

July 9th, 2004

Crane and Derrick Advisory Committee
Public Hearing
Testimony of Bill Welch
BRB Contractors, Inc.
Topeka, KS 66675
DOCKET# S-030

BRB Contractors, Inc. is a general contractor that has been in business since 1959 and works coast to coast building water and wastewater treatment plants, bridges and all underground infrastructure. We own and operate over forty mobile cranes consisting of both lattice and hydraulic booms. We have over six hundred pieces of equipment that include truck mounted derricks, digger derricks, fork trucks of all kinds, material handlers, etc.

BRB is also a leader in the construction industry when it comes to safety. We take an active roll in the community in providing safety training to vo-tech and college students. We have achieved many safety awards including first in the nation through the AGC. We've had several years with zero lost time and employ over a thousand employees per year. Because of the migratory nature of our work, we always have to hire new people. We have about a 400% turn over of people. We have to take safety extremely seriously to achieve the kind of success we've had.

We are also currently one of only two Kansas contractors that have qualified for and are participants in an OSHA partnering agreement with region VII and BRB was the 1st and only company in the program for over a year. We've had seven consecutive OSHA inspections in over 4 states in a little over 2 years that resulted in zero citations issued.

BRB has implemented its own crane operator training programs and has had several operators 'certified' by outside companies over the years. We did this in an attempt to try and improve the competency of our operators.

We do have several concerns with a mandatory certification as proposed by this committee.

I'd like to read an excerpt from the Seattle Daily Journal, dated March 25th, 2004 and written by Ron Cowper, a crane safety trainer to operators, riggers, site supervisors and DOL CO's from across Canada and the US since 1983.

He quotes US DOL stats from 1984 to 1997 showing an average of 50 crane-related fatalities per year. He then points out that it was perceived with the introduction of voluntary operator certification across the country, that job site safety with regard to crane operation would be greatly improved and the number of crane-related accidents would show a significant decline. Given several years for the new certifications to take effect with thousands of operators across the country currently NCCCO certified and more public agencies endorsing the certification program, one would tend to believe that, as OSHA suggests, that "certification is having a significant and positive impact" in reducing crane accidents. However, information provided by craneaccidents.com, a web site that monitors crane accidents, injuries and fatalities worldwide, indicates that from the beginning of 2000 to the end of 2003 the average number of crane-related fatalities in the US had actually risen to 55.5 per year.

Craneaccidents.com also reported that in 2003 alone, 60 workers died in crane-related accidents while another 60 were injured in about 200 reported crane incidents. By the end of February 2004, the web site reported that there have already been 15 crane-related fatalities, which is on pace for another above average year.

This is significant information as the committee's proposed solution is to continue with virtually the same program that has netted these dismal results and using the same company – NCCCO.

Mr. Cowper then goes on to suggest that the problem stems from an insignificant amount of hours of training in the certification programs. He recommends that there be anywhere from 2000 to 6000hrs of hands-on experience and classroom training and compares it to Canada's program and its success in reducing accidents. This is opposed to CCO's required 1000 hrs of experience with no specific training requirements.

While BRB agrees with most of the stands the AGC has taken against the proposed mandatory certification, we like the AGC, are not necessarily against a certification program if it is undertaken with the input and direction of those directly impacted by such a rule. We recommend the following for a certification program that would be both effective, reasonable and economically feasible for nearly any business.

1. We believe an “on-line university” such as ESC (Brent Katzer ESC Index, Inc. 13160 Foster, Suite 110, Overland Park, KS 66213 USA, 913-814-7708, www.escindex.com/contact.php that makes certification available 24hrs a day, 7 days a week, and 365 days a year should be implemented. Because of its flexibility, availability, affordability (can be done for less than \$10 per person) and its non-intrusiveness to work operations, it is the best method of delivering training and certification.
2. We believe any hands-on training must be able to be provided on premises. Sending operators across country to a training facility, or even having an outside trainer come to one of our facilities, then sending several of our operators to that location is not effective or practical. It is not possible to have every make and model of crane available at any given location for an employee to train on. Operators need to train on the same model, preferably the exact same crane that they will actually be working with. We recommend a 1-month intensive training program utilizing mentoring by an older or more experienced trained operator. After this training, the mentor would sign a certificate indicating the operator was trained. The mentor could be a staff member of the contractor, a retired crane operator, or a crane operator acting as a consultant.
3. Successful completion of a class on OSHA crane safety/regulations would also be required for the certification. This needs to be able to be completed on-line with an outfit like ESC, and offered through the AGC.
4. Once the operator is certified, he must be able to transport this certification to other employers, but it would be reasonable that when changing employers that the employee or the new employer pay \$1000 for the training and certification to be transferred.
5. Next, because BRB believes so strongly in stressing individual responsibility and accountability and we attribute the success of our own programs to this philosophy, we believe that any accident partially or wholly caused by an operator should result in a fine or

suspension against the operator. Successful completion of a 7-day recertification/training program would be required to have certification reinstated.

6. All educational materials must be in English and Spanish (this for the on-line training segments).
7. Any uncertified operator would be required to have a properly trained mentor operator giving oversight during operation of the crane for a 30-day period before they could be certified.
8. Proof of certification of any certified operator must be available for immediate review on-site. This could be made available by fax or e-mail to the site once requested by OSHA or other authorized party.
9. For efficiency and cost, no singular certifying company would be allowed to operate without AGC's approval. Many trainers would be necessary for practical reasons, and to disallow any singular outfit from monopolizing the system.
10. We also believe that operators with proof of 4000 or more hours as a crane operator (this would be at least 2years hands-on experience) should be 'grandfathered' in to be able to by-pass the hands-on portion of the certification requirement.

This is the computer age. Younger people are needed in the industry. They are best trained on and are very competent with computers. This training will be enhanced as time goes on, but the above outfit (ESC) already has the capability of offering training for less than \$10 per person. The industry is short operators, and if retired operators were given an incentive to mentor younger trainees, it would be helpful to the economy, and the best training would be afforded.

If you have any questions, please feel free to contact us.

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