

# STATE OF NEW YORK

9546

## IN ASSEMBLY

March 16, 2022

Introduced by M. of A. DICKENS -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing safety measures for hoisting and requiring the commissioner of labor to promulgate rules and regulations pertaining to safety every ten years

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 256 to  
2 read as follows:

3 § 256. Hoisting safety. 1. For the purposes of this section:

4 (a) "Active or passive load stabilization mechanism" means any active  
5 or passive external device attached to the bottom hook of a crane or  
6 similar lifting machine that stabilizes any load with computerized  
7 control and human input in order to enhance worker safety.

8 (b) "Fall zone" means the area, including, but not limited to, the  
9 area directly beneath the load, in which it is reasonably foreseeable  
10 that partially or completely suspended materials could fall in the event  
11 of an accident.

12 (c) "Tilt-up or tilt-down operation" means raising or lowering a load  
13 from horizontal to vertical or from vertical to horizontal.

14 (d) "Boom free fall" means that only the brake or clutch is used to  
15 regulate the descent of the load line from an inclined spar, strut, or  
16 other long structural member which supports the upper hoisting tackle on  
17 a crane or derrick.

18 2. Where available, hoisting routes that minimize the exposure of  
19 employees to hoisted loads shall be used, to the extent consistent with  
20 public safety.

21 3. While the operator is not moving a suspended load, no employee  
22 shall be within the fall zone, except for employees:

23 (a) engaged in hooking, unhooking or guiding a load;

24 (b) engaged in the initial attachment of the load to a component or  
25 structure; or

26 (c) operating a concrete hopper or concrete bucket.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13395-02-2

1 4. When employees are engaged in hooking, unhooking, or guiding the  
2 load in the initial connection of a load to a component or structure and  
3 are within the fall zone, all of the following criteria must be met:

4 (a) a tag line shall be used if the materials being hoisted are under  
5 one thousand pounds and do not present a risk of critical injury as  
6 determined by the project manager or safety engineer;

7 (b) an active or passive load stabilization mechanism shall be used if  
8 the materials being hoisted are equal to or over one thousand pounds or  
9 present a risk of critical injury to an employee as determined by the  
10 project manager or safety engineer;

11 (c) the materials being hoisted shall be rigged to prevent uninten-  
12 tional displacement;

13 (d) hooks with self-closing latches or their equivalent shall be used,  
14 except that "J" hooks shall be permitted to be used for setting wooden  
15 trusses; and

16 (e) the materials shall be rigged by a qualified rigger.

17 5. Only employees needed to receive a load shall be permitted to be  
18 within the fall zone when a load is being landed.

19 6. During a tilt-up or tilt-down operation:

20 (a) no employee shall be directly under the load;

21 (b) only employees essential to the operation shall be permitted in  
22 the fall zone, but shall not be permitted to be directly under the load.  
23 An employee is essential to the operation if such employee is conducting  
24 one of the following operations and the employer can demonstrate it is  
25 infeasible for such employee to perform that operation from outside the  
26 fall zone:

27 (i) physically guide the load;

28 (ii) closely monitor and give instructions regarding the load's move-  
29 ment; or

30 (iii) either detach the load from or initially attach the load to  
31 another component or structure, such as, but not limited to, making an  
32 initial connection or installing bracing.

33 7. Boom free fall is prohibited when an employee is in the fall zone  
34 of the boom or load, and load line free fall is prohibited when an  
35 employee is directly under the load.

36 § 2. Subdivision 2 of section 27 of the labor law is amended by adding  
37 a new paragraph g to read as follows:

38 g. The commissioner shall, every ten years, promulgate rules and regu-  
39 lations, or amend existing rules and regulations relating to outdated  
40 and unsafe technologies with the best available technologies at the time  
41 of such promulgation or amendment. In developing such rules and regu-  
42 lations, the commissioner shall:

43 (i) Contract occupational health professionals, industrial safety  
44 engineers, and mechanical engineers to provide expert assistance in the  
45 replacement of outdated standards; and

46 (ii) Conduct public hearings on new regulations where businesses,  
47 unions, and members of the general public have the opportunity to speak  
48 on proposals, provide recommendations, and add amendments.

49 § 3. This act shall take effect immediately.