

November 13, 2018

**OVERTON** Safety Training, Inc. is providing this recap as a courtesy to our clients and to employers. It includes selected statements from the final 29CFR1926.1427 Fed OSHA revised document and preamble, but it does not include all the rationale utilized, nor do we attest that it is the complete or exact wording from the Fed OSHA document. We have taken steps to organize and condense the OSHA changes in a manner we feel will be better suited for ease of comprehension for our clients and for employers.

- Pages 56198 - 56244 which are the Preamble of changes by Fed OSHA 1926 Cranes and Derricks in Construction: Operator Qualification published 11/09/2018.
- Pages 56244 - 56247 Fed OSHA 1926 Cranes and Derricks in Construction: Operator Qualification published 11/09/2018.

***Employers are to reference the specific revised Federal OSHA document for any specific regulatory questions or interpretations. (Individual States may have different regulations, please refer to and follow your specific State regulations)***

#### **Recap of changes to the Federal OSHA Crane Rule: (Note your State Regulations may be different)**

1. Amend the wording on the specification for National Certification Requirements.
2. Clarify and define in clear terms, the differences between “Qualification” and “Certification” of Crane Operators.
3. Establish minimum requirements for determining operator competency.
4. Clarify the employer responsibilities for Training, Evaluation, and Qualification of their Crane Operators in addition to the requirement for National Certification (as applicable).
5. Communicate the revised mandatory compliance effective date for the requirement for Crane Operator National Certification (as applicable). **December 10, 2018**
6. Communicate the revised mandatory compliance effective date for the employer requirement for Crane Operator Training and Evaluation. **February 9, 2019**

#### **Final changes to the requirement for Operator National Certification: (Note your State Regulations may be different)**

1. The requirement for Crane Operator “National Certification” (as applicable) did **NOT** go away.
2. Crane Operator “National Certification” is **NOT** the same as Operator “Qualification”.
3. This requirement for Crane Operator National Certification (as applicable) **is in addition to** the requirement for employer training, evaluation, and qualification of their crane operators.
4. The old effective date of compliance for Crane Operator National Certification (as applicable) was November 10, 2018, it appears now the effective date **is December 10, 2018**. It appears it was extended only 30 days from the November 10, 2018 compliance date as employers have had 8 years to comply with this requirement. It was first published in the 2010 rule and the original effective date was November 10, 2014 giving the employers 4 years to comply and then further extended to November 10, 2018.
5. National Certification (from an accredited certification agency) may be now provided based on either equipment “Type” or by “Type and Capacity”. NCCCO National Certifications are by crane “Type”.
6. Second language certification exams can be issued by the accredited testing/certification agency;
  - a. Certification must identify the second language in which the certification exams were provided and passed.

- b. Operators may **only** operate equipment with load ratings, operator's manual, and safety decals printed in the second language designated on the national certification.
- c. Currently NCCCO does not offer second language testing as meeting the ANSI National Accreditation requirements for translating to the second language (Spanish) and again back to English is proving to be difficult. NCCCO informs us that their goal is to continue in the attempt to provide written exams in second language which are recognized by ANSI as soon as they are able.
- d. I would like to remind you that the certification agency and the exams themselves must be recognized/approved by a recognized accrediting source.

### **Clarification of Employer Responsibility**

1. The employer must ensure that each operator is **trained, certified/licensed, and evaluated** before operating any equipment covered by subpart CC.
  - a. Exemptions include side boom cranes or equipment with a max rating of 2,000 lbs or less.
  - b. Exemptions have their own requirements for training and evaluation.
2. Employer training and evaluations of crane operators must be done by **February 9, 2019**.
3. Crane Operator National Certification (as applicable) must be done by **December 10, 2018**.

### **Clarification of Employer Responsibility for Training and Evaluation of their Crane Operators**

1. Training, evaluation, and qualification of their crane operators must be done by **February 9, 2019**.
2. **Trainer/Training**
  - a. Must be provided by an employee or agent of the operator-in-training's employer.
  - b. Trainer must have the knowledge, training, and experience necessary to direct the operator-in-training on the equipment in use.
  - c. Trainer does **NOT** have to be a Nationally Certified Operator.
  - d. While operating in training, the operator must be continually monitored by the trainer. There are few exceptions.
  - e. Trainer must never be distracted from the ability to monitor the operator at all times.
  - f. Trainer and operator must remain in direct line of sight and be able to communicate verbally or via hand signals. Tower cranes are slightly different.
  - g. Employer must provide each operator with **sufficient** training before operating the equipment.
    - i. Level of employer training may vary according to the operator prior experience/training.
    - ii. Combination of formal and practical hands-on instruction.
    - iii. Ensure skills, knowledge, and ability to operate the equipment safely for assigned work are taught and demonstrated.
    - iv. Ensure they can recognize and avert risk during operation.
  - h. The employer's trainer may only assign tasks within the ability of the operator-in-training.
  - i. Examples of required training tasks that might be covered may include: (as applicable)
    - i. Equipment inspection, setting up the crane, leveling the crane, accounting for hazards, making judgements about wind speed or other environmental factors, using outriggers/stabilizers, utilizing cribbing.
    - ii. Assessing unstable loads, rigging the load, calculate, and determine load weight.
    - iii. Operating from a barge, hoisting/handling loads of irregular size, personnel hoisting, hoisting in tight spaces, performing multiple crane lifts, traveling with or without a load.

- iv. Engaging, hoisting, moving and placing loads at height, blind picks, using ancillary attachments and extensions.
- j. The operator-in-training shall **not** operate in any of the following circumstances:
  - i. Crane, boom, or load could get closer than 20 feet from power lines up to 350kV or closer than 50 feet to power lines over 500kV.
  - ii. Equipment used to hoist personnel.
  - iii. Equipment is used over a shaft, cofferdam, or in a tank farm.
  - iv. In multiple lift rigging operations (unless sufficiently skilled).

### **3. Evaluator/Evaluation**

- a. Must be evaluated by an employee or agent of the operator-in-training's employer.
- b. Must be conducted by an individual who has the knowledge, training, and experience necessary to assess equipment operators.
- c. Evaluator does **NOT** have to be a Nationally Certified Operator.
- d. Must be done after **sufficient** training has been accomplished.
- e. Evaluations can be done at the worksite during the regular craning work.
- f. Evaluations must be documented. Evaluation documentation does not have to be in any specific format but must include required information.
  - i. Must include: Operator's name, evaluator's name and signature, date, make, model, and configuration of equipment used in the evaluation. (Note that some individual States may require capacity).
- g. A single successful evaluation may cover other equipment that does not require substantially different skills, knowledge, or ability to recognize and avert risk to operate.
- h. Proof of evaluation must be available at the worksite while operator is employed by the employer.
- i. Through an evaluation, employer will ensure that each operator is qualified by a demonstration of: (as applicable)
  - i. Skills, knowledge, and ability to recognize and avert risk.
  - ii. Crane inspection, skills to safely operate the equipment, including setup, outrigger/stabilizers/cribbing, hazards, ground requirements, clearances.
  - iii. Ability to operate the crane in various applicable configurations necessary.
  - iv. Ability to competently and safely perform hoisting activities required for assigned work including (as applicable) load handling, load movement, load placement, blind lifts, personnel hoisting multi load lifting, and multi-crane lifts.
  - v. Knowledge of safety devices, operational aids, software/computers utilized.
  - vi. Knowledge of lifting capacity, boom lengths, use of applicable extensions, lifting at height, attachments, or alternate counterweight set-up.

### **4. Retraining/Reevaluation**

- a. Retrained and reevaluated when an evaluation or other indication that retraining is necessary.
- b. Retraining/reevaluation is to be in relevant topics, not necessarily retrained through the entire program again.
- c. Proof of retraining and reevaluation is to be documented. Evaluation documentation does not have to be in any specific format but must include required information.

## **5. Trainees**

- a. Can be in-training while operating on the worksite if mentored/instructed and **constantly** observed by an employer's designated trainer. (see rule for some slight variances and exceptions).
- b. Must complete training and then be evaluated by the employer demonstrating the required skills and knowledge for the job tasks.
- c. May require additional training and/or multiple evaluations on different models of equipment, demonstrating different skills for the job tasks.
- d. Training and successful evaluation must be documented, proof of evaluations must be at the worksite.
- e. Must have both employer training/evaluation completed and National Certification (as applicable) prior to operating the crane without constant supervision.

Please let us know if we can be of assistance.

Sincerely,

Ron Overton

President

**OVERTON** Safety Training, Inc.