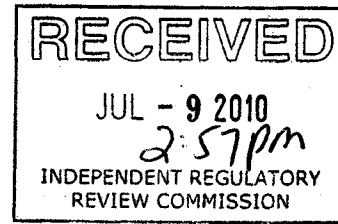


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July 2, 2010

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RE: Proposed Law 16A-7101, Regarding Certification of Crane Operators in PA; Comments to Post for IRRC Review

The purpose of this special, jointly created letter from the National Center for Construction Education and Research (NCCER) and Crane Institute Certification (CIC) is to request that the proposed law referenced above, be rewritten, before approving as legislation. The proposed law, as written, excludes well qualified, accredited certification providers who are recognized by Federal OSHA.

NCCER is a highly regarded and respected organization that is also a not-for-profit 501(c) (3) organization. NCCER is affiliated with the University of Florida's M.E. Rinker, Sr. School of Building Construction and is recognized by Federal OSHA. NCCER also provides crane operator certification programs, accredited by ANSI. CIC also has extensive credentials, previously provided 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 marketing ploy that adds no value, additional credibility or merit to the certification process. Rather, dual accreditation burdens and increases costs without added benefit to safe and knowledgeable crane operation.

As written, only NCCCO and NCCCO examiners and auditors will be allowed to do business in the State of PA. PA 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.

In addition to the fallacy of dual accreditation being superior and setting up a competing entity as a single source beneficiary of the law, the proposed law treads lightly on the training relationships between NCCCO and those who train candidates to take the NCCCO exams. The proposed law overlooks the NCCCO training relationships but 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. The point is separate process and security. In addition to the training organizations listed and in business with NCCCO, the relationship between NCCCO and SC&RA are well known. These links describe training offered by SC&RA.

http://www.scranet.org/Content/NavigationMenu/Newsroom/PressReleases/2009/09_sep25_signalperson.htm

<http://www.scranet.org/Content/NavigationMenu/Store/catalog/catalog.pdf>

In summary, the way the proposed law is written, only training relationships that describe competitors to NCCCO are excluded.

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 (i.e., dual accreditation, requiring practical exams to follow the NCCCO model for business, calculator use, etc.), Pennsylvania can create a respectable, worthy law. One suggestion is to require "ANSI or NCCA accredited certification from a provider recognized by Federal OSHA." That simple statement eliminates a myriad of problems, challenges and bias in exchange for excellence, high standards and a free, open and competitive market that can result in tremendous savings for the people of Pennsylvania.

Respectfully,



Mr. Donald E. Whyte, President

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A handwritten signature in cursive script, appearing to read "Debbie Dickinson".

Debbie Dickinson, Executive Director
Crane Institute Certification (CIC)