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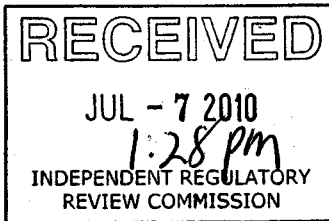
ANSI Accredited Program  
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**National Commission  
for the Certification  
of Crane Operators**

2850  
July 6, 2010

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The Honorable Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission (IRRC)  
14<sup>th</sup> Floor, Harristown 2, 333 Market St.  
Harrisburg PA 17101

RE: Pennsylvania Proposed Regulation 16A-7101

Dear Chairman Coccodrilli:

On behalf of the National Commission for the Certification of Crane Operators (NCCCO), I write in support of the crane operator certification and licensing requirements of regulation 16A-7101 as written. NCCCO believes it is vitally important that crane operators be independently certified as to their knowledge and skill related to crane operation and, furthermore, that this certification be conducted by a third-party entity that has been accredited by an accrediting body that audits personnel certification programs. We believe that the proposed regulation as developed by the State Board of Crane Operators will help achieve this.

NCCCO is an independent, nonprofit organization formed by industry in 1995 to establish and administer a nationwide program of certification for personnel who work with and around cranes. NCCCO has developed fair, valid and reliable examinations based on industry standards—most notably the ASME B30 American National Standard and OSHA's crane regulations—that prescribe the knowledge and skills required for safe operation of cranes.

In the fifteen (15) years since its program was established, NCCCO has administered almost a half million (500,000) accredited certification examinations to more than 75,000 crane operators in all 50 states.

We believe that certification is important to our industry for several reasons. Clearly, accidents cost the industry dearly—in terms of serious injury, property damage, lost time and litigation. No other piece of equipment used in construction today has the potential to do so much harm, if misused, than a mobile crane or tower crane. The industry, as reflected in its support of NCCCO over the last 15 years, has endorsed the belief that standardized assessment of the skills and knowledge required for safe crane operation is critical to improving worksite safety.

In NCCCO's opinion, the State Board of Crane Operators has done an outstanding job in outlining the regulatory process necessary for the implementation of the Crane Operator Licensure Act, and has identified many of the key issues on which effective application of the provisions of the Act depend.

Among these key issues are:

1. That the certification body should be completely independent of training in order to avoid a conflict of interest, actual or possible, and that it should be unaffiliated with any entity that conducts training.
2. That performance testing (practical exam) should be conducted on each type of crane for which separate skill sets have been identified, and that certification should be conferred on the candidate only for the type of crane for which practical tests have been passed by the candidate. Requiring the passing of only one practical exam in order to qualify for multiple certification categories is both psychometrically unsupportable and non-compliant with industry standards.
3. That a requirement of certification bodies to be recognized in the Commonwealth of Pennsylvania should be to have a national policy of conducting practical testing by type, as outlined in paragraph 2 above, in order that operators certified outside Pennsylvania who wish to work within the state have been tested to Pennsylvania's standard.
4. That the certification body be accredited by a personnel certification accrediting organization (such as ANSI) that meets the requirements for accrediting bodies as outlined in ISO 17011, and that conducts comprehensive onsite audits of the certification body's testing protocols from both a psychometric and management systems perspective.

As a non-profit organization established by industry consensus to enhance employee and public safety, NCCCO has no commercial interest in administering certification programs. Indeed, when NCCCO was established as an independent organization to develop and administer tests, separate from training, it was predicated on the belief that a fair, objective assessment of the skills and knowledge of crane operators was critical to realizing the long-term benefits of crane operator certification.

It was also felt vitally important to involve representatives from all segments of construction and general industry, without any one special interest, whether union or non-union, labor or management, taking precedence. NCCCO subject matter experts are drawn from such industries as construction, steel erection, crane rental, petrochemical, energy and general industry, as well as training, manufacturing, insurance, OSHA and labor (the International Union of Operating Engineers (IUOE)). Just as importantly, NCCCO has succeeded in combining their expertise with that of examination development professionals, known as psychometricians to develop and administer tests.

The primary vision of the industry experts that established NCCCO in 1995 was of an American worksite that was safer as a result of a professionally developed and administered assessment process. There are strong indications that this vision is being realized. According to a study conducted by California's Division of Occupational Safety and Health (Cal-OSHA), crane-related fatalities and injuries in California have declined sharply after more than four years of training and testing that produced more than 12,000 NCCCO-certified crane operators in the state.

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Fatalities dropped to just two between June 1, 2005 and May 31 2008, from 10 between June 1, 2002 and May 31, 2005, which was just before the crane operator certification requirements (General Industry Safety Orders §5006.1) took effect. This is a decline of 80% during a period in which construction activity actually increased in the state, a drop that is uncannily similar to that experienced in the Province of Ontario since it adopted a similar process in 1979.

There is every reason to believe that the Commonwealth of Pennsylvania will experience similar reductions in crane-related fatalities and injuries with the effective implementation of the Crane Operator Licensing Act as structured through regulation 16A-7101 as proposed.

Thank you for the opportunity to make these comments on the proposed rulemaking. NCCCO resources are at the Commonwealth's disposal for any additional information or clarification you may require.

Sincerely  
*Graham Brent*  
Graham Brent  
Executive Director

cc. Christopher K. McNally, State Board of Crane Operators (chr McNally@state.pa.us)  
Penny Walker, Board Administrator (penwalker@state.pa.us)