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NCCCO Biannual Commissioners Meeting November 2013.

OSHA's Jim Maddux

Jim Maddux, Director of OSHA's Directorate of Construction, speaking to more than 60 NCCCO Commissioners and guests at the Maritime Institute, Baltimore, MD.

Maddux presented an updated list of the **"Top Ten" crane standards being**

cited by OSHA, noting that fully six of them related to rigging, signaling or inspection. "Documentation continues to be a big issue," he noted, "with cranes without load chart manuals and proper hazard warnings.

Crane Edge commentary.

Charles E. Cremeans, on signalperson.

Many companies are not aware OSHA has enacted the latest construction standard 1926.1400 sub part CC, with an exception for operator certification requirement delayed until 2017. But the requirements for Crane Inspections, Riggers and Signalpersons are in effect at this time. In recent months we have received calls from customers who have stated they were cited because they did not have a current OSHA required *annual inspection* or qualified riggers and signalpersons.

While most companies and individuals realize the importance of safety and compliance with OSHA regulations, many too often neglect the quality of training. As an instructor, trainer and examiner for NCCCO programs I have talked with many operators and crew members who have or have not been evaluated for either of the required qualifications. Some have stated that the training was pretty much a formality with an entire class of candidates completing the evaluation process within a 2 or 3 hrs.

Having served as expert witness and helping attorneys with court cases involving workplace accidents involving mobile cranes and crew member's one constant theme arises. Quality of instruction, training and evaluation process as well as the evaluators qualifications.

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Training/Evaluator



Highlights: Signalperson:

- Know and understand standard method for hand signals.
- Equipment limitations.
- Crane dynamics.
- Crane deflection.
- Know and understand applicable OSHA regulations.
- Oral/written examination
- Demonstration through practical examination.

Highlights: RIGGER:

- Know and understand basic rigging principals.
- Rigging limitations.
- Rigging capacities, tension calculations.
- Rigging inspection procedures.
- Know and understand applicable OSHA regulations.
- Written examination
- Load weight calculations.
- Basic crane limitations.

Highlights: Crane Inspections:

- OSHA required annual.
- Monthly requirements.
- Inspectors. Qualified.
- Safety items requirements.
- Operational aids.
- Required documentation
- Service type / duty.
- Applicable regulations.
- Documentation.
- Maintenance records.



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What is at stake?

Highlights listed above are not all inclusive of requirements for qualified personnel. They are the beginnings.

So what is at stake? Your companies continued success, employee jobs and safe work environment? All these are a part of the stakes. One OSHA citation just recently issued to a company ended up in legal, medical, and fines costing in the 100's of thousands because of unqualified and no documented training for its employees. In particular this accident and fines could have been easily preventable.

But there is another part in particular should be addressed.

What is at stake? LIABILITY.

Liability: Corporations / Owners

In a nut shell the employer is responsible for its own employees. Failure to provide qualified personnel for operations that OSHA regulates as requiring training can and most likely would result in citation.

Liability was expanded under "Multi-Employer Workplace Doctrine"

Now, each Employer is potentially responsible for the safety and health of another Employer's Employee under certain circumstances.

Recommendations

One of the ways employers can protect themselves from OSHA's willful citations is by establishing an effective safety program that:

Ensures that employees and supervisors are properly trained, and documented by qualified trainers / evaluators.

Liability: Supervisors

Supervisors are considered under the law to be "agents" of the employers with authority to create legal liability against the employer for their actions, including their negligent or intentional acts that may constitute violations of OSHA regulations.

Unfortunately, many supervisors do not realize that they occupy this status or the extent to which their actions (either their affirmative actions or their failure to take actions when necessary) can create legal liability. More importantly, many supervisors are totally unaware of their own exposure to personal liability (for monetary judgments against them) or worse, personal criminal liability.

Recommendations

One of the ways employers and supervisors can protect themselves from OSHA's willful citations is by establishing an effective training program regarding the operation of several laws that will be intimately involved with the supervisors day to day interaction with employees.

Liability: Crane operators, signalpersons, riggers.

Employees engaged in these activities must comply with any instruction, measure or regulation under OSHA. They are responsible for those things under their direct control.

Recommendations

Establish an effective training and evaluation program that measures and documents qualifications regarding applicable OSHA requirement for these types of employees.

Final word:

Good Quality 3rd party training and assessment of these employees removes considerable risk of liability from the employer. Employers gain piece of mind and can focus on day to day operations. Contact us today to see what we can do for you.