

TESTIMONY BY
NATIONAL COMMISSION FOR THE CERTIFICATION OF
CRANE OPERATORS (NCCCO)
BEFORE THE
ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH
(ACCSH)
WASHINGTON DC, MAY 23, 2013

Good afternoon. My name is Graham Brent and I am the Executive Director of the National Commission for the Certification of Crane Operators (NCCCO). I intend to keep my comments brief and on point, Mr. Chairman, given the limited time we have here today. I should like to make it clear that my comments are from the perspective of an organization that considers itself to be a service organization to the industries that it serves. NCCCO has never thought it appropriate to dictate to the industry the type of certification programs it should have; rather, having been established by industry, and continuing to be supported by it, we develop programs in response to industry requests, and they are of a nature designed to meet those industry needs.

Since it began certification testing in 1996, NCCCO has issued more than 130,000 certifications, 78,000 of which are to crane operators. This accounts for rather more than 90% of all the accredited certifications issued from all sources combined. I recount these figures because we often hear about the impact on industry of OSHA's decision to effectively deem certain certifications to be "non-compliant" with the federal rule in November 2014. Well, the flip side of this position—and much the more important given the safety goal at which this rule is aimed—is that CCO certification is, we believe, highly "compliant" with the intent of C-DAC, the Cranes and Derricks Advisory Committee that authored the document that was the basis of this rule.

As the debate over the implementation of the certification requirements of the new rule has continued over the past several months, OSHA has said repeatedly that "intent doesn't matter." The good news about OSHA's announcement yesterday is that this may be a sign that the "intent" of C-DAC will find a more effective voice in the opportunity that the proposed rulemaking will provide for industry comments.

Certainly it's unfortunate it has taken OSHA as long as it has to recognize that the industry has some real concerns over certain aspects of the rule, notably the issues of "certifying by capacity" and whether certification is equivalent to qualification. On the first point, the question is not, *can* crane operators be tested and certified by capacity? but *should they be*? There's no particular secret or difficulty to designing tests that would do that. But industry has said over and over again that this is not what it wants, C-DAC members have stated it was not what they intended, and accrediting bodies such as ANSI—on whose opinion OSHA correctly places considerable weight—have challenged OSHA to provide data that would support its position. Most importantly there is no evidence that testing by capacity would make the certification more effective, nor the industry more safe.

We view OSHA's announcement yesterday in many ways as a vindication of the industry's efforts over the past 18 months to make its voice heard on these issues including, and most effectively, at the Stakeholder Meetings OSHA hosted last month. During the three meetings, an overwhelming majority of the more than 40 industry representatives that responded to OSHA's invitation to comment provided ample evidence as to why they believed OSHA's stance was ill-founded.

Finally, we would strongly urge OSHA to pursue the second phase of this initiative—the development of proposed rulemaking—with all haste. An extension of the deadline, already unpopular with many sectors of industry—is worthless without immediate and substantive action to solicit industry comments that will result in a resolution accurately reflecting the intent of the industry group—C-DAC—that OSHA itself assembled to develop this rule.

With that said Mr. Chairman, we would support the Committee's favorable consideration of OSHA's proposal to extend the deadline. Thank you for this opportunity to address the Committee on this important matter.