



VIA FAX: (202) 693-1635

August 27, 2010

The Honorable David Michaels, PhD, MPH
Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: OSHA Cranes and Derricks in Construction; Final Rule

Dear Assistant Secretary Michaels:

Associated Builders and Contractors (ABC), and its 25,000 contractors, subcontractors and safety professionals across the country welcome the publication of the Occupational Safety and Health Administration's (OSHA) final rule on crane and derrick safety in construction. We commend your administration on overseeing the completion of this major and much-needed regulatory overhaul. The final rule marks the culmination of more than a decade of tireless work and practical compromise on behalf of a broad group of concerned stakeholders, including ABC and many of its members.

In previous public statements, you indicated that "within a month" of the agency's announcement of the July 27 final rule, OSHA would issue compliance materials intended to provide employers with additional answers and guidance. To date, OSHA has provided employers little assistance or guidance. A review of the OSHA cranes and derricks webpage on August 27 yielded a one-page fact sheet and a set of frequently asked questions, the latter of which was not posted until August 24. Neither of these documents substantively address significant, complex aspects of the final rule.

Within ABC's membership, the vast majority are classified as small businesses, which are eagerly awaiting additional resources that clarify the compliance directives in the nearly 1,100-page final rule. Despite their good-faith attempts to interpret and comply with the final rule's requirements by the stated effective date, the absence of official compliance assistance materials will place these smaller contractors at a significant disadvantage when OSHA compliance officers set out to enforce the final rule's work practice provisions on November 8.

ABC formally requests that the effective date of the work practice provisions contained in the rule be changed to 90 days from the availability of a reasonable set of compliance resources, rather than 90 days from publication of the final rule in the *Federal Register* (August 9).

ABC firmly believes that practical compliance assistance—and not enforcement alone—is the key to ensuring and enhancing safety in our industry. Our members understand that great safety is great for the workers they employ, the communities they serve, and the businesses they operate.

Thank for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Craig A. Shaffer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig Shaffer, CSP
President, SafetyWorks, Inc.
Dillsburg, PA
Chairman, Environment, Health & Safety Committee
Associated Builders and Contractors, Inc.
Arlington, VA

Cc: Ben Bare, Acting Director, OSHA Directorate of Construction