

# COMPLIANCE OVERVIEW

Provided by Reseco Insurance Advisors

## OSHA FAQs: Cranes & Derricks in Construction – Operator Certification

OSHA's cranes and derricks operator certification standard became effective on [Nov. 10, 2018](#).

Employers that use cranes and derricks in construction must comply with this standard. Employers should also become familiar with this standard if their employees work in areas or sites where cranes and derricks are in use. Finally, crane lessors that provide operators or maintenance personnel with the equipment they lease also have duties under the standard.

This Compliance Overview presents some frequently asked questions and answers compiled by OSHA regarding operator and signal person qualifications and operator certification.

### LINKS AND RESOURCES

- OSHA's cranes and derricks in construction [website](#)
- OSHA's cranes and derricks [FAQs](#)
- OSHA's small entity [Compliance Guide](#) for cranes and derricks in construction standard

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

### HIGHLIGHTS

#### EMPLOYER OBLIGATIONS

- Verify operators are qualified to operate affected equipment.
- Determine whether the ground can support equipment and loads.
- Assess work zone hazards that would affect the safe operation of hoisting equipment.
- Conduct safety inspections of affected equipment.
- Provide hazard recognition training for employees.

#### IMPORTANT DATES

- Nov. 8, 2010 – Cranes and derricks standard (CDS) went into effect
- May 23, 2013 – CDS went into effect for demolition and underground construction
- Nov. 10, 2018 – Deadline for crane operators to be certified.

## OPERATOR QUALIFICATION & CERTIFICATION

### ***What must employers do before the operator certification requirements go into effect to ensure the competency of their operators?***

Employers must ensure that equipment operators are competent through training and experience to operate the equipment safely (see [29 CFR 1926.1427\(k\)\(2\)](#)). If an employee assigned to operate a crane does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee before allowing him or her to operate the equipment and must evaluate the operator to confirm that he or she understands the information provided in the training (see [29 CFR 1926.1427\(f\)](#) training requirements).

### ***Does OSHA require operators to be certified under existing state, county or city licensing programs?***

The answer depends on whether the licensing criteria meets the minimum requirements ("federal floor") in [29 CFR 1926.1427\(e\)\(2\)](#) and [\(j\)](#). If a state or local jurisdiction has a licensing program that meets the federal floor, OSHA requires the employer to ensure that all operators operating within that jurisdiction are licensed by that state or local jurisdiction, unless they are qualified by the U.S. military (see [§1926.1427\(a\)\(1\)](#)). This requirement went into effect in November 2010. Note, however, that the crane standard's operator certification requirements do not supersede state or local licensing laws. If the licensing program does not meet the federal floor, OSHA does not require operators to be licensed in accordance with that program, although the operator may still be subject to action by the state or local authority for failure to comply with its requirements.

### ***Who will determine if a state or local operator certification process meets the federal floor requirements in 29 CFR 1926.1427?***

Initially, states or local governments are responsible for determining if a state or local operator certification program meets the requirements of [29 CFR 1926.1427\(e\)\(2\)\(i-ii\)](#) (see [§1926.1427\(e\)\(2\)\(iii\)](#)). OSHA does not require compliance with a state or local licensing requirement unless the state or local authority that oversees the licensing department or office assesses that program and determines that it meets the minimum requirements in [§1926.1427\(e\)\(2\)\(i\)](#) and [\(ii\)](#), including satisfying the substantive testing criteria of [§1926.1427\(j\)](#) through written and practical tests and providing testing procedures for relicensing. OSHA does not intend to require compliance with a state or local licensing requirement absent a public statement by the authority with oversight responsibility for the licensing office that the licensing program meets OSHA's minimum requirements and the reason for that determination. However, OSHA has the final authority in determining that the program meets minimum OSHA requirements.

### ***Is the option for qualification by the U.S. military available to employees of private contractors working under contract to the Department of Defense?***

No. This option is only available to civilian and uniformed employees of the Department of Defense. When the operator certification requirements are in effect, private contractors must use one of the other options for operator certification/qualification available under [29 CFR 1926.1427](#).

### ***Does OSHA endorse or approve testing bodies for operator certification or other purposes under the cranes standard?***

No. OSHA does not evaluate or approve crane operator training courses or crane operator certification testing bodies. Under the cranes standard, operator certification testing bodies must be accredited by a nationally recognized accrediting agency ([29 CFR 1926.1427\(b\)\(1\)\(i\)](#)). Currently the American National Standards Institute (ANSI) and the National Commission for Certifying Agencies (NCCA) are the two organizations that OSHA has identified as nationally recognized accrediting agencies.

## SIGNAL PERSON QUALIFICATIONS

### ***What qualifications must a signal person possess?***

A signal person must:

- Know and understand the type of signals used;
- Be competent in the application of the type of signals used;

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- Have a basic understanding of equipment operation and limitations, including the crane dynamics involved in swinging and stopping loads and boom deflection from hoisting loads; and
- Know and understand the relevant requirements of the provisions of the standard relating to signals.

### ***How does an employer know whether a signal person is qualified?***

Under [29 CFR 1926.1428](#), employers must determine that a signal person is qualified through the assessment of a qualified evaluator, who must meet one of the following definitions in [§1926.1401](#):

- Third-party qualified evaluator ("an entity that, due to its independence and expertise, has demonstrated that it is competent in accurately assessing whether individuals meet the qualification requirements in this subpart for a signal person"). The signal person must have documentation from a third-party qualified evaluator showing that he or she meets the qualification requirements.
- Employer's qualified evaluator (not a third party) ("a person employed by the signal person's employer who has demonstrated that he or she is competent in accurately assessing whether individuals meet the qualification requirements in this subpart for a signal person"). The employer's qualified evaluator assesses the individual, determines that the individual meets the qualification requirements and provides documentation of that determination. This assessment may not be relied on by other employers.

(See [1/9/12 Interpretation Letter to William Irwin, Jr.](#) and [6/28/11 Interpretation Letter to Walter Wise.](#))

### ***Must the required training and qualification of a signal person be performed by an accredited organization?***

No, but employers must have documentation of the signal person's qualifications available at the worksite, either in paper form or electronically. For example, the documentation may be accessed from a laptop or tablet, via email or be transmitted from an off-site location by facsimile. While a physical card may serve as proof of a signal person's qualifications, it is not the only means allowed by the cranes standard. The documentation must specify each type of signaling (e.g., hand signals, radio signals, etc.) for which the signal person is qualified under the requirements of the standard. The purpose of this documentation is to ensure the on-site availability of a means for crane operators and others to determine quickly whether a signal person is qualified to perform a particular signal for the hoisting job safely. (See [1/9/12 Interpretation Letter to William Irwin, Jr.](#) and [6/28/11 Interpretation Letter to Walter Wise.](#))

### ***Do Union and Trade Association Apprenticeship Certification Programs qualify as third party qualified evaluators for purposes of evaluating signal person qualifications in accordance with 29 CFR 1926.1428(a)(1)?***

OSHA's cranes standard requires each employer of a signal person to use a qualified evaluator (a third party or an employee) to verify that the signal person possesses a minimum set of knowledge and skills ([29 CFR 1926.1428\(a\)](#)). In general, OSHA does not evaluate or endorse specific products or programs, and, therefore, makes no determination as to whether a certification program meets the definition of a "qualified evaluator (third party)." It should be noted, however, that in the preamble to the cranes standard, OSHA stated that "labor-management joint apprenticeship training programs that train and assess signal persons would typically meet the definition for a third-party qualified evaluator..." (See the preamble to the cranes standard in the Federal Register at [75 FR 48029](#).) With regard to training, the employer is ultimately responsible for assuring that its employees are adequately trained regardless of whether the employees' qualification is assessed by the employer or a third party. (See [1/9/12 Interpretation Letter to William Irwin, Jr.](#) and [6/28/11 Interpretation Letter to Walter Wise.](#))

### ***Does a certified operator automatically satisfy the criteria for being a qualified signal person under 29 CFR 1926.1428?***

No. To qualify as a signal person, the operator would need to be evaluated by a qualified evaluator, satisfy the specified testing requirements for signal persons under [29 CFR 1926.1428](#) and documentation must identify the types of signaling (e.g., hand, radio, etc.) for which the operator has been evaluated. In some cases, the operator's certification process may also satisfy the signal person qualification requirements, depending on the qualifications of the certifying organization, the content of the certification

exam and the documentation provided by the certifying organization. In general, the qualifications of a signal person and an equipment operator are not considered one in the same.

***I received a license or certificate from an accredited organization as a trainer in signaling. Does this qualify me to be an evaluator of the qualifications of signal persons?***

Not necessarily. While being an accredited trainer may indicate that the trainer possesses the skills for effectively communicating subject matter to trainees, a qualified evaluator must also have demonstrated that he or she is competent in accurately assessing whether individuals have the qualifications required by the cranes standard. For further information regarding signal person qualifications, refer to related [fact sheets](#).

*Source: Occupational Safety and Health Administration*