# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF LABOR AND INDUSTRY

**Gary G. Pan**
COMMISSIONER

October 25, 2023

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Senator Richard L. Saslaw
Senate District 35
P.O. Box 1856
Springfield, Virginia 22151-0856

Dear Senator Saslaw:

By letter dated March 24, 2023, the Department of Labor and Industry was asked to prepare a written report pursuant to Rule 20(o) of the Rules of the Senate of Virginia concerning Senate Bill 840, which would have directed the Safety and Health Codes Board to amend Virginia's version of federal OSHA's crane standards to allow an active or passive load stabilization mechanism (hereafter crane load stabilization) to be used, if necessary, to prevent hazardous rotation of a load. The Department's response was requested by November 1, 2023.

The Department met with the interested constituent, VITA Inclinata, to discuss their issues and concerns in March of this year. As a result of the meeting, the Department requested the constituent make a formal request for a letter of interpretation to determine if regulatory changes were needed to allow for the use of this crane load stabilization technology. The Department followed-up with the constituent on multiple occasions, but as of the writing of this letter, no formal request for a letter of interpretation has been made by VITA Inclinata.

In order to provide a determination, the Department needs additional information from the constituent and a formal request for interpretation. Without this information, the Department cannot determine whether the use of this crane load stabilizing technology is permissible under federal OSHA's crane standards. Please see the attached report with additional background information.

With kind regards, I am

Sincerely,

Gary G. Pan
Commissioner

cc: Sen. John J. Bell, Chief Patron of SB 840
Sen. Jeremy S. McPike, Chief Co-Patron of SB 840
Susan Clarke Schaar, Clerk of the Senate

October 25, 2023

**DEPARTMENT OF LABOR AND INDUSTRY**

**VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) PROGRAM**

**Report On the Use of Load Stabilization Mechanisms For**

**Cranes And Derricks in Construction**

Legislative History

Senate Bill 840[1] patroned by Senators Bell and McPike would require the Safety and Health Codes Board to amend its standards and adopt regulations for the Virginia Occupational Safety and Health Program, regarding cranes and derricks in construction, to allow an active or passive load stabilization mechanism to be used if necessary to prevent hazardous rotation of a load as determined by the site project manager or safety engineer.

The Bill required the Department to report the final regulations to the Chair of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2023. This was the first-time legislation was introduced on this topic.

The Bill was referred to the Senate Committee on Commerce and Labor on December 23, 2022. The identical Senate Bill 1039 was also introduced by Senator McPike and incorporated by the Senate Committee on Commerce and Labor into SB 840 on January 16, 2023. The Bill was passed by indefinitely in Senate Committee on Commerce and Labor with the request that a letter and report would be submitted to the committee chair and bill patron on the subject matter contained in the bill.

The Clerk of the Senate, on behalf of the Committee Chair referred the subject matter to the Department for study by letter dated March 24, 2023 with a due date of November 1, 2023.

VOSH

Virginia is one of 27 states and 2 territories that operate Occupational Safety and Health Administration (OSHA) approved state plans[2]. As a state plan for occupational safety and health under the OSH Act of 1970, Virginia is required to maintain occupational safety and health standards that are "at least as effective as" that of OSHA.[3] As part of the VOSH Plan, Virgnia has adopted an identical version of federal OSHA's Cranes and Derricks in Construction Standard, 29 CFR 1926.1400-1443[4].

[1] https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=SB840
[2] https://www.osha.gov/stateplans/va
[3] 29 U.S.C. 667(c)(2)
[4] https://www.osha.gov/laws-regs/regulations/standardnumber/1926

## VITA Inclinata[5] Crane Load Stabilization Product

The crane load stabilization product, the VITA Load Navigator, is a below the hook device[6] that uses sensors to control load spin, program the orientation of the load[7]. It allows an operator to control and monitor the load from up to 600 feet away. The load is controlled by remote control without the need for tag lines and personnel being near the load being moved. VITA Inclinata markets this product as increasing jobsite safety by allowing loads to be controlled from safe distances or in situations where it might not be safe for personnel to be present.

## A Brief Summary of Meeting

Staff from the Department of Labor and Industry met representatives from Vita Inclinata in a MS Teams meeting on March 1, 2023. Vita Inclinata shared a presentation on their technology, what advantages it had over existing mechanisms as well as details on the industries they work in. The technology they were promoting was an active and passive load stabilizing mechanism to use with cranes and derricks.

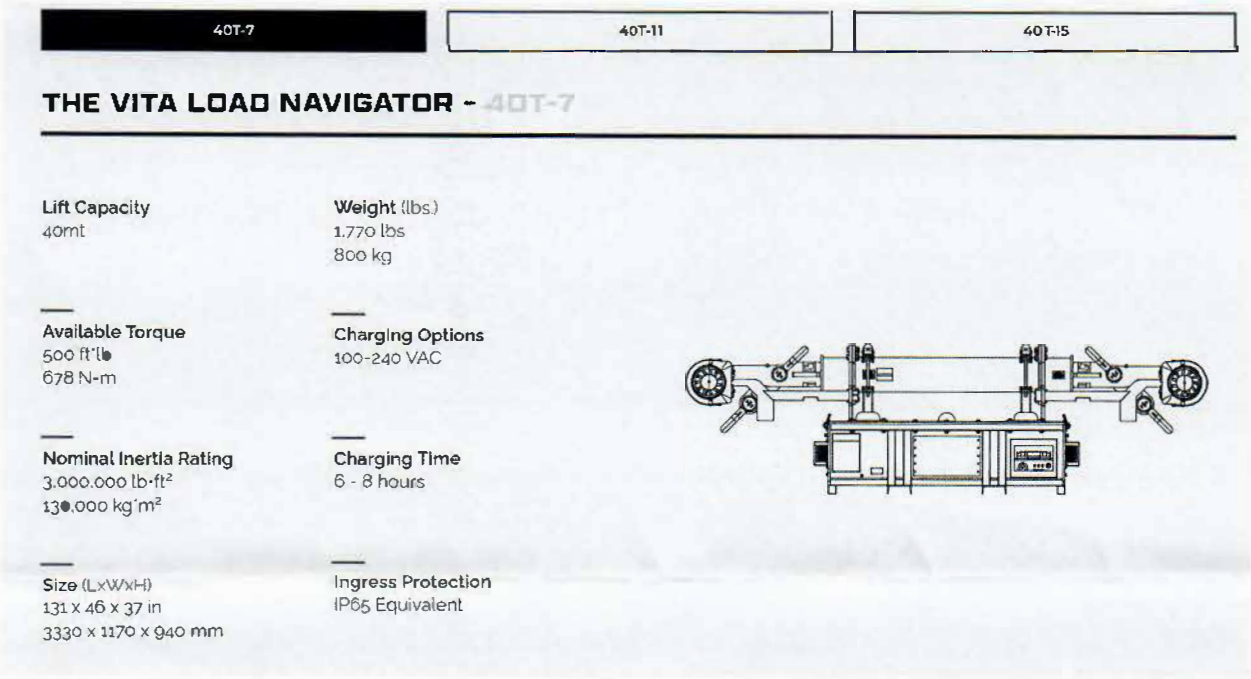


*Figure 1: An example of a load stabilizing mechanism available through Vita Inclinata*[8]

This product was identified as an alternative to traditional rigging. They clarified that the mechanism could also be used on any type of crane that was hooked up through traditional rigging. The representatives also noted that the weight of this equipment reduces the load capacity of the crane when it is added on, thus affecting its load rating and the cost for

[5] https://www.vitaindustrial.co/
[6] ANSI/ASME B30.20-Below-the-Hook Lifting Devices
[7] https://www.youtube.com/watch?v=trKYNldjFCY
[8] https://www.vitaindustrial.co/vita-load-navigator

commercial models was between $149,000 and $165,000. The VOSH Safety Compliance Director shared that this equipment was already used in parts of the United States, Canada, Europe and the Middle East and North Africa region.

Staff from the Department asked VITA Inclinata whether they were aware of any regulations in the regions where they operated that required the use of load stabilizing mechanisms, and Vita Inclinata shared that they did not. They also shared that crane operators did generally seem supportive of this equipment. At the end of the meeting, the Department and Vita Inclinata discussed next steps. The Department requested that Vita Inclinata:

1. Share which, if any, regulatory agencies told them that the system is prohibited under current OSHA and ASME standards. And, to share what the standards were.
2. Submit a request for a letter of interpretation detailing their specific concerns so that DOLI could work on and issue a Standards Interpretation to determine if it should allow the use of this load stabilizing mechanism.

Summary of DOLI's Contact with Vita Inclinata After March 1, 2023

After the meeting in March of 2023 the Department followed-up with correspondence sent on April 3, 2023. At that time, a representative from VITA Inclinata replied saying that they would be sharing the information with the Department soon. No information followed. Follow-up emails were also sent on July 27, 2023 and October 3, 2023, with no responses received.

Next Steps

At this time DOLI is unable to take further action regarding the study requested in connection with Senate Bill 840. As of October 25, 2023, VITA Inclinata has not made a formal request for interpretation regarding the permissible use of the crane load stabilization product in question. If a request for interpretation is received, DOLI would be interpreting the use of this crane load stabilization mechanism in relation to OSHA national crane standards and other national consensus standards incorporated by reference into the OSHA standards.

Based on the limited information provided by the constituent and the lack of a formal request for interpretation, the Department cannot determine whether the use of this crane load stabilizing technology is permissible under federal OSHA's crane standards.