



## RISK MANAGEMENT ADVISORY

*Utica National Insurance Risk Management Department Bulletin*

### OSHA Crane Operator Rule - What it Means for Propane Marketers

New rules on crane operator qualifications and certification established by the Occupational Safety & Health Administration (OSHA) may result in designating certain tasks in the propane industry as being conducted at construction sites thus requiring formal certification of crane operators.

Rules established by OSHA touch on its basic set of workplace rules within Title 29 of the Code of Federal Regulations – one for General Industry (Part 1910) and one for Construction (Part 1926).

The new rule pertinent to the propane industry falls under its Construction set, and requires extensive training and certification by an accredited third party for crane operators of most cranes above 2,000 lbs capacity. This includes most truck-mounted articulating (knuckle boom) and telescopic (stick boom) cranes used in the propane industry. Such an accredited third party includes, but is not limited to, the National Commission for the Certification of Crane Operators ([www.nccco.org](http://www.nccco.org)).

The rule took effect in November 2010, but there is a four-year compliance period for the crane operator certification/qualification requirement. That means employers must be in compliance by November 10, 2014.

To earn certification, a student must pass a written test, and then pass a practical skills test within one year. Re-certification is required every five years. As of November 8th, 2010, crane operators who have not met these requirements can work only as a "crane operator in training."

As with OSHA's General Industry rules, the employer must ensure that all crane operators are trained and evaluated on that training before operating the equipment, and that the operator is competent to safely operate the equipment.

For non-certified crane operators, employers must provide each operator-in-training with sufficient training to enable him to operate the equipment safely under continuous monitoring. Employers also may set their own limitations on the operator.

#### **Impact on the Propane Industry**

Traditionally, crane operations conducted in the propane industry were not considered as construction activities and thus covered under OSHA's less stringent general industry rules where crane operators required training but were not required to be tested and certified by an accredited third party. That test will be crane-specific as opposed to propane operations specific. The practical skills assessment must be conducted by an NCCCO (or other accredited organization) - qualified proctor/instructor.

Under the new OSHA rule, crane operators must be trained and pass a rigorous certification process that includes a knowledge test and a hands on skills exam at a cost of \$200 - \$300 per employee. Keep in mind, most training facilities charge a minimum of \$1,000 per employee for a two to three day course to prepare them for the certification test, placing a significant financial and employee resource burden on all propane companies.

All crane operators would need to be tested and certified before November 10, 2014. Employees that fail the certification process cannot operate a crane after this date. If you operate a crane and are not certified, your company is in violation of the rule and could face penalties and fines from OSHA. The only caveat to this is if an operator in training is conducting crane operations under the supervision of a certified operator.

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The new rule was developed after some deadly incidents involving large construction crane mishaps in New York City. That led OSHA to write the rules to cover not only the propane industry but also firms that use cranes as a small part of their operations. The propane industry has spent millions of dollars on training how to safely and effectively conduct its operations, from delivering propane to installing propane systems. As such, a propane-specific training program for crane operators is an important part of reducing incidents, injuries and property damage. There are some parts in the new rule that members of the propane industry should take into consideration as they prepare to get their employees trained and certified.

### **Cranes in General Industry vs. Construction Industry**

If crane work does not fall under one of the special standards, such as Construction or Maritime, then OSHA usually considers it to fall under general industry. OSHA generally considers construction to include the building, altering, or repairing of new or existing structures. Construction work also includes demolition and deconstruction of a portion, or all of a structure. Maintenance may also be considered construction depending on its complexity and scope.

### **Crane Operations Covered by the Construction Standard**

In terms of tank installation operations, according to OSHA, "If the site at which the tank is installed is a building under construction, installation of a propane tank would qualify as construction work." On the other hand, replacing a small tank at an existing site with a new tank of the same capacity would be considered general industry work." Furthermore, if a propane marketer delivers a new tank to a construction site and leaves it on the ground, or other location, to be installed by a third party, the delivery of that tank provided by the propane marketer is not covered under the construction standard. Some have also asked whether a propane service technician who uses the crane on his mechanics truck be considered a "crane operator," much like someone who operates construction cranes.

### **Certification Test**

In addition to the cost of certification, NCCCO has already has a certification program titled "Articulating Crane Operator" which was developed to meet the needs of operators using truck-mounted articulating boom cranes. The NCCCO also is developing the certification test for telescopic cranes, with some input from the propane industry. And, while there will not be a propane-specific crane test, there probably will be a test for truck mounted/maintenance truck-type crane operations that apply to the propane industry, including load charts, inspection protocols, rigging, out rigging, and wire ropes. In addition, there will be a single test for truck mounted/maintenance truck crane operations.

#### Who Can Provide Testing?

There are no specific requirements to provide knowledge-test crane training, but under NCCCO certification, practical examinations must be administered by those who have been accredited by NCCCO for this purpose. NCCCO publishes a list of accredited practical examiners who have indicated they will offer their services on a "for hire" basis. Accredited practical examiners are authorized to offer the NCCCO Practical Exam at approved test sites, and the scheduling of these tests will be done through a coordinator responsible for each site. NCCCO accredited practical examiners are not permitted to participate in other crane-operator certification programs. Individuals who wish to qualify as a NCCCO-accredited practical examiner should visit [www.nccco.org](http://www.nccco.org)

### **Current Activities**

#### PERC Crane Safety Program

The Propane Education & Research Council (PERC) has developed a crane operator training program for the propane industry that covers many of the basics surrounding crane safety. *Mobile Crane Safety in the Propane Industry* is an employee training program funded by the Propane Education and Research Council (PERC) to help crane operators, field technicians and managers understand good practices and procedures associated with the safe operation of a mobile crane. Visit [www.propanemarc.com](http://www.propanemarc.com) for more information.

While this program might not contain all of the specific information to prepare your employees to pass a third-party certification exam, it does provide three important goals: (1) a cost-effective means to train your employees to safely conduct the crane operations specific to the propane industry; (2) a course of study sufficient to designate your employees as "competent crane operator in training"; and (3) a means to prepare for the certification exam and the hands-on practical exam.

#### Industry Outreach

The program will provide crane operators in the propane industry the means to be trained and operate a crane safely as well as provide them with the ability to reach the "competent operator" status, as required by the new rule. However, due to the comprehensive nature of the certification exam, it alone may not be enough. As such, PERC will be working with its state association partners and industry trainers to get everyone up to speed on the new training requirements and perhaps provide the necessary information to trainers so that they can offer the pre-certification test training. Those with questions are invited to contact PERC's Stuart Flatow at [stuart.flatow@propanecouncil.org](mailto:stuart.flatow@propanecouncil.org).

*Information provided by Butane Propane News (BPN) magazine and the Propane Education and Research Council*

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