

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunrise Analysis of a Proposal to Regulate Crane Operators

Summary

We analyzed whether crane operators should be regulated as proposed in House Bill No. 1931 introduced during the 1993 legislative session.

Cranes and derricks are used in manufacturing, construction, and other industries to move heavy materials. By means of booms, jibs, or other mechanisms, they raise and lower loads and move them horizontally while suspended.

House Bill No. 1931 proposes to regulate the occupation with a five-member crane operators examining board in the Department of Commerce and Consumer Affairs. The bill covers tower cranes used in construction, demolition, or excavation work; hydraulic cranes; power-operated derricks; and mobile cranes with a capacity exceeding five tons. No one could lawfully operate a crane unless licensed by the board. In addition, crane operator apprentices would have to be registered by the board and work only under the supervision of licensed crane operators. Crane owners would have to register their cranes. The bill exempts crane engineers under the jurisdiction of the federal government; engineers or operators employed by public utilities or industrial manufacturing plants; and persons engaged in boating, fishing, agriculture, or arboriculture.

We found that the regulation of crane operators is not warranted. Improperly operated cranes do pose a danger to the health and safety of the public and construction workers, and serious accidents have occurred. However, there is insufficient evidence that licensing crane operators would substantially reduce the risk of harm. The federal Occupational Safety and Health Administration (OSHA) has concluded that most crane accidents could be prevented by proper planning before construction begins. Furthermore, regulation would be costly and licensing fees could restrict entry into the occupation. Construction companies and other businesses that use crane operators have the experience and technical knowledge to protect themselves.

We also found that protection against crane accidents is already in place in both the public and private sectors. The federal government, state government, and the private sector all have programs to protect construction workers and the public. These include OSHA regulations, state regulations of the Department of Labor and Industrial Relations, and union apprenticeship training in construction equipment operation.

In addition, we found that House Bill No. 1931 has several deficiencies. It exempts certain crane operators without apparent reason, and the exemptions are sometimes confusing. For example, it is unclear whether the "boating" exemption means recreational boating, commercial shipping, or both. Also, the bill specifically states that one member of the licensing board must represent the interests of crane owners. This language conflicts with the purpose of licensing boards which is to protect the public welfare, not the interests of the profession.

Recommendation

We recommend that House Bill No. 1931 not be enacted.

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