

Congress of the United States
Washington, DC 20515

July 27, 2020

Loren Sweatt
Deputy Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Deputy Assistant Secretary Sweatt:

We are writing to request that the Occupational Safety and Health Administration (OSHA) officially rescind the 2016 letter of interpretation (LOI) regarding the material delivery exemption in the Crane and Derricks in Construction Rule (Crane Rule).

The Crane Rule issued in 2010 was the product of extensive cooperation between OSHA and industry stakeholders, including small businesses. OSHA agreed with industry stakeholders that use of a truck-mounted articulating boom to transfer common building materials, such as sheet goods and packaged material, to upper levels of structures under construction did not create the type of hazards OSHA aimed to address and, for this reason, included an exemption for material delivery in the finalized Crane Rule.

Despite the clarity and straightforwardness of this exemption, OSHA's June 2016 LOI in response to a question posed by an equipment manufacturer in 2010 declared that material deliveries were, in fact, subject to the more onerous restrictions placed on true crane and derricks operations. This is a total contradiction of the Crane Rule and has created significant uncertainty regarding the final stage of the delivery process wherein materials are boomed to the upper level of a construction project.

While OSHA's 2010 rule carefully balanced protecting the safety of crane operators and construction workers with the operational needs of industry and small businesses, the 2016 LOI falls short and injects costly and burdensome red tape where it's not needed. Given that OSHA acknowledged the consequences of applying the Crane Rule to material deliveries identified during the initial rulemaking process remain, we request that OSHA immediately rescind the 2016 LOI.

Thank you in advance for your swift attention to this matter. We look forward to your response.

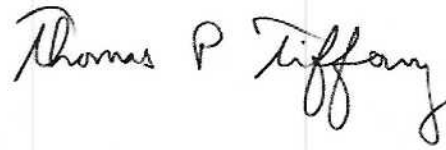
Sincerely,



RON WRIGHT
Member of Congress



FRED KELLER
Member of Congress



THOMAS TIFFANY
Member of Congress



GREG GIANFORTE
Member of Congress



JAMES BAIRD
Member of Congress



SCOTT PERRY
Member of Congress



BOB GIBBS
Member of Congress

cc: Secretary of Labor Alexander Acosta, Department of Labor