What's All The Fuss About?

OSHA's Type and Capacity Requirement

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Lately there's been a lot of chatter in the industry about OSHA requiring operators to be certified by type and capacity. This particular requirement was included in the new Cranes and Derricks in Construction rule when it was issued in 2010. It shouldn't be a surprise to those in the industry, so why all the fuss?

In 2003, OSHA formed a committee to develop the new Cranes and Derricks regulation which would replace CFR 1926.550. This rule surely needed an update because other than the addition of language related to hoisting personnel, which was added in the late 1980s, there hadn't been any changes to the rule since its inception.

OSHA 1926 Subpart CC, Final Rule was finally issued in August 2010, not only helping the industry to catch up to current industry standards, but going even further in some areas, such as its requirements for crane operator certification. Operators must be certified by November 10, 2014, through an accredited program and by type and capacity.

This is not a new interpretation. It has been in the standard since it was issued in 2010. Subpart CC 1926.1427(b)(2) states, "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." It has only become a hot topic recently because OSHA highlighted it in a Fact Sheet the agency issued in May of 2012. In the Fact Sheet OSHA answers the following question.

Question: Does an operator need more than one certification?

OSHA Answer: With respect to certification from an accredited testing organization, an operator must be certified for the type and capacity of crane he or she is going to operate. Each accredited testing organization develops its own categories for crane type and capacity.

The requirement is not an unreasonable one. 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. For example, the Operating Engineers Local that I worked out of in the 1960s acknowledged this. Back then, you were paid more for operating a crane with a 100-foot boom, and even more when the boom was 200 feet or more. Crane operator licenses issued by the City of New York have a boom length restriction based on class which limits the class license to boom length. The City of Chicago also has similar requirements and other entities do as well.

However, the problem is that some of the accredited operator certification programs were developed and updated before the new OSHA standard was published in 2010. Their certifications were based solely on crane types that did not have capacity limitations, or levels of certification, as OSHA was later to require. Many certifications for mobile crane operators were based on types of mobile cranes, such as fixed and swing cab for telescoping boom cranes. Certifications for lattice-boom cranes were based on crawler- and carrier-mounted types.

The problem according to OSHA is that these type-based certifications were not categorized by any capacity. An operator could be certified to operate a certain type of mobile crane without any restriction regarding capacity. For example, an operator could have tested on a 15-ton swing-cab crane and be certified to operate a 500-ton crane of the same type.

I think this illustrates why capacity is so important when it comes to certifying operators, and why OSHA is standing firm on the requirement. 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. I believe the intent of the type and capacity stipulation in the OSHA regulation is to prevent situations like this. Having no capacity limitations would be like someone passing a driver's test in a Volkswagen and then being able to legally drive an 18-wheel tractor trailer.

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Solving the problem

So what should be done to solve the current problem of operators who have certifications that do not meet the type and capacity requirement? OSHA answers this question in a recent publication titled Question and Answers.

Question: I acquired a certification from a testing organization before November 10, 2014, and the test did not cover the new requirements of the revised crane [rule]. Do I need to take the test again before November 10, 2014, or will my current certification be grandfathered until my next scheduled recertification test?

OSHA Answer: Except as required within the jurisdictions of government entities, operator certification is not required until November 10, 2014. After then, the certification test must cover the new requirements. If your test did not cover the new requirements, your certification will not be valid. However, if your testing organization provides you with a supplemental test covering this material, and amends your documentation; your certification would be considered valid.

Question: If the operator certification that I received from a testing organization does not identify the type and capacity of the equipment that I am certified to operate, will it be a valid certification?

OSHA Answer: No. After November 10, 2014, the revised rule requires your documentation to include the type and capacity of crane you have been certified to operate.

Question: Does an operator's certification mean that the operator is qualified to operate any type of equipment covered by the standard?

OSHA Answer: No. An operator may 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. For example, an operator certified for a 100-ton hydraulic crane may operate a 50-ton hydraulic crane but not a 200-ton hydraulic crane.

There are thousands of operators who currently have certifications that don't meet the type and capacity requirements. Nobody wants an operator to be disenfranchised or to have to spend a lot of money for more testing, but nobody wants an accident to happen and someone to get hurt or killed when it could have been prevented by operators taking the appropriate tests.

There is a safety issue that exists and that is the issue of larger-capacity cranes being operated by operators who tested on lesser capacity cranes with short boom lengths. In other words the tests they took were too easy for the cranes they were certified to operate. That's a safety issue and can't be allowed to exist. So what is a reasonable way to solve this problem? Instead of requiring all those operators to retest here is a solution that could be implemented. It's not perfect, but it is a reasonable solution.

Current operator certification cards that were issued and based solely on type could be reissued with certifications based on the written and practical exams that were initially taken. Since it is the tests and processes that are accredited, not the organizations, the determining factor for reissuing cards would be the crane capacities and boom lengths on which the operators were originally tested. OSHA requires that "for a testing organization to be considered accredited to certify operators...it must: (ii) Administer written and practical tests that: (B) Provide different levels of certification based on equipment capacity and type" (OSHA 1926.1427(b)(1)).

There would be many operator certifications that would not be affected. Operators who took written exams on lower-capacity cranes and practical exams on cranes with short booms would have a capacity limitation. There would however, be some operators who would have to take additional tests to operate cranes of a higher capacity. This would ensure that those certified had met certain minimum requirements or a baseline. Doing this would eliminate the current safety issue that exists and give the non-compliant certification organizations time to make the necessary changes to ensure their program meets OSHA's type and capacity requirements.

In conclusion, all OSHA is trying to do by requiring that operators be certified by type and capacity is to protect workers. Operator certification by type and capacity is not a cureall. Someone still has to make sure an operator has the knowledge and skill to operate a specific crane. Requiring operators to be certified by type and capacity is a step in the right direction. ■