

Are you confused by OSHA's "Crane Rule" and wonder how it might apply to your business?

You are not alone! We've heard from a number of members in recent weeks with questions about what your responsibilities are as employers of a business using cranes for delivery. Let's see if we can make things a bit more clear.

First, let's lay the groundwork with a brief history of the "final rule" for Cranes and Derricks in Construction.....

Nov 2010:

The "final rule" was enacted and provided 4 options for the newly required crane operator certification.

1. A state or local license to operate cranes within a state or local jurisdiction with acceptable requirements;
2. A certification issued by an accredited, third-party testing organization that meets OSHA certification requirements;
3. A qualification issued under an audited employer program that meets OSHA's certification requirements;
4. Or a qualification issued by the U.S. Military

The current certification deadline is **November 10, 2018**.

Are you exempt???

You just might be. "Material Delivery Exemptions" are based on the equipment you use and what you do with it.

You are exempt if you....

1. Deliver material to the construction site with equipment having a rated capacity under 2,000 lbs.
 - If using a truck mounted Articulating-knuckle Boom Crane (ABC), it must have:
 - Automatic overload prevention devices (fully functioning)
 - Fixed forks
2. Deliver/place/stack materials on the GROUND
3. Hoist **packaged** building materials or sheet goods onto a structure (ex: sheet rock, plywood, bags of cement, sheets or packages of roofing shingles or rolls of roofing felt)

If you "help" your customers by opening the packages and "delivering" the materials to multiple areas on site, you are assisting with construction activities and are NOT exempt. Similarly, if you deliver a load to the roof and then stay a while in order to help them move it around as they work, you are NOT exempt. I think you get the idea....

The bottom line is.....if you don't meet the exemption criteria above, your crane operators need to be certified by November 10, 2018.

If you're still hanging in with me, and are interested, I'll give you a bit more information on the timeline so you'll understand why you remember this from years ago but haven't heard much until just recently.....

2010-2013:

In response to mounting frustrations of many in the construction industry and third-party testing organizations, OSHA conducted multiple stakeholder meetings to gather additional information about the following issues:

- Operator qualification and the need for employers to play a direct role in ensuring their operators are competent
- “Type and Capacity” requirement for third-party certification

Result: Certification deadline extended from the original November 10, 2014 to November 10, 2017 in order to give OSHA time to undergo additional rulemaking.

2013-2015:

OSHA conducted more than 40 site visits, conference calls, and meetings with stakeholders regarding their experiences with training, evaluating, and ensuring the competency of crane operators. They also presented draft revisions to the Advisory Committee for Construction Safety and Health proposing, among other things:

- Removal of Crane “Capacity” requirement
- Employer responsibilities to ensure operator competency

Result: OSHA proposed to amend the “final rule” to address the above concerns and extended the certification deadline to November 10, 2018.

2015-July 6, 2018:

OSHA requested public comments during this time period. We expect the amended rule to be released sometime this fall.

Our guess is that when the amended rule is released, the certification requirement will remain, but they will have removed the “Capacity” requirement and will introduce new requirements related to employers ensuring that their crane operators are competent on the equipment they use and in the situations they use it.

Below, you’ll find sources used for this article and third-party certification resources. If you need any additional assistance, feel free to call Barb Strickland at BMSA (800) 849-1503 or visit the National Lumber and Building Material Dealers Association (NLBMDA) at www.dealer.org where you’ll find a wealth of information on OSHA regulations under the “Regulatory” tab.

1. “Federal Register/Vol. 83, No. 98/Monday, May 21, 2018/Proposed Rules” at <https://www.osha.gov/laws-regs/federalregister/2018-05-21>
2. “Small Entity Compliance Guide for Final Rule for Cranes and Derricks in Construction” at http://osha.gov/cranes-derricks/small_entity.pdf
3. “Subpart CC---Cranes and Derricks in Construction: Operator Qualification and Certification” at <https://www.osha.gov/Publications/OpCertfactsheet9-29SOL-DB.pdf>
4. National Commission for the Certification of Crane Operators (NCCCO) at www.nccco.org