

# REFINING THE REQUIREMENTS

## WITH A DEADLINE LOOMING, OSHA IS UNDER PRESSURE TO RESOLVE CRANE OPERATOR CERTIFICATION ISSUES

By Ashley Johnson, associate editor

OSHA ISSUED ITS LONG-AWAITED Cranes and Derricks in Construction Standard in 2010, yet parts of the final rule remain under debate.

At issue are operator certification requirements that initially were scheduled to go into effect in November 2014. Stakeholders have raised concerns about language in the final rule equating certification with qualification, as well as the requirement for operators to be certified by both type and capacity of crane.

After hosting three meetings on the requirements in April, OSHA in May proposed delaying the effective date by three years. OSHA said the extension would give the agency time to consider a potential rulemaking or take other action to resolve the certification dispute.

“It is rather unusual, to say the least, that here we are two-and-a-half years after the rule was published and we’re still talking about the way OSHA is going to interpret it,” Graham Brent, executive director of the National Commission for the Certification of Crane Operators in Fairfax, VA, told *Safety+Health* in April.

Bill Smith, vice president of claims and risk management for Atlanta-based NationsBuilders Insurance Services Inc., served on OSHA’s Cranes and Derricks Negotiated Rulemaking Advisory Committee, known as C-DAC. The 23 members of C-DAC met monthly from July 2003 to July 2004 to create a draft regulation for OSHA. Smith expressed confidence that the final rule will improve crane safety overall but said OSHA needs to “fix” the certification issues.

“If certification equals qualification, we’ve gone backwards,” Smith said. “And if type and capacity stay, it’s going to be a huge expense to the industry, and it’s not going to give you a better result – just a false sense of security that you have a safer and more qualified operator.”

### Certification vs. qualification

The previous crane rule dated back to 1971. One of the major features of the new standard is requiring crane operators to be certified by an accredited testing organization or an audited employer program. “[Certification] was a fundamental



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Photo: Washington State Department of Transportation



### Feature at a Glance

Stakeholders have voiced concerns about some of OSHA's new crane operator certification requirements. In response, OSHA has proposed extending the deadline for certification so the agency can consider a potential rulemaking to resolve the issue.

#### Key points

- The rule states a certified operator is "deemed" qualified, but many in the construction, insurance and certification industries disagree.
- Experts claim factors such as boom length or attachments are more relevant than capacity in determining operator skill.
- Some stakeholders say the certification requirements, as written, will increase employer costs but not improve safety.



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foundation test to get your foot in the door in the industry, which was a whole lot more than we had in the old regulation,” Smith said.

However, he contends that OSHA took that a step too far in this passage from Section 1926.1427, which states (emphasis added):

“An operator will be *deemed qualified* to operate a particular piece of equipment if the operator is certified under paragraph (b) of this section for that type and capacity of equipment or for higher-capacity equipment of that type.”

“Certification in no way, shape or form was ever meant to equal qualification,” Smith said. “The employer has to be the deciding factor of whether I’m qualified to run that crane or not.”

He likened certification to a driver’s license. A newly licensed driver can legally drive from the East Coast to the West Coast but lacks the experience to navigate interstate highways on a cross-country trip. Likewise, someone who has only driven with an automatic transmission is not qualified to take the wheel of a stick-shift vehicle without training.

If certification is deemed qualification, then “we’ve gone 40 years back in time and made the workplaces less safe than they would have been without the card because that card doesn’t mean you’re qualified to run all the configurations of every crane,” Smith said. “It just means that you’ve passed basic knowledge requirements to start to get into the seat.”

Brent, whose organization has been certifying operators since 1996, agreed. He said the written and practical exams for certification are designed to test basic crane knowledge and skills, but do not take into account an operator’s experience with a particular type of crane or configuration, safety record, and basic familiarity with different types of cranes. That gap usually is filled by the employer.

Debbie Dickinson, executive director of Atlanta-based Crane Institute Certification, emphasized that wise employers do not ask a new operator to perform a difficult lift on the first day. “There is a foundational qualification,” she said of certification. “[Employers should] match certified crane operators by job based on experience, the machine to be used and their familiarity with that machine.”

From OSHA’s point of view, the words “deemed qualified” were added to bring clarity, not confusion. In an email to *S+H*, an agency spokesperson said the old rule required employers to train operators and limit crane operation to workers who were qualified by training or experience. C-DAC’s proposal called for certification but also removed the requirement for employers to independently qualify operators, so, according to the spokesperson, OSHA inserted the language to clarify that certification satisfies the regulatory requirement to be able to operate a crane.

“Some in the crane industry have said that OSHA’s equating of operator certification with ‘deemed qualified’ suggests that OSHA has concluded that crane operators with certifications are completely trained, experienced and evaluated operators, which is more akin to what the crane industry means by a qualified operator,” the spokesperson said. “‘Deemed qualified’ only refers to meeting the requirements in OSHA’s

standard and was not meant to redefine operator abilities.”

OSHA is considering regulatory and enforcement options to address concerns with certification and qualification, the spokesperson added.

### ‘Way off base’ with capacity

Another issue is related to certifying by both type and capacity. Capacity refers to the maximum weight a crane is designed to lift. Traditionally, most third-party certifications were issued by crane type (e.g., tower cranes or mobile crane types such as lattice boom crawlers) and have not included capacity, according to Bill Davis, senior risk engineering consultant at Schaumburg, IL-based Zurich Services Corp.

The word “capacity” was included in the document C-DAC submitted to OSHA; however, Smith said the committee did not intend for it to appear in the final rule and be interpreted to mean operators had to be certified for different capacities of cranes. Currently, two of the accredited testing organizations issue certifications for both type and capacity, and two do not. The OSHA spokesperson said no one mentioned “capacity” during the rule’s comment period.

During the April meetings, attendees suggested other factors such as boom length, crane configuration and counterweight loading may be more important than maximum weight lift. Employers also questioned what would happen to certifications that were issued only for type. “We got ahead of the rule and got everyone certified. Soon we will no longer be certified even though we did the right thing,” a general contractor said, according to OSHA notes from the meeting.

OSHA’s response was that perhaps the certification organization could issue cards specifying the type and capacity of crane that had been used for testing.

Crane Institute Certification certifies operators at five different levels of type and capacity. Dickinson said she has received positive feedback from employers about CIC’s method of certification. “In a perfect world, CIC would not have left

the regulation requirements at type and capacity but would have included increasing boom lengths in the requirements for the practical,” she said.

The National Commission for the Certification of Crane Operators, on the other hand, continues to test by type only. “I think the fundamental issue here is that it doesn’t make the industry safer by testing by capacity,” Brent said. “It simply adds more testing and that’s one of the things you don’t do in a testing environment. You don’t test simply for the sake of testing.”

Smith also opposes certifying by capacity, which he said would not improve safety and would become expensive

if certifying organizations had to set up higher-capacity cranes for testing.

“What we’re saying [to OSHA] is, ‘You guys are way off base; we never intended that; that’s not our focus,’” he said. “OSHA is saying, ‘Look, the black and white words are the black and white words, and that’s how we have to enforce it,’ and we’re saying, ‘You have to fix it.’”

Davis, who specializes in cranes, agreed that other factors are more relevant than capacity. “In an ideal world, each crane operator would be tested and certified for specific crane type, size, manufacturer, vintage, operational aids and attachments,” he said. “However, introducing this many variables would complicate the certification process to the point that it becomes unmanageable and impractical.”

He proposed the compromise of replacing capacity-based certification with machine-specific qualification. In that case, an employer would have to ensure each operator was certified for the class of crane, and qualified by the employer or a third-party for the make, model and configuration of the crane.

 Read notes from OSHA’s stakeholder meetings at [sh.nsc.org](http://sh.nsc.org).

### Safety benefits

Unresolved issues aside, the standard represents a significant move forward, according to Davis.

“The new crane standard was badly needed,” he said. “The original rules were four decades old and clearly left much to be desired in the area of loss prevention. The rules, while not perfect, are well thought-out and include reasonable and practical controls.”

Although coming into compliance may be costly up front, Melanie Berg, safety director at Divane Bros. Electric Co. in Franklin Park, IL, believes the enhanced requirements will improve efficiency and decrease incidents.

Already, she said, training has “improved communication amongst the signaler, the rigger and the operator, and forced the riggers to generally inspect the rigging and get rid of it if it’s inadequate or ready to fail.”

Berg said Divane’s crane operators had passed the written exam for certification as of April. Although each operator has at least a decade of experience, they told Berg they found the test challenging and learned a lot from it.

“They have much more respect now for this license requirement, whereas before they may have been like, ‘This is a hassle,’” Berg said. “They wouldn’t want to be around an [uncertified] operator now that they realize how much they didn’t know prior to taking this test.”

Her comment highlights the shared goal between OSHA and stakeholders pushing to refine the certification requirements. As Brent said, “It’s all about safety. I think that’s why passions run so high.”

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**Graham Brent**  
National Commission for the Certification of Crane Operators