

November 21, 2008

Letter # 20070216-7712

Re: Re-qualification requirements for mobile crane operators engaged in construction work.

Question: What are the OSHA requirements for re-qualification of mobile crane operators engaged in construction? Specifically, is there a requirement that operators pass a re-qualification written test or must they also pass a practical examination?

Answer: OSHA's current crane standard states, at 29 CFR 1926.550(b)(2):

All crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes.

ANSI B30.5-1968 specifies that operators must pass a practical examination prior to operating a crane:

Chapter 5-3 Operation

5-3.1.2

a. Operators shall be required to pass a practical operating examination. Examination shall be limited to the specific type equipment which he will operate.¹

There are no provisions in these standards that specifically address re-qualification.

However, 29 CFR 1926.20(b)(4) states:

The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

An example of how these provisions would apply to your question is as follows: An employee who had passed a practical operating test subsequently operates the equipment in a manner that indicates that the employee is not qualified. In such a circumstance, the employer would be required under 1926.20(b)(4) to no longer allow that employee to operate the equipment until the employer was assured that the employee, through additional training and testing, for example, was qualified.

Note that, on October 9, 2008, OSHA published in the *Federal Register* a new proposed standard for cranes and derricks used in construction work.² Section 1427 of the proposed standard addresses the issues you raised.

The proposed rule document gives instructions for how the public can submit comments during the comment period, which closes December 8, 2008. After considering the comments, the Agency will then issue a final rule. Please keep in mind that this rulemaking process is on-going, and that the provisions in the proposed rule are not current requirements.

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¹ Note also that 29 CFR 1926.21(b)(2) states:

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

² 73 *Federal Register* 59713. The proposed rule is available on OSHA's website at <http://www.osha.gov>.