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OSHA: What Are You Thinking?



By James Headley, Director, Crane Institute of America, Inc.

Over the last several weeks, I've had the opportunity to participate in discussions with OSHA over ongoing questions surrounding the Cranes & Derricks regulation. In March the Steel Erectors Association of America (SEAA) invited Dean McKenzie, Occupational Safety and Health Specialist, and Jim Maddux, Director, Office of Construction Services for the Directorate of Construction, to answer questions posed by its members during its annual convention, held in New Orleans, La. Then in April, I spoke at one of the crane industry stakeholder meetings hosted by OSHA in Washington, D.C.

Within the industry opinions are strong and quite fractured on two key issues. The first is whether certification is equivalent to qualification. The second stems around the value of testing operators by type and capacity.

Regarding certification being equal to qualification, it's interesting that OSHA is at this crossroads when it comes to crane operators, when elsewhere in the crane regulation, a strong distinction is made between the two as it applies to riggers.

During the Steel Erectors meeting, OSHA officials Jim Maddux and Dean McKenzie made it clear that employers are responsible for making sure a rigger is qualified for the work assigned, which was characterized this way: "If you hand me the prettiest, gold-plated card that says you are a qualified rigger, I will take that under advisement then continue my interview process to make sure you are indeed qualified for what you are rigging today. There is no known rigging course that guarantees you carte blanche that you are a qualified rigger."

When it comes to operator certification and qualification, OSHA needs to clarify to the industry if it is taking a different approach than it has with riggers. Is OSHA implying in the regulation that achieving certification is the final authority on an operator's ability to run a crane? I hope not. Most certification organizations, employers, and crane owners would agree with me. It is good that the regulation requires operators to be certified by type and capacity, which helps employers match the skill set of the operator to the crane to be operated, but employers should also assess if an operator has the skills and experience for a specific crane in a particular job scenario. Additional familiarization and training may be necessary.

"Crane operator certification is of value to employers because it is an indication that an operator has demonstrated at least the minimum knowledge, skills, and ability qualification requirements to operate a type of crane in a particular capacity range. It's a driver's license—not a learner's permit. However, just because you have a driver's license doesn't necessarily mean you have the skills or



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experience to drive any vehicle in all situations," said Debbie Dickinson, Executive Director of Crane Institute Certification (CIC).

The second issue regards the benefits of certifying operators for different capacities of cranes, and the risks of allowing an operator to operate all capacities of cranes within a specific type. When this issue is raised, opponents are quick to re-direct the discussion to one about the costs associated with doing so rather than to address the actual benefit of this type of testing. It is widely assumed that testing to type and capacity is more expensive.

When addressing this opinion at the SEAA meeting, OSHA officials said, "It's only very expensive if you are asking people to be certified for the exact crane that they are going to be operating. Two [certification] organizations have figured out how to do this and are continuing to implement certifications that include capacity." Mr. Maddux and Mr. McKenzie agreed that OSHA will not require operators to be certified for each individual crane, but rather some type of grouping, levels, or categories offering operators greater flexibility.

Other special interest groups also support this stance. Last fall, the Association of Equipment Manufacturers (AEM) suggested that OSHA endorse a banding proposal of 14 groupings of cranes and capacities that should be considered equivalent in operating requirements for training and certification purposes. According to AEM, endorsement of these bands would allow certifying bodies to continue to certify operators and issue cards with type and capacity without needing to test on the largest crane in a band.

The rule as it stands is very clear that when an operator is certified for a given capacity of crane, they are permitted to operate cranes of the same type at lower capacities.



CIC is one of two certification organizations that tests according to type and capacity. When designing its tests back in 2007, its capacity thresholds were established based on typical boom lengths associated with certain capacity bands. This was done in acknowledgment of the fact that it takes varying levels of skill to operate cranes with different boom lengths. The industry has long recognized that the longer the boom, the more skill required to operate the crane. The concept parallels the idea that the greater the capacity, the more skill required. A crane rated at 15 tons typically has a much shorter boom than one rated at 500 tons, and cranes with longer booms require much more skill to operate.

According to Dickinson of CIC: "The type and capacity requirement has merit in that the industry understands



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cranes by type and capacity. It's a reasonable way to communicate to employers the skill level of an operator. It provides a strong foundation for good hiring practices."

The November 2014 deadline for operators to be certified is only a year and a half away and employers are concerned about compliance, with good reason. During SEAA's meeting, the OSHA representatives were asked what the target date is for an enforcement directive to be issued to compliance officers. According to OSHA officials the department is dealing with enforcement questions one at a time and hopes to release the directive by the end of this year. The goal: greater consistency in citations.

I encourage crane owners and employers to not be swayed by the rhetoric. Crane operator certification does add value to the industry and will improve safety. Employers must continue to take responsibility for making sure a certified operator is qualified for the specific lifting scenario of the job and employers should look closely at the certification options open to them. Meanwhile, the industry looks for OSHA to clarify what it is thinking on these important issues.