

### **1926.1427 Operator qualification and certification.**

(a) The employer must ensure that, prior to operating any equipment covered under subpart CC, the person is operating the equipment during a training period in accordance with paragraph (f) of this section, or the **operator is qualified or certified** to operate the equipment in accordance with one of the options in paragraphs (b) through (e) of this section, ...

#### **(b) Option 1: Certification by an accredited crane operator testing organization.**

(1) For a testing organization to be considered accredited to certify operators under this subpart, it must:

(i) Be accredited by a nationally recognized accrediting agency based on that agency's determination that industry recognized criteria for written testing materials, practical examinations, test administration, grading, facilities/equipment and personnel have been met.

(ii) Administer written and practical tests...

(2) An operator will be deemed qualified to operate a particular piece of equipment if the operator is certified under paragraph (b) of this section for that type and capacity of equipment or for higher-capacity equipment of that type. If no accredited testing agency offers certification examinations for a particular type and/or capacity of equipment, an operator will be deemed qualified to operate that equipment if the operator has been certified for the type/capacity that is most similar to that equipment and for which a certification examination is available. The operator's certificate must state the type/capacity of equipment for which the operator is certified.

(3) A certification issued under this option is portable and meets the requirements of paragraph (a)(2) of this section.

(4) A certification issued under this paragraph is valid for 5 years.

#### **(c) Option 2: Qualification by an audited employer program.**

The employer's qualification of its employee must meet the following requirements:

(1) The written and practical tests must be either:

(i) Developed by an accredited crane operator testing organization...

(ii) Approved by an auditor in accordance with the following requirements:...

(6) A qualification under this paragraph is:

(i) Not portable...

(ii) Valid for 5 years.

#### **(d) Option 3. Qualification by the U.S. military.**

(1) For purposes of this section, an operator who is an employee of the U.S. military is considered qualified if he/she has a current operator qualification issued by the U.S. military for operation of the equipment...

(2) A qualification under this paragraph is:

(i) Not portable...

(ii) Valid for the period of time stipulated by the issuing entity.

#### **(e) Option 4. Licensing by a government entity.**

(1) For purposes of this section, a government licensing department/office that issues operator licenses for operating equipment covered by this standard is considered a government accredited crane/derrick operator testing organization if the criteria in paragraph (e)(2) of this section are met

#### **(k) Phase-in.**

(1) The provisions of this section are applicable [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], **except for paragraphs (a)(2) and (f) which are applicable [INSERT DATE 4 YEARS AND 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

(2) When § 1926.1427(a)(1) is not applicable, all of the requirements in

paragraphs (k)(2)(i) and (ii) of this section apply until [INSERT DATE 4 YEARS AND 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]:

**(i) The employer must ensure that operators of equipment covered by this standard are competent to operate the equipment safely.**

(ii) Where an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee prior to operating the equipment. The employer must ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.

### **1926.1430 Training.**

The employer must provide training as follows:

(a) **Overhead powerlines.** The employer must train each employee specified in § 1926.1408(g) and § 1926.1410(m) in the topics listed in § 1926.1408(g).

(b) **Signal persons.** The employer must train each employee who will be assigned to work as a signal persons who does not meet the requirements of § 1926.1428(c) in the areas addressed in that paragraph.

(c) **Operators.**

(1) Operators-in-Training for equipment where certification or qualification is required by this subpart. The employer must train each operator-in-training in the areas addressed in § 1926.1427(j). The employer must provide re-training if the operator-in-training does not pass a qualification or certification test.

**(2) Transitional Period. During the four-year phase-in period for operator certification or qualification, as provided in § 1926.1427(k), employers must train each operator who has not yet been certified or qualified in the areas addressed in § 1926.1427(j).**

**(3) Operators excepted from the requirements of § 1926.1427. The employer must train each operator excepted under § 1926.1427(a) from the requirements of § 1926.1427 on the safe operation of the equipment the operator will be using.**

(4) The employer must train each operator of the equipment covered by this subpart in the following practices...

(d) **Competent persons and qualified persons.** The employer must train each competent person and each qualified person regarding the requirements of this subpart applicable to their respective roles.

(e) **Crush/pinch points.** The employer must train each employee who works with the equipment to keep clear of holes, and crush/pinch points and the hazards addressed in § 1926.1424 (Work area control).

(f) **Tag-out.** The employer must train each operator and each additional employee authorized to start/energize equipment or operate equipment controls (such as maintenance and repair employees), in the tag-out and start-up procedures in §§ 1926.1417(f) and (g).

(g) **Training administration.**

(1) The employer must evaluate each employee required to be trained under this subpart to confirm that the employee understands the information provided in the training.

(2) The employer must provide refresher training in relevant topics for each employee when, based on the conduct of the employee or an evaluation of the employee's knowledge, there is an indication that retraining is necessary.

(3) Whenever training is required under subpart CC, the employer must provide the training at no cost to the employee.