

Cranes in Construction: OSHA Issues Notice of Proposed Rulemaking for Crane Operator Certification

By Kelli M. Dreger &

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Almost eight years after the promulgation of the Occupational Safety and Health Administration (OSHA) Cranes and Derricks in Construction standard, 1926 – Subpart CC, [OSHA has issued a Notice of Proposed Rulemaking \(NPRM\)](#) to update the cranes and derricks in construction standard.

Initially, as part of that standard, crane operators were required to be either certified or qualified (depending on the option elected by an employer) by November 10, 2014. 29 C.F.R. § 1926.1427(k). In 2014, OSHA extended the operator certification deadline to address issues regarding whether certification was required for each type of crane and each different capacity of a crane. Four years later, on May 21, 2018, OSHA’s NPRM seeks to revise the operator certification requirements in several major respects.

The NPRM seeks to remove the certification-by-capacity requirement and clarify an employer’s duty to evaluate potential operators to safely operate equipment and document such evaluation. If revised, the standard would make certification akin to a driver’s learner permit requiring employers to evaluate an operator’s skill and competency to operate equipment safely. The proposed standard is written in performance-oriented language and does not establish the specific skills that must be assessed (as drafted, it is possible this requirement to evaluate an operator could change from job to job).

According to OSHA, the proposed standard would “also require employers to evaluate the operator’s judgement.” This means an employer would have to assess not only the operator’s ability to apply his knowledge and skills, but also the operator’s “ability to recognize risky or unusual conditions.” Public comments or requests for an informal public hearing must be submitted to OSHA [by July 5, 2018](#).

Please contact Jackson Lewis with any questions.

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