



MNOSHA Instruction **STD 5-0.3B**

May 12, 2021

SUBJECT: Crane Operator Certification and Proof of Certification

Purpose:

This instruction establishes MNOSHA guidelines to ensure uniform enforcement of the crane operation and proof of certification statute for the construction industry.

Scope:

This instruction applies Division wide.

References:

1. MN Stat. § 182.6525 Crane Operation
2. The American Society of Mechanical Engineers ASME B30.5-2004, Mobile and Locomotive Cranes.
3. 29 CFR 1926.1427, Cranes and Derricks in Construction, Operator Qualification and Certification

Cancellation:

This directive supersedes MNOSHA NOTICE STD 5-0.3, dated February 5, 2016.

Background:

Minnesota Statute § 182.6525 Crane Operation, adopted May 24, 2005, states that an individual may not operate a crane with a lifting capacity of five tons or more on a construction site unless the individual has a valid crane operator certificate received from a nationally recognized and accredited certification program. No employer, and no person who is under contract to construct an improvement to land, may permit any employee, agent, or independent contractor to perform work in violation of this statute. Crane operator certifications must be renewed by an accredited certification program every five years. The certification requirements became effective July 1, 2007.

Federal OSHA adopted Subpart CC on November 10, 2010. Minnesota OSHA adopted Subpart CC on February 7, 2011. For cranes covered by the federal standard, operator certification is required. However, following several challenges to the standard, the certification date was extended three years in 2014. Minnesota OSHA adopted the crane operator certification extension on March 16, 2015. Therefore, OSHI's will follow the guidelines set forth in this instruction through November 10, 2017. *Note: OSHA delayed its deadline for employers to ensure that crane operators are certified by one year until November 10, 2018. OSHA also extended its employer duty to ensure that crane operators were competent to operate a crane safely for the same one-year period.

“Cranes and Derricks in Construction; Operator Qualification; Final rule.” On November 9, 2018, Federal OSHA published a final rule in the Federal Register clarifying requirements for crane operators and maintaining the employer's duty to ensure that crane operators can safely operate the equipment. Under the final rule, employers are required to train operators as needed to perform assigned crane activities, evaluate them, and document successful completion of the evaluations. Employers who have evaluated operators prior to December 9, 2018, will not have to conduct those evaluations again, but will only have to document when those evaluations were completed. The rule also requires crane operators to be certified or licensed and receive ongoing training as necessary to operate new equipment. Operators can be certified based on the crane's type and capacity, or type only, which ensures that more accredited testing organizations are eligible to meet OSHA's certification program requirements. The final rule revises a 2010 requirement that crane operator certification must specify the rated lifting capacity of cranes for which the operator is certified. Compliant certifications that were already issued by type and capacity are still acceptable under this final rule. The final rule is effective at the federal level. Minnesota OSHA adopted the final rule as published in the Federal Register November 9, 2018.

Subpart CC – Cranes and Derricks in Construction shall be used for inspections on construction sites. In 2005 when the MN Statute was adopted there was no nationally recognized accrediting agency providing certification for Side boom Operators or Derrick Operators. Therefore, the MN Statute was not enforced in those instances. The Federal Standard, 1926.1427 (a)(2), has exceptions for Operators of Derricks (1926.1436) and Side boom Cranes (1926.1440). These are not required to comply with 1926.1427 (Certification), but the training requirements in the other sections continue to apply. For the training requirements for operators of Derricks follow section 1926.1430 (q). For the training requirements of Side boom Cranes, follow section 1926.1430 (c)(3) and 1926.1440. Note: At this time there is no National Commission for the Certification of Crane Operators for Side boom Cranes.

ACTION:

A. CONSTRUCTION ACTIVITY

An OSHI must determine if the activity being observed fits the definition of construction work, which is defined as work for construction, alteration, and/or repair, including painting and decorating.

B. QUALIFYING CRANES

Prior to citing an employer for failing to meet the crane operator certification requirements in MN Statute 182.6525, an OSHI must determine the equipment is not covered by Subpart CC – Cranes and Derricks in Construction.

C. CRANE OPERATOR CERTIFICATION

An OSHI must then determine whether the crane operator is certified. An individual who is operating a qualifying crane on a worksite shall provide proof of certification upon request by an investigator. The OSHI will verify that the crane operators' certification card has the following information:

1. A certification number
2. Photograph of the holder
3. Issuance and expiration date (ensure renewal within the past five years)
4. Certification designations & codes
5. Sponsoring organizations information (to ensure validity of certification)

D. EXEMPTIONS

Crane operator certification is not required under the following conditions when applying MN Statute 182.6525:

1. A trainee or apprentice under the direct supervision of a crane operator who holds a valid crane operator certificate. Direct supervision means a certified operator will be on the same working surface, within visual sighting distance of the trainee being supervised. The certified operator will also be close enough to communicate verbally with the trainee and not have other responsibilities that could distract from the supervision of the trainee;
2. A person directly employed by a class 1 or 2 railroad who is qualified by the employing railroad as a crane operator or boom truck operator and is performing work on property owned, leased, or controlled by the employing railroad;
3. A person employed by or performing work for a public utility, rural electric cooperative, municipality, telephone company, or industrial manufacturing plant;
4. A person subject to inspection and regulation under the Mine Safety and Health Act, United States Code, title 30, sections 801 through 962;
5. A person engaged in boating, fishing, agriculture, or arboriculture;
6. A person who is a member of and performing work for a uniformed service or who is a member of and performing work for the United States Merchant Marines;

7. A person operating a crane for personal use on premises owned or leased by that person; and
8. A person operating a crane in an emergency situation.

E. CITATIONS

If the OSHI determines the employer should be cited for failure to meet the crane certification standard, a serious citation shall be issued. Some examples of citable conditions include, but are not limited to;

1. Crane operator does not carry a valid certification card;
2. Type of crane being used does not match designation shown on certification card;
3. Certification card is deemed invalid by certifying organization.

Citations will be issued according to the following severity levels

- C Invalid certification (no other operating deficiencies)
- D – F Invalid certification (rate higher for striking potential, crushing potential, operating near wall or in congested areas)

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for the OSHA Management Team

Distribution: OSHA Compliance and WSC Director

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