: This change transmits the revised exemption for digger derricks in the Cranes and Derricks in Construction Standard.

CHANGE III: This change clarifies employer obligations by applying a single Cranes and Derricks Standard to all construction work, including demolition and underground construction projects.

CHANGE II: This change brings all crane and derrick use in construction work under new Subpart CC of Part 1926 and corrects errors in the final rule that substantively altered the demolition and underground construction provisions, and restores subparagraphs §1926.800(t)(1) through (4).

CHANGE I: This Directive transmits to field personnel federal OSHA's revised final rule on Cranes and Derricks in Construction, and other related standards.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope

This directive applies to all VOSH personnel.

Cancellation

CHANGE VI: VOSH Program Directive 12-254C (15 January 2015)
CHANGE V: VOSH Program Directive 12-254B (01 November 2013)
CHANGE IV: VOSH Program Directive 12-232A (01 March 1994);
CHANGE III: VOSH Program Directive 12-254A (01 February 2013);
CHANGE II: VOSH Program Directive 12-254 (01 April 2011)

References

CHANGE VI: 82 FR 51986 (9 November 2017)
CHANGE V: 79 FR 57785 (26 September 2014)
CHANGE IV: 78 FR 32116 (29 May 2013)
CHANGE III: 78 FR 23837 (23 April 2013)
CHANGE II: 77 FR 49722 (17 August 2012)
CHANGE I: 75 FR 47906 (09 August 2010)

Effective Dates

CHANGE VI: 15 February 2018
CHANGE V: 15 February 2015
CHANGE IV: 01 November 2013
CHANGE III: 01 November 2013
CHANGE II: 01 January 2013
CHANGE I: 01 April 2011

Action

Directors and Managers shall ensure that VOSH field personnel understand and enforce the revised standard transmitted by this Directive.

Expiration Date

Not Applicable – remains in effect until cancelled or superseded.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & OIS Staffs
Cooperative Programs Manager
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & Norfolk Area Offices

Attachments:

CHANGE VI: 82 FR 51986 (9 November 2017)
<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2017-11-09.pdf>

CHANGE V: 79 FR 57785 (September 26, 2014):
<https://www.federalregister.gov/articles/2014/09/26/2014-22816/cranes-and-derricks-in-construction-operator-certification>

CHANGE IV: None. 78 FR 32116 (May 29, 3013)
http://www.osha.gov/FedReg_oshapdf/FED20130529.pdf

CHANGE III: None. 78 FR 23837 (April 23, 2013)
http://www.osha.gov/FedReg_oshapdf/FED20130529.pdf

CHANGE II: None. 77 FR 49722 (August 17, 2012)
http://www.osha.gov/FedReg_oshapdf/FED20120817A.pdf

CHANGE I: None. 75 FR 47906 (09 August 2010)
http://www.osha.gov/FedReg_oshapdf/FED20100809.pdf

I. Background

CHANGE VI: A majority of commenters have supported OSHA's proposed extension of the deadline for crane operators to be certified. Most agreed that an extension was necessary to give OSHA time to address the issues regarding crane operation raised after publication of the crane standard: whether to remove capacity from the crane standard's certification requirements and the preservation of the employer's role in assessing operators for safe crane operation. Some commenters asked OSHA to delay the compliance date of the certification requirements in order to alleviate confusion that exists in the industry regarding the crane operator certification requirements. Granting this one-year extension will allow OSHA to continue its work with impacted parties to ensure compliance is met and clarity is achieved.

On November 30, 2017, the Safety and Health Codes Board adopted this deadline extension for an additional year for requiring Operator Certification in paragraph (k) of §1926.1427, with an effective date of February 15, 2018.

CHANGE V: When OSHA finalized its revision of the final rule for Cranes and Derricks in Construction (29 CFR Subpart CC, referred to as "*the crane standard*" hereafter) in 2010, it had developed the crane standard through a negotiated rulemaking process. OSHA established a Federal advisory committee, the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC), to develop a draft proposed rule. C-DAC met in 2003 and 2004 and developed a draft proposed rule that it provided to OSHA. The rule that OSHA subsequently proposed closely followed C-DAC's draft proposal (73 FR 59718). OSHA also had initiated a Small Business Advocacy Review Panel in 2006. OSHA published the proposed rule for cranes in construction in 2008, received public comment on the proposal, and conducted a public hearing. The 2010 federal final rule adopted the four-option scheme C-DAC recommended with minor changes. This was subsequently adopted by the Board in 2011.

After OSHA's enactment of this initial final rule in 2010, several entities informed OSHA that crane operator certification was insufficient for determining whether an operator could operate their equipment safely on a construction site. After hosting several public meetings addressing this issue, OSHA determined that this extension was necessary in order to allow OSHA to examine and determine how to address this issue of crane operator certification systematically. OSHA amended the 2010 final rule to extend for three years the employer duty to ensure crane operator competency for construction work, from November 10, 2014, to November 10, 2017. OSHA also extended the enforcement date for crane operator certification for three years from November 10, 2014, to November 10, 2017.

On December 11, 2014, the Safety and Health Codes Board adopted OSHA's Amendment to the standard on Cranes and Derricks in Construction: Operator Certification, and OSHA's three year extensions to November 10, 2017. Virginia's effective date for this amendment was February 15, 2015.

CHANGE IV: On October 6, 2010, Edison Electrical Institute (EEI) petitioned the U.S. Court of Appeals for review of the Cranes and Derricks in Construction Standard. In subsequent discussions with OSHA, EEI provided new information regarding the use of digger derricks in the electric-utility industry, and the impact on utilities' operations of the current digger-derrick exemption in Subpart CC of Part 1926. According to EEI, the exemption from Subpart CC of Part 1926 covers roughly 95 percent of work conducted by digger derricks in the electric-utility industry. The majority of the work under the remaining 5 percent is work closely related to the exempted work.

At its meeting on January 20, 2011, the Safety and Health Codes Board adopted the revised Final Rule for Cranes and Derricks in Construction, §§1926.1400 through 1926.1442, and Other Related Standards,

with an effective date of April 15, 2011.

Subsequently, on November 9, 2012, federal OSHA published both a Direct Final Rule (DFR) [77 FR 67270] and a companion proposed rule [77 FR 67313] in case the DFR received an adverse comment and did not go into effect. This amendment broadens the exemption for digger derricks in Subpart CC of Part 1926 of its standard for Cranes and Derricks to exempt the placement of padmount transformers. OSHA, however, did receive a significant adverse comment on the Direct Final Rule during its comment period, and withdrew the Direct Final Rule on February 7, 2013 [78 FR 8985] before the Board had a chance to act upon this DFR.

After considering the significant adverse comment, OSHA eventually issued this current final rule based on the November 9, 2012 companion notice of proposed rulemaking.

At its meeting on July 18, 2013, the Safety and Health Codes Board adopted federal OSHA's Revision of the Exemption for Digger Derricks in the Cranes and Derricks in Construction Standard, with an effective date of November 1, 2013.

CHANGE III: On August 17, 2012, OSHA published both a Direct Final Rule (DFR) and a substantively identical companion notice of proposed rulemaking to amend OSHA's construction standards in Subpart S (Underground Construction, Caissons, Cofferdams, and Compressed Air) and Subpart T (Demolition) of OSHA's construction standards at 29 CFR Part 1926 (77 FR 49722; 77 FR 49741). The identical amendments apply Subpart CC (Cranes and Derricks in Construction) of Part 1926, which contains requirements for cranes and derricks used in construction, to underground construction work, and demolition work, involving equipment covered by Subpart CC of Part 1926. Additionally, the dual rulemaking corrected inadvertent errors made to the underground construction and demolition standards in the 2010 rulemaking.

On September 12, 2012, the Safety and Health Codes Board adopted OSHA's Direct Final Rule on Cranes and Derricks in Construction; Demolition and Underground Construction, with an effective date of January 1, 2013. This action was based on the assumption that the DFR would become effective for federal OSHA. The federal DFR was scheduled to take effect on November 15, 2012, however, OSHA received what it considered a significant adverse comment to the DFR and its companion proposed rule within the specified comment period which ended on September 17, 2012. As a result of the adverse comment, the federal DFR did not become effective, and OSHA proceeded with the companion notice becoming this final rule.

This significant adverse comment that stopped the enactment of the DFR raised a concern about potential ambiguity in the introductory language of federal OSHA's proposed demolition standard, §1926.800 (t) of Subpart S of Part 1926. OSHA intends for Subpart CC of Part 1926 to apply as a comprehensive regulatory scheme. It emphasized the importance of applying *all* of Subpart CC of Part 1926 to demolition work (emphasis added). Federal OSHA also explained that this was its intent all along, and that by doing so would ensure that the significant benefits of Subpart CC of Part 1926 extend to demolition and underground construction, and that construction workers in those sectors receive the same safety protections from new Subpart CC of Part 1926 as other construction workers.

At its meeting on July 18, 2013, the Safety and Health Codes Board adopted the revised Final Rule for Cranes and Derricks in Construction: Underground Construction and Demolition, 16VAC25-150, §§1926.856 and 1926.858, with an effective date of November 1, 2013.

CHANGE II: On August 9, 2010, federal OSHA issued new requirements for Cranes and Derricks in Construction under Subpart CC of Part 1926. For most construction work, the new Cranes and Derricks in Construction Standard replaced the prior Cranes and Derricks Standard, §1926.550, which had been in place for over 40 years. For demolition and underground construction work, however, the protective requirements of §1926.550 were no longer covered in federal OSHA's construction regulations. As a result, federal OSHA had to reestablish the substance of the demolition and underground construction provisions in a new Subpart DD to Part 1926, which was in the updated Cranes and Derricks in Construction Standard.

A second error was made, however. In the rulemaking process for the final rule for Cranes and Derricks in Construction, federal OSHA inadvertently deleted the requirements addressing material, personnel, overhead hoists, and elevators in demolition and underground construction work by requiring employers to follow the requirements of Subpart DD of Part 1926 for demolition and underground construction work. At its meeting on September 12, 2012, the Safety and Health Codes Board, anticipating the federal Direct Final Rule would go forward and become effective, adopted federal OSHA's Direct Final Rule for Cranes and Derricks in Construction, Demolition and Underground Construction, with an effective date of January 1, 2013.

However, this federal DFR never became effective and, as a result, there was no basis to go forward with the adoption of this federal DFR by the Board.

CHANGE I: In 1998, federal OSHA's expert Advisory Committee for Construction Safety and Health (ACCSH) established a workgroup to develop recommended changes to the standard for cranes and derricks. In December 1999, ACCSH recommended that federal OSHA consider using a negotiated rulemaking process as the mechanism to update Subpart N of Part 1926. On July 16, 2002, federal OSHA published a Notice of Intent to Establish a Cranes and Derricks Negotiated Rulemaking Advisory Committee ("C-DAC") (see 67 FR 46612). [75 FR 47907]

C-DAC, consisting of 23 experienced Cranes and Derricks Advisory Committee members representing manufacturers' trade associations, was convened in July 2003 and reached consensus on its draft document in July 2004. In 2006, ACCSH recommended that OSHA use the C-DAC consensus document as a basis for federal OSHA's proposed rule, which was published on October 9, 2008 (73 FR 59713). Public hearings were held in March 2009, and the public comment period on those proceedings closed in June 2009. [75 FR 47907]

On January 20, 2011, the Safety and Health Codes Board adopted the Final Rule for Cranes and Derricks in Construction, §§1926.1400 through 1926.1442, with an effective date of April 15, 2011.

II. Summary

CHANGE VI: OSHA adopted this delay to further extend by one year the employer duty to ensure the competency of crane operators involved in construction work. Previously, this duty was scheduled to terminate for federal OSHA and VOSH on November 10, 2017, but now continues for an additional year until November 10, 2018.

OSHA is also further delaying the deadline for crane operator certification for one year from November 10, 2017, to November 10, 2018.

At its meeting on December 11, 2014, the Board decided to adopt federal OSHA's enactment dates for these competency and certification requirements. VOSH continues to believe that there is benefit to

employers who may operate in multiple states or jurisdictions to having federal identical enforcement dates for this competency and certification.

CHANGE V: OSHA published this final rule amendment to extend for an additional three years the employer duty to ensure crane operator competency for construction work, from November 10, 2014, to November 10, 2017, as well as the enforcement date for crane operator certification for three years from November 10, 2014, to November 10, 2017 for a total federal extension of seven years.

VOSH also extended this deadline to November 10, 2017. The Board originally adopted its own unique initial delayed enactment dates for these competency and certification requirements at its meeting on January 20, 2011, for OSHA's original August 9, 2010 overall revision of the standard in order to account for the time interval between OSHA's adoption and VOSH's subsequent adoption.

With this second federal delay, now a total of seven (7) years from the 2010 federal adoption, VOSH believes that the benefit to employers who may operate in multiple states or jurisdictions to having federal identical enforcement dates for this competency and certification outweighs any loss by the shortfall of approximately three months by not continuing with a VOSH unique effective date for the full additional three years. Adoption of the federal deadline this time results in 2.75 years of additional extension in Virginia for a total of 6.75 years.

CHANGE IV: Federal OSHA expanded the digger-derrick exemption in the Cranes and Derricks in Construction Standard to include all digger derricks used in construction work subject to Part 1926 Subpart V. A digger derrick is a specialized type of equipment designed to install utility poles. It typically comes equipped with augers to drill holes for the poles, and with a hydraulic boom to lift the poles and set them in the holes. Employers also use the booms to lift objects other than poles; accordingly, electric utilities, telecommunication companies, and their contractors use booms both to place objects on utility poles and for general lifting purposes at worksites.

Highlights of the Change IV Amendment

- **§1926.1400**

Exemption in existing §1926.1400 (c)(4) was revised to include within the exemption the phrase "any other work subject to Subpart V of "29 CFR part 1926" as proposed. This revision expands the exemption to remove from coverage under Subpart CC of Part 1926 the types of non-pole, digger-derrick work described by Edison Electrical Institute (EEI). OSHA has also made several minor clarifications to the text of the exemption.

- First, OSHA has replaced "and" with "or" in the phrase "poles carrying electric *or* telecommunication lines" (emphasis added). This revision will ensure that the regulated community does not misconstrue the exemption as limited to poles that carry both electric and telecommunications lines.
- Second, OSHA has added the phrase "to be eligible for this exclusion" at the beginning of the sentence requiring compliance with Subpart V of Part 1926 and §1910.268. This revision limits the exemption to the use of digger derricks that comply with the requirements in Subpart V of Part 1926 or §1910.268, then the work is not exempt and the employer must comply with all of the requirements of Subpart CC of Part 1926.

- Third, in §1926.1400 (c)(4) of this final rule, OSHA has replaced the reference to §1910.269 with a reference to Subpart V of Part 1926. By replacing the reference to §1910.269 in the §1926.1400 (c)(4) exemption with a reference to Subpart V of Part 1926, OSHA has removed any implication that these electric-utility employers having activities that fall within the digger-derrick exemption need only comply with §1910.269 and not with all Subpart V of Part 1926 requirements, including Subpart O of Part 1926 requirements for motorized vehicles.
- **§1926.952**

OSHA revised §1926.952 (c)(2) to require digger derricks to comply with §1926.269. This revision continues to mirror the updated terminology in the digger-derrick exemption at §1926.1400 (c)(4). As part of the revision to §1926.952(c)(2), OSHA clarified that the requirement to comply with §1910.269 is in addition to, not in place of, the general requirement in §1926.952 (c) that all equipment (including digger derricks) must comply with Subpart O of Part 1926.

CHANGE III: This amendment enacts what was attempted to be enacted by the 2012 Direct Final Rule (DFR) (CHANGE II of this Directive) which did not become effective. The new federal final rule applies the same crane rules to underground construction and demolition that were already being used by other construction sectors and streamlines OSHA’s standards by eliminating the separate cranes and derricks standards currently used for underground and demolition work. The rule also corrects errors made to the underground construction and demolition standards in the 2010 rulemaking. The amendments in this final rule will result in more stringent requirements for cranes and derricks used in underground construction or demolition work.

Highlights of the Change III Amendment

- Amended the demolition standard by adding subparagraph headings and replacing the “equipment used must” language in both subsection (c) of §1926.856, Removal of Walls, Floors, and Material with Equipment, and subsection (b) of §1926.858, Removal of Steel Construction, with a reference to the employer’s duty to comply with *all* Subpart CC of Part 1926 requirements (emphasis added) to avoid the ambiguity;
- Reinserted into §1926.858 the requirement to comply with Subpart N of Part 1926, in addition to Subpart CC of Part 1926 to clarify application of the provisions;
- Corrected §1926.800 (t) by restoring the clause “Except as modified by this paragraph (t)” to the beginning of the introductory paragraph; and
- Restored §1926.800 (t)(1) through (t)(4) the provision allowing employers to use cranes to hoist personnel for routine access to the underground worksites via a shaft without requiring them to demonstrate that conventional means of access are more hazardous or impossible for this purpose.

CHANGE II: On August 17, 2012, federal OSHA issued a Direct Final Rule, along with a companion notice of proposed rulemaking [77 FR 49741], that applies the requirements of the August 2010 Final Rule for Cranes and Derricks in Construction to demolition work and underground construction.

This Direct Final Rule, ***which did not become effective***, applied the same crane rules to underground

construction and demolition that were already being used by other construction sectors, and streamlined federal OSHA's standards by eliminating the separate Cranes and Derricks Standard currently used for underground and demolition work.

CHANGE I.

A. Overview of Standard

The revised standard will require employers to perform crane inspections, utilize qualified or certified crane operators, address ground conditions, maintain safe distances from power lines using the encroachment prevention precautions, and to fulfill other obligations under the standards. Federal OSHA has revised the Cranes and Derricks Standard and other related sections of the Construction Standards to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. This revision also addresses advances in the designs of cranes and derricks, related hazards, and the qualifications of employees needed to operate them safely.

Changes under this revised final rule include requirements that employers:

- determine whether the ground is sufficient to support the anticipated weight of hoisting equipment and associated loads;
- assess hazards within the work zone that would affect the safe operation of hoisting equipment, such as those of power lines and objects or personnel that would be within the work zone or swing radius of the hoisting equipment;
- ensure that the equipment is in safe operating condition through required inspections; and
- train employees in the work zone to recognize hazards associated with the use of the equipment and any related duties that they are assigned to perform.

According to federal OSHA, the new rule is designed to prevent the leading causes of fatalities, including electrocution, crushed-by/struck-by hazards during assembly/disassembly, collapse and overturn. It also sets requirements for ground conditions and crane operator assessment. In addition, the revised final rule addresses tower crane hazards and the use of synthetic slings for assembly/disassembly work, and clarifies the scope of the regulation by providing both a functional description and a list of examples for the equipment that is covered. The revised standard will also be more protective than the current standards is in assembly/disassembly operations, which along with power line contact, are leading causes of fatalities in crane work. [75 FR 48094]

The revised final rule addresses both the work practices used as well as other requirements for performing construction work involving cranes and derricks. Employers are required to keep specified records associated with inspections and operator certification/qualification. [75 FR 48127]

Other sections in Part 1926 amended as a result of the revised Cranes and Derricks final rule include the following:

- **[Subpart A]**, added §1926.6, Incorporation by reference;
- **[Subpart C – General Safety and Health Provisions]** – §1926.31, [Reserved], was removed and reserved;
- **[Subpart L – Scaffolds]** – §1926.450, Scope, application, and definitions applicable to this subpart, was amended by revising paragraph (a) to reference application to all scaffolds used in workplaces covered by this part, and that it does not apply to crane or derrick suspended personnel platforms;
- **[Subpart M – Fall Protection] – §1926.500, Scope, application, and definitions applicable to this subpart of Part 1926**, was amended by revising paragraph (a)(2)(ii), adding paragraph (a)(3)(v), and revising paragraph (a)(4) to reference subpart CC of Part 1926;
- **[Subpart DD – Cranes and Derricks Used in Demolition and Underground Construction]** – added §1926.1500, Scope;
- **[Subpart N – Helicopters, Hoists, Elevators, and Conveyors] – amended the heading to subpart N to read: “Subpart N – Cranes, Derricks, Hoists, Elevators, and Conveyors;”**
 - **§1926.550** [Reserved and former §1926.550 redesignated as §1926.1501];
 - **§1926.553**, Base-mounted drum hoists, was amended by adding paragraph (c), which states that this section does not apply to base-mount drum hoists used in conjunction with derricks, and which requires conformity with §1926.1436.
- **[Subpart O – Motorized Vehicles, Mechanical Equipment, and Marine Operations] – §1926.600, Equipment**, was amended by revising paragraph (a)(6);
- **[Subpart R – Steel Erection]** – §1926.753, Hoisting and rigging, was amended by revising paragraphs (a) and (c)(4) to reference §1926.1431;
- **[Subpart S – Underground Construction, Caissons, Cofferdams, and Compressed Air] – §1926.800, Underground Construction**, was amended by revising paragraph (t) to reference §1926.1501(g) of 1926 subpart DD of Part 1926;
- **[Subpart T– Demolition]** – §§1926.856 and 1926.858, Removal of walls, floors, and material with equipment, were amended by revising paragraph (b) to reference §1926.1501 of 1926.subpart DD of Part 1926;
- **[Subpart V – Power Transmission and Distribution]** – §1926.952, Mechanical equipment, was amended by adding a new paragraph (c), which is now entitled “Cranes and other lifting equipment” to conform with language in §1926.1400 (c)(4), and to ensure that comparable safety requirements exist for digger derricks performing electrical pole work;

- **[Subpart X – Stairways and Ladders]** – §1926.1050, Scope, application, and definitions applicable to this subpart, was amended by revising paragraph (a) to explain that subpart X does not apply to integral components of equipment covered by subpart CC, and to further explain that only subpart CC establishes the circumstances when ladders and stairways must be provided on equipment covered by subpart CC DD of Part 1926;
- **Appendix A to Part 1926** – Designations for General Industry Standards Incorporated into Body of Construction Standards – was amended by removing the row containing “1926.550(a)(19)” and “1910.184(c)(9)” from the table “1926 DESIGNATIONS FOR APPLICABLE 1910 STANDARDS;” and
- **Subparts AA and BB** – were reserved and **Subpart CC – Cranes and Derricks in Construction**, §§1926.1400 - 1926.1442, was added.

B. Types of Cranes Included Under the Revised Standard:

The revised federal standard applies to virtually all power-operated equipment, when used in construction, that can hoist, lower and horizontally move a suspended load, including, but not limited to the following (see §1926.1400 (a)):

- Articulating cranes (i.e., knuckle-boom cranes);
- crawler cranes;
- floating cranes;
- cranes on barges;
- locomotive cranes;
- mobile cranes (i.e., wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes);
- multi-purpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load;
- industrial cranes (i.e., carry-deck cranes);
- dedicated pile drivers;
- service/mechanic trucks with a hoisting device;
- a crane on a monorail;
- tower cranes (i.e., fixed jib, i.e., “hammerhead boom”), luffing boom and self-erecting);
- pedestal cranes;
- portal cranes;
- overhead and gantry cranes;
- straddle cranes;
- sideboom cranes;
- derricks; and
- variations of such equipment.

C. Exclusions from Subpart CC of Part 1926 – Cranes and Derricks in Construction:

Under §1926.1400 (c) of the revised standard, federal OSHA excluded many lifting devices, including machinery that has been converted to a non-hoisting/lifting use, as well as aerial lifts, forklifts, except when they are configured to hoist and lower by means of a winch or hook and horizontally move a suspended load. Other exclusions from Subpart CC of Part 1926 include:

- excavators (track hoe/backhoe);
- concrete pump trucks w/boom;
- digger derricks;
- power shovels;
- wheel loaders;
- automotive wreckers and tow trucks;
- vehicle mounted work platforms;
- self-propelled elevating work platforms;
- stacker cranes;
- telescopic/hydraulic gantry systems;
- mechanic's trucks with hoisting devices;
- come-a-longs and chain falls;
- gin poles for communication tower work;
- tree trimming and tree removal work;
- anchor handling with a vessel or barge using an affixed A-frame; and
- roustabout lifts;
- helicopter cranes; and
- material delivery

III. Implementation Schedule.

CHANGE VI: Operator Certification, §1926.1427 (k), Phase-in. There is an additional one (1) year extension of the enforcement date for employer duty to ensure crane operator competency and certification requirements. Virginia employers must be in compliance by November 10, 2018.

CHANGE V: Operator Certification, §1926.1427 (k), Phase-in. There is an additional three (3) year extension on the enforcement date for employer duty to ensure crane operator competency and certification requirements. Virginia employers must be in compliance by November 10, 2017.

CHANGE I: All provisions are effective on April 15, 2011, except for:

§1926.1427 (k), Phase-in. There is a four-year compliance period for the crane operator certification/qualification requirement, i.e., Virginia employers must be in compliance by April 15, 2015.

**Cranes and Derricks in Construction:
Extension of Operator Certification, §1926.1427(k); Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: 09 November 2017



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 February 2018

16VAC25-175-1926.1427, Operator Certification, §1926.1427(k)

When the regulations, as set forth in the Operator Certification Extension, §1926.1427 (k), of the Final Rule for Cranes and Derricks in Construction, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 10, 2017

February 15, 2018

§ 1926.1427 Operator qualification and certification.

* * * * *

(k) *Phase-in.* (1) The provisions of this section became applicable on November 8, 2010, except for paragraphs (a)(2) and (f) of this section, which are applicable November 10, 2018.

(2) When paragraph (a)(1) of this section is not applicable, all of the requirements in paragraphs (k)(2)(i) and (ii) of this section apply until November 10, 2018.

(i) The employer must ensure that operators of equipment covered by this standard are competent to operate the equipment safely.

(ii) When an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee prior to operating the equipment. The employer must ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.

Cranes and Derricks in Construction: Operator Certification, §1926.1427(k); Amendment

As Adopted by the
Safety and Health Codes Board

Date: December 11, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 February 2015

When the regulations, as set forth in the Amendment to the standard on Cranes and Derricks in Construction, Operator Certification, §1926.1427 (k), are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 10, 2014

February 15, 2015

PART 1926—[AMENDED]**Subpart CC—Cranes and Derricks in Construction**

- 2. Amend § 1926.1427 by revising paragraph (k) to read as follows:

§ 1926.1427 Operator qualification and certification.

* * * * *

(k) *Phase-in.* (1) The provisions of this section became applicable on November 8, 2010, except for paragraphs (a)(2) and (f), which are applicable November 10, 2017.

(2) When § 1926.1427(a)(1) is not applicable, all of the requirements in paragraphs (k)(2)(i) and (ii) of this section apply until November 10, 2017.

(i) The employer must ensure that operators of equipment covered by this standard are competent to operate the equipment safely.

(ii) When an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee prior to operating the equipment. The employer must ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.

[FR Doc. 2014-22816 Filed 9-25-14; 8:45 am]

BILLING CODE 4510-26-P

**Cranes and Derricks in Construction: Revising the Exemption for Digger Derricks,
§§1926.952 and 1926.1400; Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: 18 July 2013



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 01 November 2013

16VAC25-175-1926.952, Mechanical Equipment, §1926.952
16VAC25-175-1926.1400, Scope, §1926.1400

When the regulations, as set forth in the Final Rule for Cranes and Derricks in Construction: Revising the Exemption for Digger Derricks, §§1926.952 and 1926.1400, respectively, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

June 28, 2013

November 1, 2013

Cranes and Derricks in Construction:

**16VAC25-175-1926.856, Removal of Walls, Floors, and Material with Equipment, §1926.856, and
16VAC25-175-1926.858, Removal of Steel Construction, §1926.858;
Final Rule**

As Adopted by the

Safety and Health Codes Board

Date: July 18, 2013



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: November 1, 2013

16VAC25-175-1926.856, Removal of Walls, Floors, and Material with Equipment, §1926.856
16VAC25-175-1926.858, Removal of Steel Construction, §1926.858

When the regulations, as set forth in this Final Rule and related standards, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

29 CFR

Assistant Secretary

Agency

May 23, 2013

VOSH Equivalent

VOSH Standard

Commissioner of Labor and Industry

Department

November 1, 2013

CHAPTER 150
UNDERGROUND CONSTRUCTION, CONSTRUCTION INDUSTRY

~~16VAC25-150-10. Underground construction; in general (29 CFR 1926.800).~~

Note: The following standard is unique for the enforcement of occupational safety and health within the Commonwealth of Virginia under the jurisdiction of the VOSH Program. The existing federal OSHA standard does not apply; it does not carry the force of law and is not printed in this volume.

...

~~1926.800(t)~~

~~*Hoisting unique to underground construction.* Except as modified by this paragraph (t), employers must: Comply with the requirements of subpart CC of this part, except that the limitation in Sec. 1926.1431(a) does not apply to the routine access of employees to an underground worksite via a shaft; ensure that material hoists comply with Sec. 1926.552(a) and (b) of this part; and ensure that personnel hoists comply with the personnel hoists requirements of Sec. 1926.552(a) and (c) of this part and the elevator requirements of Sec. 1926.552(a) and (d) of this part.~~

~~1926.800(t)(1)~~

~~*General requirements for cranes and hoists*~~

~~1926.800(t)(1)(i)~~

~~Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging or falling into the shaft.~~

~~1926.800(t)(1)(ii)~~

~~A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This paragraph does not apply to fully enclosed hoistways.~~

~~1926.800(t)(1)(iii)~~

~~Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalman at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalman who is in constant voice communication with the operator.~~

~~1926.800(t)(1)(iv)~~

-

~~1926.800(t)(1)(iv)(A)~~

~~Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.~~

~~1926.800(t)(1)(iv)(B)~~

~~A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.~~

~~1926.800(t)(1)(v)~~

~~Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.~~

~~1926.800(t)(1)(vi)~~

~~Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.~~

~~1926.800(t)(1)(vii)~~

~~Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Moused or latched openthroat hooks do not meet this requirement.~~

~~1926.800(t)(1)(viii)~~

~~When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.~~

~~1926.800(t)(2)~~

~~Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.~~

~~1926.800(t)(3)~~

~~Additional requirements for hoists.~~

~~1926.800(t)(3)(i)~~

~~Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.~~

~~1926.800(t)(3)(ii)~~

~~Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.~~

~~1926.800(t)(3)(iii)~~

~~When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.~~

~~1926.800(t)(3)(iv)~~

~~Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.~~

~~1926.800(t)(3)(v)~~

~~Employees shall not ride on top of any cage, skip or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.~~

~~1926.800(t)(3)(vi)~~

~~Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.~~

~~1926.800(t)(3)(vii)~~

~~Line speed shall not exceed the design limitations of the systems.~~

~~1926.800(t)(3)(viii)~~

~~Hoists shall be equipped with landing level indicators at the operator's station. Marking the hoist rope does not satisfy this requirement.~~

~~1926.800(t)(3)(ix)~~

~~Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.~~

~~1926.800(t)(3)(x)~~

~~A fire extinguisher that is rated at least 2A:10B:C (multi-purpose, dry chemical) shall be mounted in each hoist house.~~

~~1926.800(t)(3)(xi)~~

~~Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the~~

emergency power cutoff without having to reach beyond the operator's normal operating position.

~~1926.800(t)(3)(xii)~~

~~Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.~~

~~1926.800(t)(3)(xiii)~~

~~Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.~~

~~1926.800(t)(3)(xiv)~~

~~Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker microphones so located that the operator can communicate with individual landing stations during hoist use.~~

~~1926.800(t)(3)(xv)~~

~~When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.~~

~~1926.800(t)(3)(xvi)~~

~~When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail guided to within a rail length from the sinking operation.~~

~~1926.800(t)(3)(xvii)~~

~~Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail guided for the full length of their travel.~~

~~1926.800(t)(3)(xviii)~~

~~Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to Sec. § 1926.552(c)(14)(iii) of this part for design factors for wire rope used in personnel hoists. The design factor shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.~~

~~1926.800(t)(3)(xix)~~

~~A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.~~

~~1926.800(t)(3)(xx)~~

~~Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.~~

~~1926.800(t)(3)(xxi)~~

~~In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load tested to 100 percent of its rated capacity: at the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.~~

~~1926.800(t)(3)(xxii)~~

~~Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.~~

~~1926.800(t)(3)(xxiii)~~

~~Unsafe conditions shall be corrected before using the equipment.~~

~~1926.800(t)(4)~~

Additional requirements for personnel hoists.

~~1926.800(t)(4)(i)~~

~~Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this paragraph (t).~~

~~1926.800(t)(4)(ii)~~

~~The operator shall remain within sight and sound of the signals at the operator's station.~~

~~1926.800(t)(4)(iii)~~

~~All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.~~

~~1926.800(t)(4)(iv)~~

~~All personnel cages shall be provided with a positive locking door that does not open outward.~~

~~1926.800(t)(4)(v)~~

~~All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress.~~

The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

~~1926.800(t)(4)(vi)~~

~~Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.~~

~~1926.800(t)(4)(vii)~~

~~During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.~~

~~1926.800(t)(4)(viii)~~

~~The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.~~

~~1926.800(t)(4)(ix)~~

~~The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in completed shafts.~~

Also for federal OSHA identical revisions to Change III, refer to 78 FR 23837 (April 23, 2013) at link, below:

http://www.osha.gov/FedReg_osha_pdf/FED20130529.pdf

**CRANES AND DERRICKS IN CONSTRUCTION; Direct Final Rule (DFR),
Demolition and Underground Construction**

As adopted by the

Safety and Health Codes Board

Date: September 12, 2012



**NOT IN EFFECT BECAUSE OF FEDERAL
DFR NOT GOING INTO EFFECT**

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: January 1, 2013

16VAC25-175-1926.856, Removal of Walls, Floors and Material with Equipment, §1926.856

16VAC25-175-1926.858, Removal of Steel Construction, §1926.858

16VAC25-150, Underground Construction, Construction Industry (§1926.800)

When the regulations, as set forth in the Direct Final Rule to Cranes and Derricks in Construction: Demolition and Underground Construction, 16VAC25-150, Underground Construction, Construction Industry (§1926.800) and §§1926.856, 1926.858, respectively, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 15, 2012

January 1, 2013

When the regulations, as set forth in this Final Rule for Cranes and Derricks and related standards, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

May 23, 2013

November 1, 2013

**Cranes and Derricks in Construction, §§ 1926.1400 through 1926.1442, and Other Related Standards;
Final Rule**

As Adopted by the

Safety and Health Codes Board

Date: January 20, 2011



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: April 15, 2011

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|-------------------------|---------------------------------|
| 16 VAC 25-175-1926.6 | 16 VAC 25-175-1926.800 |
| 16 VAC 25-175-1926.31 | 16 VAC 25-175-1926.856 |
| 16 VAC 25-175-1926.450 | 16 VAC 25-175-1926.858 |
| 16 VAC 25-175-1926.500 | 16 VAC 25-175-1926.952 |
| 16 VAC 25-175-1926.1500 | 16 VAC 25-175-1926.1050 |
| 16 VAC 25-175-1926.550 | 16 VAC 25-175-1926.1400 through |
| 16 VAC 25-175-1926.553 | 16 VAC 175-1926.1442 |
| 16 VAC 25-175-1926.600 | Subparts AA and BB |
| 16 VAC 25-175-1926.753 | |

When the regulations, as set forth in the federal OSHA's Final Rule to Cranes and Derricks in Construction, §§ 1926.1400 through 1926.1442, and other related standards, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 8, 2010

April 15, 2011