

**Testimony of  
Mr. Graham J. Brent  
Before the Committee on Education and Labor  
U.S. House of Representatives  
June 24, 2008**

Good morning Mr. Chairman, and distinguished members of the House Committee on Education and Labor. My name is Graham Brent and I am the Executive Director of the National Commission for the Certification of Crane Operators (NCCCO).

The National Commission for the Certification of Crane Operators (NCCCO) was formed in January 1995 as a non profit organization to develop effective performance standards for safe crane operation to assist all segments of construction and general industry.

The establishment of NCCCO came in the aftermath of the San Francisco tower crane collapse in 1989 which claimed five (5) lives and foreshadowed the tragedies we have witnessed this year in New York, Miami and elsewhere. The foundation of the CCO national crane operator certification program by a dedicated team of industry experts over a ten (10) year period reflected a genuine and earnest desire by the industry most affected by such accidents to improve the safety of lifting operations.

NCCCO's mission was—and remains today – to provide a thorough, independent assessment of operator knowledge and skills and, thereby, to enhance lifting equipment safety, reduce workplace risk, improve performance records, stimulate training, and give due recognition to the professional skill of crane operation.

The industry representatives who participate in NCCCO activities represent such groups as: contractors, labor unions, rental firms, owners, steel erectors, manufacturers, construction firms, training consultants, and insurance companies. Since NCCCO began testing in April 1996, over 325,000 written and practical exams have been administered to more than 65,000 crane operators in all 50 states.

Mr. Chairman, as tragic as the recent incidents in New York and Miami are, they need to be put in context. A recent survey (1) has revealed that there are an estimated 3,000 tower cranes in the United States, of which 2,100 might be in use at any one time. These tower cranes perform in excess of 100,000 lifts per day safely and without adverse consequence.

Nevertheless, the recent incidents we have witnessed are clearly completely unacceptable. It's important to recognize that cranes, in and of themselves, are not dangerous. In the hands of unqualified personnel, however, they can become deadly instruments. This raises two questions: #1 What personnel need to be qualified? And #2: How can that qualification be determined?

To the first question, OSHA has an overarching, if non-specific, requirement for all personnel engaged in the lifting operation to be trained and qualified and/or competent to perform the task they are assigned. This means the crane operator, to be sure. But it also extends to the rigger (who rigs the load to be lifted), the signalperson (who gives the operator verbal or visual instructions), and the inspector (who verifies that the crane has been maintained and erected correctly and in accordance with the manufacturer's instructions).

In answer to the second question, “how can that qualification be determined?”, we believe that professionally developed and accredited certification is the employers’ and public’s best assurance that the required training has been given and, most importantly, that it has been effective -- that learning has, in fact, taken place.

Remarkably, however, only 15 states and five (5) cities require crane operators to be certified or licensed. Only two (2) states require crane inspectors to be licensed. And there are no state or federal requirements for riggers to be licensed.

OSHA’s regulations that govern the use of cranes have gone largely unchanged since they were issued in the early 1970’s. They reference an American National Standard for cranes (ANSI B30.5) that was published in 1968 and has been out of print and unavailable for years. In the meantime, cranes have undergone a technological evolution that has transformed them into versatile and sophisticated pieces of machinery, equipped in many cases with electronic control systems that would challenge the skills of a commercial airline pilot.

This situation has to change. OSHA recognized that much when, in the summer of 2003, it assembled 25 of the most qualified individuals in the industry and put them to work to revise its outdated requirements. The Cranes and Derricks Advisory Committee (C-DAC), meeting once per month over an 11 month period, completed its work as requested, and delivered its report to the Department of Labor in August 2004. It is, by all assessments a remarkable document, developed in record time by industry experts without peer. To this date, despite numerous industry protests, and a unanimous endorsement for C-DAC’s recommendations by OSHA’s Advisory Committee on Construction Safety and Health (ACCSH), OSHA has not issued a proposed rule.

This rule needs to be published and implemented for many of the reasons we are assembled here today. Among its widespread provisions are accredited certification for crane operators, and heightened training and qualification for signalpersons, two essential elements, in our view, for improving safety on construction sites around the nation.

Calls for such measures are widespread with the industry. Just last week, a report (2) was published by the Center for Construction Research and Training (CPWR) that analyzes Bureau of Labor Statistics (BLS) data for 323 construction worker deaths attributable to crane accidents between 1992 and 2006. It makes eight (8) recommendations. No. 1 is for crane operators to be certified; no. 2 for riggers and signalpersons to be certified; and no. 3 for crane inspectors to be certified.

Mr. Chairman, reports have been released this year, in New York State and more recently in New York City, that would imply the existence of state and city exam design and administration that fall well below acceptable standards. It is alleged that licenses have been issued without appropriate candidate assessment that reflects competency by an individual in the area being assessed. This is far worse than no license at all, for it implies competency in an individual when, in fact, a candidate may have failed a test or even not have tested at all. Clearly, a testing instrument (such as a state or city exam), must be beyond reproach in both its design and administration for employers and the general public to have confidence in the process.

In this context, I would draw your attention to the fact that whenever I have talked this morning about “certification” I have done so with the qualification of “accredited certification.” The organization I represent believes it is critical that any third-party certification body be subject to onsite audit of its policies and procedures to ensure it has developed and continues to administer written and practical examinations that are fair, valid and reliable.

Fortunately, there is a simple way for those who have a stake in construction safety matters to ensure only professionally developed certification is specified-- and that is by ensuring that only certification bodies whose programs have been accredited by the American National Standards Institute (ANSI) are permitted to administer certification assessments. ANSI has developed a compliance program that meets the requirements of the ISO 17024 *Requirements for Bodies Operating Certification of Persons* and is the only accrediting body that requires onsite assessment of a certifying body as a condition of accreditation.

In closing, Mr. Chairman, I would like to thank you and this Committee for providing NCCCO an opportunity to present these recommendations for improving safety on worksites wherever lifting equipment is being used. NCCCO stands prepared to lend its expertise in assisting this Committee to achieve that goal.

REFERENCES:

(1) Survey, Specialized Carriers & Rigging Association (SC&RA), 2750 Prosperity Avenue, Suite 620, Fairfax, VA 22031. May 2008. 703/698-0291.

(2) McCann, Michael, PhD, and Gittleman, Janie, PhD. *Crane Related Deaths in Construction and Recommendations for Their Prevention*, The Center for Construction Research and Training, June 2008. 301/495-8525.

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# **NCCCO PROGRAM STATUS**

*JUNE 2008*

## **NCCCO "BY THE NUMBERS"**

**NO. EXAMS ADMINSTERED: 325,000+**  
**NO. OF WRITTEN TEST ADMINISTRATIONS CONDUCTED: 5,000+**  
**NO. OF PRACTICAL TEST SITES APPROVED: 1,700+**  
**NO. OF CRANES APPROVED FOR PRACTICAL EXAM TESTING: 5,000+**  
**NO. OF STATES IN WHICH TESTING HAS BEEN CONDUCTED: 50**

## **CERTIFICATIONS AVAILABLE:**

**MOBILE CRANE OPERATOR**  
**TOWER CRANE OPERATOR**  
**OVERHEAD CRANE OPERATOR**  
**RIGGER (2008)**  
**SIGNALPERSON (2008)**  
**ARTICULATING CRANE OPERATOR (2009)**

## **ACCREDITATIONS:**

**AMERICAN NATIONAL STANDARDS INSTITUTE / ISO**  
**NATIONAL COMMISSION FOR CERTIFYING AGENCIES**  
**NATIONAL SKILL STANDARDS BOARD**

## **FEDERAL RECOGNITION:**

**OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**  
**DEPARTMENT OF ENERGY**

## **OFFICIAL APPROVAL:**

**DEPARTMENT OF EDUCATION**  
**DEPARTMENT OF DEFENSE**  
**DEPARTMENT OF VETERANS AFFAIRS**

## **STATES ADOPTING CCO PROGRAM:**

**WEST VIRGINIA (2001)**  
**HAWAII (2003)**  
**NEW JERSEY (2004)**  
**CALIFORNIA (2005)**  
**MONTANA (2005)**  
**NEW MEXICO (2007)**  
**MINNESOTA (2007)**  
**NEVADA (2007)**  
**UTAH (2007)**  
**WASHINGTON (2010)**  
**FLORIDA (PROPOSED)**  
**PENNSYLVANIA (PROPOSED)**  
**MARYLAND (PROPOSED)**  
**IOWA (PROPOSED)**

## **NATIONAL INDUSTRY PARTNERSHIPS:**

**AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE)**  
**AMERICAN SUBCONTRACTORS ASSOCIATION (ASA)**  
**ARTICULATING CRANE COUNCIL OF NORTH AMERICA (ACCNA)**  
**ASSOCIATED EQUIPMENT MANUFACTURERS (AEM)**  
**ASSOCIATED GENERAL CONTRACTORS OF AMERICA (AGC)**  
**CRANE MANUFACTURERS ASSOCIATION OF AMERICA (CMAA)**  
**INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE)**  
**SPECIALIZED CARRIERS & RIGGING ASSOCIATION (SC&RA)**  
**STEEL ERECTORS ASSOCIATION OF AMERICA (SEAA)**