

DOSH DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

Keeping WA workers safe.

8.60 Acceptable Methods of Compliance for Crane Operator Qualifications and Certification Under WAC 296-155-53300(1)(a)

Date: (Revised) May 22, 2009

I. Scope and Application

This policy provides direction to all DOSH compliance and consultation staff regarding construction crane operator qualifications and certification under WAC 296-155-53300(1)(a). The directive identifies acceptable methods of compliance for employers and employees concerning the qualifications and certification requirements for crane operators in WAC 296-155-53300(1)(a). This policy applies statewide and replaces all previous instructions or guidance on this issue, whether formal or informal.

II. Background

Responding to a 2006 catastrophic tower crane collapse in Bellevue, Washington, the 2007 Washington State Legislature adopted a new crane safety law, RCW 49.17.400 through 49.17.440. The new law will become effective January 1, 2010, and requires the Department of Labor and Industries (L&I) to adopt the necessary rules to implement it. Chapter 296-155 WAC, Part L, establishes requirements for crane operators used for construction activities. WAC 296-155-53300 sets forth qualification requirements for crane operators and are intended to be consistent with RCW 49.17.430.

Within L&I, the Division of Occupational Safety and Health (DOSH) is responsible for implementation of the new requirements including enforcement under WISHA. The

required rules have been adopted to implement statutory requirements, WAC 296-155-529 through 296-155-53300. Although a single method for meeting crane operator compliance requirements is specified by rule, there are additional methods of compliance which are comparable. These additional methods effectively achieve the intended goal of increasing worker and public protection by ensuring the use of only properly tested crane operators. There are no nationally accredited tests available for certain crane styles, types, sizes, and capacities which makes full compliance with the rules as adopted unattainable prior to January 1, 2010; this directive addresses that issue also.

On July 16, 2002, the federal Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, announced its intention to establish a Cranes and Derricks Negotiated Rulemaking Committee which became known as "C-DAC". That committee produced a comprehensive cranes and derricks consensus document on August 5, 2004. In the C-DAC consensus document, there are four methods included for confirming qualified crane operator training. Each of these methods are considered equal for purposes of complying with the intent of C-DAC. During the legislative development of the new Washington crane safety law and rules, the C-DAC document was used extensively as a primary technical reference.

Furthermore, federal OSHA has utilized the C-DAC consensus document to produce a cranes and derricks proposed rule, which is expected to be finalized later in 2009. The OSHA proposal for Cranes and Derricks in Construction was published in the Federal register on October 9, 2008, Volume 73, Number 197, pages 59713-59954, and will modify DOL-OSHA 29 CFR Part 1926. The relevant paragraphs of the OSHA proposal pertaining to crane operator qualifications and certification are essentially identical to their counterparts in the C-DAC consensus document.

In both C-DAC and the OSHA proposal, there are multiple methods for ensuring compliance with requirements for crane operator qualifications and certification. These compliance methods are considered equivalent for enforcement purposes; each described method provides acceptable compliance under the C-DAC consensus document and the current OSHA proposed rule.

Employers, industry organizations, employees, and labor organizations need to know what methods comprise acceptable compliance for WAC 296-155-53300(1). This directive does not create any requirements beyond those found in the applicable WAC rules. The directive does provide increased flexibility and options for employers to find and utilize all available methods of compliance that are equivalent. Only recognizing a single source or approach to meet compliance requirements limits available choices and opportunities.

In addition, using all available options recognizes the severe economic climate that currently exists within the state of Washington. More options will provide the best opportunity for all employers and employees to comply with the new requirements without reducing worker or public safety.

III. Acceptable Methods of Compliance

Employer(s) and crane operator(s) covered by WAC 296-155-53300(1)(a) may use any of the following methods:

A. Method 1: Certification by an accredited crane/derrick operator testing organization.

This method is expected to be the most common method used to achieve compliance and is detailed in WAC 296-155-53300. The details for this method are well described in the applicable WAC rule and are not repeated in this directive. This method of compliance provides crane operator certification which is fully portable. The certification is valid for 5 years and may be renewed through re-testing.

B. Method 2: Qualification by a recognized audited program.

An employer may establish a program to qualify employees to operate crane equipment used for construction activities only if all of the following requirements are met and the program is both reviewed and recognized by the Department:

1. The written and practical tests shall be either developed by an accredited crane/derrick operator testing organization, or, be approved by a qualified independent auditor in accordance with the following requirements:
 - The auditor is certified to evaluate such tests by an accredited crane/derrick operator testing organization;
 - The auditor is not an employee of the employer; and
 - The approval shall be based on the auditor's determination that the written and practical tests meet nationally recognized test development criteria and are valid and reliable in assessing the operator being tested regarding the minimum knowledge and skills for the type, size and capacity of the crane equipment to be operated as identified in Section IV. Qualification Testing Requirements of this directive.
2. **Administration of tests:**
 - The written and practical tests must be administered in a manner approved by the auditor as meeting nationally recognized test administration standards;
 - The auditor must be certified to evaluate the administration of the written and practical tests by an accredited crane/derrick operator testing organization;
 - The auditor shall not be an employee of the employer; and
 - The audit shall be conducted in accordance with nationally recognized auditing standards.
3. The employer(s)'s program must be audited within three (3) months of the beginning of the program and every three (3) years thereafter.
4. The employer(s)'s program shall have testing procedures for qualification renewal designed to ensure that the operator continues to meet the technical knowledge and

skills requirements described in Section IV of this directive. The re-qualification procedures shall be audited in accordance with this section.

5. **Deficiencies.** If the auditor determines that there is a significant deficiency in the program, the employer shall ensure that:
 - No operator is deemed qualified until the auditor confirms that the deficiency has been corrected;
 - The program is audited within 180 days following confirmation that the deficiency was corrected;
 - The auditor provides a signed and documented report of all significant deficiencies to DOSH within 15 days of determining that there is a significant deficiency; **and**
 - Records of the audits of the employer(s)'s program must be maintained by the auditor for at least three years and must be made available by the auditor to DOSH upon request.
6. **Portability.** Under this method, portability is more limited than under Method 1 since DOSH authority is limited to the maximum jurisdictional area of WISHA within the State of Washington unless the qualification is specifically recognized by another State and/or United States Department of Labor, OSHA.
 - An accredited program developed and utilized exclusively by an individual employer is not portable.
 - **Special circumstances.** An accredited program for cranes of 40 tons capacity and below is portable among multiple employers having mutual aid agreements including the need to have consistent and exchangeable skills and qualifications in the same industry is portable only between participating employers. That is, portability extends between all employers with employees comparably trained and then tested through the same accredited program and/or having interlinked responsibilities and service response responsibilities. All such employers must be from the same industry, for example, operator qualification testing through an accredited program is not portable between the electrical industry and the construction industry.
7. An operator qualification from an accredited program is valid for a maximum of five (5) years and may be renewed through re-testing.

C. Method 3: U.S. military qualification.

DOSH does not have jurisdiction over military personnel or on military bases or reservations. However, ex-military personnel still in possession of a military crane operator's license/certification may be considered qualified if their military credential has not expired. Such persons are only deemed qualified to operate crane equipment specifically for which the military credential was issued and for which they were trained. This qualification is only valid for the unexpired period of time remaining on the military credential. After the military credential lapses, the affected operator must become qualified through testing by either Method 1 or Method 2.

D. Method 4: Licensing by a government entity.

There are no qualified governmental licensing entities within the State of Washington. Consequently, the details regarding the requirements for such an entity are not provided in this directive, however, the details are set forth in the proposed OSHA standard should inquiries be received.

IV. Qualification Testing Requirements

Written and practical testing must meet all specified requirements listed in the proposed federal OSHA rule on cranes and derricks as found in proposed CFR 1926.1427(j). These requirements are:

A. A determination through a written test that:

1. The individual knows the information necessary for safe operation of the specific type of equipment the individual will operate, including the following:
 - The controls and operational/performance characteristics.
 - Use of, and the ability to calculate (manually or with a calculator), load/capacity information on a variety of configurations of the equipment.
 - Procedures for preventing and responding to power line contact.
 - Technical knowledge similar to the subject matter criteria listed in Chapter 296-155-Parl L WAC applicable to the specific type of equipment the individual will operate.
 - Technical knowledge applicable to:
 - The suitability of the supporting ground and surface to handle expected loads.
 - Site hazards.
 - Site access.
2. The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in paragraph (a)(1) of this section.

B. A determination through a practical test that the individual has the skills necessary for safe operation of the equipment, including the following:

- Ability to recognize, from visual and audible observation, the items listed in WAC 296-155-542(4) (shift inspection).
- Operational and maneuvering skills.
- Application of load chart information.
- Application of safe shut-down and securing procedures.

V. No Accredited Written or Practical Test Available

If no nationally accredited written or practical test has been established for the type or size of a crane the Department will consider an operator to be qualified provided the employer can establish and demonstrate with documentation made available upon request to the Department, that the operator has been trained and tested by the employer on the minimum requirements found in Section IV of this directive.

VI. Enforcement and Consultation Policy

All DOSH consultation and enforcement staff shall follow this directive for the enforcement and implementation of WAC 296-155-53300(1)(a). All other provisions of WAC 296-155-53300(1)(a), including operator experience requirements shall be enforced as written. This directive shall remain in effect until superseded or cancelled.



Approved: Stephen M. Cant, CHH, Assistant Director

Department of Labor and Industries
Division of Occupational Safety and Health

For further information about this or other DOSH Directives, you may contact the Division of Occupational Safety & Health at P.O. Box 44600, Olympia, WA 98504-4600 – or by telephone at (360) 902-5495. You may also review policy information on the DOSH website (<http://www.lni.wa.gov/Safety>).