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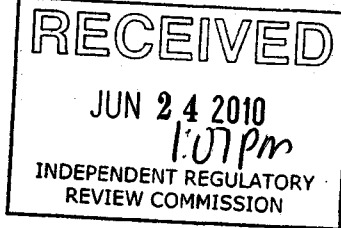
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Please include the following in the comments being reviewed and posted on this topic.

Problems & Resolutions for Proposed Law 16A-7101, authored by PA State Board of Crane Operators

The proposed law, drafted by the Pennsylvania State Board of Crane Operators appears to be written for the express intent of restricting trade to allow only the National Commission for the Certification of Crane Operators (NCCCO) to do business in PA. The claim that NCCCO is the standard or benchmark for crane industry certification is a self-proclaimed status, not shared by dozens of top industry experts and thousands of crane operators who have chosen other providers for certification testing. The proposed law contains elements that eliminate competition of the members of the State Board of Crane Operators who are NCCCO Practical Examiners or otherwise vested as a NCCCO Commissioner. These Board Members stand to profit from the proposed law, for which they developed the wording that excludes competitors. Board Members may create an allusion of non-bias by abstaining themselves from a vote. However, the damage to the crane industry would already be done with wording that restricts trade from all other accredited providers and single sources to NCCCO.

Crane operator certification is important to the safety of individuals working with and around cranes, and the general public when cranes are nearby and in operation. The proposed law creates confusion around issues that are irrelevant to the crane industry or the people of the State of PA. The proposed law about the certification of crane operators, as written, is a negative, instead of positive, as it can, and should be. Handled responsibly, accredited certification of crane operators, and other lift personnel, can save lives! The combined opinion of many is that the proposed law shows a lack of confidence that NCCCO can compete on a quality and free market basis. The State Board members who are NCCCO Examiners or member of the Commissioners seem to be relying on force from legislators to make people buy NCCCO, though equal or better quality with more affordable options for accredited certification of crane operators exists. Other accredited certification providers include Crane Institute Certification (CIC), National Center for Construction Education and Research (NCCER) and Operating Engineers Certification Program. CIC and OECP are NCCA accredited and NCCER is ANSI accredited. None of these competitors to NCCCO are accredited by NCCA and ANSI. Accreditation from two different credentialing organizations is redundant, unnecessary and a step that drives up costs. It's akin to getting the same undergraduate degree from two different accredited schools.

Please, act in the best interest of the people of PA and those working with or near cranes in operation. Please correct the following problems to create a law that is worthy and valuable.

Issue	Problem	Relevant Details	Suggested Correction
Current draft of proposed rule requires ANSI "and" NCCA certifications	<p>Only NCCCO has both accredited certifications from (2) NCCA "and" ANSI</p> <p>The proposed rule denigrates NCCA in one place but in another paragraph requires NCCA "and" ANSI.</p>	<p>NCCA is a highly respected and is the oldest and most established credentialing organization in the nation. NCCA sets high standards and requires a rigorous process for test development and administration. NCCA is the credentialing organization for hundreds more personnel certification programs than ANSI. ANSI is a quality organization. NCCA is a quality organization. Accreditation from both organizations is repetitive work; drives up costs. These higher costs are passed on to the crane operators and their employers. The two organizations compete with one another; each provides similar and worthwhile services.</p> <p>Certification providers, NCCA or ANSI accredited, all test on crane safety, OSHA regulations and the ASME B30 Standards.</p>	<p>Change the draft wording from "ANSI and NCCA" accreditation to "ANSI or NCCA accreditation."</p> <p>This one word changes the trade restriction from NCCCO alone to be inclusive of the four competing accredited certification providers: CIC, NCCER, OECF and NCCCO. Inclusion, not exclusion, is in the best interest of the citizens of PA.</p>
Audit assumptions	The audit process used by NCCCO is a revenue driver for the organization and its affiliates.	CIC, and possibly other providers, has an audit process. The difference is that CIC has a process that is far less expensive than the process NCCCO uses.	Do not rely on incorrect statements claiming that only NCCCO has a valid audit process. CIC has an audit process, one that is more affordable and worthwhile.

<p>Training organization relationships</p>	<p>The draft wording of the proposed rules carefully excludes an accredited certification that is owned by a training organization. The wording goes so far as to accuse, without foundation or reason, that a certification company, though a separate company, is a “shell” organization.</p>	<p>Training and certification have a necessary relationship. Without training, candidates are not likely, in large numbers, to pass accredited certification exams. The important point is to separate the training activities and personnel from the certification testing development and administration.</p> <p>NCCCO has a dependent relationship on multiple training organizations and providers. The proposed rule ignored the relationship between the NCCCO examiners who train.</p> <p>The emphasis and accusations to other certification providers is invalid and blind toward NCCCO.</p>	<p>Eliminate the wording that focuses on ownership by a training company or organization. The important point is to clarify that no one be allowed to have access to tests that also trains candidates for the test. The NCCA Standard is to have secure exams and secure test administration. CIC and other providers meet that requirement.</p>
<p>Board not qualified to evaluate NCCA</p>	<p>The State Board of Crane Operators is not qualified to judge or evaluate NCCA. The Board has not been in contact with NCCA to have questions answered. The Board made derogatory statements about one of the most respected organizations in the country, casting suspicion on an organization that has been a tremendous help and benefit to the crane industry. This behavior is shameful.</p>	<p>NCCCO built its reputation and business on NCCA accreditation. NCCCO had only NCCA accreditation until competitors entered into the marketplace with equal accreditation status of being NCCA accredited. NCCCO then achieved ANSI accreditation and has since confused the marketplace with issues irrelevant to the safety of the industry. NCCA <i>or</i> ANSI accreditation is of valuable.</p>	<p>Strike the wording that denigrates NCCA. Again, NCCA has helped and supported the crane industry to establish standards for testing. An apology is in order to NCCA.</p>

<p>Naming one organization in law and excluding competitors</p>	<p>Only one organization, NCCCO, the organization with whom some Board members are affiliated is named in existing and proposed PA law.</p>	<p>The State Board of Crane Operators has known for years that other accredited providers existed. CIC made numerous offers via phone, meeting attendance, email and letters to collaborate with the State Board. The Board members excluded other providers and worked directly with NCCCO.</p>	<p>Follow the Federal OSHA example and avoid naming a provider. Rather, give credential requirements such as, "NCCA or ANSI accredited certification." With this pattern, the recognized credentialing organizations are noted and providers, which can come and go, are not named. A list of accredited providers can be provided on state websites.</p> <p>Though a longer process, previous laws passed that named NCCCO, should be revised to consistently and simply describe "accredited certification provider."</p>
<p>Bias of State Board of Crane Operators</p>	<p>Industry experts from other accredited certification providers have been shut out of the process and only NCCCO has representation on the Board. Thus, awareness about what other providers offer, is limited and not first-hand.</p>	<p>Industry experts from other accredited certification providers have offered collaboration, input and expertise to the State Board of Crane Operators.</p>	<p>Form an independent Board, with industry experts from other certification providers working together. The ASME B30 Main Committee does this and it serves the industry well.</p>