



# Certification Page Regular and Emergency Rules

Revised September 2016

☐ **Emergency Rules** (After completing all of Sections 1 through 3, proceed to Section 5 below)

☒ **Regular Rules**

## 1. General Information

a. Agency/Board Name

Department of Workforce Services - OSHA Commission

b. Agency/Board Address

1510 E. Pershing Blvd.

c. City

Cheyenne

d. Zip Code

82002

e. Name of Agency Liaison

Marcia J. Price

f. Agency Liaison Telephone Number

(307) 777-6746

g. Agency Liaison Email Address

marcia.price@wyo.gov

h. Adoption Date

May 21, 2019

i. Program

OSHA Division 1926 Construction

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ No.

☐ Yes. Please provide the Enrolled Act Numbers and Years Enacted:

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number: <b>29</b>	Chapter Name: <b>Cranes and Derricks in Construction (CC)</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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### **3. State Government Notice of Intended Rulemaking**

- a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **3/29/19**
- approved as to form by the **Registrar of Rules**; and
  - provided to the **Legislative Service Office** and **Attorney General**:

### **4. Public Notice of Intended Rulemaking**

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☐ Yes. ☒ N/A
- b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

- c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

### **5. Final Filing of Rules**

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**:
- c. ☒ The Statement of Reasons is attached to this certification.

### **6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual

Printed Name of Signatory

C. Donald Alston

Signatory Title

Co-Chair, Wyoming OSHA Commission

Date of Signature

5/21/19

### **7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

**Principal Statement of Reasons – OSHA 1926 (Construction) regular rules:**

**Chapter 29 – Cranes and Derricks in Construction (CC) (1926.1427(k))**

On 11/9/18, the Department of Labor published a Federal Register notice on the Final Rule on Crane Operator Certification Requirements, effective December 10, 2018, except the amendments to 29 CFR 1926.1427 (a) and (f) (evaluation and documentation requirements), which are effective February 7, 2019. The amendments to OSHA's crane standard in this final rule require employers to permanently implement evaluations of crane operators, whereas the previous evaluation duty had been temporary with a fixed end date. These evaluations must be documented and include more specificity than the previous temporary employer duty to assess and train operators under 1926.1427(k) (2).

Accordingly, State Plans are required to adopt an as least effective change to their standard. Since Wyoming is a State Plan, we must adopt an at least as effective standard or amendment to their existing standards or show that we already have an existing standard within six months of the standard's effective date, i.e. by 6/10/19.

The changes for this rule include: All crane operators must be trained, certified (or licensed) and evaluated effective 2/7/19. They must be certified every five (5) years by ANSI or NCCA. Exemptions include: operators of derricks, sideboom cranes or equipment with a maximum manufacturer rated hoisting/lifting capacity of 2,000 pounds or less are not required to have certified operators. Training requirements still apply.

Federal OSHA is also removing the previous requirement for crane operators to be certified by crane capacity, as well as crane type.



**Mark Gordon**  
Governor

# State of Wyoming

## Department of Workforce Services

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Cheyenne, Wyoming 82007  
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[www.wyomingworkforce.org](http://www.wyomingworkforce.org)



**Robin Sessions Cooley**  
Director

May 14, 2019

**Public Comments**  
**For**  
**OSHA 1926 – Chapter 29 – Cranes and Derricks in Construction**

On March 25, 2019, the Secretary of State's office reviewed, accepted and posted this proposed rule for their website.

On March 29, 2019, a group email was sent using the OSHA email list alerting those interested in OSHA rules of the proposed changes.

On March 31, 2019, a public notice was published in the Casper newspaper for statewide notice.

The 45 day public comment period for this rule expired on May 13, 2019.

No public comments were received.



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Development for Wyoming's Future.



## **Chapter 29**

### **Cranes and Derricks in Construction – Subpart CC**

#### **Section 1. Incorporation by Reference.**

(a) The Department of Workforce Services has determined that incorporation of the full text of these rules would be cumbersome and inefficient given the length or nature of the rules;

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (d) of this section; and

(c) The incorporated code, standard, rule, or regulation is maintained at the Department of Workforce Services, OSHA Division's office (1510 East Pershing Boulevard, Cheyenne, WY 82002) and is available for public inspection and copying at cost at the same location.

(d) Each rule incorporated by reference is further identified as follows:

(i) 29 C.F.R. §§ 1926.1400 – 1926.1442 (2018) as it was in effect on March 15, 2019 and adopted by the Department of Workforce Services, Wyoming OSHA Commission, found at:

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1427>

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(d) Each rule incorporated by reference is further identified as follows:

(i) 29 C.F.R. §§ 1926.1400 – 1926.1442 (2016~~8~~) as it was in effect on ~~June 19, 2018~~ March 15, 2019 and adopted by the Department of Workforce Services, Wyoming OSHA Commission, found at:

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=1](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=1)

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1427>