Docket S030
Ex. 67-11

CALLAHAN
H. E. CALLAHAN CONSTRUCTION CO.

ASSOCIATED CONSTRUCTORS OF MAINE, INC.
An Association of Constructors and Related Businesses

May 26, 2004

Vanessa Reeves
Docket Officer
Docket Office, Docket No. S-030
Technical Data Center
Occupational Safety and Health Administration
U. S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

SENT VIA FACSIMILE TO
202-693-1648

OSHA
DOCKET OFFICER
DATE MAY 27 2004
TIME

Dear Ms. Reeves:

We are writing to you with regard to the Crane and Derrick Advisory Committee (C-DAC) proposed new OSHA rule. This proposed rule would require all operators of equipment that has the potential to lift 2,000 or more pounds to attain full certification for crane operation.

This is of great concern to us because:

- We most likely will not be able to find enough certified crane operators to man our equipment and this will greatly interfere with our ability to continue construction projects; and

- The costs associated with either training current crew members and promoting them or hiring only certified crane operators for such equipment would result in our labor and labor-related expenses being prohibitive.

We agree that third party certification is preferable to company certification. We agree that the operator of an actual crane should be certified by the National Commission for the Certification of Crane Operators. We also, however, would hope that a rule such as this would be formed only after the careful evaluation of incident data and careful consideration of the physics at hand (for example, while a crane and a telescopic lift can each lift 2,000 pounds, the lift process is much different, and the physics of the crane lift presents different challenges and greater risk).

If such evaluation and consideration did determine that there should, in fact, be a higher level of certification demanded of these operators than is currently in place, then we would hope to see an appropriate step process applied. For example, we would like to see a process by which a certified fork truck operator could take a third-party exam to become a certified telescopic lift operator (with the exam including their ability to operate the vehicle at its maximum lift

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capacity), and a certified telescopic fork truck operator could take a third-party exam to operate yet another vehicle with such a lifting capacity, and so on until they are actually at the more advanced step of the process, that of becoming a fully certified crane operator. Such a process would ensure that there would still be employment for those operators who are not yet able to complete the entire NCCCO exam, and it would ensure that companies would not be faced with the challenge to find and pay only CCO-certified operators.

Finally, each piece of equipment operates very differently. An CCO-certified operator who can operate the largest and most complex crane does not necessarily know how to operate a telescopic lift. For this reason, we prefer that an operator be required to be certified on the specific vehicle that they are operating.

We hope that these points are given careful consideration at C-DAC's June 1st meeting next week.

Yours sincerely,

Rachel M. Reed
Personnel & Safety Director

Clifford A. Berry
Certified Crane Operator
Safety Officer

RMR/au

Cc: Edward Pachico, C-DAC Representative, Associated General Contractors of America
John Butts, Executive Director, Associated Constructors of Maine