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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF CRANE OPERATORS

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

July 26, 2023

State Board of Crane Operators
July 26, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Andrew S. Goulet, Chair, Professional Member
F. Allan "Buddy" Mauger Jr., Vice Chair, Public
Member
Daniel J. Mitchell, Professional Member
Brian M. Schmoyer, Professional Member - Absent
Steven M. Kuncelman, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Gregory Liero, Esquire, Board Prosecution Liaison
Jessica Harris, Board Administrator
Michael McDonald, Policy Director, Department of
State
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Matthew Shaw, Program Coordinator, National
Commission
for the Certification of Crane Operators
Carianne Rawlings, Engineering Manager, Manitowoc
Cranes
Robert Ritter, Product Engineering Manager, Manitowoc
Cranes
Joshua Chard, Ph.D., Director, Product & Corporate
Safety, Altec Industries
Scott Yeager, Outreach Manager, Pennie
Derek Richmond

1 ***

2 State Board of Crane Operators

3 July 26, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 a.m. the Board entered into Executive Session
7 with Dean F. Picarella, Esquire, Senior Board
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations on a number of matters that are
10 currently pending before the Board and to receive the
11 advice of counsel. The Board returned to open
12 session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Crane Operators was held on Wednesday, July
16 26, 2023. Andrew S. Goulet, Chair, Professional
17 Member, called the meeting to order at 10:30 a.m.

18 ***

19 [Dean F. Picarella, Esquire, Senior Board Counsel,
20 informed everyone that the meeting was being
21 recorded, and voluntary participation constituted
22 consent to be recorded.

23 Mr. Picarella also noted the Board entered into
24 Executive Session for the purpose of conducting
25 quasi-judicial deliberations on a number of matters

1 currently pending before the Board and to receive
2 advice of counsel.]

3 ***

4 Roll Call/Introductions

5 [A roll call of Board members was taken by Ms.
6 Harris. She also provided an introduction of
7 attendees.]

8 ***

9 Approval of minutes of the May 24, 2023 meeting

10 CHAIR GOULET:

11 The next item on the agenda is approval
12 of the minutes of the last Board
13 meeting. Do we have any changes or
14 corrections to the minutes?

15 Do we have a motion to approve?

16 [The Board discussed corrections to the minutes.]

17 CHAIR GOULET:

18 I'll make a motion to approve the
19 minutes with the edits.

20 MR. MAUGER:

21 I'll second that motion.

22 CHAIR GOULET:

23 Ms. Harris, would you please call the
24 Board?

25

1 Mr. Goulet, aye; Mr. Mauger, aye; Mr.
2 Mitchell, aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Gregory S. Liero, Esquire, Board Prosecution
7 Liaison, noted prosecution had nothing to report.]

8 ***

9 Report of Board Counsel

10 [Dean F. Picarella, Esquire, Senior Board Counsel,
11 informed everyone that item 6 was discussed in
12 Executive Session and would be voted on later during
13 the meeting.]

14 ***

15 Report of Acting Commissioner - No Report

16 ***

17 Report of Board Chair

18 [Andrew S. Goulet, Chair, Professional Member, noted
19 prior Board discussion at the last meeting regarding
20 dual-rated ASME B30.5 and ANSI A92.2 equipment. He
21 mentioned that Dr. Chard was unable to provide
22 information at the last meeting due to technical
23 difficulties and was placed on today's agenda for
24 further discussion.

25 Joshua Chard, Ph.D., Director, Product and

1 Corporate Safety, Altec Industries, presented to the
2 Board to answer questions concerning dual-rated
3 equipment from the manufacturers and A92 perspective.

4 Mr. Picarella explained that the issue was that
5 machines could be dual-rated equipment, where one
6 configuration may require a person to be licensed as
7 a crane operator and another configuration would not
8 require a license and requested more information
9 regarding the configurations and background as to how
10 he came to those opinions.

11 Dr. Chard addressed the crane standard, noting
12 that it applies to equipment that points, lowers, or
13 moves a suspended load and it specifically identifies
14 multipurpose equipment when configured to hoist and
15 lower in the scope. He stated the idea of
16 multipurpose equipment is where the dual-rated
17 equipment finds its home.

18 Dr. Chard stated multipurpose equipment is
19 allowable by the Occupational Safety and Health
20 Administration (OSHA). He noted that it excludes
21 Derricks and aerials when configured as an aerial
22 device but is not excluded when configured to hoist.

23 He explained that it applies to anything that is
24 multipurpose equipment that is configured to hoist
25 via a hook.

1 Dr. Chard noted that it brings in the crane
2 standard in general and referred to Section 1433,
3 where any product that lifts more than 2000 pounds
4 has to meet B30.5, so there would be the OSHA crane
5 standard and B30.5 for anything that lifts over 2000
6 pounds.

7 Dr. Chard noted the importance of the crane
8 standard and referred to multipurpose equipment,
9 where can it be used as an aerial device some of the
10 time. He noted it meets B30.5 because the crane
11 standard says it has to, but what are the
12 requirements if they back it off and say it is an
13 aerial device. He explained that when making it an
14 aerial device, OSHA says it has to meet A92.2, the
15 aerial device standard.

16 Dr. Chard noted that standard has requirements
17 that are different than B30.5, and one of the big
18 differences is burst protection on cylinders. He
19 stated aerial devices have a four to one burst on
20 cylinders, where cranes are three to one. He noted
21 aerial devices require emergency stop controls and
22 have requirements that are built into products that
23 are primarily designed to lift people.

24 Dr. Chard addressed guidance for multipurpose
25 equipment. He stated manufacturers who have gone the

1 dual-rated approach say that when it is a crane, they
2 have to meet everything in the crane standard and
3 cannot exempt themselves from any of that, where all
4 of that applies with anti-two-block devices and load
5 moment systems.

6 Dr. Chard stated it has to meet all the
7 requirements of the aerial device requirement
8 standard when it is configured for an aerial device,
9 which is enhanced stability requirements and testing
10 on graded slopes of 5 degrees but does not have anti-
11 two-block devices and load moment systems. He noted
12 that when there is a choice of a dual-rated product,
13 they would say it is best designed as an aerial, and
14 when it is an aerial configuration best designed as a
15 crane when it is in a crane configuration.

16 Dr. Chard stated some manufacturers have made
17 very large aerial devices that look like a crane and
18 have a crane-like load chart. He noted that by
19 defining those as aerial devices, they are able to
20 skip B30.5 and skip the SAE J1036 strain gauge
21 testing of cranes. He noted they are able to skip
22 things, not saying that the manufacturers that build
23 that product have skipped it but are allowed to skip
24 it.

25 Mr. Picarella asked whether the devices that are

1 manufactured strictly as an aerial could ever be used
2 as the standard hoisting crane type of application.

3 Dr. Chard personally believed the answer should
4 be no and referred to the scope of the crane
5 standard, where it is lifting more than 2000 pounds
6 and hoisting it via a hook, moving it horizontally,
7 so it is a crane regardless what you call it. He
8 commented that the nondual-rated products have a
9 challenge if someone tries to follow their operator's
10 manual because they are saying they are not a crane,
11 but OSHA would say they are a crane.

12 Dr. Chard also noted there would not be any
13 compliance statement when looking at the serial
14 number plate for the crane standard, but there should
15 be a compliance statement for the crane standard and
16 a compliance statement for the aerial standard on a
17 dual-rated product.

18 Chair Goulet asked whether that would be an
19 enforcement issue with OSHA at that point and
20 possibly with the Board if it meets the requirements
21 of a crane under their licensure act but not defined
22 as a crane.

23 Dr. Chard referred to an interpretation letter
24 from 2016, where OSHA says that dual-rated equipment,
25 when configured for an aerial, would not require

1 certification or it is not a crane.

2 Mr. Picarella asked how easy it is to switch from
3 one configuration to another for the dual-rated
4 system.

5 Dr. Chard addressed Altec, noting they consider a
6 crane operator to be a more sophisticated operator
7 and would make it easier to configure an aerial
8 device. He noted a dual-rated product is easier to
9 configure for personnel handling than their crane
10 product. He explained that they have a quick attach
11 platform that has redundant pin systems so that it
12 lifts by gravity.

13 Dr. Chard stated it has two sets of pins, where
14 the operator applies one and one applies
15 automatically so it is secure because we are not
16 requiring the proof test. He noted that the platform
17 does not travel with the crane and would need to
18 already be on outriggers and then put the platform
19 on. He noted that on the load moment system that
20 there is a button for personnel mode that initiates a
21 light over the cab that indicates to the operator
22 that it is in personnel mode.

23 Dr. Chard explained that there is a radio remote
24 on Altec's that docks to a magnetic docking station,
25 which enforces the limits of the load moment system.

1 He noted it adds interlocks to the upper controls,
2 and when operating a radio remote crane in crane
3 mode, they do not require interlocks. He noted they
4 have to have interlocks as soon as they go into a
5 dual-rated version at upper controls and is enforced
6 with a screen that gives the output of their load
7 moment to tell them they are in personnel mode.

8 Mr. Picarella asked whether someone could press a
9 button for it to go into aerial mode if the crane is
10 operating as a crane.

11 Dr. Chard noted that someone could but explained
12 that an operator sitting in the seat operating it as
13 a crane has a computer and pushing the personnel mode
14 would derate the crane but is not an aerial device
15 then because it does not have a platform attached.
16 He explained that the rope has to be removed, noting
17 there is a tie off point on the main boom for the
18 rope and a mechanical conversion of the machine to be
19 an aerial device. He further explained that there is
20 a button but that is not all that is required because
21 there it must be physically configured and push the
22 button.

23 Chair Goulet asked whether someone would be able
24 to operate the platform from the cab of the crane in
25 aerial platform mode and whether they are limited to

1 certain actions.

2 Dr. Chard explained that aerial standards require
3 that lower controls override uppers for platform
4 rescue and is required that the lower controls has
5 the ability to take control back, so there is a
6 station selector that would say someone is either in
7 uppers aerial mode or select lowers or rescue.

8 Dr. Chard explained that a customer who wants to
9 operate from the riding seat with a person in the
10 platform would only be crane mode. He noted both of
11 their manuals for a dual-rated unit describes the
12 requirements for B30.23 personnel handling as well as
13 aerial device operation. He stated someone operating
14 from the seat would be a crane operator, and the
15 person in the platform is a worker or an occupant and
16 not the operator. He stated anyone operating from
17 the platform in aerial mode would be an aerial device
18 operator.

19 Mr. Mitchell asked whether the winch could be
20 operated in aerial platform mode.

21 Dr. Chard explained that the winch cannot be
22 operated in aerial platform mode and referred to
23 their product, noting the air platform mode reduces
24 system pressure and cannot lift as much, reduces
25 function speeds so it does not go as fast, and it

1 eliminates the winch function.

2 Chair Goulet asked whether dual-rated machines
3 have a black box or computer to see when it was
4 working and in which operation.

5 Dr. Chard stated all of their dual-rated products
6 have a black box that downloads data. He noted it to
7 be challenge for the employer to enforce work rules
8 and make sure people are programming it properly
9 because some people do not put it in the correct
10 mode.

11 Dr. Chard offered to provide a personnel crane
12 hazard analysis of standards whether it is an aerial,
13 crane, or dual-rated product.

14 Mr. Mitchell requested confirmation that it is up
15 to the employee to have it in the correct mode when
16 operating, and when it is in aerial mode, the winch
17 would not operate, but when it is in crane mode, they
18 can operate as an aerial platform.

19 Dr. Chard noted Mr. Mitchell to be correct and
20 further explained that when it is in aerial mode, the
21 winch does not work, but when in crane mode, they
22 could operate it as a standard crane following the
23 personnel handling requirements of § 1926.1400. He
24 noted they would have a certified crane operator, do
25 the proof test, the test lift, and all the elements

1 of a standard crane personnel handling if done from
2 the riding seat.

3 Mr. Mitchell asked whether they could operate it
4 as a crane from the personnel platform.

5 Dr. Chard noted they would not be able to operate
6 it as a crane from the personnel platform. He
7 further explained that the two ways some could
8 operate it as a crane would be from the riding seat
9 from the main crane controls or from the radio
10 remotes operating it as a crane. She noted that in
11 both cases they are a certified crane operator or
12 qualified crane operator depending on your state and
13 work, but whenever they are operating it hoisting
14 material, it is in crane mode and not personnel mode.

15 Chair Goulet commented that even if they are
16 technically in the basket that they would still have
17 to meet the requirement if in crane mode to be a
18 state licensed and certified crane operator in
19 Pennsylvania.

20 Dr. Chard noted Chair Goulet to be correct, where
21 there is nothing that says the operator of a crane
22 cannot be in the platform as well, so the operator of
23 the crane could be using the radio remotes in the
24 platform and be a platform occupant, or the operator
25 could be at lower controls with a worker in the

1 platform. He mentioned that both cases would be
2 B30.23 work and covered by OSHA personnel handling
3 requirements.

4 Mr. Mitchell noted Dr. Chard is saying it is okay
5 for the certified operator to be in the personnel
6 platform operating it as a crane from the remote but
7 asked whether 1926.1431 excludes lifting from any
8 other hoist lines.

9 Dr. Chard explained that anytime someone is using
10 the radio remote from the platform, the winch is
11 disabled and would not be able to lift loads but
12 would be able to lift himself. He noted they are
13 still in a crane operating it as a crane operator,
14 but the only load they could lift is what is in the
15 platform.

16 Chair Goulet asked what the qualification and
17 training requirements look like for Altec.

18 Dr. Chard stated OSHA says qualified or
19 authorized and nothing more in depth than that. He
20 noted the aerial device standard says they have to be
21 trained in general, which is classroom training, and
22 then practical training on the unit with evaluation.

23 He stated it is in the standard as to what is
24 required but not a certification.

25 Chair Goulet thanked Dr. Chard for the

1 information provided to the Board.]

2

3 Appointment - Introduction

4 [Michael McDonald, Policy Director, Department of
5 State, introduced himself and provided a brief
6 history of his professional background. He informed
7 everyone that the policy office assists all of the
8 licensing boards and commissions and works with
9 counsel to review and draft regulations.

10 Mr. McDonald noted they keep track of other
11 jurisdictions and the licensee population. He
12 offered to be a resource for the Board concerning
13 research and anything the Board believed would be of
14 benefit to licensees and the general public in
15 Pennsylvania. He noted Andrew LaFratte to be a good
16 contact and working closely with Acting Commissioner
17 Claggett.

18 Mr. McDonald thanked Board members for their
19 service to the Commonwealth of Pennsylvania.

20 Chair Goulet thanked Mr. McDonald for the
21 presentation, noting that he is looking forward to
22 the collaborative efforts.]

23

24 Appointment - Pennsylvania Insurance Department
25 Presentation

1 [Scott Yeager, Outreach Manager, Pennie, presented to
2 the Board to provide information about the
3 Pennsylvania Health Insurance Exchange Authority,
4 also known as Pennie, for health insurance options
5 that offer financial assistance to help small
6 business owners and individuals in the Commonwealth
7 of Pennsylvania, along with information concerning
8 the end of continuous coverage of Medical Assistance.

9 Mr. Yeager informed everyone that Pennie replaced
10 HealthCare.gov by creating a state-based health
11 insurance marketplace that was established through
12 legislation passed by the Pennsylvania General
13 Assembly in 2019. He noted the Commonwealth of
14 Pennsylvania was sending \$1 million a year back to
15 the platform for the use of HealthCare.gov for
16 individuals who did not have access to employer-
17 sponsored coverage, Medical Assistance, or Medicare
18 options.

19 Mr. Yeager stated the marketplace and a
20 reinsurance program were established in Pennsylvania
21 to regulate individual rates and premiums for people
22 to have access to quality health insurance. He
23 mentioned that the number one reason people are
24 entering bankruptcy in Pennsylvania is medical debt.
25 He explained that financial assistance is available

1 through an advanced premium tax credit to reduce the
2 monthly premium and cost-sharing reductions to reduce
3 copays, deductibles, and coinsurance.

4 Mr. Yeager stated Pennie helps individuals who
5 fall into the gray areas who believe they may not
6 have other options. He reported 1 in 20
7 Pennsylvanians do not have quality health insurance
8 and 1 of 4 Pennie customers pay less than \$1 a month,
9 14 percent pay less than \$1 a month, and 40 percent
10 pay less than \$75 a month for quality health
11 insurance.

12 Mr. Yeager informed everyone that the open
13 enrollment period is from November 1 through January
14 15. He also noted a special enrollment period from
15 January 1 through December 31 every year for
16 qualifying life events, including loss of Medical
17 Assistance, loss of employer-sponsored coverage, and
18 others.

19 Mr. Yeager addressed the No Wrong Door policy and
20 their relationship with the Department of Human
21 Services to provide individuals in gray areas with
22 health coverage. He noted a qualifying life event
23 was created for Pennsylvania residents who are at or
24 below 150 percent of the federal poverty limit and
25 otherwise not able to qualify for Medical Assistance.

1

2 Mr. Yeager addressed a program called the Path to
3 Pennie, which is a partnership between Pennie and the
4 Pennsylvania Department of Revenue, to help uninsured
5 tax filers in Pennsylvania. He explained that Form
6 REV-1882 could be completed and attached to their
7 state tax return and then Pennie reaches out to them
8 and establishes an account.

9

10 Mr. Yeager discussed the end of continuous
11 coverage for Medical Assistance. He mentioned about
12 500,000 to 600,000 individuals were continually
13 covered through Medical Assistance, noting the
14 Pennsylvania Department of Human Services resumed the
15 annual redetermination as of April 1. He mentioned
16 that Pennie is an option for those who are no longer
17 covered.

17

18 Mr. Yeager provided Pennie's Customer Service
19 Call Center number at 1-844-844-8040 to connect
20 individuals with Pennie options through the
21 marketplace and with assistors and Pennie-certified
22 insurance brokers throughout the Commonwealth of
23 Pennsylvania. He also noted information could be
24 found on their website.

24

25 Mr. Yeager noted that Pennie launched on November
1, 2020, and is a new state agency and encouraged

1 everyone to share the information with colleagues and
2 communities.

3 Chair Goulet thanked Mr. Yeager for the
4 presentation.]

5 ***

6 Report of Board Administrator

7 [Jessica Harris, Board Administrator, requested
8 approval of revised 2024 Board meeting dates.]

9 CHAIR GOULET:

10 Is there a motion?

11 MR. MAUGER:

12 I'll make a motion to approve the dates
13 Jessica put out for 2024 Board
14 meetings.

15 MR. MITCHELL:

16 I'll second.

17 CHAIR GOULET:

18 Ms. Harris, would you please call the
19 Board?

20

21 Mr. Goulet, aye; Mr. Mauger, aye; Mr.
22 Mitchell, aye.

23 [The motion carried unanimously.]

24 ***

25 Miscellaneous

1 MR. PICARELLA:

2 Agenda item 6 is a matter of BPOA v.
3 Pierce, Case No. 21-71-009384. This
4 came up as a certified question from
5 the hearing examiner.

6 Based upon Executive Session
7 discussion, I believe the Board Chair
8 would entertain a motion to direct
9 Board Counsel to draft an order in
10 accordance with the discussions in
11 Executive Session.

12 MR. MITCHELL:

13 I'll make that motion.

14 MR. MAUGER:

15 I'll second that motion.

16 CHAIR GOULET:

17 Ms. Harris, would you please call the
18 Board?

19

20 Mr. Goulet, aye; Mr. Mauger, aye; Mr.
21 Mitchell, aye.

22 [The motion carried unanimously.]

23

24 Miscellaneous - 2023 Board Meeting Dates

25 [Jessica Harris, Board Administrator, provided

1 upcoming 2023 Board meeting dates for the Board's
2 information.]

3 ***

4 Adjournment

5 CHAIR GOULET:

6 Motion to adjourn?

7 MR. MITCHELL:

8 I'll make a motion to adjourn.

9 MR. MAUGER:

10 I'll second it.

11 ***

12 [There being no further business, the State Board of
13 Crane Operators Meeting adjourned at 11:22 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Crane Operators meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Crane Operators meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

July 26, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:30	Executive Session
9	10:30	Return to Open Session
10		
11	10:30	Official Call to Order
12		
13	10:30	Roll Call/Introductions
14		
15	10:34	Approval of Minutes
16		
17	10:34	Report of Prosecutorial Division
18		
19	10:34	Report of Board Counsel
20		
21	10:35	Report of Board Chair
22		
23	10:56	Appointment - Michael McDonald
24		
25	11:00	Appointment - Pennsylvania Insurance
26		Department - Pennie Health Insurance
27		Presentation
28		
29	11:18	Report of Board Administrator
30		
31	11:21	Miscellaneous
32		
33	11:22	Adjournment
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