

**ADOPTED REGULATION OF THE DIVISION OF INDUSTRIAL
RELATIONS OF THE DEPARTMENT OF
BUSINESS AND INDUSTRY**

LCB File No. R117-06

Effective January 1, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-16, NRS 618.295 and 618.880.

A REGULATION relating to cranes; prescribing the process for certification of a program to certify persons to operate cranes; amending provisions relating to certification as a crane operator; providing for provisional certification as a crane operator; and providing other matters properly relating thereto.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Certification program” means a program approved by the Division to certify persons to operate a mobile crane or a tower crane pursuant to the provisions of this chapter and chapter 618 of NRS.*

Sec. 3. *“Crane operator” means a person who holds a certificate to operate a mobile crane or a tower crane issued by a certification program.*

Sec. 4. *“Mobile crane” means a machine that is capable of traveling, is used for hoisting and moving a load by using cables which run unencumbered over the boom or jib sheave, and has a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.*

Sec. 5. *“Trainee” means a person who holds a provisional certificate to operate a mobile crane or a tower crane issued pursuant to section 9 of this regulation.*

Sec. 6. 1. *The Division will withdraw its approval of a certification program if the program fails to:*

- (a) Maintain accreditation as required by the Division;*
- (b) Submit proof of continuing accreditation as requested by the Division; or*
- (c) Submit other information requested by the Division.*

↪ The Division will give 15 working days’ notice to the certification program before the withdrawal of approval.

2. The Division may limit the types of mobile cranes or tower cranes for which a certification program is approved as it deems necessary in the interest of public safety.

Sec. 7. 1. *Except as otherwise provided in section 11 of this regulation, a person shall obtain certification to operate a mobile crane or a tower crane, as applicable, before he operates a mobile crane or a tower crane.*

2. An employer of an operator of a mobile crane or a tower crane shall ensure that the crane operator holds a certificate to operate a mobile crane or a tower crane issued by a certification program.

3. An employer of a crane operator shall maintain copies of all certificates held by the crane operator at the main office of the employer or at the workplace of the crane operator.

4. The copies of certificates required by subsection 3 must be maintained during the period of employment of the crane operator and for at least 3 years after the end of employment.

5. An employer of a crane operator shall provide copies of the certificates described in subsection 3 that pertain to the crane operator to the Division upon request if the certificates are requested not more than 3 years after the end of employment of the crane operator.

Sec. 8. *1. A certification program must provide to the Division a blank copy of the certification form to operate a mobile crane or a tower crane issued to crane operators who successfully complete the program. Each certification form must include:*

- (a) The signature of an authorized representative;*
- (b) The date of expiration;*
- (c) The type of mobile crane or tower crane the holder is certified to operate; and*
- (d) The name of the certification program.*

2. As used in this section, “authorized representative” means a person who is employed or retained by a certification program to provide an assessment to a person who desires to become a crane operator.

Sec. 9. *1. An employer may issue a provisional certificate to operate a mobile crane or a tower crane to a person who is not certified as a crane operator if the employer verifies that the person meets the physical requirements of trainees established by the applicable standards adopted by reference pursuant to NAC 618.358.*

2. A provisional certificate must:

- (a) Be issued on a form approved by the Division; and*
- (b) Include the type of mobile crane or tower crane the trainee is provisionally certified to operate.*

3. A provisional certificate expires:

(a) When the trainee obtains certification as a crane operator pursuant to this chapter and chapter 618 of NRS; or

(b) Five years after the date of issuance,

↳ whichever occurs first.

4. A provisional certificate may be renewed as many times as necessary if the trainee continues to meet the physical requirements of trainees established by the applicable standards adopted by reference pursuant to NAC 618.358.

5. A trainee shall maintain his provisional certificate and provide a copy to the Division upon request.

Sec. 10. 1. *An employer of a trainee shall maintain copies of all provisional certificates held by the trainee at the main office of the employer or at the workplace of the trainee.*

2. The copies of provisional certificates required by subsection 1 must be maintained during the period of employment of the trainee and for at least 3 years after the end of employment.

3. An employer of a trainee shall provide copies of the provisional certificates described in subsection 1 that pertain to the trainee to the Division upon request if the provisional certificates are requested not more than 3 years after the end of employment of the trainee.

Sec. 11. 1. *Except as otherwise provided in subsection 2, a trainee may operate a mobile crane or a tower crane if the trainee:*

(a) Holds a provisional certificate issued pursuant to section 9 of this regulation; and

(b) Is under the direct supervision of a crane operator:

(1) Whose sole responsibility during the period of the supervision is to observe the operation of the crane by the trainee; and

(2) Who holds a certificate to operate the type of crane being operated by the trainee during the period of direct supervision.

2. A trainee shall not operate a mobile crane or a tower crane that is used to erect or dismantle a tower crane.

3. As used in this section, “direct supervision” means the supervision of a trainee by a crane operator who is in the immediate area of the trainee, within visual sighting distance of the trainee and able to communicate effectively with the trainee.

Sec. 12. NAC 618.342 is hereby amended to read as follows:

618.342 As used in NAC 618.342 to 618.397, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 618.343 to 618.357, inclusive, *and sections 2 to 5, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 13. NAC 618.358 is hereby amended to read as follows:

618.358 *1.* The Division hereby adopts by reference the standards of ~~[the American National Standards Institute (ANSI) and]~~ the American Society of Mechanical Engineers (ASME) set forth in:

~~[1.— Hammerhead]~~

(a) Construction Tower Cranes, B30.3, [1990 edition, and Addenda 3a, 3b and 3c,] 2004 edition, published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ *is* available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$62.~~

~~2.] Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$50.~~

(b) Portal, Tower, and ~~[Pillar]~~ Pedestal Cranes, B30.4, ~~[1990 edition, and Addenda 4a, 4b and 4c,]~~ 2003 edition, published by the American Society of Mechanical Engineers. This publication ~~[and its addenda are]~~ is available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$40.~~

~~—3.] Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$55.~~

(c) Mobile and Locomotive Cranes, B30.5, ~~[1994 edition, and Addendum 5a,]~~ 2004 edition, published by the American Society of Mechanical Engineers. This publication ~~[and its addendum are]~~ is available from the American ~~[National Standards Institute, 11 West 42nd Street, New York, New York 10036, at a cost of \$75.]~~ Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$80.

2. *If a revision or addendum to any publication adopted by reference pursuant to this section is published, the Division will review the revision or addendum to determine its suitability for this State. If the Division determines that the revision or addendum is not suitable for this State, the Division will hold a public hearing to review the determination and give notice of that hearing within 6 months after the date of the publication of the revision or addendum. If, after the hearing, the Division does not revise its determination, the Division will give notice that the revision or addendum is not suitable for this State within 30 days after*

the hearing. If the Division does not give such notice, the revision or addendum becomes part of the publication adopted by reference in this section.

Sec. 14. NAC 618.369 is hereby amended to read as follows:

618.369 A certifying authority shall notify in writing the ~~[Office of the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703,]~~ *Nevada Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074*, within 5 working days after he denies a certificate of operation for a tower crane.

Sec. 15. NAC 618.384 is hereby amended to read as follows:

618.384 A certifying authority shall notify in writing the ~~[Office of the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703,]~~ *Nevada Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074*, within 5 working days after he denies a certificate of operation for a crane which is used to erect or dismantle a tower crane.

Sec. 16. This regulation becomes effective on January 1, 2007.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R117-06**

The Division of Industrial Relations of the Department of Business and Industry adopted regulations assigned LCB File No. R117-06 which pertain to chapter 618 of the Nevada Administrative Code on October 18, 2006.

Notice date: 8/25/2006
Hearing date: 9/29/2006

Date of adoption by agency: 10/18/2006
Filing date: 11/13/2006

**IN THE MATTER OF ADOPTION OF
NEW REGULATION FOR THE
CERTIFICATION OF CRANE OPERATORS.**

INFORMATIONAL STATEMENT

The Occupational Safety and Health Administration, the Division of Industrial relations, Department of Business and Industry, State of Nevada, (the Division), conducted public hearings on proposed permanent regulation concerning requirements to the certification of crane operators pursuant to NRS 618.880.

1. A description of how comments were solicited from the public and affected businesses, a summary of response from the public and affected business and an explanation of how other interested persons may obtain a copy of the summary.

1(a). On May 25, 2005, the Notice of Public Workshop to solicit comments on proposed regulations of the Division of Industrial Relations was posted or deposited in the mail for posting in the main branch of every county library the State Library, and the Henderson, Reno, and Carson City offices of the division of Industrial Relations. On May 25, 2005, approximately 3,800 copies of the Notice of Workshop to Solicit Comments on Proposed Regulations of the Division of Industrial Relations were mailed to affected employers, labor organizations and other interested persons. The notice advised the public of the time and place of the workshop on the proposed regulation and indicated that the public could submit written comments to the Administrator of the Division of Industrial Relations for consideration.

On July 25, 2005, the Division of Industrial Relations held a public workshop in Las Vegas and in Carson City. The workshops were to solicit comments on adoption of crane regulation AB540 to clarify the requirements concerning the certification of crane operators. Twenty-eight people signed the sign-in sheet at the Las Vegas workshop and at the Carson City workshop, five people signed the sign-in sheet. There was a discussion about AB540 concerning what a certifying agency is, trainer, etc. Some people expressed concern on the following, what is required for certification and the regulation should mirror the federal standard, how do we train or classify our trainees. Also

discussed was the availability of examiner's to meet the needs of employers in the State of Nevada.

On August 25, 2006, the Notice Of Intent To Act On Proposed Regulations (Notice of Public Hearing) of the Division of Industrial Relations was posted or deposited in the in the mail for posting in the main branch of every county library: and the Henderson, Reno, and Carson City offices of the Division of Industrial Relations. On August 25, 2006 approximately 3,400 copies of the Notice Of Intent To Act On Proposed Regulations (Notice of Public Hearing) of the Division of Industrial Relations were mailed to affected employers, labor organizations and other interested persons. The notice advised the public of the need and purpose of the proposed regulation and amendments; the estimated economic effect of the proposed regulation and amendments; the estimated cost of enforcement to the agency; overlap or duplication with other regulations; whether the regulation is required pursuant to federal law; whether the regulation includes provisions which are more stringent than federal regulation that regulates the same activity; and whether the regulation imposed a new or increased fee. The notice advised the public of the time and place of the public hearing on the proposed regulation and indicated that the public could submit written comments to the Administrator of the Division of Industrial Relations for consideration. A copy of the notice and proposed regulation was posted on the Division of Industrial Relations' web site.

1(b). Number of persons who attended the hearing, testified at each hearing, and submitted written statements to the agency.

On July 25, 2005, the Division of Industrial Relations held a public workshop on the proposed regulation. The public workshop was via video-conference between Carson City and Las Vegas. Twenty-eight people signed the sign-in sheet that was used for the workshop. There were various questions and comments at the public workshop, no written comments were submitted.

On September 29, 2006, the Division of Industrial Relations held a public hearing on the proposed regulation. The hearing was via video-conference between Carson City and Las Vegas. Thirty Seven people signed the sign-in sheet that was used for the hearing. There were various questions and comments at the public hearing and there was one written submission concerning the amendment of the regulation relating to crane operator certification requirements.

1(c). Affected business were informed of the public workshop and hearing with the dissemination of information posted at public library's, mailed letters and the Divisions Web site, summary of responses and how interested persons may obtain a copy of the summary.

The Division met with affected businesses, union representatives, and the public to review and discuss crane certification requirements, training programs, and accreditation agencies in the certification of crane operators.

The following is a summary of public comments, questions, written changes and revisions as discussed by the Division during the public workshop:

On 25 July 2005, a public workshop was opened by Tom Czehowski for the Division; opening comments were made to explain the purpose of the public workshop as it pertains to the proposed crane regulation.

Tom Czehowski for the Division:

Opens the public workshop at 09:00 am for any comments.

Ron Havelet, operating engineers local 12, gives the following comments:

What defines an accredited organization, accreditation, crane and mobile cranes?

Eliminate language with reference to trainer.

What all is required for certification. How do we update ASME codes?

What are the exceptions to the regulations as to who would be required to be certified?

Would this be inline with Federal OSHA in the future?

Phillip Kinscr, with the NCCCO:

Explains and talks about the de-rating of crane capacities to by-pass the operator certification requirements. For example, de-rate from 15,000lbs to 14,999lbs or limit boom extension to less than 25feet. In Calif, the exception can be met by meeting one of the two requirements.

Our proposed rule doesn't not allow for these exceptions, because of the statement of 25feet of boom length or 15,000 lbs. of rated lifting capacity.

And explains, how NCCO is NCCA accredited and they provide training to meet the examiner and chief examiner qualifications.

NCCO is a national organization. He states: How many trainers' are available? Nation wide about 650 practical examiners and in the State of Nevada about 6 currently.

Will this be a problem and he explains, it is not a problem currently to provide the services of the administering the written examination.

To be a practical examiner, is a three day training process to complete the practical examiner's training program.

Tom Czehowski for the Division states:

Beside the operating engineers local 12, do you know of others?

Philip Kinser with NCCCO:

Yes, some of the manufacturer's in industry provide training.

As for trainers, the NCCCO does not provide trainers for it might create a conflict of interest.

Tom Czehowski for the Division:

Are there any other accrediting organizations like NCCA.

Philip Kinser with NCCCO states:

It is the most recognized agency in the accreditation process?

Paul McKinsey, local 3 in Reno comments:

To build the regulation to mirror the Federal Standard in crane certification, Nevada should have the latitude to change the verbiage of equivalent i.e., NCCA or equivalent.

Tom Czehowski for the Division states:

That the Federal crane standard is a consensus standard and will not be law in the near future, it could be years away for this proposed regulation. The regulation gives the Division the latitude to look at of accredited agencies.

Ed Conway with Vision Signs comments:

Will it do away with in-house training?

Even if it was purchased by an approved agency as listed in the master schedule?

Tom Czehowski for the Division

Does not know at present if it will be eliminated, however, please submit comments for the record.

An in house program would have to be very detailed in order to be compared to an accredited program.

Richard Dielman, Dielco Crane comments:

If you're a certifying agency you can't train. Maybe this will help clarify, we need to train ourselves.

We use local 12 who has been NCCA approved for training.

We don't want to make it so political as to sign licenses for anyone.

Bill Cunningham, Dielco Crane comments:

If, the NCCA certifies an organization on how to give a test properly, without cheating i.e. They have nothing to do with training. They just took a test to pass a particular requirement but have nothing to do with the training.

We currently have a certificate for assist crane certification for the State. What is going to happen with the current people that certify assist and tower crane certificates?

Will these certifications be superseded when 1 January 2007 comes?

Tom Czehowski for the Division:

I do not have a formative answer until the regulation goes forward.

Philip Kinser with the NCCCO clarification:

That the NCCA does not govern training, that accreditation is an independent assessment of the knowledge of a particular person in the knowledge and skills in what ever.

Paul McKinsey with operating engineers comments:

That AB540 does not mention training in the law. But those operators meet a certain standard to receive certification on a particular crane.

The training programs of today have no means to test for certification to a certain level of the standard.

Cannot get the regulation confused, it deals with certification and not the training requirements to be a crane operator.

Tom Czehowski for the Division adjourns the workshop at 10:45 am.

The following is a summary of public comments, questions, written changes and revisions as discussed by the Division during the public hearing:

Introduction to the public hearing was made by Tom Czehowski for the Division, from the Grant Sawyer Building at 09:35 a.m. on the 29th of Sept, 2006.

Tom Czehowski for the Division:

- States the purpose of the public hearing is to implement AB540 LCB File No. R117-06.
- Provide time for the public to ask and comment on the regulation.
- Only one written comment was submitted by the operating engineers, local 12, on the proposed crane regulation.
- The Division will receive written comments on the regulation for the next 10 days after the public hearing.
- Written comments that were provided and an explanation of written changes are to the right in the margin.
- The public has been provided with a copy of the regulation, dated 11 July 2006, written comments, and a revised copy of the regulation as per written comments.
- Explains written and revised changes to regulation, LCB File No. R117-06, at this point, he also states that the hearing is open for public comment:

Richard Dielman, Dielco Crane:

Gives an example that during the day or night we dispatch up to 75 crane operators and trainee's to various job locations, do they need to have a certificate in hand at the job site or wait until morning when the office opens up.

Tom Czehowski for the Division states:

In NRS 618, only a certified crane operator can operate a crane in the State of Nevada, a trainee needs a provisional certificate to comply with regulation.

Philip Kinser with the NCCCO, states and recommends the following:

- In section five is there only one element as written?
- Suggests adding a second statement to include: A provisional certificate to operate a mobile crane or a tower crane shall be issued pursuant of section 9 of this regulation.
- The word certificate vs. certification should be changed to certificate.
- Recommend process for certification of a program to be changed to approval of a program, ref: first page under a regulation.

Section 2 – AB 540 states that the program is approved by NCCA accredited agency or equivalent and approved by the division.

Consider ANSI to be approved as an equivalent for accreditation.

Section 4 – comment that cables are not attached to a boom but run freely over sheaves, jib, etc. Recommends a change to reflect proper terms to: by using cables which run freely over a boom or jib sheave.

Section 6 – to consider ones privacy of information in the accreditations process.

Otherwise, we accept the other changes as written in the new regulation.

Bill Cunningham for Dielco Crane states that:

In Section 9, item 5, he wants a change to state that the employer shall maintain the copy of certification and to remove the word trainee, for consideration.

Section 13, paragraph 2 revision or addendum to publication, states that the employer should have some input or say to any changes or revisions that might come out of the ASME Publications.

He also requests to repeal the following NAC regulations:

NAC 618-356, 361, 362, 363, 371, 372, 373, 374, 375, 376, 377, 378, 379, 386, 387, 388, 389, 390, 391, 392, 393.

John Wiles, legal counsel for the Division states:

That if the specific regulations have not been listed in the current regulation as written, that they haven't been deleted or repealed.

Tom Czehowski for the Division states:

That regarding revisions to codes, ASME or other codes that effect industry, that the employer can contact the district manager for any inputs or concerns to new revisions that might come out or that are going to come out as per the industry.

As for the employer to provide records, as previously entered in NAC and states that the trainee might have records because of change of employment that records should be provided if requested by the division.

Bill Cunningham, Dielco Crane states:

As an employer employee relationship, if Dielco Crane provides a provisional certificate, they do not want the employee to use it as prove of having a certificate to operate a crane by another employer, in which they might be liable. They want them to be limited to only the employer employee relationship as to the specific provisional certificate.

Tom Czehowski for the Division:

Explains that the intent was not for the provisional certificate to be used from one location or employer to another location or employer, but just to be used by the current employer at the time of service. So in other words, provisional certificates are not transferable from employer to employer but are issued by the current employer.

Bill Cunningham, Dielco Crane:

In section 7, it should better explain by stating, that the provisional certificate should be null and void once the employee leaves his place of employment and not currently employed.

Tom Czehowski for the Division:

OHSA is dealing with employers with statutory requirements which are placed; we are quite versed on dealing with these situations where the employer is responsible for doing something such as, the trainee dealing with an employer that provides the provisional certificate is only for the current employer at that time.

Bill Wagoner, business manager for operating engineers, local 12:

He comments as to the provisional certificate as issued to a trainee. The local training center is not the employer only the instructors are employees of the training site.

Therefore, if issued a certificate and he (the apprentice) goes out and shows the employer, they feel that that liability is still there and it should not be, because trainees do not leave the training site. Example, if the trainee says, to the employer, I got one of these provisional certificates, they don't want to be liable.

Tom Czehowski for the Division:

That NRS 618 in carrying over the language of the NAC indicates that a person, who wants to operate a crane in the State of Nevada, has to have a certificate which has been discussed with the LCB, so issuance is to the person who is sitting or operating a crane. He has to be certified to operate or have a provisional certificate and if you have a trainee in the yard, they too have to have a provisional certificate, however, if going out of the yard that trainee has to be given another provisional certificate for the new location/employer.

In detail an explanation of the provisional requirements of the certificate to operate a crane.

Basically you have to have a provisional certificate or be a certified crane operator to operate a crane in Nevada

Bill Wagoner, business manager for operating engineers local 12:

It doesn't make sense for the issuance of a provisional certificate, they (the trainees/apprentices) have to learn how to operate the crane some way but operate the crane in a controlled environment.

Danny Thompson for the AFL/CIO:

He understands the language of LCB on the requirements that a provisional certificate to be issued.....provisions in training location is only where the trainee is going to be issued a provisional certificate, they would like a site specific issuance of the provisional certificate to protect agencies from liability for a specific training center.

Tom Czehowski for the Division states:

That as far as what's required to be put on the provisional certificate, that the training center can add additional information to include specific location and that it would only be valid at a particular site.

Danny Thompson for the AFL/CIO:

If so, that would be accepted as to the provisional certificate it would be OK, to provide the protection of being site specific.

Tom Czehowski for the Division:

Besides the required information, if the division sees more specific written details on the provisional certificate, that it would be accepted by the division.

Brett Groussman for Jake's Crane:

The issues of an employer and employee relationship or if you're a self employed operator, can they give themselves a provisional certificate. For example, if you have a mom and pop operation are they exempted from the regulation.

Tom Czehowski for the Division:

That the employer issues a provisional certificate or that the operator has been certified by either local 12 or the NCCCO, who have been accredited by NCCA. We are determining who's sitting behind the controls of crane and what certificates are required.

Brett Groussman for Jake's Crane:

If you haven't been certified by local 12 or the NCCCO, you will be not certified to operate a mobile or tower crane after 1 Jan 2007.

Tom Czehowski for the Division:

Yes, that's correct; you have to have a certificate that is issued by either the NCCCO or local 12 as of 1 Jan 2007 at this point.

Comments from Carson City, NV

Greg Smith – Northern operating engineer's apprenticeship program:

They support the regulation as written.

John Teller for operating engineers, local 30:

They support the changes as presented to the regulation by Philip Kinser, with the NCCCO.

Dennis Davis – Davis Framing:

They have a Potain MA-21 type of crane, lift capacity of 3900 lbs, and have two of them currently in operation.

And states that the operators they would have, be allowed to operate cranes much greater in capacity, they are remote controlled by carpenters.

They use the cranes by standing on the roofs with a remote, no cabs and states: they should have a special provision.

Tom Czehowski for the Division:

I'm not familiar with this type of crane and asks, does the remote control self erecting crane have a boom length of more than 25 ft or a capacity of more than 15,000lbs.

Dennis Davis - Davis Framing:

Yes, but does not lift more than 15,000 lbs.

Tom Czehowski for the Division:

Again, explains the definition and requirement of a mobile crane that has a boom length of 25 feet or a rated capacity of 1500 lbs. And the fact that the operator is not in a cab and uses a remote control had not been previously addressed.

At this point, I do not have an answer as to a special provisional certificate.

Dan Magram of Frontier Crane:

He is the mom and pop operation and is curious as to how we would enforce the regulation as compared to California.

Tom Czehowski for the Division:

We have NCCA who has accredited the NCCCO and local 12 who have also been approved in California and would be accepted in the State of Nevada.

Philip Kinser for the NCCCO:

Clarifies portability as long as the state accepts the NCCA entities. The distinct difference from the California regulation and Nevada's proposed regulation, he explains a loop hole of 25 feet of boom length and 15000 lb capacity, as compared to Nevada, which states if a crane meets the length or capacity you need a certified operator, as written in the proposed regulation.

On the Potain MA-21, that is a self erecting tower crane with a jib at 87 degrees as compared to 90 degrees of a tower crane. The operation of either doesn't differ, either operating from jib level, movable cab, or from the ground, it requires the same skill level of the operator.

Tom Czehowski for the Division:

Explains that an operator has to have the same skill level and states that a crane is a crane. Thanks for clarification Philip

Norm Walker for Jake's Crane:

Operators have to be certified not only in crane operations but also have to understand usage of slings, load charts, material handling and be experienced in different crane operations scenarios.

Tom Czehowski for the Division:

Prior pre-planning in case of emergencies, day to day operations, the employer has to plan out for these situations. We are not going to look at short cuts to the regulations, the

employer should be able to for see and plan that operators be either certified or issued a provisional certification.

Richard Dielman, Dielco Crane:

Do we give up now; we cannot meet the requirements of the regulation when January 1, 2007 is here.

Mike Johnson with Jake's Crane:

A shortage of operators exists throughout Nevada and California. The work load is so that not enough operators are available that would meet the new crane regulation, so we have to push the gray area.

Tom Czehowski for the Division:

Adjourns the public hearing at 10:45 am on 29 Sept 2006.

Copies of the proposed regulation or informational statement are available at the Division's offices (1301 North Green Valley Parkway, Suite 200, Henderson, Nevada and 4600 Kietzke Lane, Suite F-153, Reno, Nevada).

2. The regulation has adopted changes of the proposed regulation, a summary of changes will be included in the revision per written comments.

The Division of Industrial Relations changed portions of the proposed regulation due to the written comments submitted and comments received from the public and affected businesses during the public hearing. **Attached: Revision for proposed regulation to LCB File No. R117-06.**

3. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public.

(a) On regulated businesses:

Adverse: Minimal adverse effects are anticipated.

Beneficial: Businesses will have certified crane operators to operate various mobile and tower cranes.

Immediate: Same as above.

Long-Term: Same as above.

(b) On the general public:

Adverse: No significant effects are anticipated.

Beneficial: Same as above.

Immediate: Same as above.

Long-Term: Same as above.

4. The estimated cost to the agency for enforcement of the adopted regulation.

It is anticipated that the cost of enforcement of the proposed amended regulation will be minimal.

5. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the supplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency.

The Division of Industrial Relations is not aware of any overlap or duplication between the proposed regulation and any other state, local or federal regulation.

6. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

No provision of this regulation is more stringent than a federal regulation.

7. If the regulation provides a new fee or increase in existing fees, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation will not result in any new fees or increased fees on regulated businesses or the general public