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DEAN D. BERNAL
VICE PRESIDENT
HUMAN RESOURCES

May 5, 2004

OSHA
DOCKET OFFICER
DATE MAY 7 2004

Docket S030
Ex. 67-1

Docket No. S-030
Room N-2625
Occupational Safety & Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Committee Members:

My name is Dean Bernal, Vice President Human Resources, Risk Management & Safety, for J.D. Abrams, LP, a 39 year old family owned open shop Heavy Highway Construction Company. We are currently working in Texas with a workforce of nine hundred (900) employees. Seventy percent (70%) of our workforce are minorities.

We currently operate forty two (42) cranes ranging in size from two hundred (200) tons to twelve (12) tons with forty nine (49) crane operators. Sixty nine percent (69%) of our crane operators are minorities.

Today I want to address Section 1422 Operator Qualifications of the Crane and Derrick Negotiated Rulemaking process. I want to emphasize that safety is our first priority from our President to our new hires. We are for training and having qualified operators in our cranes.

ITEMS OF CONCERN

1422 Operator Qualifications

(a) Add mandatory drug testing at time of hire, post accident, near misses and random.
(b) (1) Opposed to operator certification.The employer should have the ability to train and qualify their operators at all times. The employer has to be able to train their operators on the machines that they own. We are opposed to a four (4) year time line of having to use an accredited testing organization. An accredited testing organization to administer crane operator certifications is not the answer. We have to have management involvement and accountability for our cranes. Critical pick calculations are not performed by our operators but by our supervision.

Training employees at J.D. Abrams, LP is performed in English and Spanish. To have our Spanish speaking crane operators take an English crane operator test would not be of any value. Training must be a value to the employees.

We are encouraged by your committee work on the Crane & Derrick Negotiated Rule making process. I would be happy to answer any questions at this time and I appreciate the opportunity you have given me to address the committee.

Sincerely,
J.D. Abrams, LP

Dean D. Bernal

Dean D. Bernal

ABRAMS