NATIONAL LUMBER AND BUILDING MATERIAL DEALERS ASSOCIATION (NLBMDA)

Presentation at the Informal Public Hearing
Regarding OSHA—2007—0066 Cranes and Derricks in Construction

Tuesday, March 17, 2009 - Friday, March 20, 2009
Frances Perkins Building Auditorium
U.S. Department of Labor
3rd and C Streets, N.W., Washington, DC

Good morning my name is Patrick Mossie, I am the Safety & Fleet Manager for Pro-Build Holdings in Florida and have worked in the building supply industry for the past 25 years. My background includes the operation of articulating booms, extensive training on the design and manufacturing of articulating booms, their electro hydraulic safety system. I have also created a written boom operator training program.

Pro-Build is the largest supplier of building materials in the United States, with 500 locations and over 13,000 workers. Pro-Build is a member of NLBMDA, and I have been asked to speak on behalf of the Association.

Pro-Build, like the other members of the Association, is in the business of selling and delivering building supplies to our customers' residential and commercial construction sites. Such products delivered are for example drywall, roofing material, and lumber for the use of construction workers. These are basically the same sort of building materials that a customer might buy at a building supply store.

Typically our crews deliver building materials to a construction site, using a truck-mounted, hydraulic-powered, articulating boom equipped with a fork attachment (in a locked cradle position) at the end. We use these to offload materials or pallets of materials similar to a powered industrial lift truck.

These hydraulic-powered articulating booms do not require assembly or disassembly, and are not designed to have any cable devices, cable-winding drums, nor do they require any rigging devices to safely place the load. The materials we deliver are very stable and not prone to shift or fall when moved.

For example, the fork attachment locked in a cradle position secures a typical lift of drywall consisting of 26 sheets (or a maximum of 34 sheets), or a lift of other material.

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None of these loads will weigh more than 6,000 pounds. The articulating booms available today have a maximum rated weight capacity of 7,500 pounds.

The lifts are offloaded and placed on the ground or through an elevated opening inside the structure under construction that can range anywhere from one foot to ninety feet as a maximum height.

Upon completing the delivery to the site, our crews have nothing whatsoever to do with the unpacking, setup, or installation of the materials, and are not required to remain on the construction site to assist construction employees with their duties.

Exhibit #1 demonstrates the placement of an elevated lift of drywall weighing 3,000 lbs secured with the fork attachment.

We have suggested in our written comments that the equipment we use, and the manner in which we use it (repetitive movements to place building materials on the ground or elevated position) should be exempt from OSHA's proposed standards for cranes used in construction.

We consider the delivery of building materials to construction sites to begin in our yards and end when the material is placed where required by the builder. We want our operators to know every aspect of this function and to be the best at this function.

Today I want to suggest that there is already a body of knowledge, specifically and appropriately focused on articulating booms. This is the ASME/ANSI standard on Articulating Booms,[1] and the training and safety program that many in our industry have developed. We believe that these are currently serving as an effective guide for our sector and should be a point of reference for OSHA.

We concur with OSHA's suggestion that the delivery of materials be exempt where the materials are off-loaded directly onto the ground. We also agree that a reasonably set maximum rated weight capacity for the articulating boom could serve as a further exemption. Based on actual industry use, appropriate training, and currently equipped articulating booms, we believe this capacity should be set at 10,000 pounds.

Operator Control of the Articulating Boom

The proposed rule[2] requires the crane operator to refrain from engaging in any practice that would divert his or her attention while operating the crane.

We agree that operating an articulating boom is a complex task that requires an operator's full attention. Today it is common for articulating booms to be equipped with top seat

[1] ASME B30.22.
[2] See §1926.1417(d).

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operated controls or portable radio remote controls. These features themselves allow the operator to be better positioned with controls always in hand.

The operator is physically located at the same location as the remote control and is therefore able to perform control operations as quickly as an operator who is seated at the top seat controls.

The operator can also be positioned to ensure that there is no obstructed view.

And finally, the operator using a remote control device can be directly involved in the offloading of materials, ensuring the operator and other members of the offloading crew are insulated from the risk of an unintended boom movement by another person.

Signal Persons

The proposed requirement[3] that a dedicated "signal person" be provided on every job-site is already addressed where a radio remote control system is used.

Without a remote control system, we employ a second person who serves as a signal person. This same person helps in the off-loading process. We do not think a third, specifically designated spotter is necessary for the safe use of this equipment.
Any standards, voluntary or otherwise, should reflect the reality of what we do and the engineered equipment we use.

Exhibit #2 demonstrates the use of the radio remote control in an obstructed view situation.

In addition, articulating booms are equipped with state of the art electro-hydraulic technology safety systems, which include the Lifting Moment Limiting Device.

The LMLD is activated the moment the load reaches the manufacturer's maximum, non-exceedable load values established on the inner and outer rams of the boom. These limits cannot be altered by the operator or maintenance facility. The device preserves the booms structure from overloads, as it prevents any movement which will increase the value of the maximum established weight limits.

Once activated the LMLD will only allow the operator two maneuvers: one being retraction of the telescope section and the second being retracting the outer boom decent.

Exhibit #3 is an example of the (LMLD) automatically activated at 46 feet from the centerline of the rotation, avoiding an overload situation on a 78' 11" horizontal reach boom.

[3] See §1926.1419(a)(1) through (a)(3).

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Exhibit #4 is an example of a Mobil crane buckling in an overload situation demonstrating the difference between an articulating boom equipped with hydraulic cylinders protected by (LMLD) versus assembled crane sections equipped with cable devices and crane winding drums.

Training Requirements

We believe that articulating boom operators who deliver building materials to construction sites should be trained and need only be trained in the safe operation of the equipment for that purpose.

We do not think that the numerous other provisions of the proposal will have any effect on enhancing safety relative to the operation of articulating booms as we use them.

We believe that our training programs, based on the ASME/ANSI standard, are focused, effective, and most appropriate for the work our employees do when delivering materials to the construction site. It is straight-forward, focused solely on the articulating boom, and easy to develop a training program from.

With respect to the current proposed standard, we respectfully suggest that OSHA first address the risks associated with tower cranes and other equipment with similar inherent risks.

In a separate line of inquiry we would invite OSHA to determine the risks associated with articulating booms in the delivery of materials to the construction site. We believe, that once the specific risks associated with the our equipment are analyzed, that OSHA will conclude not only that its current proposal is inappropriate, but that our industry follows practices and procedures already recognized and in place today.

Pro-Build has created our own boom operator training program in accordance with ASME/ANSI Standard B30.22 and Pro-Build safety policy & procedures that specifically address the safe operation of articulating booms for the sole purpose of delivering building materials to construction sites.

All of our operators are well trained, currently certified by Pro-Build and possess the necessary skills to safely, effectively operate our articulating booms.

In conclusion:

OSHA's proposed standard would be inappropriate if applied to the delivery of building supplies to construction sites when using the articulated boom.

OSHA should specifically exempt the articulating booms used for the delivery of building materials based on a realistic maximum rated load weight of 10,000 pounds.

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In our written comments we sited the Cal OSHA exemption of 15,000 pounds, but here we suggest a unique exemption for the articulated boom used in the delivery of building materials.

Articulating booms are manufactured with safety features that arguably are more effective in addressing the risks inherent in what we do when delivering materials than the pending proposed standard for cranes and derricks.

Our Association would welcome the opportunity to meet with OSHA to explore the specific risks associated with the use of articulating booms in the delivery of building materials to the construction site.

We are prepared to demonstrate our existing commitment to safety through our employer-provided training programs and the safety features of the articulating boom used by our members.

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