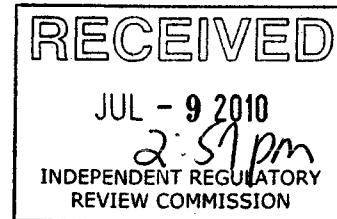




Formerly the National Organization for Competency Assurance



June 6, 2010

Regulatory Unit Counsel  
Department of State  
P.O. Box 2649  
Harrisburg, PA 17105-2649

E-mailed to [RA-CRANEOPERATORS@state.pa.us](mailto:RA-CRANEOPERATORS@state.pa.us) on June 6, 2010

Re: State Board of Crane Operations, No. 16A-7101

Too Whom it May Concern:

I am writing in response to a public comment notice for draft State Board of Crane Operators regulations that implement the Crane Operator Licensure Act. My comments are specifically related to §6.51 through §6.53 of the proposed regulations.

First, I would like to take this opportunity to thank the State of Pennsylvania for the recognition provided to the Institute for Credentialing Excellence's (ICE) accreditation program administered through the National Commission for Certifying Agencies (NCCA). In addition, I would like to provide the following background information on NCCA as a prelude to subsequent comments provided on the proposed regulations.

The NCCA was originally formed over 30 years ago in direct response to a grant awarded by the U.S. Department of Health and Human Services. The grant had the specific goal of developing national standards and an accreditation program for allied health professions. Prior to the development of national standards by the NCCA, national standards or accreditation services did not exist in the U.S. for certifying organizations. Over the last 30 years, the NCCA has grown to be the largest accreditation program serving all professions offering certification programs. As of the writing of this letter, the NCCA has accredited 240 certification programs provided by 110 certifying organizations.

The NCCA accreditation program has gained significant acknowledgement by state legislative and regulatory programs by requiring the NCCA accreditation. NCCA accreditation is recognized in 42 states covering over 24 different professions. No other accreditation body in the U.S. providing accreditation services to the personnel certification community has achieved such a high level of government recognition as it directly relates to accreditation of personnel certification bodies. In addition, six states reference NCCA accreditation for certifying organizations serving the crane operator profession.



The following are comments specifically associated with the proposed regulations and the Board rationale for the regulations provided in the June 5, 2010 Pennsylvania Bulletin (40 PA.B. 3041):

**§6.51 Certification organizations**

The ICE supports the current wording provided in section 102 of the Act which states "... be accredited by NCCA or [emphasis added] ANSI." The basis for recommending to the Board that the accreditation chosen continues to be an option, rather than requiring both accreditations is based on the following:

- The Board makes the assumption that the term "equivalence" infers a "point-by-point identical" comparison to NCCCO. Based on this assumption, the key elements associated with both the NCCA accreditation and the ANSI accreditation are basically equivalent in nature. Although there might be general administrative differences between both accreditation programs, the key elements directly related to the validity and reliability of the certification program are validated by both accreditation programs.
- Neither NCCA nor ANSI can claim that two or more accredited certification organizations serving the same profession are equivalent based on accreditation alone. The goal of accreditation is not to determine equivalency but rather to validate a program meets specific requirements set forth in the standards used for accreditation. Requiring both accreditations does not verify or improve equivalency; it simply provides a duplication of efforts to verify compliance with the standards and a basic verification that the programs are valid and reliable.
- There is a financial burden placed on the certification body in requiring more than one accreditation. The current fees related to an NCCA accreditation result in the following costs for a crane operator certification organization to apply and to maintain the accreditation (based on an average of four certification programs offered by one certification body):

Application	\$6,000
Annual Maintenance	\$4,400

Note: All programs must go through new application process every 5 years costing an additional \$6,000.

Requiring the additional ANSI accreditation adds the following costs to the certification body (based on annual revenue of certification body in the range of \$2 to \$4 million):



Application	\$9,000
Annual Maintenance	\$13,000

Based on the above, the proposed regulations would put an additional burden on the certification body of \$74,000 over the life of an accreditation (5 years). This cost comes with no additional value in a certification body maintaining both accreditations as it relates to the validity and reliability of the program and protection of public safety.

**§ 6.52 Application for approval as a certifying organization**

Education and Training Programs

The NCCA Standards, which have provided the industry bench mark for quality standards for over 30 years address the potential conflict of interest associated with education and training programs in the following manner:

*Standard 2, Essential Element D - To avoid conflicts of interest between certification and education functions, the certification agency must not also be responsible for accreditation of educational or training programs or courses of study leading to the certification.*

*Standard 2, Commentary D - ...organization must not require that candidates complete that organization's program for certification eligibility. If a certification organization provides an educational program (including but not limited to primary education, exam preparation courses, study guides), the organization must not state or imply that: 1) this program is the only available route to certification; or 2) that purchase or completion of this program is required for initial certification.*

In addition to the above, NCCA Standards establish requirements concerning the security of the assessment instrument used in the certification program, including processes associated with education and training programs.

Finally, NCCA requires an accredited certifying body to submit, on an annual basis, documentation related to the continued validity and reliability of the program. This annual report includes statistical information related to the assessment instrument and the cut score analysis. Through this documentation and subsequent analysis, the NCCA evaluates the potential for "skewing the testing process to gain higher pass rates."

It is recommended that the Board consider drafting the proposed regulations in a manner to be consistent with the NCCA Standards which are designed to meet the intent of the Board's proposal without limiting the potential of an organization to

provide education and training programs as long as the proper safeguards are in place.

**§ 6.53 Required and discretionary bases for disapproval of an application for approval as a certifying organization.**

The Board makes the statement that "... the ANSI accreditation actually exceeds or is superior to the NCCA accreditation". This apparently is based on the following: use of on-site visits, compliance with ISO 17011 and recognition internationally. Each of these is addressed below:

- Use of On-Site Audits: it is true that the ANSI accreditation program conducts on-site audits and NCCA does not conduct formal on-site audits. A review of *ANSI Manual of Operations for Accreditation of Personnel Certification Programs, Item 5.2.3* provides insight into the intent of the on-site audits:

*If the certification body operates a certification process spread across multiple sites with no one site housing all the certification activities assessment shall cover as many additional sites as necessary to collect objective evidence to verify that the documented policies and procedures are implemented. **Multi-site visits will incur additional costs. In the alternative, access to relevant documentation from all sites may be provided at a central location which is agreeable to the parties.** [emphasis added] The headquarters of the certification program will be adequate as long as all the necessary aspects of the program can be assessed in one location.*

It is clear from the above that the purpose of the audits is to review documentation and interview staff to ensure proper implementation of policies and procedures. NCCA has looked at the concept of conducting on-site audits but has found there is no value to charging the applicant for an on-site audit designed to review documents already reviewed and to have on-site interviews with staff when those interviews can be conducted via phone or electronic communications. Although this may be a good revenue generator for the accreditation body, there does not appear to be any increased public protection provided.

As noted, the NCCA process requires a significant amount of documentation to both verify the existence of required policies and procedures and the implementation of those policies and procedures. In addition, Commissioners are encouraged and do contact representatives of the organization to ask further questions concerning the implementation of policies and procedures.

What is unique in the process used by NCCA in the review of applications is the fact that the **full Commission**, nine members representing knowledge and

experience in administration of certification programs and psychometrics as well as public members representing the consumer interest review the applications and all applications are reviewed and discussed at face to face meetings. This is different than other accreditation bodies that rely on the review of one or two individuals who provide final recommendations to a full committee, without the full committee having the opportunity to review the detailed application.

NCCA further relies on a very open and accessible complaint monitoring process based on feedback received from the marketplace. NCCA is obligated to investigate all complaints received and, when compliance issues are noted to take appropriate action with the accredited certification program including but not limited too: changes to process, corrective action to resolve past non-compliance and withdrawal or suspension of accreditation.

- Compliance with ISO 17011: First, it needs to be recognized that standards developed and adopted by the International Organization for Standardization (ISO) are voluntary consensus standards which carry no additional endorsement or weight as compared with other voluntary consensus standards such as those developed by ICE. ISO represents the international body that oversees the development of voluntary consensus standards; there is no mandatory or regulatory aspects associated with the adoption of an ISO Standard. However, when the NCCA accreditation process is compared to the requirements of ISO 17011 it is shown that the NCCA process does fulfill the intent of the requirements. Finally, I would like to point out that today, there is no independent third party organization that verifies either ANSI's or NCCA's compliance with ISO 17011 as it relates to operating accreditation programs for personnel certification.
- Recognition internationally: International recognition to ISO standards could be perceived as a negative when looking at the overall quality of the certification program when compared to the U.S. norms. ISO 7024 has very limited and vague requirements related to the psychometric requirements for the assessment instruments. Internationally, there is a lesser emphasis placed on the psychometric rigor of the development and implementation of the assessment instrument when compared to the well established national industry standards used in the U.S. – the NCCA Standards. In many cases, international requirements are less stringent than the minimum requirement held in the U.S.

Overall, it is unfair for the Board to classify the NCCA accreditation as something less than the ANSI accreditation program. The NCCA program, as noted previously, is the longest standing, largest and the only accreditation program in the U.S. specifically devoted to the personnel certification market. NCCA has achieved this level of recognition by providing an accreditation program of the highest level of integrity and credibility which has been recognized by the industry, the regulatory community and the



Formerly the National Organization for Competency Assurance

Page 6

general public. It is fair to state that except for some minor administrative differences, the ANSI program (including both ISO 17024 and guideline documents developed to supplement ISO 17024) achieve the overall purpose of verifying a certification program is both valid and reliable.

Thank you for the opportunity to comment on the proposed regulations. If you have any questions please do not hesitate to contact me directly,

Jim Kendzel, MPH, CAE

A handwritten signature in black ink, appearing to read 'Jim Kendzel'.

Executive Director  
312-673-5770  
jkendzel@credentialingexcellence.org