

Additional proposal for ACCSH consideration

#### Cranes and Derricks: Operator Certification

OSHA issued a final standard on requirements for cranes and derricks in construction work on August 9, 2010. The standard requires crane operators on construction sites to meet one of four qualification/certification options by Nov. 10, 2014. After OSHA issued the standard, a number of parties raised several concerns about the qualification/certification requirements.

First, the final rule requires third-party crane operator certification by “type and capacity.” The two largest certifying bodies have been issuing certifications without a “capacity” factor or designation. As a result, many crane operators have certifications that will not be valid on the November 14, 2014 compliance date.

Secondly, OSHA received many comments that suggested that operator certification alone was not sufficiently protective. The final standard continued a general duty (from existing standards) for employers to ensure that operators can safely operate equipment. This “phase-in” was also to last until November 14, 2014. At that date, under the final standard, the employer duty to ensure that crane operators could safely operate their cranes would end, and crane operators would only have to be certified to safely operate a crane under OSHA’s final standard.

The Agency held three stakeholder meetings in April, and stakeholder reiterated these points and also warned that there would be disruption in the crane industry without Agency action.

OSHA is proposing to extend the compliance date for the crane operator certification requirement by three years to Nov. 10, 2017. The proposed rule would also extend to the same date the existing phase-in requirement that employers ensure that their operators are qualified to operate the equipment. OSHA’s requirement that operators comply with qualifying state or local licensing requirements is already in effect, and OSHA is not proposing to revise that requirement.

OSHA is considering addressing the fundamental concern of ensuring that crane operators are “qualified” through a separate rulemaking from this proposal to extend the compliance date. The Agency proposes to extend the compliance date so that the qualification/certification requirements do not take effect during potential rulemaking or cause disruption to the construction industry.

[Amend §1926.1427\(k\) to read as follows:](#)

[\(k\) Phase-in.](#)

(1) The provisions of this section became applicable on November 8, 2010, except for paragraphs (a)(2) and (f), which are applicable **November 10, 2017.**

(2) When §1926.1427(a)(1) is not applicable, all of the requirements in paragraphs (k)(2)(i) and (ii) of this section apply until **November 10, 2017.**

(i) The employer must ensure that operators of equipment covered by this standard are competent to operate the equipment safely.

(ii) Where an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee prior to operating the equipment. The employer must ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.