

**TESTIMONY OF THE  
LUMBER DEALERS' ASSOCIATION OF CONNECTICUT**

**RE: SB 323 AN ACT CONCERNING CRANE OPERATIONS**

**Before the Legislature's Public Safety and Security Committee  
Tuesday, March 6, 2012**

Good Morning. My name is Marshall Collins. I am appearing in my capacity as Counsel for Government Relations for the Lumber Dealers' Association of Connecticut ("LDAC"). For more than 100 years LDAC has represented independent lumber and building material dealers, manufacturers, wholesalers, distributors and other associated businesses. LDAC members currently employ nearly 2,500 men and women in Connecticut.

**LDAC respectfully requests that you amend SB 323 AAC Crane Operations to allow both licensing and certification of crane and hoisting equipment operators consistent with the new OSHA regulations.**

SB 323 attempts to bring Connecticut into conformity with new OSHA regulations regarding the operation of cranes and hoisting equipment: OSHA regulations 1926.1400 OSHA Safety and Health Regulations for Construction and Section 29-221a of the Ct. General Statutes.

**However, as drafted SB 323 does not conform to the OSHA requirements.**

More specifically, Section 1927.1427(a) states that the equipment operator must ***either*** be licensed or qualified. OSHA provides four options for such equipment operators to qualify:

- "(1) Certification by an accredited crane operator testing organization.
- (2) Qualification by an audited employer program.
- (3) Qualification by the U.S. military.
- (4) Licensing by a government entity." (Sections 1926.1427(c) through (d).

For some reason, SB 323 eliminates the "either" portion of the OSHA regulation. Thus, SB 323 exceeds the OSHA requirements because it eliminates Options 1-3 under the OSHA regulations.

LDAC is affected by the licensing requirement in that its members deliver building materials to construction sites. LDAC trucks offload a wide range of construction materials to job sites. They do not hold such material in place. They are merely making the delivery. They use various boom, or hoisting, equipment from their trucks. Even though OSHA specifically excludes much "material delivery" from regulation, some building material is likely to be covered.

For example, an LDAC member delivery of 2,000 lbs. of lumber to a site would not be covered if a knuckle boom was used to swing the load off of the truck and deposited to the site. However, if the same LDAC member delivered a prefabricated truss, made of 2,000 lbs of lumber, it would be covered.

Therefore, LDAC members should be able to take advantage of the four OSHA options to qualify its employees making deliveries. Again, an example would be if an LDAC member hired a military veteran, who has qualified pursuant to 1926.1427(d), why should they have to go through State of Connecticut licensing programs as set forth in SB 323?

LDAC members are struggling in this difficult economy just as their customers in the home building industry have struggled. LDAC members should have the option of finding the most cost effective way to qualify their delivery people where necessary. There should be no monopoly on how to qualify.

OSHA does not require that the states only allow crane operators to qualify through licensing.

Therefore, SB 323 should be amended to comply with both the letter and the intent of the new OSHA regulations.

This completes my testimony. Thank you for your consideration.