

# Just What Does it Take to be a Qualified Crane Operator?

It ought to have been straightforward. After years of industry representation before multiple regulatory agencies, several public hearings, tens of thousands of words of public comment, and even an inquiry by a Congressional committee, the Proposed Rule that OSHA crafted to address industry's concerns about crane operator certification finally saw the light of day in May.

Rather than resolve the issues at hand, however, it seems it has stimulated further debate about one of the key components of the rule that has stalled implementation of the crane operator certification requirement for the past four years, and raised the question: Just what does it mean to be a qualified crane operator?

Just about everyone agrees that crane operators should be certified through an accredited certifying body for the type of crane they want to operate. But what does it take for an employer to turn that certified operator into a *qualified* operator?

OSHA and most of industry have dramatically different ideas about it.

OSHA is seeking to establish a highly detailed approach to what it terms "evaluation," a process that all employers would need to follow, regardless of their size or involvement with cranes.

Many employers, however, would prefer a more flexible system that allows them to adapt their evaluation procedures to their particular circumstances.

So just what is the role of "evaluation"?

It is the intermediate step in the qualification process. If the process were a mathematical formula, it might look like this:

**Certification + Evaluation  
= Qualification**

Certification covers the basic skills

and knowledge needed to operate a crane.

Evaluation speaks to the additional elements necessary for an individual to be considered qualified, such as the amount of experience an operator might have on a given model of crane, whether they have worked with jibs or other boom extensions, or whether they physically can operate a particular machine.

One proposal that gained a lot of traction following hearings held by the Advisory Committee on Construction Safety and Health (ACCSH) and that was endorsed by the Coalition for Crane Operator Safety (CCOS)—a bipartisan group representing employers, labor, manufacturers, insurance underwriters, and the operator certification bodies themselves—would have been for OSHA simply to have referenced its existing definition of a "qualified person."

Why, many employers ask, could an employer's evaluation of a certified operator not simply rest on whether or not that person has (to quote OSHA's definition) "successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project"?

Indeed, in many ways the kind of employer evaluation OSHA is proposing resembles a variant of certification more than the type of adaptable assessment employers are currently accustomed to provide—except, of course, they would not need to be subject to the psychometric development and maintenance rigor demanded of certification bodies.

So, what's next? With the comment period now closed, OSHA will have its work cut out wading through the extensive public comments received from all industry sectors (including, remarkably, at least one that continues to lobby for



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an exclusion). When it hinted in the Proposed Rule at a further six-month extension, the Agency was clearly concerned it would have trouble getting the Final Rule ready for publication prior to the existing November deadline when the requirement, as written, is due to come into effect. That means it will likely be April next year before we can expect to learn of OSHA's decision on this and other issues that it also requested public comment on in the Proposed Rule.

So what happens on November 10? Fortunately, OSHA has a number of mechanisms it could bring into play, including a directive to its compliance officers not to enforce the rule as written. All indications are that it will select one of these if necessary.

The bottom line is that, as keen as industry is to get past a situation that has sown uncertainty and confusion for many years, it's clearly important to get it right. Given that last year marked no less than the 25th anniversary of OSHA's Advanced Notice of Proposed Rulemaking that first signaled OSHA's interest in establishing a national crane operator license program, an additional six months seems a small price to pay.

As it has been frequently remarked over the course of these many years, "No rule is better than a bad rule. Let's take the time to get this one right." ■