

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



August 18, 1981

Mr. J. R. Dmytryk
Senior Construction Manager
United Engineers & Constructors Inc.
P.O. Box 700
Seabrook, New Hampshire 03874

Dear Mr. Dmytryk:

This is in response to your letter of July 24, 1981, concerning construction crane certifications.

29 CFR 1926.550(a)(5) requires employers to designate a **competent** person to inspect machinery and equipment prior to each use, and during use, to make sure it is in safe operating conditions. Any deficiencies shall be repaired, or defective parts replaced, before continued use. 29 CFR 1926.550(a)(6) requires a thorough, annual inspection of the hoisting machinery to be made by a **competent** person, or by a government or private agency recognized by the U.S. Department of Labor. In addition, the employer is required to maintain a record of the dates and results of inspection for each hoisting machine and piece of equipment.

29 CFR 1926.32(f) defines **competent** person as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them. The OSHA construction standards do not require employees performing crane inspections to have a Level II rating, which is a term used in an ANSI standard not referenced in the OSHA standards. If your two employees meet the qualifications for a "competent person" they can perform the construction inspections required in 29 CFR 1926.550.

It should be noted that OSHA construction regulations provide minimum safety and health standards for employees working in the construction industry. However, more stringent requirements, such as an ANSI standard for crane inspections at nuclear power plants may be required by virtue of the contractual relationship for construction at the facility. In any event, employers are not precluded from obtaining the highest rating from employees to perform crane inspections. A list of certification agencies accredited by the Occupational Safety and Health Administration has been enclosed for your information. You may write or telephone the agencies concerning your desire to qualify two employees as Level II inspectors.

If I may be of further assistance, please feel free to call or write.

Sincerely,

Bruce Hillenbrand
Deputy Director,
Federal Compliance and State Programs