

Crane Operator Certification — Getting It Right

In the October 2017 issue of *Crane Hot Line*, editor Mike Larson’s “Analyze Before Legislating” editorial asked readers to let him know what they thought about OSHA extending the compliance date for crane operator certification to November 10, 2018.

As CEO of one of the four accredited operator certification testing organizations, this proposed law is of particular interest to me, and one that I have been following keenly.

My first response to the editorial was going to be a couple of paragraphs, but given the confusion surrounding this issue, I have expanded my thoughts into an article. Hopefully, this piece will help clear up some of the confusion.

A Bit of History

Before getting started, a bit of history is needed. In early 1984, I entered the crane training business, which had been born out of the crane inspection business. The Navy, a few cities, and perhaps some government agencies had licensing requirements for crane operators, but at that time, no formal certification program existed. A couple of training companies did what was called a proficiency evaluation—someone’s subjective opinion about the operator’s practical or physical ability to operate a crane.

Around the mid-80s, the talk of operator certification began to increase when the Specialized Carriers & Rigging Association began to explore development of an accredited or formal program.

The issue of operator certification really escalated when some serious crane accidents were publicized across the country by the media and it was revealed that crane operators were not required to be certified or licensed. I remember hearing, “Why doesn’t a crane operator have to be certified or

licensed when a barber and a hair dresser have to be?”

In fact, public dismay that crane operators were not required to have formal credentials prompted me to write an article titled “Certification Needed More Than Ever,” published in the November 1990 issue of *Cranes Today*.

Even though there were a few certification programs during the early 90s, an accredited operator certification program was not developed until 1995. Employers began to think more seriously about crane training and certification. Operators began to get certified, even though certification wasn’t required by federal law.

In 2003, OSHA formed the Cranes and Derricks Advisory Committee (C-DAC) to begin drafting a proposed rule to replace the current construction crane standard CFR 1926.550. That draft would include the provisions for crane operator certification.

Thus began the process of requiring crane operators to be certified. After some procedural reviews, public comments, and a hearing, OSHA released the completed standard to the public in late 2010. Among the many changes was the requirement for employers to ensure their crane operators were certified by November 10, 2014.

OSHA provided four ways to certify an operator, but employers, have largely used—and continue to use—only one: certification by an independent testing organization accredited by either ANSI or NCCA.

The ANSI personnel certification program, though newer, is more recognized in our industry because of its involvement with crane standards. However, the ANSI and NCCA accrediting agencies are equal in the



By James Headley

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eyes of OSHA, as they closely mirror each other in their accreditation requirements.

These agencies have accredited four independent testing organizations, all recognized by federal OSHA:

- Crane Institute of America Certification (CIC)
- National Commission for the Certification of Crane Operators (NCCCO)
- Operating Engineers Certification Program (OECF)
- National Center for Construction Education and Research (NCCER)

OSHA required these testing organizations to: “Administer written and practical tests; provide different levels of certification based on equipment capacity and type and an operator will be deemed qualified to operate a particular piece of equipment if the operator is certified...for that type and capacity of equipment or for higher-capacity equipment of that type.”

Two of the four operator testing organizations complied with OSHA’s type-and-capacity requirement. The other two, having been created before the new standard was published, certified operators only by type of crane (for example, telescoping boom fixed cab, rotating cab), without limitation or restriction based on capacity.

OSHA told operators who already held type-only certifications that those certifications would not be valid when

the certification rule went into effect. If OSHA were to hold firm on requiring that certifications must be based both on type and capacity, it would result in a lot of invalid certifications and a large number of crane operators being illegal when the law went into effect.

That is the main reason mandatory operator certification has been delayed so many times and for so many years.

As you can imagine, people who had invested themselves in the two organizations that issue type-only certifications had serious concerns. To address those concerns, OSHA held a stakeholder meeting.

The First Meeting and Delay

At the Department of Labor's stakeholder meeting in early April 2013, participants expressed their views on operators having to be certified by *type and capacity*.

It had become a hot topic that continued to heat up because of the future legality of operators having type-only certifications. Some stakeholders desperately wanted the capacity requirement removed and operators to be certified by type of crane only.

That meeting also spawned discussion about part of the rule that says, "An operator would be deemed qualified to operate a piece of equipment if the operator is certified."

Most everyone felt the sentence should be removed from the rule, as certification did not adequately ensure operators could operator cranes safely. Some attendees likened certification to a driver's license. Others said it was more like a learner's permit.

Most participants agreed that it is the employer's responsibility to determine whether an operator has the training and experience to safely operate a specific crane performing a specific task. However, attendees believed that operator certification did establish a minimum threshold of knowledge and skill that had to be met.

In hindsight, I think most participants played into the hands of a couple of powerful entities that used "certification equaling qualification" to get the capacity requirement out of the rule.

To address the issues raised at that

meeting and a later hearing, OSHA delayed the compliance date for operator certification to November 2017. But before the deadline, OSHA addressed the two issues with a draft that completely revised the language of the original operator-certification rule.

Revision of the Rule

At a meeting in Washington D.C. on March 31, 2015, the revision was presented to the Advisory Committee on Construction safety and Health (ACCSH).

There were significant changes from the original rule.

Operator certification by *type and capacity* had been changed to certification only *by type*.

A training requirement and an operator annual evaluation had been added.

Certification equaling qualification had been removed.

Numerous people, including me, offered opinions of the changes.

At the meeting, someone asked, "How did this happen? Just how did type and capacity get into the rule if it was originally meant for operators to be certified [only] by type of crane?"

One person quickly said, "OSHA changed the original language written by C-DAC."

OSHA quickly squashed the allegation by going to the minutes of the C-DAC meeting and showing that the committee had voted for "type and capacity."

Those at the meeting who were associated with the two testing organizations that issue type-only certifications seemed to agree that somehow "type and capacity of crane" must have mistakenly gotten into the standard.

If it was a mistake it was not just a simple mistake. It was a colossal mistake, given the financial cost, if not lives, and I'm sure embarrassment to some.

ACCSH recommended to OSHA that "type and capacity" be put back into the rule and to require operator certification "by Type and Capacity or Type."

The committee reasoned that leaving capacity out would be unfair to the testing organizations that had followed

the original requirement. Additionally, leaving capacity out of the rule would further penalize those organizations by forcing them to change their programs.

These recommendations will likely cause some big changes to the original rule published in 2010. To allow time for it to be accomplished, certification was once again extended.

This was the third time regulatory text would be written to address operator certification and the third time the compliance deadline would be extended, but this time for only a year, to November 10, 2018. It is, however, my understanding that this draft will result in the final rule. It cannot come too quickly. November of this year is just around the corner.

Getting it Right

From the very beginning, the issue that has prevented operator certification from being mandated is operator certification by *type and capacity*.

It has resulted in numerous meetings, revisions, and delays. As you would suspect, other discoveries needed to be added or at least amended.

Mike Larson accurately summed it up in his editorial when he said, "It's worth taking the extra time now to work out the best answer possible. Once the decision is made, it is unlikely to be changed for many years, so it's best to get it right."

I agree wholeheartedly with that statement. But what does OSHA need to do to get it right? The answer is something we are going to live with for a long time. I would like to offer a couple of solutions.

First, operators should not be certified by *Type* only. If *Type* is going to be left in the rule, it should not be left alone. Just as ACCSH recommended, *Capacity* should remain in the rule. The rule should read, "operator certification by *type and capacity or type*." Not doing this would create a safety issue.

Notice that when I refer to certification, I normally use the term crane operator certification. That is because a crane, or more specifically a mobile crane, is in the mind of most when operator certification is discussed.

Neither the original operator

certification rule nor the revised text ever used the term crane or mobile crane when referring specifically to operator certification. It has always been worded to state operator certification by either *equipment type and capacity or type*. Why? Because, “This standard applies to power-operated equipment when used in construction that can hoist, lower and horizontally move a suspended load.”

The standard goes on to list a wide variety of equipment types ranging from articulating cranes to multi-purpose machines, and even to digger derricks when used in certain ways.

Some equipment, such as telescoping boom mobile cranes, can have very high capacities. Combine this capacity range with the large number of them in the workplace, plus some people’s perception that they are easy to operate, and it is clear that safety requires that operators of this type of equipment be certified by capacity levels.

For example, you would not want

an operator who tested on a 25-ton crane certified to operate a 250-ton crane. One reason is that the boom length can be so much longer on larger capacity cranes, and the length of the boom is the main thing that determines the skill needed to control the load and operate a crane safely.

(For more information see, What’s All The Fuss About by: James Headley, Crane Hot Line, December 2012.)

Lattice boom cranes, on the other hand, normally have high capacities, so operator certification by type would be acceptable.

Certification by type would also be acceptable for other kinds of equipment, such as mechanic-truck cranes and industrial cranes because of their lower capacities.

A Better Way to Certify

My second solution, and perhaps the best one, considering the number and wide range of equipment types listed in the OSHA crane standard and

the amount of different equipment in the work place for hoisting and moving loads, is to let the four accredited testing organizations sort this out.

Each testing organization has governing, advisory, and subject-matter committees made up of subject matter experts (SMEs). Each organizes things a little differently, but all administer written and practical exams as required by OSHA, in accordance with their accrediting entity, NCCA or ANSI.

Going beyond this is just going to cause more confusion.

The more specific the final rule, the harder it is going to be to comply and enforce. If an operator has a certification from one of the four OSHA-approved testing organizations and it covers the equipment listed in the standard, then the operator is ready for a qualification evaluation.

Remember, the employer still has to make sure the operator is qualified to operate the specific piece of equipment performing the specific task. ■