

Crane Operator Evaluation

***How are employers responding to
OSHA's new requirement?***



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An NCCCO Foundation Report

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OSHA's new requirement?*

July 2020

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The **NCCCO Foundation** is a 501(c)3 charitable organization formed to promote industry safety by conducting research, educating about—and advocating for—personnel safety and certification, and facilitating access by youth, military personnel, and underserved communities to education, training and certification.

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CONTENTS

- 1. Introduction 1
- 2. Executive Summary 2
- 3. Survey Results 3
- 4. Supplementary Findings 8
- 5. Frequently Asked Questions 10
- 6. Notes 13
- 7. Survey Instrument 14
- 8. Additional Resources 17





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CRANE OPERATOR EVALUATION

How are employers responding to OSHA's requirement to take the "third step" in the three-step process of qualifying crane operators? The NCCCO Foundation conducted a study to find out.

1. INTRODUCTION

*"The employer must ensure that each operator is trained, certified/licensed, **and evaluated** in accordance with this section before operating any equipment covered under subpart CC . . ." [emphasis added]*
1926.1427 Operator training, certification, and evaluation

Background to the Study

Following the publication in November 2018 of OSHA's final rule, *Cranes and Derricks in Construction: Operator Qualification*, crane operator qualification became a **three-step process**: Training, Certification, Evaluation. Evaluation is the third step, and is the subject of this report.¹

What were we² looking for?

Our objective was to determine how employers were responding to these new requirements, how well the new employer responsibilities were understood, and to what extent they were being complied with.

How did we conduct the survey?

Over the course of three months in the fall of 2019, we invited representatives of companies that employ crane operators to complete a survey³ addressing key elements of the evaluation component of the OSHA crane operator qualification rule.

Each of the 10 primary questions we posed was couched in a multiple response format, with nearly all of the language used in each question taken directly from the rule. Some of the questions allowed for more than one response (hence not all the responses to all the questions total to 100%), and some offered an opportunity for "write-in" comments.

We added five (5) "optional" questions at the end to gauge additional reaction to the rule. The respondents were guaranteed anonymity and their responses used only in the aggregate.

Who did we ask?

Our initial cohort comprised participants in NCCCO's Employer Recognition Program.⁴ We expanded that in October 2019 to include delegates to the NCCCO Foundation's *4th Industry Forum on Personnel Qualifications* where preliminary results were shared. And then we made the survey available online to industry in general in November. The survey remains open to any employer who has not yet completed it (*please see Section 7*).

Over the course of three months in the fall of 2019, we invited representatives of companies that employ crane operators to complete a survey addressing key elements of the evaluation component of the OSHA crane operator qualification rule.

^{1 2 3 4} For notes see Section 6.

Following the publication of OSHA's Final Rule, *Cranes and Derricks in Construction: Operator Qualification*, crane operator qualification is a three-step process

**Training
+
Certification
+
Evaluation
=
QUALIFICATION**

2. EXECUTIVE SUMMARY

In general, the findings are positive. A majority of those responding to the survey appear to have a fairly sound understanding of their duties and responsibilities to evaluate their crane operators as prescribed by OSHA. This was evident particularly in what the evaluations should consist of, who should conduct them, and how to document them. Responses were less strong when identifying events that should trigger new evaluations, and how they differ from re-evaluations. Most felt the rule would have a positive impact on safety.

A review of supplementary comments reveals that many respondents had voluntarily been doing something very similar to what OSHA now requires, even if it amounted to nothing more elaborate than what is commonly referred to as a "seat check." That's certainly something that has always been encouraged by the certification bodies responsible for providing nationally accredited certifications. Certification has always been positioned as a "tool in the toolbox" that employers have available to ensure their crane operators are qualified. Although it is a powerful tool when done correctly, certification cannot—and was never designed to—account for all the other elements that go to make an individual qualified to safely operate a particular crane, in a particular configuration, in a particular working environment on any particular day.

As interesting and generally encouraging as the results of this study are, it would be unwise to extrapolate these findings to the employer population at large. While respondents came from all parts of the country, their overall number (89) was relatively small. Moreover, they are a self-selected group, meaning that all responded voluntarily to requests to complete the survey, were motivated to do so, and therefore might be expected to be ahead of the curve on compliance and safety matters.

A fuller picture will likely emerge once OSHA's delayed⁵ Compliance Guide is published (at the time of writing this is scheduled for summer 2020) and compliance officers begin using it as the basis for inspections in the field.

⁵ For notes see Section 6.

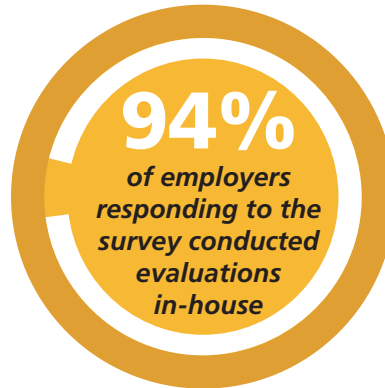
3. RESULTS

The results of the study are presented here in roughly the same order as we asked the questions in the survey. We have intermingled the summary of responses to each question with pertinent excerpts from both the rule itself and, perhaps most importantly, the Preamble⁶ to the Rule.

Q: Who conducts your Evaluations?

Although OSHA does allow employers to engage a third-party company to conduct their evaluations only a small fraction do so.

Fully 94% of employers responding to the survey conducted their evaluations in-house rather than opting for an outside entity. Regardless of who does them, the employer remains responsible.



Q: How do you qualify your Evaluators?

OSHA lays the responsibility squarely on the employer to designate someone who has the necessary "knowledge, training and experience" to "assess equipment operators." In our survey, less than half (47%) selected that option.

Most respondents (75%) cited the fact that their Evaluators were certified as crane operators as the basis for them being qualified; the second most cited criterion was that the Evaluators met OSHA's definition of a qualified person.

Both these responses could be cause for concern. OSHA has made it clear that crane operator certification is not required for Evaluators so it would be problematic if employers were to rely on that criterion alone. As for the reference to OSHA's standard definition of a qualified person [29 CFR 1921(b)(2)], OSHA has stated this does not apply to operator qualification and there could be reason to believe that would be the case for Evaluators also.

While experience and certification as an operator might be helpful, OSHA says, it also notes that C-DAC (the Cranes and Derricks Advisory Committee that developed the initial draft of the rule in 2003-4) did not recommend either for trainers, and it does not want to hold Evaluators to a higher standard. OSHA also points out that several stakeholders testified during the rulemaking process to having successfully engaged riggers, maintenance personnel, signal persons, managers, and others to perform such assessments, and OSHA does not want to prevent such personnel from performing effective evaluations.

"The evaluator must be an employee or agent of the employer. Employers that assign evaluations to an agent retain the duty to ensure that the requirements in paragraph (f) are satisfied."

[1926.1427(f)(5)]

"OSHA is not requiring that evaluators must be certified or have previous experience as an operator."

[Preamble p.56225-i]

"[The] knowledge, training and experience [for an Evaluator] is not necessarily the same knowledge, training, and experience to perform the particular construction operations or processes oneself."

[Preamble p.56224-ii]

OSHA's definition of a qualified person in 1926.32 "does not apply" here.

[1926.1427(f)(3)]

“OSHA’s final rule does not require employers to make each existing operator re-sit for formal re-evaluations on all applicable equipment and perform different tasks when the employer has already previously assessed that operator prior to the effective date of the rule and determined that he or she is qualified to safely operate such equipment for certain tasks.”

[Preamble, p. 56224-I; emphasis added]

“The employer cannot rely on recommendations or evaluations from a previous employer.”

[Preamble, p. 56224-I; emphasis added]

“The rule does not include any requirement that an operator must sit in the cab of each crane the company owns to be evaluated and documented as competent to run every make, model, or configuration of the employer’s equipment.”

[Preamble, p. 56229-I]

“These performance-based evaluations are intended to be more directly focused on the operator’s ability to perform assigned work than the general knowledge and skills tested during the certification process.”

[Preamble, p. 56219-I]

Q: Are you relying on past Evaluations?

Employers are allowed to use evaluations they conducted prior to December 2018 when the rule was issued, and 37% said they had done so.

However, they may NOT rely on evaluations conducted by a previous employer. This seems to be generally well understood, although 5% said they had done that.

Most (84%) stated that at least some of the evaluations they had conducted were new.

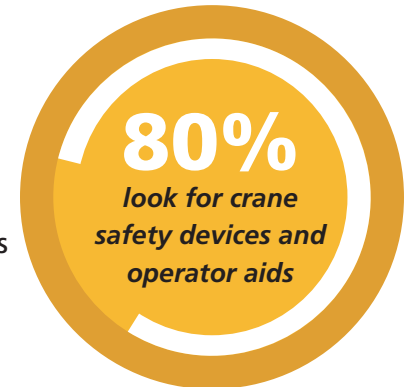
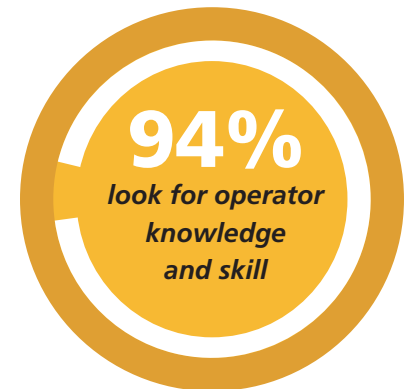
Q: What do you look for when you conduct Evaluations?

The top three items chosen from the options we provided were the operator knowledge and skill needed to operate the crane (94%) and the crane safety devices and operator aids (80%); and the operator’s ability to recognize and avert risk (78%).

However, all are *required* by the rule so they should all have polled at 100%. So, too, with the “size and configuration” of the crane which must be taken into account, OSHA says, but only 63% of respondents said they were doing so.

One explanation for the last item coming in so low is that Employers are not required to evaluate the knowledge and skill required if it does not change from crane to crane (and from one crane configuration to another). Nevertheless, a baseline evaluation must be established and documented.

There also seems to be some confusion among employers as to what OSHA means by “size and configuration.” The rule is specific: size and configuration includes (but is not limited to) lifting capacity, boom length, attachments, luffing jib (if attached), and counterweight set-up. The last item—counterweight set-up—was missed by 27% of employers responding.

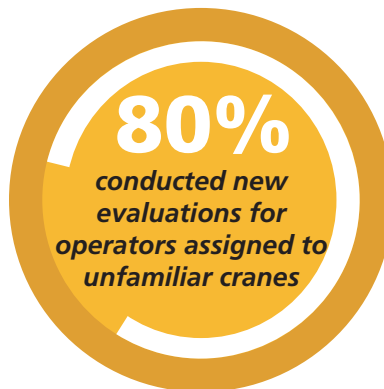


On the plus side, several respondents commented they evaluated their operators for additional items such as crane set-up, attaching the load, load chart calculations, holding the load, personnel lifting and traveling with and without a load. That's good news because OSHA is clear that the list it provides is not exhaustive and provides examples in the Preamble [p. 56221-i] of what might fall into the category of "... but not limited to ..." in any given situation.

Q: How do you decide when to conduct a new Evaluation?

There was substantially less consensus on this issue than on other aspects of compliance with the rule. Ideally, all of the options listed should have been checked. However, it's possible that a couple of the options (whenever there are changes to the "crane configuration" or "operating environment") were considered to be not relevant to their particular working environment by some respondents.

Nevertheless, a clear majority (80%) said they conducted a new evaluation whenever an operator is assigned to a crane with which they were not familiar. Only 67%, however, would conduct a new evaluation if the skills, knowledge and ability needed to operate a crane were determined to be different from those previously assessed.



The low response could be accounted for by employers who would conduct a re-evaluation (rather than a full one) in such circumstances. When an operator who has been previously evaluated on a particular piece of equipment is assigned to a different one, OSHA says a complete evaluation of all of the operator's skills, knowledge, and abilities is not necessary. This "supplemental re-evaluation" can focus on the operator's abilities to handle the differences between the new equipment and the one previously assigned, OSHA states. [Preamble, p. 56227-iii]

Q: How do you decide when to conduct re-evaluations?

Only 20% of employers noted they were re-evaluating their crane operators after retraining which is what OSHA requires. OSHA links all the factors often cited by employers as prompting re-evaluation to prior retraining. In other words, whatever triggered re-evaluation (unsafe act, violation of OSHA rule or company policy, etc.) should also have already triggered retraining.

"OSHA does not intend to require the additional evaluation of operators when it is not necessary, such as when there are minor differences between equipment models of the same type."

[Preamble, p. 56227-i]

"The determination whether a new evaluation is needed turns on whether the safe operation of the new crane requires additional skills, knowledge, or ability to recognize and avert risk."

[Preamble, p. 56227-iii]

"Additional evaluations are only required when the operator's existing skills, knowledge, or ability to identify and avert risk are not sufficient for that operator to operate the equipment in a new model, configuration, etc."

[Preamble, p. 56222-iii]

"When an employer becomes aware that an operator is not competent in a necessary aspect of safe crane operation, the employer provides additional training to the operator and re-evaluates the operator. Re-evaluation is needed to ensure that the operator is competent in the area of the observed deficiency."

[Preamble, p. 56230-i]

“The need for retraining . . . would also trigger the requirement for re-evaluation . . .”

[Preamble, p. 56214-ii]

“The re-evaluation must target the deficiency in skills, knowledge, or ability to recognize and avert risk that triggered the retraining, but need not include a re-evaluation of other previously evaluated skills, knowledge, or ability.”

[Preamble, p. 56230-i]

“Employers . . . have the flexibility to capture this information using their own existing systems or create documentation that best meets the needs of their workplace.”

[Preamble, p. 56228-i]

“This documentation must be available at the worksite in the event there is some uncertainty about the operator’s qualifications.”

[Preamble, p. 56229-ii]

“Available at the worksite’ includes accessing this information at the worksite via a computer or other electronic means.”

[Preamble, p. 56229-ii]

However, 76% said they conducted re-evaluations on an “as needed” basis which could be interpreted as including after retraining.

Only a minority (8%) reported re-evaluating after a specific period of time, the most popular period being annual. Noting it had found no “compelling need” for re-evaluations at fixed intervals, OSHA decided *against* requiring specific evaluation times (such as the three-year period mandated by the powered industrial truck (forklift) standard).

However, OSHA is clear that if there are significant changes to the equipment on which an operator was previously evaluated, such as the retrofitting of a new computer system or significant safety device, the employer would need to retrain the operator on that equipment and re-evaluate the operator’s ability to operate the retrofitted equipment.

Q: How are you categorizing your Evaluations?

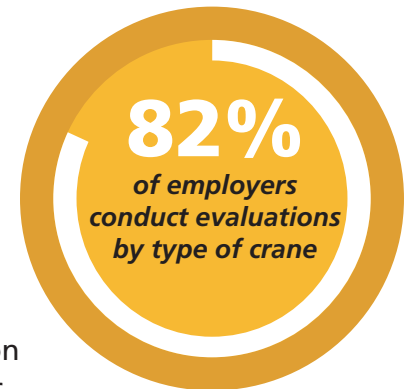
Almost all respondents (82%) reported conducting evaluations by the type of crane. Just under half (48%) also included the capacity of the crane in their evaluations, a component that certification bodies are not required to include in their certification process (and most do not).

Just over half (51%) also included crane configuration, and almost two-thirds (65%) categorized their evaluations by model and/or manufacturer.

Q: How are you documenting your Evaluations?

Documentation is a key element in the rule, and is similar to other OSHA standards that require competency evaluations. Most employers said they were using traditional (paper) forms either that they created (66%) or that a third-party organization (28%) developed.⁷

Only 2% of respondents said they were capturing in-the-field information via electronic means such as a smartphone app., although many are likely storing the information electronically. OSHA requires this information to be available at the worksite.



⁷ For notes see Section 6.

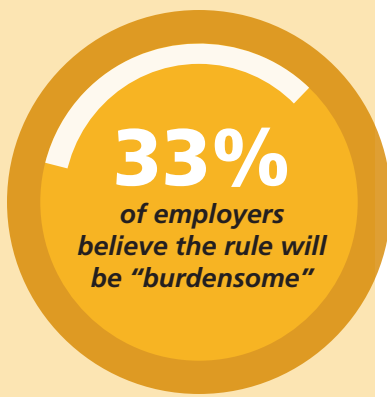
Q: What identifying information are you including on the Evaluation documents?

Employers seem to be on top of the requirements to ensure that not only the name of the operator and the Evaluator is included on the Evaluation Form, but also the date the evaluation was conducted. The Evaluator must also sign the form.

However, 7% of the respondents missed also including the make, model and configuration of the crane, details which OSHA also requires.



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"While some thought it would be burdensome, there was a general consensus that the new requirement would help to save lives."

"Finding the time to conduct the evaluations was the most common challenge cited."

4. SUPPLEMENTARY FINDINGS

Responses to our supplementary questions provided some insight into the challenges employers are facing when attempting to implement the evaluation element of the qualification rule.

Finding the time to conduct the evaluations stood out as the most common challenge cited. Cost was another factor, although some stated this was "well worth it." Others, particularly those who had a similar program in place already (even if, as one stated, "it needed significant improvement and update"), felt the additional burden was minimal; one stated, "I can see where employers who never had a program would struggle with it."

A small minority reported they were already going well beyond OSHA's requirements in terms of the details of the evaluations they were capturing and the frequency with which they were doing them.

Finding qualified staff to act as Evaluators was another concern, while educating contractors and other customers about the need for this additional step was also a challenge.

Standardized Procedure

A couple of respondents felt the rule was "too vague" and requested OSHA develop a standardized procedure. In fact, in the development of this requirement, OSHA leant in the exact opposite direction, away from a prescriptive process to one where employers could develop their own evaluation processes and means of recording them. As an indication of this approach, the words "flexible" or "flexibility" occur no fewer than 39 times in the Preamble.

Nevertheless, when asked what one thing they would change about the requirement, the most common request was for **more structure and standardization**. Some wanted a specific timeframe for each evaluation while others wanted greater clarity (perhaps in the form of a "one-page fact sheet") on the specifics of what OSHA was looking for. Uncertainty as to exactly what changes in crane configuration and/or work location would trigger a re-evaluation or new evaluation was also apparent in the responses, particularly as OSHA "intends that the employer will be able to *justify* the basis for its determination" [Preamble, p.56227-ii; emphasis added].

Some wanted crane operators to be "grandfathered" into the evaluation process, but OSHA states clearly in the Preamble that to do so "would not achieve a primary objective of the rulemaking" of establishing a baseline of operator qualification against which an employer could compare future equipment and assignments to determine if they require new skills, knowledge, or the ability to identify and avert risks. In any case, OSHA allows evaluations conducted by the same employer prior to the rule coming into effect to be counted so long as the documentation complies with the new rule.

How confident are employers that they completely understand the rule? Just over half (52%) the respondents felt comfortable answering this question in the affirmative. The remainder either did not (13%) or were not sure (20%).

Value of the Preamble

Those that did feel comfortable with their understanding of the rule might have been among the 66% that said they had read the Preamble to the rule and found it either “somewhat” or “very” helpful. One-third had not read the Preamble or did not respond.

While it’s understandable how daunting more than 45 pages of densely typed text can be (roughly equivalent to the length of an average novel, although arguably less compelling), it’s also a missed opportunity given how much valuable information the Preamble contains. The perseverance it may take to work through it pays ample dividends; not only does it help to explain how OSHA arrived at the specific requirements of the final rule, but it also provides guidance on *how to comply* with those requirements. A number of the comments or questions received in our survey had already been addressed directly by OSHA in the Preamble.

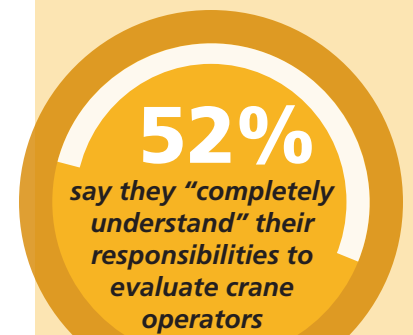
And to underline the point: *All* the Frequently Asked Questions in this report (see *Section 5*) are drawn directly from observations made by OSHA in the Preamble, using the language found in that document. Moreover, in the absence of a Compliance Directive (scheduled for summer 2020 at the time of writing) it also provides an indication of what OSHA compliance officers are going to be looking for.

The moral of the story? Take time to read through the Preamble; it’s logically organized and the narrative parallels the sequence of the rule itself. Whether or not you responded to the call for comments on the Proposed Rule, you’ll also find summaries of those comments that were submitted along with OSHA’s responses.

Final Verdict

But what’s the ultimate verdict: Is this rule good or bad, helpful or burdensome? And just what kind of an impact will it have? Responses ranged from one extreme to the other, from “it should have been put in place 10 years ago” to “do away with it.”

However, while a small minority (13%) thought it would have no impact on safety, and fully one-third thought it would be burdensome, there was a general consensus (61%) that the new requirement would “help to save lives.”



Preamble

- 45+ pages of the Federal Register
- 55,000 words
- Rationale and background on each paragraph of the Rule



5. FREQUENTLY ASKED QUESTIONS

What am I required to do under OSHA's new Evaluation requirement?

The rule states that, effective February 7, 2019, you must conduct an evaluation of each operator to ensure he/she is qualified by a demonstration of (i) the skills and knowledge necessary to operate the equipment safely, and (ii) the ability to recognize and avert risks associated with the operation.

What does OSHA mean by "skills and knowledge"?

The skills and knowledge OSHA has identified include those specific to the safety devices, operational aids, and software the crane is equipped with. Most importantly, the evaluation must take into account the size and configuration of the crane he/she plans to operate, including (but not limited to) the crane's lifting capacity, boom length, any attachments (such as a luffing jib), and counterweight set-up.

What else must the Evaluation consist of?

The Evaluation must also cover the operator's ability to perform the hoisting activities required for the work he/she is assigned, including, if applicable, blind lifts, personnel hoisting, and multi-crane lifts.

Can I just not go by OSHA's standard definition of a "qualified person"?

No. The rule is very clear on this; OSHA states that the definition of "qualified" in §1926.32 does not apply here. In other words, possession of a certificate or degree cannot, by itself, qualify an operator to operate cranes.

Who can conduct the Evaluations?

They must be conducted by someone who has the "knowledge, training, and experience necessary" to assess equipment operators.

Can I delegate these Evaluations to someone else?

Yes, but the Evaluator must be an employee of yours or be acting as your agent. If you do delegate the evaluations to an agent you are still responsible for ensuring they are done correctly.

How specific do the Evaluations have to be?

Once you have successfully evaluated an operator for the necessary skills and knowledge for the size and configuration of crane he/she plans to operate, you may allow that operator to operate other equipment that you can demonstrate does not require substantially different skills, knowledge, or ability to recognize and avert risk to operate.

"The evaluation must take into account the size and configuration of the crane the operator plans to operate."

"If you delegate the evaluations to an agent you are still responsible for ensuring they are done correctly."

"You may allow the operator to operate other equipment that you can demonstrate does not require substantially different skills, knowledge, or ability."

What does OSHA mean by “demonstrate” that a piece of equipment does not require substantially different skills, knowledge, or ability?”

OSHA intends that you will be able to justify the basis for your determination. You might for example consult with an operator who has experience safely operating both pieces of equipment, or even the manufacturer who could provide feedback about the differences in operation.

Does this mean the operator can operate other types of cranes without being certified to operate them?

No. Regardless of your determinations in the evaluations, you must ensure the operator is certified (or working as an operator-in-training) for each type of crane for which a certification is available.

Why doesn’t OSHA just require employers to take “reasonable measures” to evaluate operators rather than saying they “must ensure” they have requisite skills and knowledge?

OSHA considered this language but was concerned that it could render the requirement ineffective and unenforceable. And because of the flexibility that OSHA has built into the requirement (at the request of industry), the agency states it is particularly important that the employer have a duty to *satisfy* the performance requirement, not just take steps towards doing so. OSHA’s language here is also in line with other federal standards to ensure compliance.

Do I have to document the Evaluation?

Yes. The documentation must be available at the worksite and must include: the name of the operator and the Evaluator; the date of the evaluation; and the make, model, and configuration of the crane used in the evaluation. The Evaluator also has to sign it.

What format does the documentation have to be in?

OSHA offers plenty of flexibility here. You can capture this information using your own existing systems or create documentation that best meets the needs of your workplace. For example, you could issue operator cards that include this information, keep records electronically in a database accessible at the worksite, or develop logs for each piece of equipment.

How long do I have to keep this documentation?

As long as the operator is in your employment.

Do I have to list the make, model and configuration of all the cranes an operator is permitted to operate?

You may do so, but you are only required to document the make, model and configuration of the equipment on which you previously assessed that operator. For example, you may document that an operator has previously demonstrated that he or she is qualified

“OSHA says it is particularly important the employer have a duty to satisfy the performance requirement, not just take steps towards doing so.”

“You can capture this information using your own existing systems or create documentation that best meets the needs of your workplace.”

to operate Crane A, and then also record that, based on that qualification, the operator is also qualified to perform the same tasks using Cranes B and C. So long as it is clear in the documentation which additional cranes you are referencing, OSHA says, you do not have to record their make and model.

So does that mean in the case of an operator who I have determined is competent to operate other cranes based on an evaluation on one crane I could list all these in one record?

Yes. In fact, the documentation for the original evaluation could simply be amended to state that it is also applicable to the other identified equipment that does not require substantially different skills, knowledge, or abilities. But remember that when the operation of a crane requires a level of operating skills, knowledge, or abilities that is significantly different from the crane on which the operator was evaluated, a new evaluation must be carried out and documented.

What is OSHA expecting the evaluation process to look like?

Rather than a time-consuming formal test (such as a certification exam), OSHA says it is looking for a much simpler observation of the operator performing construction operations using the crane to ensure he/she has the requisite knowledge, skills and ability to operate safely. And any subsequent evaluation or re-evaluation need only focus on any gaps in the operator's knowledge, skills and ability.

Do I have to conduct additional evaluations if my crane and operator move to different locations?

Not so long as the crane configuration does not change, and the operator does not perform tasks that would require significantly different skills, knowledge and ability to recognize and avert risk.

Do the evaluations I have already done in the past count?

Yes, for operators employed prior to December 10, 2018, you may rely on your previous assessments in lieu of conducting a new evaluation of that operator's existing knowledge and skills. The documentation must note the date of the assessment and the make, model, and configuration of the crane on which it was done but does not have to include the Evaluator's name or signature.

How often do I have to do re-evaluations?

Re-evaluations are required whenever you provide retraining to an operator. And you must retrain an operator whenever you believe it's necessary based on an operator's performance or an evaluation of the operator's knowledge. The re-evaluation need only focus on the area(s) which the retraining covered.

Can I rely on evaluations conducted by a previous employer?

No. Evaluations—unlike third-party certifications—are not portable. You must conduct your own.

"You may rely on your previous assessments in lieu of conducting a new evaluation of that operator's existing knowledge and skills."

"You must retrain an operator whenever you believe it's necessary based on an operator's performance."

6. NOTES

¹Prior to the revision of the crane rule first published in 2010, employers were required simply to qualify operators “by training or experience” before they operated equipment and machinery [29 CFR 1926.20(b)(4)], as well as to “instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury” [29 CFR 1926.21(b)(2)].

Although the combination of training, certification, and evaluation as a designated three-part process appeared in the revised rule of 2018 for the first time, OSHA had included a requirement for employers to ensure that operators are “competent to operate . . . equipment” in its 2010 rule, a requirement that was scheduled to expire once the certification requirement came into effect in 2014.

The 2018 revised rule permanently maintained the employer’s duty to evaluate operators, and provided clarification as to what that duty entailed. The evaluation requirement for crane operators is similar in part to the 2010 rule governing the qualification of signal persons.

²This Survey was conducted by the NCCCO Foundation which is the author of this Report.

³The Survey used for this Study is provided in Section 7 of this Report.

⁴The National Commission for the Certification of Crane Operators (NCCCO) recognizes employers of crane operators, riggers and signalpersons who are enrolled in its *Committed to Crane Safety* Employer Recognition Program. Any company, regardless of size, that employs NCCCO-certified operators, riggers, and/or signalpersons is eligible to [apply](#). For complete program information [click here](#).

⁵Publication of the Compliance Directive, originally slated for December 2019, was delayed in part by the need for federal government agencies to comply with Executive Order 13892, Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication, that was published on October 9, 2019 and which, in part, establishes additional requirements for guidance documents.

⁶All references to the “Preamble” are to the Preamble to the Final Rule, 29 CFR Part 1926, Cranes and Derricks in Construction: Operator Qualification, published in the Federal Register, November 9, 2018, Vol. 83, No. 218, pp. 56198 – 56247. In this Report, the first five digits of each reference indicate the Preamble page number, and the suffix (e.g. “-ii”) indicates the column number.

⁷See Section 8 for Additional Resources.



7. SURVEY INSTRUMENT

1. Who conducts evaluations at your company?

- ☐ I do them myself.
- ☐ An employee of my company does them.
- ☐ We use an outside third-party person or organization to do them.
- ☐ Other *(please state)* _____

2. How did you determine that the person who conducts evaluations is qualified? *(please check all that apply)*

- ☐ They're already certified to operate cranes.
- ☐ They're not certified but they have passed the written test portion.
- ☐ They "self-attested" to being qualified.
- ☐ They meet OSHA's definition of a "qualified person."
- ☐ A supervisor determined they had the necessary knowledge, training and experience.
- ☐ Other *(please state)* _____

3. When do you consider an operator evaluation to be necessary?

(please check all that apply)

- ☐ Whenever an operator is assigned to a crane with which they are unfamiliar.
- ☐ When it is determined that the skills, knowledge or ability needed are substantially different.
- ☐ Whenever the configuration of a crane is changed.
- ☐ Whenever the operating environment or the assigned task changes substantially.
- ☐ Other *(please state)* _____

4. OSHA allows employers to rely on evaluations they conducted prior to December 2018 when the rule came into effect. Do you . . .

(please check all that apply)

- ☐ rely on previous evaluations?
- ☐ conduct all new evaluations?
- ☐ rely on evaluations conducted by a previous employer?

5. How do you collect your evaluation data?

- ☐ Using a paper form we created.
- ☐ Using a paper form developed by a third party
(please state name) _____
- ☐ Via a specialized smartphone app.
- ☐ Other *(please state)* _____

6. What is the primary focus of your evaluations? *(please check all that apply)*

- ☐ Operator skill and knowledge needed to operate the crane.
- ☐ Operator's ability to recognize and avert risk.
- ☐ Crane safety devices, operator aids and software.
- ☐ Size and configuration of the crane.
- ☐ Other *(please state)* _____

7. How do you categorize your evaluations? *(please check all that apply)*

- ☐ Crane type
 - ☐ Capacity
 - ☐ Configuration
 - ☐ Manufacturer
 - ☐ Manufacturer and model
 - ☐ We don't use categories *(please explain)*
-

8. What do you understand "size and configuration" consists of?

(please check all that apply)

- ☐ Lifting capacity.
 - ☐ Boom length.
 - ☐ Attachments.
 - ☐ Counterweight set-up.
 - ☐ Other *(please state)*
-

9. What additional information do you collect? *(please check all that apply)*

- ☐ The operator's name.
- ☐ Date of the evaluation.
- ☐ The Evaluator's name and signature.
- ☐ Make, model and configuration of the crane.

10. How often do you do re-evaluations? *(please check all that apply)*

- ☐ Every week.
 - ☐ As needed.
 - ☐ Whenever the operator has been re-trained.
 - ☐ Other *(please state)*
-

Respondents were also asked to consider responding to these supplementary questions:

a. Do you feel you completely understand what OSHA expects of employers under the new crane operator qualification rule?

- ☐ Yes
- ☐ No
- ☐ Not sure

b. How helpful have you found the Preamble to the Final Rule to be in understanding your employer responsibilities?

- ☐ Very helpful
- ☐ Somewhat helpful
- ☐ Haven't read the Preamble

c. I think the new OSHA qualification rule will *(please check all that apply)*

- ☐ help save lives.
 - ☐ have no impact on safety at all.
 - ☐ be burdensome on employers.
 - ☐ Other *(please state)*
-

d. The biggest challenge we have encountered in implementing OSHA's new qualification rule is:

(please state)

e. If I could change one thing about the qualification rule it would be:

(please state)

Note: If you have not yet taken the survey but would like to do so, it remains open. To submit, complete the form above, and scan and email to info@ncccofoundation.org or, if you would like to take the survey online, you can do so [here](#).

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8. ADDITIONAL RESOURCES

The Rule:

A pdf of the final rule on operator training, certification, and evaluation as published in the Federal Register on November 9, 2018 can be found here:

<https://www.govinfo.gov/content/pkg/FR-2018-11-09/pdf/2018-24481.pdf>

An online version of the section of Subpart CC that specifically covers crane operator training, certification, and evaluation (1926.1427) can be found here:

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1427>

An online version of the *entire* rule of which Subpart CC—Cranes and Derricks in Construction is a part (29 CFR 1926) is located here:

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926>

Employer Evaluation Forms:

Several organizations have developed forms that can be used by employers to conduct evaluations of crane operators. These include:

Associated General Contractors of America:

https://bit.ly/AGC_Evaluation_Form

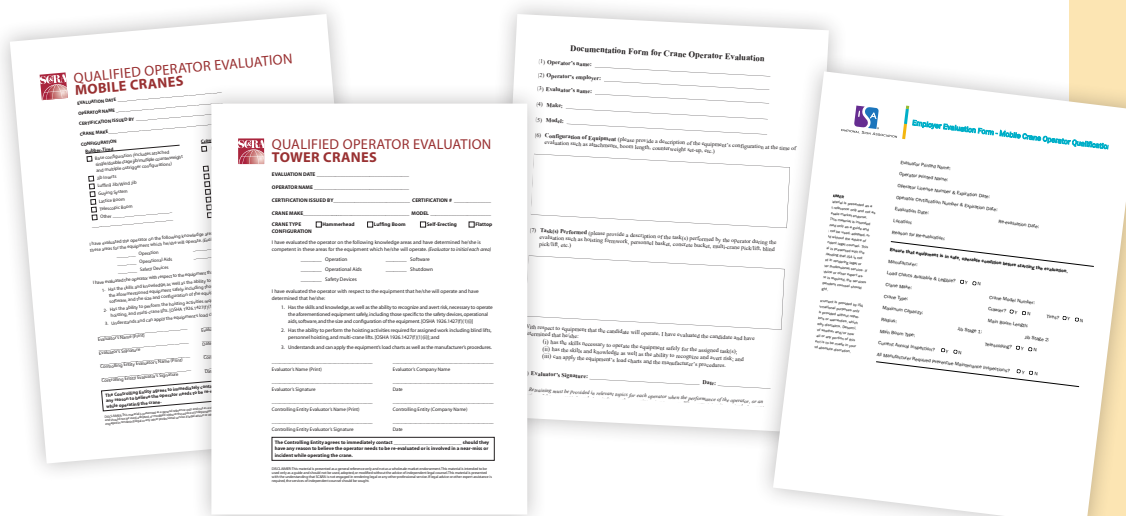
International Sign Association:

https://bit.ly/ISA_Evaluation_Form

Specialized Carriers & Rigging Association:

https://bit.ly/SCRA_Evaluation_Form

Note: This listing is provided as a public service only. The NCCCO Foundation has not reviewed any of these documents as to whether they satisfy compliance with the rule, nor does inclusion in this list indicate any endorsement or recommendation of any kind by the NCCCO Foundation.



Employer Survey:

If you would like to take the survey that was the basis for this study, it is provided in Section 7 of this Report. To submit it, scan and email to info@ncccofoundation.org or, if you would like to take the survey online, you can do so [here](#).

Inquiries or requests for further information:

Feel free to send any comments or questions on the OSHA crane operator qualification requirements to info@ncccofoundation.org.



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