



Holding the Bag--Chip Pocock Discusses the Crane Operator Certification Controversy

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A crane operator shows up looking for a job or is sent to you from a local union hall. Your company needs an operator for a large crane. The operator carries a valid operator certification card, he or she has a current DOT medical card, and a resume that boasts experience on several types of large cranes of similar type and capacity as the crane you need to be run.

Oh, and by the way, you paid roughly \$4.5 million for the crane.

The crane will be operated in a variety of locations, inside of refineries and chemical plants, setting wind turbines hundreds of feet in the air and erecting steel or precast concrete in downtown urban areas. The question is, do you hire this person and put him or her in the seat of that crane based solely on the fact that he or she has a valid operator certification?

Does certification equal qualification? Or, would you use some type of method to ensure the stated experience operating cranes of similar types and capacities was accurate? If for no other reason, than to provide peace of mind, I hope most would agree that the latter is our duty and obligation as employers.

This same question is faced by hundreds of crane owners across the U.S. every day, companies like ours, that have a large fleets of cranes. Apparently OSHA is not sure either. Despite not implementing a safety standard that was originally negotiated by industry experts (C-DAC) in 2004 until 2010, OSHA now seems willing to once again postpone a much needed and long overdue portion of Subpart CC, the Crane and Derrick Standard, that governs safety for cranes used in the construction industry requiring crane operators to be certified.

OSHA staffers quietly point the finger at the C-DAC panel but they seem to forget that 17 significant changes to the rule were made by OSHA between 2004 and August 2010 prior to the crane standard going into effect. Ten of those changes affected the crane operator certification portion of the standard. None of those changes corrected the two areas of the standard where the language, admittedly, leaves room for interpretation.

The Two Issues

The two issues are simply whether or not operator certification is equal to qualification. Or, is an employer's only obligation to certify its crane operators as required by the standard? I will paraphrase

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here a much used analogy comparing a teen driver who has a valid state issued driver's license but who has only driven a small vehicle with an automatic transmission. Suddenly that young driver is thrust into a situation where he or she needs to be or desires to drive something much larger or more complex, such as a vehicle with a clutch and manual transmission. As a parent, do you say, "Is my child qualified and able to drive this larger or more complex vehicle" solely because he or she has a license? Or, do I say no, because the child is not qualified.

The second debated issue is language in the crane standard as written that requires operators to be tested by both type and capacity. There is no doubt that the CDAC industry members that originally promulgated Subpart CC understood two things. First, that if operator certification became law, multiple new certification bodies would emerge. Competition is good and this has proven to be the case, and new entities have emerged with different thoughts on methods of certification.

But the one thing that the CDAC committee members understood was that a certification requirement becoming law would drive is good effective training. Certification would then simply be a means to ensure the training was effective through independent testing of both written and practical skills exams. I believe most, if not all, of the CDAC committee members understood that simple but broad practical testing was effective from both a testing and cost standpoint.

The testing methods used by NCCCO have a proven track record. Testing of crane operators using the same methods employed by NCCCO proved to dramatically reduce accidents according to studies done in Ontario, Canada and the state of California. In my opinion, and countless others, practical testing by boom length or capacity has no proven benefit or track record and will cost employers millions of dollars over current methods in assembly/disassembly and freight cost of a much larger variety of cranes.

Unfortunately, because of these issues and despite broad industry opposition, the effective date of implementation of Operator Certification may be rolled back once again by OSHA until November of 2017. No matter which side of the issue you're on, no one wins absent an operator certification law. The U.S. crane industry is less safe and left "holding the bag" wondering what will become of the nearly 100,000 certified crane operators already accredited by the largest and most respected crane operator certification body, NCCCO, and to crane operator certification as a whole.



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