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: 10:41 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 26, 2025

State Board of Crane Operators
March 26, 2025

BOARD MEMBERS:

Elizabeth Bailey, Esquire, Public Member
Matthew Eaton, Deputy Commissioner, Bureau of Professional and Occupational Affairs, on behalf of Arion R. Claggett, Acting Commissioner
Andrew S. Goulet, Professional Member - Absent
Steven M. Kuncelman, Chair, Professional Member
Daniel J. Mitchell, Vice Chair, Professional Member
Brian M. Schmoyer, Professional Member - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Board Counsel
Gregory Liero, Esquire, Board Prosecution Liaison
Jessica Harris, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Deputy Policy Director, Department of State

ALSO PRESENT:

Rachel Wilbur-Adams, Sargent's Court Reporting Service, Inc.

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State Board of Crane Operators

March 26, 2025

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:00 a.m. the Board entered into Executive Session with Dean F. Picarella, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel. The Board returned to open session at 10:30 a.m.]

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[Dean F. Picarella, Esquire, Board Counsel, noted the meeting was being recorded and continued participation constituted consent to be recorded.

He also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel.]

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The regularly scheduled meeting of the State Board of Crane Operators was held on Wednesday, March 26, 2025. Steven M. Kuncelman, Chair, Professional

Member, called the meeting to order at 10:41 a.m.

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Roll Call/Introductions

[A roll call of Board members and introduction of attendees was taken by Ms. Harris. A quorum of Board members was present.]

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Approval of minutes of the January 29, 2025 meeting

MR. PICARELLA:

The first item on the agenda is the approval of the minutes of the January 29, 2025 meeting of the State Board of Crane Operators.

I believe the Board Chair would accept a motion to approve the minutes of the January 29, 2025 meeting of the State Board of Crane Operators as presented.

CHAIR KUNCELMAN:

Could I get a motion to approve the minutes from the previous meeting?

MS. BAILEY:

So moved.

MR. MITCHELL:

I'll second.

CHAIR KUNCELMAN:

Could we have a roll call, please?

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Report of Prosecutorial Division - No Report

[Gregory S. Liero, Esquire, Board Prosecution Liaison, had nothing to report but referred to the information provided to Board members on the two cases to be decided on the agenda.]

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Report of Board Counsel - Proposed Adjudication & Order

MR. PICARELLA:

Agenda item 2 is the Proposed Adjudication and Order for Todd Styer Sr., Case No. 22-71-014463.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel to draft a Final Adjudication and Order in this matter consistent with the Board's discussions

in Executive Session.

CHAIR KUNCELMAN:

Could I get a motion as read?

MS. BAILEY:

So moved.

MR. MITCHELL:

I'll second.

CHAIR KUNCELMAN:

Could we have a roll call, please?

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Report of Board Counsel - Final Adjudication & Order

MR. PICARELLA:

Agenda item 3 is the Final Adjudication and Order in the Matter of Jeff R. Rotz, Case No. 20-71-009702.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel to issue the Adjudication and Order in this matter as the Final Order of the Board.

CHAIR KUNCELMAN:

Could I get a motion to approve as read?

MS. BAILEY:

So moved.

MR. MITCHELL:

I'll second.

CHAIR KUNCELMAN:

Roll call, please.

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Applications

MR. PICARELLA:

Agenda item 5 is the Application of Ray T. Walman.

Based upon discussions in Executive Session, I believe the Board Chair would entertain a motion to direct Board Counsel to draft a letter to the Applicant provisionally denying his application for reasons consistent with discussions in Executive Session.

CHAIR KUNCELMAN:

Could I get a motion to approve as read?

MS. BAILEY:

So moved.

MR. MITCHELL:

I will second.

CHAIR KUNCELMAN:

Roll call.

Ms. Bailey, aye; Mr. Eaton, aye; Mr. Kuncelman, aye; Mr. Mitchell, aye.

[The motion carried unanimously.]

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Report of Acting Commissioner

[Matthew Eaton, Deputy Commissioner, Bureau of Professional and Occupational Affairs, provided an update on the new license modernization project to replace the Pennsylvania Licensing System (PALS). He announced that recovery sessions and requirements gathering sessions have commenced.

Deputy Commissioner Eaton reported that the old system was built and customized. The new system is an off-the-shelf, more user-friendly system already being used in other states. He noted another update

will be forthcoming when additional information is available with some expected dates to go live with the system.]

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[Matthew Eaton, Deputy Commissioner, Bureau of Professional and Occupational Affairs, exited the meeting at 10:48 a.m.]

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Report of Board Chair

[Steven M. Kuncelman, Chair, Professional Member, addressed A92.2 equipment being utilized in Pennsylvania. He reported a few manufactures are manufacturing pieces of equipment, and everything about them except for manufacture standard meets their definition of a crane. He noted the need for discussion of whether or not the equipment is covered under the current language in the statute in Pennsylvania or whether they need to expand and change their language to include that piece of equipment.

Chair Kuncelman mentioned that manufacturers are deliberately building pieces of equipment to get around federal and state licensure, noting the Board would like to close that loophole. The intent of the Board is to protect the Commonwealth from people who

are not licensed or have the ability to safely operate equipment.

Ms. Bailey requested confirmation that manufactures are labeling cranes on wheels as A92.2.

Chair Kuncelman explained that one piece of equipment being addressed is Elliott's E160. He noted reaching out to the manufacture as it is labeling the equipment as A92.2, which is an aerial lift. He inquired as to someone operating it from a seat.

Chair Kuncelman explained the equipment has a cab control station with crane functions. Elliott stated it is not to be operated from the operator's control station and is for stowing and unstowing the equipment. He stated it is not a hoisting application and designed to be operated from the platform.

Chair Kuncelman noted having direct experience with seeing the equipment in the field, and it is not conveyed to the individuals because they are using them from the seat and being operated as a crane. He expressed concern with not being licensed to do so. He mentioned it is covered in the fact that it exceeds the capacity under federal code, where there is a loophole that it is not large enough to require

licensure. He stated the items are being marketed and sold to circumvent certain types of licensure.

Ms. Baily stated it is advertised on their website that it is designed to comply with the American National Standards Institute (ANSI) A92.2 standard but providing an opportunity to get around the standard by putting in some instructions that nobody's following while still being able to be operated as crane.

Mr. Picarella referred to the Crane Operator Licensure Act and the American Society of Mechanical Engineers (ASME) B30.5, noting that particular equipment does not meet that standard but meets the A92.2 standard and asked for clarification of the difference.

Ms. Bailey stated they are saying that this one meets the ASME B30.5 standard and the manufacturer is taking a position that it also meets A92.2. She noted the manufacturer's decision should not be informative, and it should still fall under their regulatory scope if it is meeting the B30.5 standard.

Chair Kuncelman explained that A92.2 is for aerial work platforms and bucket trucks. He noted bucket trucks used for utility work and have equipped material-handling capabilities by a winch line or

other device, so federal law exempts those types of hoisting equipment used in those parameters.

Chair Kuncelman further explained that by using language that it directly calls out a certain standard with the ASME, as in B30.5, and questioned whether there is a loophole.

Chair Kuncelman stated they are calling it a bucket truck, where it must be operated from the platform. He noted it has a 28-ton material-handling capability and stretched the narrative greatly to say it is A92.2.

Chair Kuncelman referred to manufacturing specifications, noting a crane is not equipped with all of the different safety parameters because it can fail overload position due to structural integrity or tipping capacity.

Chair Kuncelman mentioned A92.2 calls that out in aerial lift situations with programming parameters through the load moment indicator (LMI), where the crane will not operate in areas to where it can put personnel in the basket. He mentioned Elliott stated it was not designed to be operated from the cab.

Mr. Picarella commented that they are selling it as a piece of equipment that does not require a license to operate but has the ability to operate as

a piece of machinery that would require a license.

Mr. Mitchell referred to their act, where it says as specified by ASME, noting it says American National Standards B30.5 applies to crawler cranes, locomotive cranes, wheel-mounted cranes, and any variations thereof that retain the same fundamental characteristics. He noted they say as specified by ASME, not built to ASME standards, so it falls under that umbrella.

Mr. Mitchell stated the Occupational Safety and Health Administration (OSHA) limits hoisting personnel from a platform that has controls to 500 pounds if that is at 50% of the crane's capacity, noting this one has a 30,000-pound line capacity.

Chair Kuncelman stated they label it as a defined manufacturer and meets a different specification, including A92.2 specs. He noted they could say the ASME and the definition of it looks the part, acts the part, and does the part. But they are saying it is a bucket truck, and that is where they are stretching the imagination because it is an aerial lift.

Ms. Bailey commented that there is nothing in their act, but there may be something in their regulations that says they are bound by the

manufacturer's interpretation of standards.

Ms. Bailey mentioned that they have the right to review ASME B30.5, and if it is specified within the Board's evaluation, why would they be bound by the manufacturer's determination of that because they can do a self-serving loophole.

Chair Kuncelman stated material-handling bucket trucks have somewhere in a range of 1500- to 2500-pound capacity. He mentioned they do not need to be an equipment operator to use a material-handling jib on a utility-type bucket truck but that they are stretching it.

Chair Kuncelman noted that the material-handling bucket truck would also fall into that if they are interpreting it to say it has wheels, outriggers, and has hoisting capacity by that definition; but the material-handling bucket truck and this piece of equipment do not look anything alike.

Mr. Mitchell commented that if their capacity is under 2,000 pounds that they do not need to be certified and are also exempt with the bucket trucks if operating under Subpart V.

Chair Kuncelman stated digger derricks are exempt under Subpart V work but wanted to tighten up their language to include and close down some of the

loopholes to where they must come before the Board.

Mr. Picarella asked whether changing the definition of their regulations and interpreting their act to include this particular piece of equipment or when it is used in this way in their regulations as the definition of crane would fix this issue.

Ms. Bailey believed the regulations as written incorporated this and is not a stretch of their current regulations that would include this piece of equipment. She mentioned that concerns about this type of regulation would come from the utilities and the linemen, especially with digger derricks and bucket trucks.

Ms. Bailey mentioned they could do an express exclusion if they are worried about being over inclusive and potentially accidentally bringing in more equipment than intended. She noted reading the regulation as incorporating equipment that meets the equipment definition and is operated according to ASME B30.5.

Ms. Bailey commented that it is their jurisdiction to license and add a licensure requirement if someone will be operating it from the cab like a crane. She believed the Board has what is

needed but have to let people know to not rely on Elliott saying it is an A92.2 machine if they are operating it like a B30.5.

Chair Kuncelman expressed concern with the Board saying in the language that it has wheels, outriggers, a boom, a cable, and meets their standard, because it would include a lot of equipment that was deliberately left out and should be left out.

Mr. Picarella mentioned that it will be an issue for investigators in the field whether to cite someone or initiation action if there is no guidance from the Board.

Mr. Liero referred to a Board meeting discussion concerning dual-rated equipment, where a machine can operate as a crane and then be put in a different sort of orientation, where it will not. He asked whether that would not allow them to lift heavy loads and extend the arm in certain orientations if it is in the material-lifting or bucket-truck orientation.

Chair Kuncelman referred to a presentation from Altec regarding dual-rated equipment. He noted they manufactured the equipment to meet two standards, and it can be operated as an ariel work platform under the A92.2 configuration. He mentioned there are a

lot of different provisions within the crane standard concerning hoisting personnel, and they made dual-rated equipment to alleviate the trial lift process. He noted it would be operating under B30.5 when they are operating it as a crane.

Chair Kuncelman explained that the issue with this piece of equipment is that they did not dual rate it and said it is a bucket truck. He stated it looks like a dual-rated piece of equipment and can function as a dual-rated piece of equipment, but the manufacturer will say they did not sell it as a crane and is not to be operated as a crane, along with marketing it as a piece of equipment that does not need licensure to operate.

Chair Kuncelman stated the Board could give people direction in the field to cite someone if they see it being operated like a crane and do not have a license. The Board could later hash it out or say they do not care what the manufacturer sticker says, and that they are in violation of the PA State Crane Code and subject to fines.

Chair Kuncelman stated having that ability with the current language can be passed along to the vast majority of the community purchasing and being sold the equipment.

Mr. Picarella noted it may require a policy statement or an email.

Mr. Liero commented that there is a big difference between 30,000 pounds and 1,500 to 2,000 pounds. He noted investigators would need to be able to ask how the machine is operated, what they are doing with it, the make and mode, and to take pictures of the inside to see if it has physical switches or provisions for changing if it is a dual-rated machines.

Ms. Bailey suggested identifying manufacturers trying to do this, similar to Elliott, so investigators know there are certain devices that have this capacity that are rated as A92.2. If someone is sitting in the cab and operating it like a crane, it will fall within the purview.

Ms. Bailey also mentioned there are a few of those and also suggested putting everybody on notice of make and models.

Chair Kuncelman mentioned Altec and National have been making cranes for years that come with a remote operational ability to where they could pin on a man basket and run it well before dual-rated equipment was ever even made. He noted they made the dual-rated equipment to try to circumvent a rule but did

not circumvent it well, so manufacturers are continually trying to outdo regulation.

Chair Kuncelman clarified that it does not matter where someone is operating it from or controlling it, noting they need to be licensed if it is a crane. He also mentioned that dual-rated equipment does not have material-handling capabilities.

Chair Kuncelman stated the piece of equipment unique because it gives them the ability to hoist equipment from the basket and hoist with no personnel in the basket. He also stated unless someone is in the basket operating that piece of equipment that there is no way it can be an aerial lift. He believed if they are controlling it from somewhere other than the aerial work platform that it is being operated as a crane.

Mr. Farrell asked whether it is happening in other states or whether it is unique to Pennsylvania.

Chair Kuncelman mentioned holding an office outside of the Crane Board to oversee outside line construction. He receives calls from people in the field regarding what they are being told they could do with pieces of equipment in other states. He noted the Northeast is the only place in the country that has someone like him to oversee all outside line

construction. He believed it to be an issue everywhere else but nobody knows to look for it.

Mr. Liero commented that Chair Kuncelman keyed in on whether the piece of equipment is being operated from the basket itself or from the base to be important in determining what it is being used and asked whether he is getting that from practice or the Occupational Safety and Health Administration (OSHA) standards.

Chair Kuncelman explained that A92.2 equipment must be operated from the platform to be defined as an A92.2, and a bucket truck has the controls mounted on the base of the turret for emergency use in case the primary operator would become incapacitated for personnel to lower that piece of equipment to the ground.

Chair Kuncelman further explained that the manufacturing standard states to use this piece of equipment or do that, it must be operated from that. He noted the issue is lower controls on a bucket truck are not crane controls, and the pieces of equipment being discussed has a crane seat, an LMI accessible to the operator, and crane controls.

Mr. Liero referred to load chart, noting it actually has a load chart for the personnel platform

mounted with nobody in it, where it gives the full load chart with the 30,000-pound capacity and commented, where are they operating it from if they are not in the personnel platform.

Chair Kuncelman stated they are operating it from the operator seat on the ground, which Elliott says they are not allowed to do and could just be using the remote control. He mentioned Elliott was very cautious, noting it is only allowed to be operated from the lower control station, which is for emergency use or stowing or unstowing.

Chair Kuncelman compared Elliott E160 and an Altec 38-ton piece of equipment, noting they look the same but one is being marketed as not requiring a license and not getting the full story that it has to be operated in a certain way for them to be exempt. He stated they are not operating it to be exempt.

Chair Kuncelman referred to licenses being denied when people took a test on a digger derrick because the piece of equipment did not meet ASME B30.5 standards. He noted they set a past precedence to say a digger derrick, which has controls, functions, booms, lifts, and does everything the same way a crane does but is not a crane per the state of Pennsylvania. They are exempting that piece of

equipment deliberately by not including it to exempt utility workers.

Chair Kuncelman asked whether they are opening themselves up to that because they narrowed that definition of ASME B30.5 to exempt a digger derrick and inadvertently exempted all of those other pieces of equipment that they just throw a different name on from their code.

Chair Kuncelman mentioned that all of the legwork was done and all of the exemptions have been laid out in OSHA standards for all of the industries and their licensure. He asked whether that language could be modified without opening the statute or whether they have to rewrite the whole regulation.

Ms. Bailey believed that the Board has the right under the act as written to say use of the equipment in that way requires licensure and referred to the way the definition is written and Mr. Mitchell's comment about the ASME standard for B30.5. She noted they still need to decide how they enable investigators and prosecutors as far as identifying the problem when they see it and also mentioned the importance of notifying the industry.

Mr. Picarella stated the Board could go into their regulations and explain under the exemptions or

the definition of crane, since they are interpreting their act and the regulations to do that, or have a policy statement where the pieces of machinery will be considered a crane and require a license when operated in this configuration.

Mr. Farrell stated ideally the situation would be to find a way to interpret their regulations as written to already cover the situation and wait for citations or complaints to come in and taken care of via the Board's interpretation of its existing regulations. He explained that adjusting their regulations could take 18 to 24 months.

Chair Kuncelman commented that the only industry that uses Elliott is outside line construction and the sign industry and believed they should make a statement targeting those industries, along with educating compliance officers.

Ms. Bailey expressed concern with not being bullish on this in terms of talking to the industry and letting them know what is going on, where other nonspecialized people will pick up on the existence of this. She believed it needed to be handled now, stating that it will get them out of their licensure requirement if they operate it like a crane.

Mr. Liero provided a scenario, where prosecution

has an investigation and believed someone was operating a crane without a license, noting if they were to cite somebody, normally that would go in front of a hearing examiner, and asked whether the Board would have ultimate authority on the decision of that citation

Mr. Picarella explained that if the hearing examiner dismissed it, then prosecution would have every right to appeal that to the Board. If it comes down and it is a violation, the respondent could appeal it to the Board.

Chair Kuncelman commented that there is no malicious intent by the end user, worker, or the operator, and the manufacturer is marketing a piece of equipment in a poor way. He asked whether the Board has any recourse of action to fine the employer and not the operator if an employer did not pass the information to the end user that a license was required if they can prove they had knowledge.

Mr. Picarella explained that both individuals could be fined but the owner could be fined for employing an unlicensed operator.

Chair Kuncelman requested information on broadcasting to all the industries other than putting it on a public platform.

Mr. Picarella recommended sending out an email blast to the licensee population notifying them that the machines could possibly cause them liability and also suggested using a crane as defined in their regulations.

Ms. Bailey commented that manufacturers should not push back on this, because the Board is requiring the equipment to be used as the manufacturer instructed. She offered to work on a list of machines to include on the press release.

Chair Kuncelman addressed the marketing of the equipment. He referred to the first sentence of the OSHA's cranes standard, where they must prove there is no other means to reach the work area before they are allowed to hoist personnel from a crane basket. He noted it is not a crane basket and is bucket control. He again mentioned this equipment is intentionally trying to circumvent their Crane Board and the statement out of OSHA.

Chair Kuncelman commented that manufacturers are being crafty and are trying to sell equipment but expressed concern with marketing this piece of equipment. He noted the intent of crane licensure and the Crane Board was because of incidents and accidents on those exact pieces of equipment.

Mr. Farrell mentioned that a press release to licensees may not be hitting the right targeted audience because they are all licensed.

Ms. Bailey agreed that they need to target other people but did not think it was bad for crane operators to have this in their back pocket to use if they see someone misusing the equipment. She offered to draft language for the Board's review.

Chair Kuncelman believed the draft should include a statement to read, "equipment operated in these capacities" instead of naming pieces of equipment. He offered to research how many manufacturers are making equipment that meets circumventing like this to use as an example.

Mr. Picarella noted the language would have to go before the entire Board for review and suggested placing it on the next agenda.]

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Report of Board Administrator - No Report

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Miscellaneous - 2025 Board Meeting Dates

[Dean F. Picarella, Esquire, Board Counsel, noted the next scheduled Board meeting date is May 28, 2025.]

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Adjournment

CHAIR KUNCELMAN:

Could I get a motion to adjourn the meeting?

MS. BAILEY:

So moved.

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[There being no further business, the State Board of Crane Operators Meeting adjourned at 11:47 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.

Rachel Wilbur-Adams,
Minute Clerk
Sargent's Court Reporting Service, Inc.

STATE BOARD OF CRANE OPERATORS
REFERENCE INDEX

March 26, 2025

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:41	Official Call to Order
10:41	Roll Call/Introductions
10:43	Approval of Minutes
10:45	Report of Board Counsel
10:47	Applications
10:48	Report of Acting Commissioner
10:49	Report of Board Chair
11:47	Miscellaneous
11:47	Adjournment