

FACT SHEET: CRANE RULE
November 2018

General Information

The Occupational Safety & Health Administration (OSHA) released a final *Cranes and Derricks in Construction* rulemaking on November 5, 2018. NPGA argued that the use of articulating (knuckle-boom) or telescopic (mobile) cranes to deliver/retrieve propane tanks should not be subject to the Crane Rule requirements, specifically the requirement for operators of cranes to obtain third-party certification in the type of crane and renew the certification every five years. The final rule narrowly defines the circumstances when the operation of a knuckle-boom or mobile crane to deliver/retrieve a propane tank must comply.

This document is intended to provide general information based on the understanding of NPGA staff. It is not legal advice. Since 2009 OSHA has proposed, finalized, modified, and delayed this rule, and on several occasions OSHA produced information to NPGA and Congress that was inconsistent. This information is based on the latest regulatory action. Please contact NPGA's [Mike Calderera](#) or [Sarah Reboli](#) with any questions.

When Does the Crane Rule Apply?

OSHA states: "*Propane field technician operators would fall under the crane rule in only one very specific and limited scenario: **installation of new tanks (not replacement of existing tanks in kind) at a construction site.***"¹ Third-party certification is required for all types of cranes with a hoisting capacity of 2,000 pounds and more regardless of size, make, model, or manufacture date.

What is the Effective Date of the Rule?

The Final Rule is effective on December 9, 2018. The effective date of the employer evaluation and documentation requirements of the Final Rule is February 7, 2019.² NPGA provides more information on the evaluation and documentation requirements in the NPGA White Paper, available at www.npga.org.

Frequently Asked Questions

- Question 1: Is the delivery or retrieval of a new or replacement propane tank by a crane to a location (residential, commercial, agricultural, permanent, or temporary) that is **not a construction site** subject to the Crane Rule?
Answer: No, tank delivery/retrieval to non-construction sites is not subject to the Crane Rule requirements.
- Question 2: Is the delivery or retrieval of a new or replacement propane tank by a crane to/from an excavation, i.e. underground tanks, at a location (residential, commercial, or agricultural) that is **not a construction site** subject to the Crane Rule?
Answer: No, delivery/retrieval to non-construction sites is not subject to the Crane Rule.
- Question 3: Is the delivery or retrieval of a new or replacement propane tank by a crane directly to/from the ground without **immediate** installation at a **construction site** (residential, commercial, agricultural, temporary, or permanent) subject to the Crane Rule?
Answer: No, without immediate installation, it is not subject to the Crane Rule.
- Question 4: Is the delivery or retrieval of a **replacement tank of the same kind** (size, mechanics, competitor, or same owner) by a crane directly to/from the ground or excavation at **any**

¹ Occupational Safety and Health Administration, Final Rule: Cranes and Derricks in Construction: Operator Qualification, available at <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>. (emphasis added)

² Occupational Safety and Health Administration, Final Rule: Cranes and Derricks in Construction: Operator Qualification.

location (construction, non-construction, commercial, agricultural, residential, permanent, or temporary) subject to the Crane Rule?

Answer: No, replacement of the same kind of tank is not subject to the Crane Rule.

Question 5: Is the delivery or retrieval by a crane of a **new** propane tank and **immediate** installation at a **construction site** subject to the Crane Rule?

Answer: Yes, delivery/retrieval of a new tank and immediate installation of it at a construction site is subject to the Crane Rule.

Question 6: Is the delivery or retrieval of a **new** propane tank by a crane to/from an excavation or to/from pads at a **construction site** (residential, commercial, agricultural, permanent, or temporary) subject to the Crane Rule?

Answer: Yes, delivery/retrieval of a new tank to/from an excavation or pads at a construction site is subject to the Crane Rule.³

Question 7: Does the Crane Rule apply to non-crane equipment?

Answer: No, only crane equipment and multipurpose equipment that is designed to function as a crane are subject to the Crane Rule.⁴

Question 8: What is a construction site?

Answer: OSHA defines ‘construction’ at [29 C.F.R. 1926.32\(g\)](#) as “work for construction, alteration, and/or repair, including painting and decorating.”

Question 9: Where can I find more information on the requirements of the Crane Rule?

Answer: See the NPGA White Paper on the Membership Dashboard at www.npga.org for a more detailed listing of the Crane Rule requirements.

Question 10: How can a propane marketer obtain third-party certification under the Crane Rule?

Answer: Marketers can contact an accredited third-party organization and inquire about the locations, costs, availability, etc. Several third-party organizations that have the necessary accreditation for articulating cranes and telescopic cranes are listed below.

Resources

- OSHA’s Construction Industry Standard webpage: <https://www.osha.gov/cranes-derricks/>
- OSHA Final Rule for Crane Operator Certification Requirements: <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>
- NPGA White Paper: www.npga.org
- PERC, Mobile Crane Safety in the Propane Industry (2012): <https://www.propanecouncil.org/Products-with-Options/Mobile-Crane-Safety/>
- Accredited Third-Party Certification Providers (non-exhaustive):⁵
 - [National Center for Construction Education & Research](#)
 - [Crane Institute Certification](#)
 - [Operating Engineers Certification Program](#)
 - [National Commission for the Certification of Crane Operators](#)

³ In the Final Rule OSHA refers to a Letter of Interpretation by OSHA that states crane delivery/retrieval into an excavation or on pads at a construction site is subject to the Crane Rule; *available at* <https://www.osha.gov/laws-regs/standardinterpretations/2016-06-27>.

⁴ In a Letter of Interpretation OSHA states that multipurpose equipment designed to function as a crane, but not a forklift, is covered by the Crane Rule; *available at* <https://www.osha.gov/laws-regs/standardinterpretations/2012-06-21>.

⁵ NPGA is not affiliated with, nor does NPGA endorse any crane operator certification organization or provider.