

workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

#### Summary of Legal Basis:

The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated and need to be revised to reflect current sampling and analytical technologies.

#### Alternatives:

Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site. The Agency is currently evaluating several options for the scope of the rulemaking.

#### Anticipated Costs and Benefits:

The scope of the proposed rulemaking and estimates of the costs and benefits are still under development.

#### Risks:

A detailed risk analysis is under way.

#### Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/03	
Complete Peer Review of Health Effects and Risk Assessment	01/00/08	

#### Regulatory Flexibility Analysis Required:

Yes

#### Small Entities Affected:

Businesses

#### Government Levels Affected:

Undetermined

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#### DOL—OSHA

### PROPOSED RULE STAGE

#### 108. CRANES AND DERRICKS

##### Priority:

Other Significant. Major under 5 USC 801.

##### Legal Authority:

29 USC 651(b); 29 USC 655(b); 40 USC 333

##### CFR Citation:

29 CFR 1926

##### Legal Deadline:

None

##### Abstract:

A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used.

In 2002 OSHA published a notice of intent to establish a negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document.

##### Statement of Need:

There have been considerable technological changes since the consensus standards upon which the 1971 OSHA standard is based were developed. In addition, industry consensus standards for derricks and crawler, truck and locomotive cranes were updated as recently as 2004.

The industry indicated that over the past 30 years, considerable changes in

both work processes and crane technology have occurred. There are estimated to be 64 to 82 fatalities associated with cranes each year in construction, and a more up-to-date standard would help prevent them.

#### Summary of Legal Basis:

The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 USC 651).

#### Alternatives:

The alternative to the proposed rulemaking would be to take no regulatory action and not update the standards in 29 CFR 1926.550 pertaining to cranes and derricks.

#### Anticipated Costs and Benefits:

The estimates of the costs and benefits are still under development.

#### Risks:

OSHA's risk analysis is under development.

#### Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/02	67 FR 46612
Comment Period End	09/16/02	
Request for Comments on Proposed Committee Members	02/27/03	68 FR 9036
Request for Comment Period End	03/31/03	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/03	68 FR 35172
Rulemaking Negotiations Completed	07/30/04	
SBREFA Report NPRM	10/17/06	
	01/00/08	

#### Regulatory Flexibility Analysis Required:

Yes

#### Small Entities Affected:

Businesses

#### Government Levels Affected:

Undetermined