

U.S. Department of Labor
Occupational Safety and Health Administration

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary - March 3-5, 2004

Agenda Review

C-DAC members reviewed and accepted the March meeting agenda.

Review and Approve February 4-6 Meeting Summary

C-DAC members reviewed the February 4-6 draft meeting summary and made a number of editorial changes, including clarification of statements made by Juntan representatives during the pile drivers panel. It was approved as final and will be available through the OSHA docket. C-DAC members also approved an additional change to the January 5-7 meeting summary, and re-approved it as final.

Review of Draft Regulatory Text

The Committee reviewed and revised draft regulatory text in an effort to reach tentative agreements on each section of the standard. Tentative agreements will be reviewed at the end of the negotiated rulemaking process or if changes need to be made as a result of decisions on related sections. Issues for which draft regulatory text was fully reviewed, but no agreement reached, were tabled and will be reviewed again at a later meeting.

C-DAC members reached tentative agreements on the following sections:

§1400 Scopeⁱ

§1402 Assembly/Disassembly- Selection of Manufacturer or Employer Procedures

§1403 Assembly/Disassembly- General Requirements (pending review of new language for §1403(h)(12))

§1404 Assembly/Disassembly- Additional Requirements for Dismantling Booms and Jibs

§1405 Assembly/Disassembly- Employer Proceduresⁱⁱ

ⁱ The Committee agreed to include in the scope knuckle boom cranes, dedicated pile drivers, and hybrid machines that can rotate, have a jib, hook, or winch and have a load capacity of over 2000 pounds. With regard to pile drivers, the Committee will determine which particular sections will apply. C-DAC members also agreed to exclude drilling rigs.

ⁱⁱ The Committee deleted a documentation requirement for Employer Procedures because members felt that such a requirement was overly burdensome.

- §1406 Operation- Procedures
- §1407 Authority to Stop Operation
- §1409 Signals- Radio, telephone or other electronic transmission of signals
- §1410 Signals- Voice, Additional Requirements
- §1411 Hand Signal Chart, Standardized Voice Signals
- §1416 Equipment Modificationsⁱⁱⁱ
- §1423 Keeping Clear of the Load

The following issues were discussed and will be revisited at a future meeting: §1401 General Requirements; §1412 Signal Person Qualifications; §1417 Training; §1422 Operator Qualifications; and §1435 Free Fall/Power Down.

§1412 Signal Person Qualifications: The key issue discussed concerned documentation of signal person qualifications. Some Committee members want to require documentation of signal person qualifications given the signal person's significant effect on safety. There was general agreement that documentation from a qualified evaluator should be required for blind picks. There is not yet agreement on whether such documentation should be required in other circumstances. Some members think documentation will create an unnecessary burden on small business owners.

§1417 Training: C-DAC members discussed topics that will require mandatory training such as operating near overhead power lines, assembly/disassembly, cranes on barges, and signals. In addition, this section will include information sources, such as industry consensus standards, from which training materials may be developed. C-DAC will return to this section after completing the operator qualifications section.

§1422 Operator Qualifications: C-DAC members discussed issues related to operator qualifications, including physical examination requirements, drug testing, certification entities, certification criteria, and written exams.

Physical examination: C-DAC members discussed requiring a physical examination every two, three, or five years; the criteria associated with a physical; and the definition and consequences of "failing" a physical. Some Committee members stated a preference for using some of the Department of Transportation regulations that govern

ⁱⁱⁱ Committee members modified draft regulatory text so that a manufacturer's rejection of a proposed modification/addition only acts as a prohibition for that modification/addition where the manufacturer provides detailed reasons for the rejection in writing.

physicals. Others favor using the criteria set forth in B30. The Committee will further discuss these issues after a panel presentation by a team of medical professionals.

Certification by employer or accredited testing agency: The key issue discussed was whether an interim period should be provided in which employers may certify their own employees, after which all operators will be required to be certified by an independent, accredited testing agency. Some Committee members stated that employers and state or local governments should be allowed to certify their crane operators indefinitely, while others supported limiting employer certification to a few years after promulgation of the standard. Still others recommended requiring certification to be done solely by independent, accredited testing agencies, but with a longer period for compliance after promulgation of the standard.

Certification criteria: C-DAC members discussed the information upon which a written test will be constructed. The Committee agreed to specify key subject areas that should be included in the test such as technical knowledge specific to the equipment, site conditions and site preparation, load charts, and operations.

In addition, the Committee agreed that on written tests a crane operator may prove his/her ability to calculate load capacity information with the use of a calculator.

Written exam: Some Committee members expressed concern that competent crane operators with difficulty reading or completing written tests will be forced to retire. Others stated that all crane operators must be able to read given the complexity of modern cranes and the need to consult manufacturer manuals. Some members suggested the use of readers or allowing for an extended test-taking period.

§1435 Free Fall/Power Down: C-DAC members discussed prohibiting the use of cranes in which the boom hoist mechanism can free fall.

Discuss of New Issue: Safety Devices/Operational Aids

C-DAC members categorized required safety equipment as follows: 1) safety devices, which will be mandatory and must be in proper operating condition; 2) operational aids, which will be mandatory, but will not require an immediate end to crane operations upon failure if certain conditions are met; and 3) future safety devices or operational aids, which will be required by a specified date after promulgation of the new standard. C-DAC members will discuss recommended alternative parameters for continued operation when operational aids fail.

Public Comment

Leonard Assante and Frank Gabriel, National Groundwater Association, recommended that drilling rigs be exempted from the standard because their masts do not swivel and all work is confined to the back of the machine.

Tom Chamberlain, Northrop Grumman-Newport News Shipbuilding, described his organization's crane operator certification process, which includes testing on specialized equipment not offered by independent testing programs. He asked the Committee not to penalize employers who have rigorous certification programs by prohibiting them from certifying their own operators. He also stated his concerns relative to the cost and the lack of control over criteria associated with third party certification.

Lewis Williams, North Carolina Department of Transportation, recommended that OSHA allow employers to certify in writing that their employee has been tested on a specific crane and stated that some crane types are not covered by third-party certifying entities.

Jerry Teeler, American Road and Transportation Builders Association, recommended giving employers an option to certify their crane operators.

Graham Brent, National Commission for the Certification of Crane Operators, described the time and cost his organization has invested in developing its certification programs.

Logistics

Meeting Dates: The March 29-31 C-DAC meeting has been cancelled, and a day has been added to the May meeting. The next C-DAC meeting will be held Tuesday - Friday, May 4-7. The meeting will begin each day at 8:30 am and end at 4:30 pm, except for Friday, May 7, which will end at 12 noon.

Meeting Locations: C-DAC may hold one of its meetings in Phoenix. C-DAC members and the public will be informed about meeting locations as soon as such information becomes available.

Next Steps

Documents: The approved February 4-6 meeting summary will be distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the May meeting.

Derricks work group: will be established to assist OSHA in developing draft regulatory text for the derricks section of the standard.

Cranes on barges work group: will be established to assist OSHA in developing draft regulatory text for the cranes on barges section of the standard.

Agenda of remaining meetings: For the remainder of its meetings, C-DAC will review and revise draft regulatory text with the goal of reaching tentative agreements on each section of the standard. Once tentative agreements are reached on all sections, or as many sections as possible, they will be reviewed prior to reaching a final consensus.

APPROVED FOR PUBLICATION

C-DAC Attendance - March 3-5, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Dale Shoemaker, Carpenters International Training Center

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Approved-- 5/4//04

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