



CHERIE K. BERRY
COMMISSIONER

SCOTT MABRY
ASSISTANT DEPUTY COMMISSIONER
OCCUPATIONAL SAFETY AND HEALTH DIVISION

MEMO CC 1

To: OSH Division
From: Scott Mabry, Assistant Deputy Commissioner *Scott Mabry*
Date: April 29, 2020
Re: Temporary Enforcement Policy – Certification Issued by Crane Institute Certification

On November 25, 2019, the Occupational Safety and Health Administration (OSHA) issued a memorandum titled Temporary Enforcement Policy – Certification Issued by Crane Institute Certification (CIC). The CIC had previously been accredited by a nationally recognized accrediting agency. However, CIC informed OSHA it is not currently accredited. OSHA will consider whether crane operators acting in good faith obtained certifications issued by CIC prior to December 2, 2019 believing they met the requirements of the standard. Where such good faith is found, employers should not be cited for violating the operator certification requirement of 29 CFR 1926.1427(d).

Per this memorandum, the Occupational Safety and Health (OSH) Division of the North Carolina Department of Labor adopts the above-mentioned OSHA enforcement procedure for use in North Carolina. The document is attached.



NOV 25 2019

MEMORANDUM FOR: REGIONAL ADMINISTRATORS AND
STATE PLAN DESIGNEES

THROUGH

AMANDA EDENS
Acting Deputy Assistant Secretary

FROM:

SCOTT C. KETCHAM, Director
Directorate of Construction

SUBJECT:

Temporary Enforcement Policy- Certification Issued by Crane
Institute Certification**Background**

Subpart CC—Cranes and Derricks in Construction requires crane operators to be certified by a certification body “accredited by a nationally recognized accrediting agency.” 29 CFR 1926.1427(d). The Crane Institute Certification (CIC) had previously been accredited by an organization that appeared to meet that requirement. However, CIC has informed OSHA it is not currently accredited by a nationally recognized accrediting agency. CIC also stated that it expects to receive that accreditation within the next few months. Therefore, operator certifications currently being issued by CIC do not meet the requirements of OSHA’s standard. Nevertheless, OSHA understands that CIC was previously accredited, and even after its accreditation lapsed, many employers may have acted in good faith by obtaining crane operator certifications from CIC that they believed would comply with OSHA’s requirements. The agency wishes to avoid unnecessary disruptions in the industry.

Temporary Enforcement Citation Policy

To eliminate construction industry confusion going forward, OSHA will consider whether crane operators acting in good faith obtained certifications issued by CIC prior to December 2, 2019 believing they met the requirements of the standard. Where such good faith is found, employers should not be cited for violating the operator certification requirement of 29 CFR 1926.1427(d). This policy will only apply until the expiration date listed on each certificate (that date cannot exceed the 5-year maximum specified in 29 CFR 1926.1427(d)(4)). OSHA will not accept CIC certification (including recertification) issued on or after December 2, 2019, as evidence of compliance with OSHA’s operator certification requirements in 29 CFR 1926.1427. Please contact the Directorate of Construction if there are any questions during compliance inspections about the validity of crane operator certifications issued by CIC.

OSHA intends to revisit this policy when CIC produces evidence that it is accredited in accordance with the requirements found in 29 CFR 1926.1427(d).