STATE OF NEW YORK

9546--A

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. DICKENS, ZINERMAN -- Multi-Sponsored by -- M. of A. BRABENEC, SIMON -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

(b) "Passive load stabilization mechanism" means any external device attached to the bottom hook of a crane or similar lifting machine that uses the natural environment to manipulate any load with human input.

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

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

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

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

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

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

LBD13395-03-2

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

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

(c) operating a concrete hopper or concrete bucket.

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

(a) if the materials being hoisted are under three thousand pounds and the swing or spin of the load does not present a risk of critical injury as determined by the project manager or safety engineer, a tagline or other passive load stabilization mechanism shall be used to manually stabilize the materials;

(b) if the materials being hoisted are over three thousand pounds or present a risk of critical injury as determined by the project manager or safety engineer, an active load stabilization mechanism shall be used;

(c) the materials being hoisted shall be rigged to prevent unintentional displacement;

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

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

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

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

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

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

(i) physically guide the load;

(ii) closely monitor and give instructions regarding the load's movement; or

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

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

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

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

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

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

§ 3. This act shall take effect immediately.