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OSHA  
DOCKET OFFICER

Docket S030  
Ex. 67-15

United States Department of Labor  
Attn: Charles Gordon  
Sr. Attorney (OSHA)  
Office of the Solicitor  
Room S-4004, US DOL  
200 Constitution Av. NW  
Washington, DC 20210

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SOLICITOR

Dear Mr. Gordon,

Pursuant to my public comments during the C-DAC meeting in Phoenix, AZ on June 3-4, 2004, I'm sure you are aware of the impression that I am opposed to the crane operator "certification" requirements as written in the working draft. Let me assure you that I am in fact very opposed to the draft requirements and I will explain why.

As I mentioned during public comment I was a member of the ACCSH work group committee as were some of the members of the C-DAC committee and as we debated this very issue in the ACCSH committee we had agreed that the third party certification requirements would be voluntary only and that the employer would/could be responsible for crane operator certification, this language exists in our working ACCSH draft. We felt that the employer had a vested interest in crane operator certification as the employer must provide the training required for safe operation of cranes. We were all in favor of installing stronger language/requirements for employers to provide the training not passing this responsibility off on some third party certifying agency who does no training or minimum training at best. The ACCSH draft also included a provision for operator training requirements. I see nothing in the C-DAC draft on training, who is going to train crane operators in the future if the language in the C-DAC committee draft is not amended. Also the ACCSH work group committee agreed that a third party entity certification would/could benefit small employers with small budgets and small cranes, as I also mentioned during public comment. I also directed questions to the C-DAC committee members William Smith of Maxim Cranes and to Joe Collins of Zachry Construction Co, as to whether or not they would allow an operator who possessed only a third party certification to operate their crane and the both agreed that they would not trust only the third party certification and that they would provide the training and certification necessary prior to allowing the operator to operate the crane. I could not agree with them more as employer training and certification is the hallmark of safe crane

operation not some third party certification entity who knows little of the hazards associated with all crane operation in all environments and locations – certification and training take place every working day, not one week every five years.

If the third party entity only is drafted, I would dislike very much the fact that some employers would rely on only the third party certification and not continued training needed for safe crane operation.

There are many other issues that need to be discussed one that comes to mind is if the third party certification is voluntary not mandatory, then our clients would pay for the third party certification if they required it. If the certification was mandatory the situation could exist where company “A” was awarded a large project requiring say 25 crane operators to be hired. Company “A” is forced to pay for the third party certification. Upon completion of this project company “B” is awarded a project in the same area and is forced to hire 25 crane operators from the same labor pool but does not have the burden of paying for the third party certification, because company “A” has already done so. This example exist today and everyday up and down the Gulf Coast what with process safety management training required to work in all the refineries, it would not be fair for company “A” to pay for certification when company “B-Z” hires from the same labor pool; therefore, the various plants pay for the additional training when required.

In closing, while I am opposed to mandatory third party crane operator certification, I would accept language requiring third party “OR” employer certification, which is what the current 1926.550 n requires for crane inspection.

Also, please inform me of the next C-DAC meeting with appropriate location, times, etc. I can be reached at (361) 693-2141 or by email at [eggenbergerm@bayltd.com](mailto:eggenbergerm@bayltd.com).

Regards,



Michael J. Eggenberger  
Crane Safety Manager