



February 15, 2011

To: Senator Joan Hartley, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety and Security Committee

From: Bill Ferrigno, Sunlight Construction (Avon); HBACT Past President and
Current Chairman, CT Developers Council
Bill Ethier, Chief Executive Officer

Re: **Senate Bill 931, AAC the Definition of Hoisting Equipment**

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year. The CT Developers Council is a forum of residential land developers within the HBA of Connecticut.

We are strongly opposed to SB 931. Reducing the size of the equipment that requires an equipment operator's license is unwarranted, and removing the exemption for certain residential developments and lower cost other developments will further harm struggling contractors of all types. There will be no improvement in safety from this legislation and, in fact, it will cause confusion, more costs and delays in constructing the homes CT needs.

This proposal blows up the 2003 compromise language of the existing law and extends the hoisting equipment operator license requirement to a point of absurdity. The language of the current law in sec. 29-221 was negotiated between the HBA of CT and the Operating Engineers Union in April 2003. Crane and derrick operators have been licensed, appropriately so, for a long time. When the 2003 expansion of this operator's license was enacted the intent was still directed at crane type equipment, and with the weight and lifting capacities of the equipment noted in statute, it was somewhat warranted for crane operators. While some in the industry objected to the 2003 expansion of licensing, since the capacities and reach stated in the law extended into the excavator or backhoe class, we nonetheless agreed to the adopted compromise. There is no justification now to open up that compromise.

Reducing the lift capacity and reach of "hoisting equipment" to 500 lbs and 10' is a ridiculous overreach affecting every small business contractor. This bill captures virtually all excavators, loaders, backhoes, skidsteer with a hoe attachment ("Bobcat"), forklifts, lulls, and sheetrock and lumber boom trucks used by home builders, remodelers, landscape contractors, roofers, mason contractors, foundation contractors, drywall contractors, lumber and building material suppliers, and many other subcontractors. The entire residential industry is adversely impacted by the need to obtain this new license to operate equipment they have always used.

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Moreover, the new license is not necessary because every piece of construction equipment requires documented operator training per OSHA regulations. For example, a track type excavator is different than a wheel type excavator or backhoe as they react differently when moving or lifting a load; the stabilization and operating clearances for different equipment are unique to each machine, and the controls vary with different brands of machinery. A fork lift and lull operate, react and lift differently even though they both are designed to lift materials. **OSHA requires an operator to be effectively trained and gain onsite experience with each specific piece of equipment they are assigned to operate.** Employers are responsible to provide adequate training for its employees and, with recent changes in the OSHA regulations, employers must be assured that the employee understands the training provided. Federal OSHA has substantially stepped up compliance efforts and also has reduced its training efforts placing the sources of training responsibility on the employer.

We also note the proposed change in SB 549, not before you today, to require “anyone who applies for and receives a crane or hoisting operator’s apprentice license be enrolled in a registered apprenticeship program...” Any hoisting equipment training offered through existing registered apprenticeship program cannot possibly provide the necessary specific equipment training required of each employer by OSHA. It is also wholly unnecessary for small business residential contractors who own or rent lifting equipment to put an employee through extensive crane and hoisting equipment training in an existing “registered apprenticeship program” – most of which training would never be used on the employer’s job sites. If both SB 549 and SB 931 were adopted, the only viable option for tens of thousands of small contractors in the state would be to apply for approval of their own “registered apprenticeship program” – another burden on small businesses, as well as on the state to manage these program and apprentice applications.

Reducing the license threshold, throwing all types of equipment used by tens of thousands of residential contractors and their subcontractors into one licensing hat, will cause confusion and conflicts. Taking SB 931 and SB 549 together as we must since both are in this committee’s jurisdiction, if an equipment operator has to go through a “registered apprenticeship program” will the provider of that training accept the federal OSHA responsibility imposed on the employer? Of course not; each employer still has to comply with the OSHA requirement of training each employee to the specific equipment used by that employee. So, what then is the point of this greatly expanded license requirement and the necessity of a “registered apprenticeship program” other than to fill the classrooms of training providers, the profits of which support the training sponsor(s)?

Finally, the existing exemptions for residential projects of “less than 4 stories” (i.e., your typical one and two family home and townhomes) and for all other projects of \$1,250,000 or less in cost, were adopted in 2003 to not burden the vast number of small businesses that typically build such projects. What is it about our economy today, or the increasing OSHA safety requirements, that justifies removing these exemptions and imposing this burden now? We strongly urge you to reject these hoisting licensing bills. Thank you for the opportunity to comment on this legislation.