

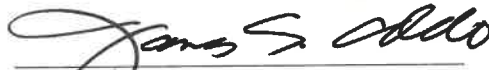
NEW YORK CITY DEPARTMENT OF BUILDINGS

(K.V.)

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter that the Department of Buildings hereby adopts the amendments to its rules regarding riggers and rigging. This rule was first published on October 19, 2023, and a public hearing thereon was held on November 21, 2023. No comments were received.

Dated: 11/09/23
New York, New York


James S. Oddo
Commissioner



Statement of Basis and Purpose of Rule

Article 404 of Title 28 of the New York City Administrative Code sets out the requirement for a license to perform rigging work and establishes three classes of rigger license – master, special and tower. Section 104-10 of Title 1 of the Rules of the City of New York (“RCNY”) establishes qualification requirements to obtain a rigger license. Chapter 33 of the New York City Building Code, particularly sections 3314, 3316 and 3319, specifies the types of work that require supervision by a licensed rigger. 1 RCNY 104-20 sets out the supervisory responsibilities of a licensed rigger. 1 RCNY 3316-01 provides technical specification for rigging equipment.

Local Law 126 for the year 2021 made a wide range of substantive and administrative updates across the New York City Construction Codes (“2022 Code updates”), including the Chapter 4 provisions pertaining to riggers. In particular, the 2022 Code updates require a master rigger applicant to possess a national rigging certification, revised the course requirements for rigger license applicants, updated scaffold fees, and revised definitions and section numbering.

This rulemaking amends rules related to rigging safety, rigging licensing, and rigging oversight at construction and building sites in New York City in accordance with the 2022 Codes and also makes other technical updates to reflect the latest national standards and best practices for rigging safety. Specifically:

- Section 1 of this amendment deletes the fee for outrigger beam application review from section 101-03 of Subchapter A of Chapter 100 of Title 1 of the RCNY because that fee is covered by the general scaffold filing fees in section 28-112.2 of the N.Y.C. Administrative Code.
- Section 2 of this amendment repeals several provisions in subdivision (a) of Section 104-10 of subchapter D of chapter 100 of Title 1 of the RCNY because they were codified in 28-404.3 of the N.Y.C. Administrative Code.
- Sections 3, 4, 6, 8, 9, and 11 of this amendment make changes throughout sections 104-10 and 104-20 of Subchapter D of Chapter 100, and in section 3316-01 of Chapter 3300, of Title 1 of the RCNY to ensure updated cross references to the New York City Building Code reflect renumbering made by the 2022 Codes updates, reflect changes in terminology made by the 2022 Code updates, or remove references to the licensing “reinstatement” option, which was eliminated by the 2022 Code updates.
- Section 5 of this amendment adds a new subdivision (d) to section 104-10 of Subchapter D of Chapter 100 of Title 1 of the RCNY to specify certifications for rigging supervision and lift direction that are acceptable to the commissioner in accordance with section 28-404.3.1 of the Administrative Code.
- Section 7 of this amendment revises subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York to accord with the inspection

requirements contained in section 3314.4.3.1 and 3314.4.3.2 of the New York City Building Code.

- Section 10 of this amendment revises the experience requirements to serve as a designated master rigging foreman in subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York. Specifically, certain national certifications for rigging supervision and lift direction are recognized and credited as fulfilling experience qualifications. Other terminology related to designated master rigging foremen and designated special rigging foremen is made consistent between the foreman types.
- Section 12 of this amendment adds language to subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York to make clear that all rigging must be connected to a secure attachment point and that simply wrapping a sling or cable around a boom or fork is unsafe and illegal.
- Section 13 of this amendment updates references to the rigging equipment standards laid out in the American Society of Mechanical Engineers (ASME) B-30 Safety Standard. Section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York will now refer to the latest editions of the ASME B-30 standards, where a new edition exists.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Section 28-112.2 and Article 404 of Chapter 4 of Title 28 of the City Administrative Code, and Section 3316 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by deleting the entry for outrigger beam application review as follows:

[Outrigger beam application review.]	[Initial: \$100]	[Amendment: \$100]	[Renewal: \$90]
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§ 2. Paragraphs (1), (2), (3), and (4) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which set forth training course requirements for Master, Special, and Climber or Tower Crane Riggers, are REPEALED.

§ 3. Paragraphs (5) and (6) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

([5]1) Fitness. An applicant for a Master, Special or [Climber or] Tower Crane Rigger license shall provide evidence of fitness to perform the work authorized by the license. Such evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has complied with the substance abuse testing provisions and standards of subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department.

([6]2) Additional requirements.

- (i) Where a licensed master rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.
- (ii) Where a licensed master rigger chooses to personally supervise the assembly, jump, or disassembly of a [climber/]tower crane, the licensee shall have completed all additional training required by section 3319.10 of the building code.
- (iii) Where a licensed special rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.

§ 4. Subdivisions (b) and (c) of section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (b) Fitness requirements for renewal [and reinstatement]. As a condition of license renewal [or reinstatement], a licensed or previously licensed Master, Special or [Climber or] Tower crane rigger shall provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. Evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has received a negative result for a substance abuse test as required in subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department. A renewal applicant shall satisfy the requirements of this rule at every subsequent renewal.

- (c) Physical exam. Applicants for a Master, Special or [Climber or] Tower Crane Rigger license shall meet the following physical qualifications, unless it can be shown that failure to meet the qualifications will not affect the ability to perform the work authorized to be performed by a holder of the license sought. In such cases, specialized clinical or medical judgments and tests may be required. The following physical qualifications shall be met at all times throughout the term of the license.

* * *

§ 5. Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

- (d) Certifications for master riggers. Individuals who, on or after November 7, 2022, apply for a new master rigger license, or apply to renew a master rigger license whose initial application for licensure was filed on or after November 7, 2022, must provide copies of certifications required by Table 1.
- (1) Required certifications must be maintained throughout the duration of the term of the license;
 - (2) The licensee must immediately notify the department if a certification identified in Table 1 of this subdivision and held by the licensee is suspended, revoked, not renewed, or otherwise lapses; and
 - (3) The licensee must provide a copy of re-certifications and new certifications identified in Table 1 of this subdivision to the department within 30 days.

Table 1: Certifications for Master Riggers

<u>Certification</u>	<u>Requirement</u>
NCCCO Rigger Level II	Required
NCCCO Lift Director - Mobile Cranes	Required
NCCCO Lift Director - Tower Cranes	Additional

Legend to Table 1:

- “NCCCO” means “National Commission for the Certification of Crane Operators.”
- “Required” means must possess.
- “Additional” means not mandated but required if licensee intends to serve as a lift director for the type of crane specified.

§ 6. Paragraphs (1) and (4) of subdivision (b) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in [section 3302.1] Chapter 2 of the Building Code.

* * *

- (4) For the purposes of this section, the term “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter [33] 2 of the Building Code.

§ 7. Subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (d) Supervision of rigging operations other than critical picks and tower [or climber] crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision (e) of this section, the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision (i) of this section is continuously on site and that such rigging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:
 - (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation;
 - (2) for work involving the use of cranes, derricks, work platforms, suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. [over] placed atop sidewalks, roadways or yards where vaults or other subsurface structures exist; or where [hooks or clamps are used on parapet walls to support hanging scaffolds] the person performing a suspended scaffold inspection in accordance with Section 3314.4.3.1 or 3314.4.3.2 of the Building Code has identified a concern, etc.), the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes;
 - (3) the licensee is readily available to provide on-site supervision should the need arise; and
 - (4) the rigging foreman has in his or her possession at the work site the “Designated Foreman Card” issued by the department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.

§ 8. Subdivision (e) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (e) Supervision of critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling, and must personally

perform or personally supervise all such work. Off-site supervision of such work is not permitted.

§ 9. Subdivision (g) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(g) Specialty Crew. Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or tower [or climber] crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade by making an application on a form provided by the department subject to the following conditions:

- (1) the department must approve the licensee's application for such proposed rigging operation;
- (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team
- (3) for loads of two thousand pounds or more, for all critical picks, and for tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee must provide continuous on-site personal supervision to the rigging crew;
- (4) for loads below two thousand pounds and which are not critical picks, or which are not related to tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site. The rigging foreman shall manage the work under the off-site supervision of the licensee in accordance with the conditions set forth in subdivision (d) of this section;
- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job;
- (6) the licensee is responsible for all aspects of rigging safety on the job; and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 28-401.9 of the Administrative Code and are covered by worker's compensation under the specialty crew's employer.

§ 10. Paragraphs (2) and (3) of subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
- (i) at least one year's practical experience in the hoisting and rigging business; and
 - (ii) the knowledge of and ability to explain the risks related to such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith.
- (3) An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
- (i) at least five years of practical experience in the hoisting and rigging business, or at least two years of practical experience in the hoisting and rigging business and possession of a Level II Rigging certification issued by the National Commission for the Certification of Crane Operators, or possession of both a Level II Rigging certification and a Lift Director certification issued by the National Commission for the Certification of Crane Operators; and
 - (ii) the knowledge of and ability to explain the risks related to [the following, where applicable to the] such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith, including but not limited to:
 - (A) rigging operations and precautions to be taken in connection therewith;
 - (B) safe loads and computation thereof;
 - (C) types and methods of rigging; and
 - (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations

§ 11. Subdivision (b) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (b) Definitions. For the purposes of this section, terms defined in Chapter [33] 2 of the New York City Building Code and section 3319-01 of these rules have the same meaning here.

§ 12. Subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (8) to read as follows:

- (8) Attachment points. Only an attachment point, consisting of a hook or other secure connection not allowing any undesirable movement, and provided or authorized by

the manufacturer of the hoisting machine or hoisting equipment, may be used to support a suspended load. No load shall be slung over, wrapped around, tied to, or otherwise draped from a boom, fork, cradle, lifting arm, bucket, platform, basket, or similar accouterment.

§ 13. Subdivision (j) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (j) Referenced standards. The standards referenced in this section are considered part of the requirements of this section to the prescribed extent of each such reference. Where differences occur between provisions of this section and referenced standards, the provisions of this section apply.

Standard	Name	Year
American Society of Mechanical Engineers (ASME)		
ASME B30.9	Slings	[2014] <u>2021</u>
ASME B30.10	Hooks	[2014] <u>2019</u>
ASME B30.20	Below-the-hook lifting devices	[2013] <u>2021</u>
ASME B30.26	Rigging hardware	2015

