

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Jessica V Carter
Agency: Department of Labor, Licensing, and Regulation
Address: 500 N. Calvert Street, Suite 406
State: MD
Zip: 21202
Phone: 410-230-6112
Email: jessica.carter1@maryland.gov

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 09.12.26.04, .10-.11

Corresponding Federal Standard:

29 CFR 1926 Subpart CC

Discussion/Justification:

This is an amendment that clarifies the use of certain terms under Maryland's crane safety standard. More specifically, the amendment clarifies the use of the terms rigger, A/D Director and lift director some of which were adopted when Maryland adopted its standard and other when Maryland incorporated by reference the Federal DOL crane standard.

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

The Department of Commerce does not have necessary expertise in this area. However, Commerce feels that the Department of Labor, Licensing and Regulation does have the necessary expertise and therefore Commerce trusts their assertion that the proposal is not more restrictive or stringent.

Name: Jennifer Cox

Date: 7/5/2016

-Submit to Governor's Office

Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/06/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/19/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

09 12 26 04, .10-.11

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number
Jessica V Carter 410-230-6112

Mailing Address

500 N. Calvert Street, Suite 406

City State Zip Code
Baltimore MD 21202

Email
jessica.carter1@maryland.gov

5. Name of Person to Call About this Document Telephone No.
Mischelle F. Vanreusel 410-767-2225

Email Address
mischelle.vanreusel@maryland.gov

6. Check applicable items:
 New Regulations
 Amendments to Existing Regulations

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.26 Crane Safety

Authority: Authority: Labor and Employment Article, §§2-106(b)(4), 5-104, and 5-312,
Annotated Code of Maryland

Notice of Proposed Action

[]

The Commissioner of Labor and Industry proposes to amend Regulations .04, .10, and .11 under COMAR 09.12.26 Crane Safety.

This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on March 22, 2016, notice of which was given in the Maryland Register 43:5 Md. R. 393 (March 4, 2016) in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend Maryland's current Crane Safety regulation to clarify the requirements for riggers of cranes when used in construction and demolition. Maryland has an existing Crane Safety regulation, effective April 6, 2009. Similar federal crane standards in 29 CFR §1926 became a Final Rule on August 9, 2010. During the required adoption process the Maryland specific Crane Safety regulation term "master/lead rigger" was substituted for the federal "Assembly/Disassembly (A/D) Director" or "Lift Director (LD)". The terms are not interchangeable. This amendment clarifies the use of these terms in the adoptive language.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mischelle Vanreusel, Regulatory and Grants Coordinator, Division of Labor and Industry, 1100 N. Eutaw Street, Room 600, Baltimore, MD 21201, or call 410-767-2225, or email to mischelle.vanreusel@maryland.gov, or fax to 410-767-2986. Comments will be accepted through September 19, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are needed to implement the proposed regulations.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations are an amendment to clarify adoptive language regarding federal crane regulations and do not implement new or additional requirements.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations are an amendment to clarify adoptive language regarding federal crane regulations and do not implement new or additional requirements.

G. Small Business Worksheet:

1a. The construction industry during the utilization of cranes during construction and demolition are the intended beneficiaries.

1b. None.

1c. Construction entities utilizing cranes during construction and demolition will benefit from clarified terminology in the existing Crane Safety regulations.

2a. None.

2b. None.

3. None.

4. None.

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

Chapter 26 Crane Safety

Authority: Labor and Employment Article, §§2-106(b)(4), 5-104, and 5-312, Annotated Code of Maryland

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1)–(2) (text unchanged)

(3) 29 CFR §1926.1404[, except substitute “master/lead rigger” for “A/D Director” and in (r)(1) substitute “level II rigger” for “qualified rigger”];

(4) (text unchanged)

(5) 29 CFR §1926.1407[, except in (b)(1) substitute “master/lead rigger” for “A/D Director”];

(6)–(13) (text unchanged)

(14) 29 CFR §1926.1432[, except in (b)(1) delete “person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (lift director)” and substitute “master/lead rigger” and in (b)(2) delete “lift director” and substitute “master/lead rigger”];

(15) (text unchanged)

(16) 29 CFR §1926.1435[, except in (b)(4) substitute “master/lead rigger” for “A/D Director” and in (b)(5) insert after qualified person “who will document in writing compliance with the manufacturer’s tolerance and maintain the documentation for 3 years”];

(17) 29 CFR §1926.1436[, except in (n) substitute “master/lead rigger” for “A/D Director”];

(18)–(27) (text unchanged)

.10 Special Lifts.

A. An employer shall ensure that each time a special lift occurs [it is] *all rigging operations are* under the direct supervision of a master/lead rigger.

B.–D. (text unchanged)

.11 Tower Cranes.

A.–C. (text unchanged)

D. An employer shall ensure that *rigging operations during* the erection, dismantling, jumping, or reconfiguring of a tower crane is performed under the direct supervision of a master/lead rigger.

E.–G. (text unchanged)