

**Graham Brent** talks to *ACT* about why mandatory crane operator certification was delayed until November 2018.

# Another

Until August of this year, mandatory crane operator certification was set to go into effect in the United States this month. November 2017 was the deadline OSHA had set to publish the new rule that has been in the works for more than 15 years.

The National Commission for the Certification of Crane Operators (NCCCO) has a naturally profound interest in the proposed rule and wants to see it published. But the organization also wants to make sure the rule that is put in place is enforceable and is in line with the intent of the Cranes and Derricks Advisory Committee (C-DAC) that wrote the original draft of the rule 14 years ago.

The delays have been frustrating, and few people have been more involved in seeing the rule getting published than Graham Brent, CEO of NCCCO.

But he said NCCCO and a majority of the crane and rigging sector is actually supportive of the delay because the current language as interpreted by OSHA would not have the desired safety benefits.

Since November 2017 was supposed to be the month the industry celebrated the milestone of mandatory crane operator certification, *ACT* checked in with Brent to parse the delay

and get his take on the future of the rule, if it will happen in 2018 and other issues pertinent to crane operator certification.

## IT'S NOVEMBER 2017 AND MANDATORY CRANE OPERATOR CERTIFICATION DIDN'T HAPPEN. WHY DID OSHA DELAY IT AGAIN?

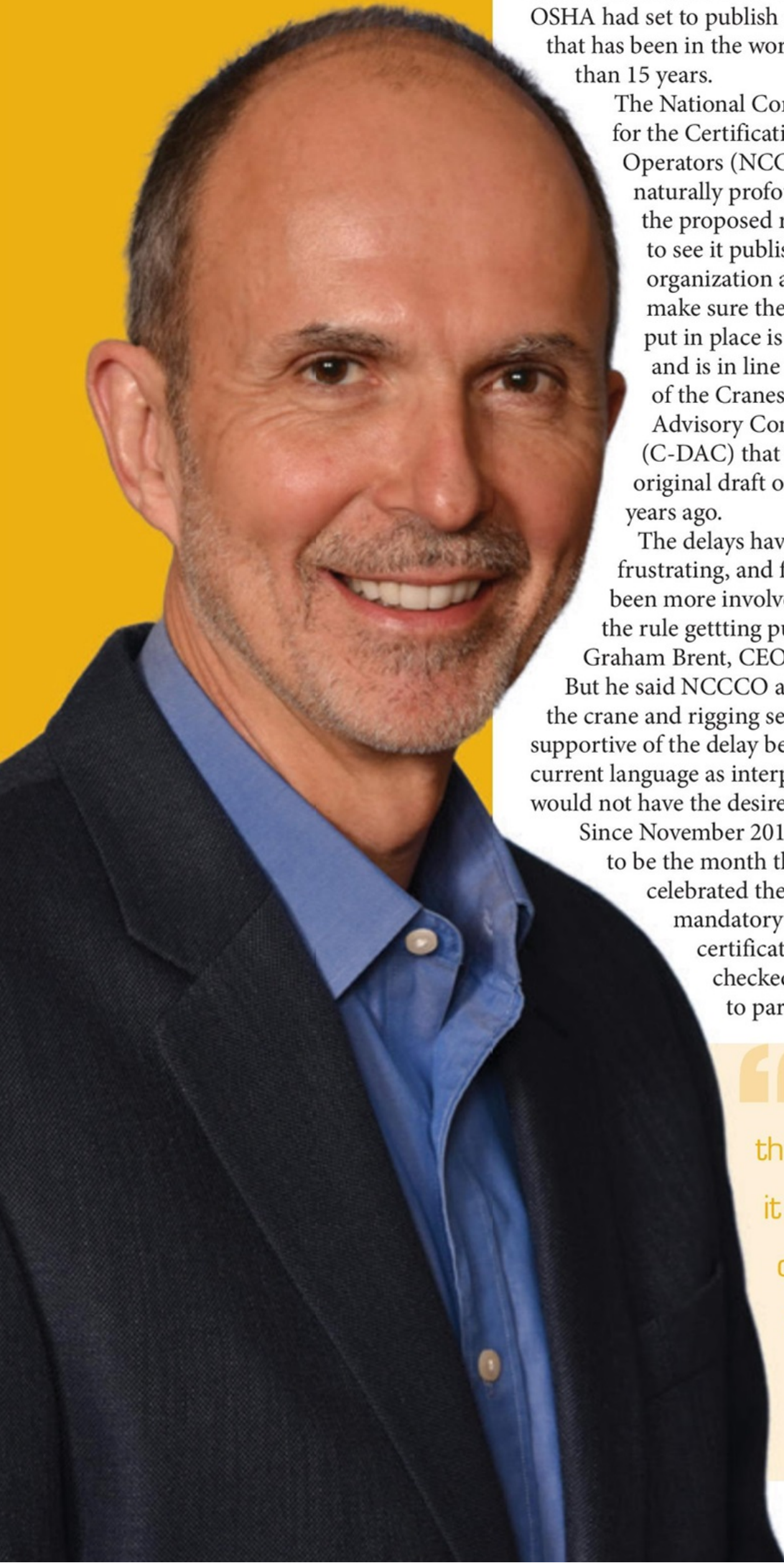
Basically, they ran out of time. By all accounts, the Proposed Rule that OSHA wrote to fix the rule was all done but failed to get over to OMB (the Office of Management and Budget) for mandatory review prior to the new administration coming in. Everyone – including the folks over at the Directorate of Construction – was disappointed. After all it's been fully three years since the operator certification requirement was due to come into effect and we still don't have a federal requirement for crane operator certification.

## DO YOU BELIEVE IT WILL HAPPEN NOVEMBER 10, 2018?

[Laughs.] Well, I don't have a crystal ball any more than anyone else does. We all thought it would be done well before now, of course. But this rule has been fraught from the get-go. Don't forget that C-DAC (Cranes and Derricks Advisory Committee), the committee that wrote the draft document, completed its work in just 12 months, delivering its finished product to ACCSH (the Advisory Committee on Construction Safety and Health) in 2004. It wasn't until seven years later that the rule was finally published, and not before it had to navigate a tortuous path through the regulatory pathways of Washington, DC.

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**GRAHAM BRENT**  
CEO, National Commission for the  
Certification of Crane Operators



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## WHAT IS REQUIRED TO MAKE IT HAPPEN ON NOVEMBER 10, 2018?

Even though the Proposed Rule may be completed we still have to see it published, following which there will be a public comment period. If there's considered to be significant financial commitment by employers in complying with the rule then a fiscal impact study may have to be conducted. We also shouldn't rule out a public hearing. Only when all that is completed can a Final Rule be published. Based on OSHA's regulatory track record, that's quite a lift for just 12 months.

## CAN THE CRANE INDUSTRY HELP MOVE OSHA ALONG?

It already has in many ways. In fact, without the industry's intervention over the last 14 years I firmly believe we would not be where we are today. It's not generally known or remembered that this rule almost died several times along the way. If it hadn't been for successive appeals to various government agencies (the Small Business Administration and the White House Office of Management and Budget, for example) by industry groups and individuals passionate about ensuring workers be afforded a chance to benefit from the increased safety the rule could provide, I really doubt it would have seen the light of day. Once it was published, we had to deal with the operator certification issues that are still on the table, namely certifying by type and capacity or type alone, and whether certification equals qualification. It took the formation of an industry coalition – the Coalition for Crane Operator Safety – along with two public hearings and meetings of ACCSH to turn OSHA around on this.

## WHAT ARE THE BIGGEST ISSUES TO GETTING THE RULE RIGHT FOR ALL STAKEHOLDERS?

We just need to resolve both of these issues and we're done. OSHA has already indicated it understands industry's concerns and presented resolutions to both two years ago. In its presentation

to ACCSH it removed "capacity" from the certification requirement and stated that certifying by type of crane alone was sufficient. That met with broad approval. Unfortunately, its solution to the "certification = qualification issue" did not. OSHA intends adding an "evaluation" component to "bridge the gap" between the two, but the process as proposed was perceived by industry as so complex that it would collapse under its own weight. So OSHA went back to the drawing board on that one. While OSHA cannot reveal the content of a proposed rule before it is published, we are led to believe that "90 percent" of that process has been removed. But of course that leaves 10 percent and we don't know what that consists of.

## WHAT ARE THE BIGGEST CHALLENGES FOR NCCCO ONCE CRANE OPERATOR CERTIFICATION IS MANDATORY IN THE U.S.?

That's a great question! You might expect our concerns would revolve around volume, but we've experienced surges before (California's requirement in 2005 tripled the number of candidates almost overnight), and we don't believe that's going to be a problem. Now, what's going to be interesting is how some of the provisions of the rule are going to be interpreted. For example, OSHA says if a certification is not available for a particular type of crane, then the next most similar would apply. Now, NCCCO has developed the widest range of certifications available, as you know, but no certification body could address every single type of crane with a separate, distinct certification program.

So the question is, who gets to decide what is "most similar?" OSHA? The certification body? The operator? This could also have implications for accreditation since it's hard to see from a psychometric perspective how certifications could "convey" across crane types. That's why NCCCO has convened its Crane Type Advisory Group (CTAG). CTAG is comprised of subject matter experts from all across the industry who are uniquely qualified to make these determinations. As a public service, a library of their decisions will be maintained in the public domain on the NCCCO website. CTAG is fielding these questions now and employers and



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**NCCCO analyzed its demographic data to try and quantify the average age of a certified crane operator. The range is from mid-40s to late 50s. This is the reason why programs like Lift & Move USA are so important to recruit young people to the industry.**

operators alike can email queries to [cranetype@nccco.org](mailto:cranetype@nccco.org).

## HOW MANY STATES ALREADY MANDATE CRANE OPERATOR CERTIFICATION?

There are 16 states (\*) that have either a licensing or mandatory certification requirement. That's more than double the number when CCO certification was introduced in 1996. The good news, though, is that beginning with West Virginia in 2000, all states that have introduced regulations since then either require certification from NCCCO or have adopted the CCO certification process. That means, unlike the states with pre-existing rules (New York or Massachusetts for example), there is reciprocity between them. True, an operator licensed by one of the newer states might have to pay a licensing fee when he moves to another, but at least he doesn't have to re-test all over again. Interestingly, although there haven't been any new additions to this list for a while, states generally were not deterred by the prospect of a federal rule in developing their own regulations. Given the time it's taken OSHA to pull a rule together that's probably just as well.

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\* California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Utah, Washington and West Virginia. Oregon doesn't license or require certification but has an explicit requirement for training. Additionally, seven cities (Chicago, Cincinnati, New Orleans, New York, Omaha, Philadelphia and Washington, DC) have their own rules.

**NCCCO IS A CO-ORGANIZER OF LIFT & MOVE USA, A PROGRAM AIMED AT RECRUITING HIGH SCHOOL AND COLLEGE AGE STUDENTS TO THE CRANE, RIGGING AND SPECIALIZED TRANSPORTATION INDUSTRY. THIS PROGRAM HAS GONE ON FOR TWO YEARS NOW. DO YOU THINK IT'S MAKING A DIFFERENCE?**

Well, I think in terms of making high-schoolers and their career counselors aware of the enormous opportunities that exist in this industry, absolutely.

Whether this will translate into significant recruitment I think it's too early to tell. But I have to believe that over time it will have an impact. Just to see how these guys and gals light up when they learn about the potential for a well-compensated career in the crane and rigging field, and how accredited certification can serve as an alternative to a conventional college degree, is just beyond exciting to me.

**WHAT IS THE AVERAGE AGE OF A CERTIFIED CRANE OPERATOR?**

This is the scary part and why the Lift & Move initiative is so important. When I came on board NCCCO over two decades ago, the prevailing opinion was that the average age of a crane operator



**Brent spoke to the joint conference on conformity assessment hosted by ANSI and SPRING, the national standards body of Singapore, in Washington, D.C. in October.**

was over 50. I'm not sure what that was based on other than anecdotal evidence. At NCCCO we did a deep dive into the demographic data we've collected over the years to try and quantify that, and our analysis pretty much bears that out. There's a range of course. Knuckleboom operators tend to be younger (mid-40s) through telescopic boom operators (early 50s) and tower crane and lattice boom operators (late 50s). Those who may have had a long crane career but have moved into non-operating activities such as crane

inspection also tend to be at the upper end. In other words, the problem is still with us, it's getting worse and unless we can convince youth that the crane and rigging industry, and construction in general, is a viable pathway to a bright and successful career, we're going to be in trouble.

**WHICH CCO CERTIFICATION IS THE MOST POPULAR?**

If you had asked me that just a few years ago the answer would have been pretty self-evident since the mobile crane operator program stood alone for eight years until 2004 when we introduced the tower crane program. For several years afterward, despite an aggressive program development schedule that saw us introduce an average of at least one new certification every year, mobile crane operator certifications still accounted for the lion's share (85 percent plus) of activity. That's been falling steadily each year to the point where, despite remarkable growth in overall volume, mobile crane certifications will account for less than 65 percent of the total in 2017.