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VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Ms. Debbie Stone
Regulations Coordinator
Division of Labor and Industry
1100 N. Eutaw Street, Room 606
Baltimore, MD 21201

Re: Comments on Proposed Crane Regulations

Dear Ms. Stone:

The Utility Line Clearance Coalition (“ULCC”) respectfully submits these comments regarding the proposal from the Commissioner of Labor and Industry to revise the Maryland Occupational Safety and Health Administration’s crane regulations.

The ULCC is an association consisting of ten members who engage in line-clearance tree trimming. Each of these companies engages in vegetation management for electric utility, municipal and commercial customers. This work includes electric utility “right of way” clearance to create or maintain electric power line rights-of-way as specified by the electric utility or other customer. ULCC members use specialized techniques that allow utility line-clearance to be done safely and consistently without the de-energization of electric supply to communities. ULCC member companies perform approximately 95 percent of the line-clearance tree trimming in the United States, and several ULCC members perform work in Maryland.

Cranes are not typically used during line-clearance work. On occasion, however, situations arise in which the only safe and effective way to remove a tree is through the use of a crane. Under these circumstances, ULCC members follow the provisions of ANSI Z133.1-2006 standard for Arboricultural Operations. The provisions in the ANSI Z133.1 standard include inspection, operating, training, rigging, and other safety requirements, as well as minimum approach distances from electric supply lines.

The proposal states that the provisions would apply to “maintenance” work, but does not provide a definition, and it is therefore not clear whether the regulations would apply to line-clearance tree trimming. In our view, line-clearance tree trimming work should not be included in the scope of

the regulations. Based upon the provisions, the proposal is clearly aimed at the types of large-scale construction and demolition projects where recent accidents and fatalities have occurred. The use of cranes in the line-clearance tree trimming industry is fundamentally different because cranes are used tactically rather than as an integral part of the job, as is the case with construction, demolition, and major maintenance projects. In addition, critical and repeated lifts are not performed in tree-trimming operations.

Also, it is not clear whether the costs of applying the proposed regulations to line-clearance tree trimming have been considered. Similarly, we are not aware of any assessment of whether those costs are justified by any risks in our industry. Unlike the construction and demolition industries, the incidence of crane accidents or hazards in our industry is low.

Assuming the proposal is intended to apply to line-clearance work, we have some specific comments on the provisions.

Additional Exemptions from the Scope

We agree that wheel loaders, backhoes, loader backhoes, track loaders, service trucks, digger derricks, aerial devices and forklifts should be exempt from this proposed regulation because they differ significantly from cranes. However, we recommend that the “scope” provision be clarified to prevent the inadvertent coverage of additional equipment that does not pose the same hazards as cranes. Specifically, we recommend exempting:

- (1) Mobile cranes having a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds
- (2) Articulated boom, knuckle boom or log loaders
- (3) Truck-mounted hoists.
- (4) Tractors and skid steer loaders
- (5) Vehicle mounted winches not used for vertical hoisting

Graduated Training Requirements

The proposed regulation distinguishes between tower cranes, mobile cranes and derricks in 06(e)(i-iii). We suggest further distinguishing between lattice boom truck cranes, lattice boom crawler cranes, truck mounted booms, small telescopic boom cranes (fixed cab), large telescopic boom cranes (swing cab), and overhead cranes. This breakdown would be more consistent with the current NCCO Crane Operator Certification process. Also, we conclude that it is appropriate to distinguish among these different types of cranes because the training needed to operate various types of cranes safely varies widely.

Conclusion

We appreciate this opportunity to comment on this proposal. Thank you for your attention to this matter, and please do not hesitate to contact us with any questions.

Respectfully submitted,



Melissa A. Bailey
Counsel to the Utility Line Clearance Coalition

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