

16 October 2014

William Estakhri
Acting Deputy Chief
Division of Occupational Safety and Health
Department of Industrial Relations
1515 Clay Street
Oakland, CA 94612

Re: Crane Standard Annual and Quadrennial Certification Inspections, 8 CCR 5021 and 5031

Dear Mr. Estakhri:

This is to request an interpretation of the due date requirements for annual and quadrennial certification inspections of cranes greater than three (3) tons capacity as required by Title 8, Sections 5021 and 5031. The question is whether the most recent quadrennial sets the due dates for the upcoming annuals and the next quadrennial.

The Phylmar Regulatory Roundtable (PRR) is a group of 34 companies committed to improving workplace safety and health, and toward that end, PRR provides informal benchmarking and networking opportunities. In addition, participating companies work together in the rulemaking process to develop recommendations for federal and state occupational safety and health agencies. Combined, PRR members employ more than 400,000 individuals in the U.S., with annual revenues of more than \$750 billion; 15 members rank among the Fortune 500 companies.

Background: One PRR member has approximately 100 cranes with greater than three tons capacity. This company contracts with a Third Party Certifying Agency to perform annual and quadrennial certification inspections of these cranes in accordance with Sections 3021 and 5031. Section 5031(d) states as follows:

“In any year in which no quadrennial (every four years) proof load test is required on cranes or derricks, such equipment shall be examined by a qualified person as described in Section 5021. Such examination shall be made not later than the anniversary date of the quadrennial certification and shall conform with the requirements of Section 5022 (d) and the following:...” This is available at:
<http://www.dir.ca.gov/Title8/5031.html>

Our interpretation of this requirement is that the due dates of subsequent inspections are fixed by the date of the last (most recent) quadrennial inspection and do not shift if a particular annual inspection is done earlier (or later) than the anniversary of that last quadrennial. The Third Party Certifying Agency has a different interpretation, such that it adjusts the next date(s) to correspond to the date of the most recent annual inspection.

Example: The annual inspection of a crane with a quadrennial load test date of 8/2/2013 was performed shortly after the one year anniversary on 8/7/2014 because 8/2/2014 fell on a Saturday and the company could not schedule the 3rd Party Certifying Agency to come in to do the work that weekend. The company tagged the crane out-of-service so that it was not used after 8/1/2014 until it had passed its annual certifying inspection on 8/7/2014.

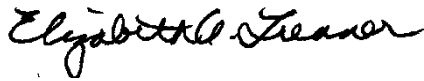
The Third Party's certification document (Plate V) shifted the date of the next annual to show that it was due on 8/7/2015 and that is when they plan to return. However, the company believes that they will be out-of-compliance with 5031(d) from 8/2/2015 until the next certification is performed - because the most recent quadrennial occurred on 8/2/2013 and that set the due dates for the next series of Annual certifications. The company's Third Party Certifying Agency is rolling the due date of the next annual or quadrennial to be based on the date they perform the annual inspection and not the anniversary of the most recent quadrennial load test.

The company believes that each subsequent quadrennial re-sets the timeline. The last quadrennial was April 15, 2012 and if the next one is done on April 1, 2016, then the due dates for the next annuals are: on or before April 1, 2017, April 1, 2018, and April 1, 2019 and the date for the next quadrennial is on/before April 1, 2020. The company believes that per 5031(d), due dates for cranes in non-quadrennial proof load years are fixed to the anniversary of the quadrennial and do not change based on date of subsequent annual inspections.

Please confirm that our understanding is correct.

Please let me know if you have any questions about this request. We appreciate your assistance on this issue.

Sincerely,



Elizabeth A. Treanor
Director
Phylmar Regulatory Roundtable

cc: Juliann Sum

PRR Sacramento Office: P. O. Box 660912, Sacramento, California 95866
+1.916.486.4415