November 18, 2010

Mr. Richard Fairfax  
Deputy Assistant Secretary of Labor  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: Support for the Exclusion of Digger Derrick from Cranes and Derricks in Construction; Final Rule.

Dear Mr. Fairfax,

The National Electrical Contractors Association (NECA) commends the Occupational Safety and Health Administration (OSHA) for releasing the long awaited final rule on Cranes and Derricks in Construction. NECA has a long history of supporting and providing input on rules and regulations that enhance workers safety, and we fully support the belief that a trained and qualified work force is a safer workforce. For over 68 years, NECA has partnered with the International Brotherhood of Electrical Workers (IBEW) to deliver uniform, quality training for electrical workers through the National Joint Apprenticeship Training Committee (NJATC).

NECA supports the exclusion of digger derricks used in the electrical industry from the final rule. Limiting the exclusion specifically to arguing holes for poles designated to carrying electric and telecommunication lines is too restrictive, based on the current use and application of such equipment. The proposed exclusion of digger derricks from the standard will not compromise the safety or health of contractor employees including those working for utilities. NECA believes adopted language will cause a significant challenge for contractors who might find themselves in and out of compliance based on the task being performed.
This position statement is consistent with NECA’s comments to exclude this equipment from the rule when used in the electrical industry, as expressed during the public hearing. William J. Weaver, NECA’s representative on the C-DAC committee, supported the complete exclusion of digger derricks. It was understood that digger derricks were to be covered under subpart V, not the final rule on Cranes and Derricks in Construction.

On behalf of NECA and over 4,000 member contractors, we strongly support the exclusion of digger derricks used in the electrical industry from the final rule on Cranes and Derricks in Construction.

I welcome any inquiries you may have about NECA’s position on this issue, and welcome productive discussions on this matter before formal decisions are finalized.

Sincerely,

[Signature]

Jerry E. Rivera

NECA Director of Safety