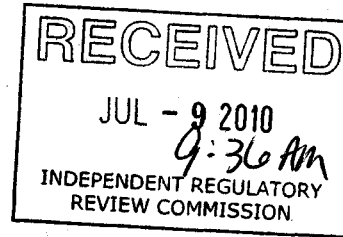


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Christopher K. McNally, Assistant Counsel  
Department of State  
Commonwealth of Pennsylvania  
Bureau of Professional and Occupational Affairs  
One Penn Center, Third Floor  
2601 North Third Street, P. O. Box 2649 | Harrisburg, PA 17105-2649  
Phone: (717) 783-7200 | Facsimile: (717) 787-0251



July 6, 2010

RE: Proposed Law 16A-7101 - Certification of Crane Operators

Dear Mr. McNally:

North American Crane Bureau, Inc. (NACB) respectfully submits the following comments in connection with the above described proposed rules regarding crane operator certification. We propose that proposed rules be rewritten. As proposed, the rules exclude well qualified, accredited certification providers who are recognized by the Occupational and Health Administration (OSHA).

NACB submits that NCCER also provides crane operator certification programs, accredited by ANSI. CIC also has extensive credentials and is also recognized by Federal OSHA and provides crane operator certification programs, accredited by NCCA. NCCER and CIC agree that dual accreditation, from ANSI and NCCA is a proposal that adds no value or merit to the certification process. Instead, dual accreditation burdens and increases costs without providing any benefit toward safe crane operations.

As written, only NCCCO and NCCCO examiners and auditors will be allowed to do business in the Commonwealth of Pennsylvania (Pennsylvania). Pennsylvania stands to lose a great deal of money and time, without added benefit to the certification process if the proposed law is implemented in its current state. The proposed rules overlook the NCCCO training relationships, yet is careful to describe the training relationships of competitors.

The reality is that OSHA recognizes the value of training and certification and that each accredited certification provider in question, including NCCCO, has some type of business and professional relationship with training providers. Consider the following comments for context. NCCA accredited CIC and ANSI accredited NCCER earned nearly identical letters of recognition from OSHA. The written recognition from OSHA includes this statement:

*"The purpose of this agreement is to provide a non-regulatory means of recognizing a program that validates the competency and certifies the qualifications of crane operators. CIC has developed a certification program that has been accredited by NCCA for the following: large telescoping boom crane, telescoping boom crane over 75 tons, small telescoping boom crane, lattice boom crawler, lattice boom carrier, and rigger/signalperson. The establishment of programs to certify crane operators, like this one, is an important step in achieving the goal of safe crane operations. As these programs become widely used, education and training will become the primary focus of employers and operators regarding the development and maintenance of necessary skills. Certification, as evidence of proficiency, will be a benchmark for crane operators who work with the variety of equipment in use today and the increasingly advanced cranes of the future."*

Training and certification are companions, not bedfellows. Their processes must, and are, guarded and securely separate for the purposes of maintaining the integrity of the certification process but one does not exclude the other. Please continue reading and considering this recap from an OSHA meeting:

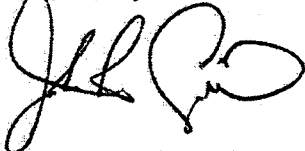
*Graham Brent, Executive Director of the National Commission for the Certification of Crane Operators (NCCCO), provided an update of crane certifications performed during the period 2004 through 2007. He stated that in order to be certified, operators must pass a written core exam as well as at least one written specialty exam. There are four mobile crane specialty exams—namely, for truck crane lattice boom, crawler crane, telescopic crane fixed cab, and telescopic crane swing cab; NCCCO also provides a tower crane exam.*

*All candidates must pass a practical examination in addition to the two written exams. NCCCO does not provide training, although it does maintain a list of training providers on its website as a public service to candidates in the state of California and elsewhere.*

Thus, NCCCO also acknowledges that training and certification have a relationship. In addition to the training organizations listed and in business with NCCCO, the relationship between NCCCO and SC&RA are well known. Thus, the way the proposed rules are written, only training relationships that describe competitors to NCCCO are excluded.

The Commonwealth of Pennsylvania has an opportunity to make a clear and simple law that will result in high standards and expectations for crane operator certification. By striking all references and NCCCO-related requirements Pennsylvania can create respectable, reliable rules. One way to cure this issue would be to require "ANSI or NCCA accredited certification from a provider recognized by Federal OSHA." That would eliminate the problems and bias in the proposed rules.

Respectfully Submitted,



Joseph R. Crispell, Executive Vice President  
North American Crane Bureau Group, Inc.