

SC&RA publicly supports  
OSHA's decisions on  
the issue of type  
and capacity.



# The right solution

While there are many ways SC&RA

supports its members, one of the most important benefits we offer is advocacy. On our member benefits web page, you can find this statement: "SC&RA tirelessly advocates for the specialized transportation, crane and rigging and millwrighting industry. Working with a multitude of organizations, SC&RA members and staff fight to keep regulations less burdensome."

Those aren't just words on a page. They're a promise, a reality, an assurance that we will survey what's happening in our industry – and with our members – so that we can use the resources we have to advocate for positive changes.

We've been actively involved in the conversation regarding the "type and capacity" issue that's been ongoing since the new crane rule was published in 2010. We've spoken to a large number of members and participated in meetings with the Occupational Safety & Health Administration (OSHA), the Small Business Administration and OSHA's Advisory Committee for Construction Safety and Health (ACCSH). We are confident in OSHA's decision to extend the compliance date for crane operator certification requirements.

By way of background, in May 2013, ACCSH recommended to OSHA that the crane operator certification requirement set to take effect on November 10, 2014, be suspended until OSHA completes its rulemaking on operator certification, which includes opening the record to clarify the third-party certification and employer training and qualification requirements – all while keeping in place current employer duties to ensure operator qualifications. ACCSH further recommended OSHA continue to require existing phase-in criteria in the interim.

During ACCSH's May 23-24 meeting in Washington, D.C., OSHA staff noted it had drafted a Notice for Proposed Rulemaking (NPRM) to address the type and capacity issue, and have begun working on the writing of a rulemaking process to also address the qualification

question. While this is certainly a lengthy endeavor and will involve a limited "reopening of the rule" – a process that will include an opportunity for public comment and possible public hearings – it's the right solution. Further rulemaking, along with the proper procedures and analysis, is the only way to initiate a final rule that we can live with and support.

As sometimes happens when multiple parties have vested interests in the outcome of a problem, there seems to be a pervasive focus concern, and that focus has strayed far from where it rightfully belongs. We emphatically believe the type and capacity problem isn't an issue between certifying bodies, or anyone else on the periphery. Rather, it's an industry issue. And because it's an industry issue, an extension of the compliance date is in the best interest of the industry. There are too many questions and too much ambiguity to move forward with the rule in its present state.

Let me clearly state that SC&RA is 100 percent supportive of OSHA's decision to reopen the rule. While we urge OSHA to move quickly and publish a Notice of Proposed Rulemaking in earnest, we believe this path is the correct course of action. As advocates for the crane and rigging sector, SC&RA is confident that the industry is united in this position, and witnessed as much during the SBA's Roundtable on OSHA's Final Cranes and Derricks in Construction Rule meeting in September 2012.

By definition, the word "advocacy" means to show public support for or recommendation of a particular cause or policy. It is SC&RA's position that it can best assist its members by publicly supporting OSHA's decision and continuing to distribute information and resources as they become available. ■

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**Joel Dandrea**

5870 Trinity Centre  
Parkway, Suite 200  
Centreville, VA 20120  
Ph: 703-698-0291  
Fax: 703-698-0297