

August 19, 2002

OSHA Docket Office, Docket No. S-030  
U.S. Department of Labor  
Occupational Safety & Health Administration  
200 Constitution Ave. N.W.  
Washington, D.C. 20210

OSHA  
DOCKET OFFICER  
DATE SEP 16 2002  
TIME \_\_\_\_\_  
S030  
Ex. 2-54

**To:** Whom it may concern

**Re:** Negotiated Rulemaking Advisory Committee for revision of construction safety standards for the cranes and derricks portion ("1926.550") of 29 CFR part 1926 Subpart N-Cranes, Derricks, Hoists, Elevators, and Conveyors Docket No. S-030.

DEMAG Mobile Cranes GmbH and Co. is a manufacturer of mobile liftcranes headquartered in Zweibrucken, Germany. DEMAG distributes its products worldwide through a network of subsidiaries and dealerships. DEMAG Cranes and Components Corp. is the U.S. distribution subsidiary with offices located in Solon, Ohio, Ladson, S.C., and Houston, Texas. DEMAG has been doing business in the U.S. for more than thirty years.

It has come to our attention that OSHA has begun the process of establishing a Negotiated Rulemaking Committee to negotiate issues associated with the development of a proposed revision to the existing construction safety standards as referenced above. The position of DEMAG Mobile Cranes is that European crane manufacturers should be represented on this committee for the following reasons:

- 1.) We estimate that there are several thousand cranes in operation in the U.S. that were manufactured in Europe to European standards. Over the course of several decades these machines have become an integral part of the U.S. crane industry as European crane manufacturers have historically produced equipment that is not otherwise manufactured in the U.S. and which often has technical capabilities that are unique in nature. This has served to improve the overall efficiency of the U.S. construction industry by reducing the costs associated with the use of cranes.
- 2.) U.S. companies purchase as much as \$150 - \$250 million dollars per year in European mobile cranes. The distribution, use, and on-going product support of this equipment directly and indirectly employs thousands of workers in the U.S.
- 3.) U.S. crane manufacturers that have been involved with the current Subpart-N advisory group on this issue have sought to influence the proposed changes to the detriment of European crane manufacturers, owners, and the U.S. construction industry as a whole. The tactic has been to get the language in Subpart-N to specify certain American manufacturing standards (ANSI B30.5) under the pretense that this will improve safety. Our position is that this is false and that European manufacturing and safety guidelines with respect to mobile cranes are at least the equal of any such

standards in the world. The exclusive adoption of ANSI B30.5 criteria, or any other U.S.-specific manufacturing criteria, in the Subpart-N wording will in no way improve the safety of cranes operating in the U.S. and would be nothing less than a regulatory barrier to free trade in a global economy.

European crane manufacturers are every bit as committed as U.S. manufacturers to supplying safe equipment to the marketplace. Given the overwhelming numbers and importance of European cranes in the U.S. market, we believe that a representative of European crane manufacturers should be on the Negotiated Rule Making Committee. This will aid in having a free and open discussion about the issues of crane design, manufacturing, and testing in order to truly improve the safety of U.S. workers.

We look forward to your response and will work towards retaining a qualified representative in hopes of nominating them for the forthcoming Negotiated Rule Making Advisory Committee.

Sincerely,

DEMAG Mobile Cranes



Art Gilfus – Assistant V.P.