

**Testimony of
Mr. Graham J. Brent
National Commission for the Certification of Crane Operators (NCCCO)
Before the OSHA Hearing on the Proposed Standard for Cranes and
Derricks in Construction**

March 19, 2009

Good afternoon. My name is Graham Brent and I am the Executive Director of the National Commission for the Certification of Crane Operators (NCCCO). NCCCO—or CCO as I shall also refer to this organization for brevity's sake—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.

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.

More than two decades after the first meetings were hosted by the Specialized Carriers & Rigging Association (SC&RA) that gave rise to this organization (and who will be providing their own testimony later in this hearing), it is important to remember that the origins of this national certification program were—and remain—overwhelmingly grass-roots in nature. The industry representatives who participated in the task forces and forums that evolved into NCCCO were—and still are—drawn from such groups as: contractors, crane rental firms, labor unions, owners, steel erectors, manufacturers, construction firms, training consultants, and insurance companies.

They were driven by a passion—evident today in NCCCO's exam management committees that meet throughout the year to ensure the continuing fairness and integrity of the testing process—a passion to reduce accidents, save lives and, generally, to make the construction industry a safer environment for all to work in. In essence, this is a program that was developed *by* industry, *for* industry, and whose sustained support has led to the request—which NCCCO has met—for additional certification programs (such as for articulating crane operators) as well as “non-crane operating” crafts whose work brings them into contact with cranes, such as riggers, signalpersons, and inspectors.

Since NCCCO began testing in April 1996, over 365,000 written and practical exams have been successfully administered to more than 65,000 crane operators in all 50 states. NCCCO has been nationally accredited as a personnel certification organization since 1998, and internationally accredited to ISO 17024 since 2007 through the personnel certification accreditation program developed and administered by ANSI—the American National Standards Institute. It has been formally recognized by Federal OSHA since 1999, and by

more than a dozen other federal agencies and national organizations—including the Associated General Contractors of America, the International Union of Operating Engineers, and the Steel Erectors Association of America. All states that have introduced licensing requirements for crane operators since the CCO program was introduced have accepted or adopted CCO certification by reference.

NCCCO has previously stated its position with respect to the personnel certification and qualification aspects of the Proposed Rule in its written comments dated January 22, 2009 and submitted for the record on that date to the OSHA Docket Office. To avoid duplicating that response, I will not reiterate all those comments here today. However, I would like to use this opportunity to restate NCCCO's position with respect to determining operator competency, as well as to clarify a number of misconceptions about certification that continue to circulate in some sectors of the industry and which have been aired during this Hearing. NCCCO also has an additional concern about one of the testing options provided for in the Proposed Rule.

NCCCO believes it is vitally important that all personnel involved in crane operations—including but not limited to crane operators and signalpersons— be independently certified as to their knowledge and skill related to crane operation. And, furthermore, that this certification is conducted by a third-party company or organization that has been accredited by an accrediting body that audits and accredits personnel certification programs, i.e. Option 1 in section 1427 of the Proposed Rule.

The premise of certification is simple: A trained individual is a safer individual by virtue of the knowledge and skill he or she has obtained during the training process. Certification—providing it is professionally developed and maintained in accordance with rigorous standards of examination development (a confirmation available through an appropriate accreditation process)—is an employer's—as well as the general public's—best assurance that the required training has been effective—that, in fact, learning has, taken place.

C-DAC correctly defined the examinations to be administered as both written and practical examinations, and NCCCO concurs noting that this is in line with the current ASME B30 American National Standard for lifting operations. However, NCCCO **opposes** the provisions of 1926.1427(h) which permits tests to be administered verbally, with answers given verbally. While OSHA does include two requirements that need to be met in order to administer tests in this manner, NCCCO believes this provision adds an unnecessary and potentially harmful step in the qualification process, particularly so given that there are no standards or protocols identified by which any “demonstration of literacy” must be developed, evaluated and administered.

I want to re-emphasize at this point the distinction between training and certification. One of the objectives of NCCCO, as I stated in my opening remarks, was to “stimulate” training. “Stimulate” not “provide.” Employers would

be free under the new rule, just as they are now, to continue to provide their own training, to contract out this service (NCCCO's web site at last count provided information on more than 120 companies nationwide who provide such training), or to make use of the training and apprenticeship programs available from industry organizations.

But let me be perfectly clear. Certification is not a panacea. It does not relieve an employer of his or her overarching responsibility of determining whether or not a particular individual is qualified—qualified to operate a particular piece of equipment, on any particular day, in a particular environment. What professionally developed and appropriately accredited certification does do—for less, I might add, than the cost of a pair of good workboots once a year—is provide an employer with one powerful tool with which to make a determination of an individual's qualification.

At its core, that tool is a third-party assessment, independent of training, of the knowledge and skills that an individual—whether a crane operator, signalperson or rigger—needs to have in order to perform his or her job safely. What that knowledge and skill consists of is determined by an analysis of the tasks that individual will undertake. Such a Job Task Analysis (JTA), as it is called, is a cornerstone of professional standards of examination development, and is another reason why accreditation by a personnel certification accrediting body is so important.

Does being certified mean you will never have an accident? Well, does being able to drive a car and dutifully wearing your seatbelt at every opportunity mean you'll never have a wreck? The answer is the same to both questions. However, does it make such an occurrence less likely? Absolutely.

While the role of training and certification in mitigating risk on the job site has always seemed logical to assume—and one, in fact, that has been borne out by a 30-year study by the Construction Safety Association of Ontario that showed the dramatic and positive effects of both training and certification on the construction-related accident rate in the province—there has been little quantified evidence in the US. Until last year—when Cal-OSHA published the results of a study of six years' worth of fatality and injury data attributable to crane operations. The study revealed an 80% decline in deaths and a 57% decrease in injuries since accredited crane operator certification was mandated in the state in mid-2005, a remarkably close parallel to the trend already noted in Canada.

In closing, Your Honor, I would like to thank you and Federal OSHA for the opportunity to make this contribution here today in support of the effort to improve safety on worksites wherever lifting equipment is being used. I'd like to commend those OSHA staff past and present that had the foresight to use the Negotiated Rulemaking process in the development of this Proposed Rule and to thank C-DAC panel members—several of whom are here today and are scheduled to follow my testimony—for their endurance during the year-long series of meetings that it took to develop the consensus document on which this

Proposed Rule is based. NCCCO continues to stand prepared to lend its expertise in assisting OSHA achieve its mission.

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