

**Testimony of
Mr. Joel Oliva
Before the Joint Committees of Labor Relations and Professional Licensure
Pennsylvania House of Representatives
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Good morning Mr. Chairman and distinguished members of both Labor Relations and Professional Licensure Committees. My name is Joel Oliva and I am Regulatory Affairs Coordinator of the National Commission for the Certification of Crane Operators (NCCCO).

The National Commission for the Certification of Crane Operators (NCCCO) 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.

The establishment of NCCCO came in the aftermath of the San Francisco tower crane collapse in 1989 which claimed five (5) lives and foreshadowed the tragedies we have witnessed this year in New York, Miami and elsewhere. The foundation of the CCO national crane operator certification program by a dedicated team of industry experts over a ten (10) year period reflected a genuine and earnest desire by the industry most affected by such accidents to improve the safety of lifting operations.

NCCCO's mission was—and remains today – to provide a thorough, third party assessment knowledge and skills through professionally developed and independently accredited certification. In this manner, NCCCO seeks to enhance lifting equipment safety, reduce workplace risk, improve performance records, stimulate training, and give due recognition to the professional skill of crane operation.

The industry representatives who participate in NCCCO activities represent such groups as: contractors, labor unions, rental firms, owners, steel erectors, manufacturers, construction firms, training consultants, and insurance companies. Since NCCCO began testing in April 1996, over 325,000 written and practical exams have been administered to more than 65,000 crane operators in all 50 states.

While the recent incidents we have witnessed are clearly completely unacceptable. It's important to recognize that cranes, in and of themselves, are not dangerous. In the hands of unqualified personnel, however, they can become deadly instruments. This raises two questions: #1 What personnel need to be qualified? And #2: How can that qualification be determined?

To the first question, OSHA has an overarching, if non-specific, requirement for all personnel engaged in the lifting operation to be trained and qualified and/or competent to perform the task they are assigned. This means the crane operator, to be sure. But it also extends to the rigger (who rigs the load to be lifted), the signalperson (who gives the operator verbal or visual instructions), and the inspector (who verifies that the crane has been maintained and erected correctly and in accordance with the manufacturer's instructions).

In answer to the second question, "how can that qualification be determined?", we believe that professionally developed and accredited certification is the employers' and public's best assurance that the required training has been given and, most importantly, that it has been effective -- that learning has, in fact, taken place.

Remarkably, however, only 15 states and require crane operators to be certified or licensed. Pennsylvania is not of them. However, it could be if long-standing House Bill 647 entitled Crane Operator Licensure Act were passed through the legislature and signed into law. This bill provides for mandatory crane operator certification through an accredited certification body. In addition, five (5) cities require crane operator certification or licensure, soon to be joined by a sixth, Philadelphia. The city has recently revised their building code to establish certification requirements for mobile and tower crane operators, riggers, and signalpersons.

OSHA's regulations that govern the use of cranes have gone largely unchanged since they were issued in the early 1970's. They reference an American National Standard for cranes (ANSI B30.5) that was published in 1968 and has been out of print and unavailable for years. In the meantime, cranes have undergone a technological evolution that has transformed them into versatile and sophisticated pieces of machinery, equipped in many cases with electronic control systems that would challenge the skills of a commercial airline pilot.

Calls for certification are widespread within the industry. In June 2008, a report was published by the Center for Construction Research and Training (CPWR) that analyzes Bureau of Labor Statistics (BLS) data for 323 construction worker deaths attributable to crane accidents between 1992 and 2006. It makes eight (8) recommendations. No. 1 is for crane operators to be certified; no. 2 for riggers and signalpersons to be certified; and no. 3 for crane inspectors to be certified.

Mr. Chairman, reports have been released this year, in New York State and more recently in New York City, that would imply the existence of state and city exam design and administration that fall well below acceptable standards. It is alleged that licenses have been issued without appropriate candidate assessment that reflects competency by an individual in the area being assessed. This is far worse than no license at all, for it implies competency in an individual when, in fact, a candidate may have failed a test or even not have tested at all. Clearly, a testing instrument (such as a state or city exam), must be beyond reproach in both its design and administration for employers and the general public to have confidence in the process.

In this context, I would draw your attention to the fact that whenever I have talked this morning about "certification" I have done so with the qualification of "accredited certification." The organization I represent believes it is critical that any third-party certification body be subject to onsite audit of its policies and procedures to ensure it has developed and continues to administer written and practical examinations that are fair, valid and reliable.

Fortunately, there is a simple way for those who have a stake in construction safety matters to ensure only professionally developed certification is specified-- and that is by ensuring that only certification bodies whose programs have been accredited by the American National Standards Institute (ANSI) are permitted to administer certification assessments. ANSI has developed a compliance program that meets the requirements of the ISO 17024 *Requirements for Bodies Operating Certification of Persons* and is the only accrediting body that requires onsite assessment of a certifying body as a condition of accreditation.

In closing, Mr. Chairman, I would like to thank you and this Committee for providing NCCCO an opportunity to present these recommendations for improving safety on worksites wherever lifting equipment is being used. NCCCO stands prepared to lend its expertise in assisting this Committee to achieve that goal.

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