

## THIS IS NOT A DRILL: OSHA Crane Mandates to Impact the Entire Industry

In just a few weeks, OSHA mandates for mobile crane operators will take effect—and your company will likely be impacted. Yes, this is the case even if you don't operate a mobile crane or handle installations.

First, a little background: OSHA requires that all mobile crane operators be certified, effective November 10, 2018. Additional requirements include significant training for employees who operate cranes and those who work near cranes. Even if your company does not use a crane, if your employees work on jobsites in which cranes are operating, a portion of the rule impacts you, too.

Read on to see what you can do now to continue installing signs and working on jobsites.

### *If Employees Are Not Trained Currently*



- 1. Register for training immediately and take the first one you can.** It may be hard to find available training before November 10. Competition for training is intense because the OSHA rule affects far more than just the sign, graphics and visual communications industry. There are options if you have problems finding training. Consider partnering with several sign, graphics and visual communications companies or other construction companies to host a training.

Another option is to pursue online or self-directed training. Then, you'll only need to find a way for employees to take the written and practical tests. It is possible that the training can accommodate your staff for the testing portion, which typically occurs at the end of the multi-day training.

- 2. Determine if your crane is exempt.** OSHA has allowed exemptions for certain equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less. It's up to the manufacturer to pursue the exemption, so start by contacting them.
- 3. Find another way.** This may mean renting a crane and ensuring that the operator is certified. It could mean partnering with an installer whose operators are certified. One thing is not an option: continue to operate as normal and hope to avoid the certification requirement or fines.

In 2016, OSHA significantly increased fines, raising the maximum penalty to \$12,471. Those who have willful and repeat violations could be fined almost \$125,000. Those fines could be incurred should an inspector ask to see certification.

On the jobsite, it is likely that the general contractor will ask to see certifications. Your insurance company might, too. If an accident occurs and your employee is not certified, you could be found to be negligent.

- 4. See the next section, for those rules also apply.**



### ISA RESOURCES *to Help*

ISA's website includes a section dedicated to providing the latest information on the OSHA-mandated crane operator certification at [www.signs.org/crane](http://www.signs.org/crane). The site includes guidance on where to find training. It also includes information about training requirements for aerial equipment other than cranes.

For additional help, contact Kenny Peskin, ISA's director of industry programs at: [kenneth.peskin@signs.org](mailto:kenneth.peskin@signs.org).

### STATS • FACTS

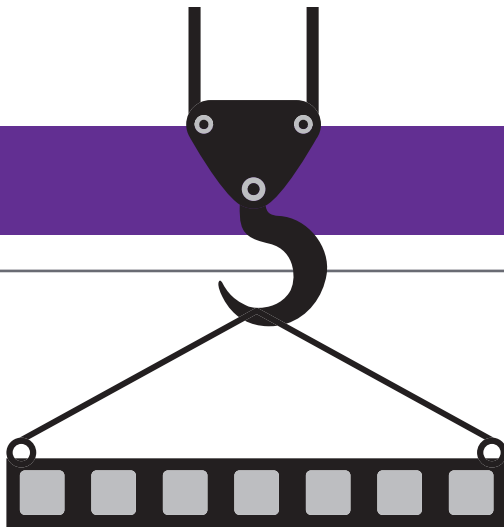
In 2016, there were 5,190 fatal work injuries in the United States, the first time in history that it has topped 5,000. Work injuries related



### *Why the Crane Operator Certification Rule is Real This Time*

OSHA first published this rule in 2010 (three presidential terms ago). It was due to take effect in 2014 but was delayed until 2017. Last year, it was delayed again, with implementation due to take effect November 10.

Unlike previous stays, it appears that the certification will take place in November as scheduled. Here's why: With every previous postponement, there were indications



### If Trained or Exempt



In an ideal world, your mobile crane operators have the certifications they need. But that does not mean your responsibilities end. New explanations over the course of the summer provided more clarity on additional requirements. Operators must be both certified and qualified.

- 1. Make sure operators can operate the equipment safely—and certification is not enough to prove that.** Employees must be trained and evaluated. The evaluations can be done by a third party or by an employee who is a qualified evaluator. (Other companies cannot use your qualified evaluator employee.)

Some states and localities already require mobile crane operator certification. Even so, in one of these areas, you might still need to ensure that some of the other requirements are met. Check with local officials to see how their rules line up with OSHA requirements.

- 2. Inspect the equipment properly.** The rule also requires inspections each shift, monthly and annually, plus related paperwork.
- 3. Check your paperwork.** Does your paperwork prove that the employee completed the training? Often companies are fined simply because they can't prove that the training happened. It's a good time to ensure that all training paperwork is in order. Can you verify that operators are certified and evaluated? You may be asked to show this documentation if a jobsite incident occurs, or if your insurance provider and/or a national sign company asks to see the documentation.

- 4. See the next section, as those rules also apply.**



that a delay might occur. In both earlier circumstances, a federal advisory committee that deals with construction safety had raised specific and obvious issues about the proposed rule. All of this was done publicly, allowing regulatory watchers to get an indication of what might happen. That committee has not met in more than a year.

Federal notices of potential changes were published last summer, again giving some indication that a delay might occur in 2017. Nothing has been published in the current regulatory agenda.

Obviously, Congress could act swiftly to delay the rule. But that is unlikely, especially with midterm elections just around the corner.

### Even If You Don't Operate a Crane



- 1. If you hire subcontractors, it is up to the employer to verify that the operator is certified.** This should be fairly simple; the operator should be provided a wallet-sized card that demonstrates certification.
- 2. If you have workers on a jobsite where cranes are operating—even if this crane has nothing to do with their tasks—your workers must receive training on working around cranes.** The rule states that they must be trained to recognize and avoid hazards related to cranes.

In some ways, that last point is similar to a new silica rule that took effect last year. That rule, also from OSHA, required that contractors who create silica dust by cutting materials like concrete, stone or brick must meet a standard for how much dust workers inhale. That rule also included a provision for workers who are around such activities. So, if your employees go to hang a banner sign at a new business while the construction crew is cutting concrete, you might be required to provide training to your workers on their exposure to silica dust.

There is no doubt that in just a few weeks the OSHA standard will have a significant impact on jobsites and companies small and large. And while it is the final hour, there are still steps you can take now to mitigate the impact. 