

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
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Juliann Sum, Acting Chief

November 04, 2014

Rich Pinnell
4811 Viewridge Avenue
San Diego, CA 92123

Re: Issuance of Tower Crane Operating Permit

Dear Mr. Pinnell,

The following is in response to your inquiry dated October 16, 2014 concerning the issuance of tower crane operating permits. Your first concern was that tower crane operating permits are being issued in a manner which is inconsistent with the policy and procedure manual of the Division of Occupational Safety and Health (Cal/OSHA). This manual is not a legally binding document and merely serves as a guide for DOSH employees to conduct their activities. The only legally binding requirements for obtaining a tower crane operating permit reside within Title 8 California Code of Regulations and the California Labor Code.

The second concern you raised was that the tower crane operating permit is often issued to an on-site general contractor rather than the direct employer of the tower crane operator. Pursuant to Title 8 section 344.70, any employer operating a fixed or mobile tower crane must first obtain an operating permit from Cal/OSHA. Section 344.70 in part states the following:

344.70(b) Any employer operating a fixed or mobile tower crane as described in this section shall obtain a permit from the District Office of the Division pursuant to this article prior to operating the tower crane.

The operation of a tower crane extends beyond merely employing the operator. Whoever obtains a tower crane operating permit must be able to assume custody and control of the crane which includes the planning, and directing of crane operations and as well as possessing the authority to stop on-site operations and effectively abate any hazards as they arise. The operating employer is also responsible for ensuring that the crane is properly maintained in accordance with Title 8 and the manufacturer's recommendations. An employer who only employs the operator of the tower crane, but does not have control over the crane and crane operations, is not in a position to assume the responsibilities of the permit holder.

I hope this helps clarify the tower crane operating permit requirements. If you have any further question, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Berg".

Eric Berg
Acting Principle Safety Engineer