

Massachusetts Highway Association

P.O. Box 2004, Danvers MA 01923 (www.masshwy.org)



Organized August 3, 1893

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November 23, 2015

Matt Carlin

Commissioner

Massachusetts Department of Public Safety

One Ashburton Place Room 1301

Boston MA 02108

Re: Objections to Hoisting License Regulation Changes

Dear Commissioner Carlin,

We are writing this letter of objection to the recent changes in regulations regarding Hoisting Regulations 520 CMR 6.00. We object most strenuously to the changes requiring continuing education. The cost to cities and towns is significant especially with all the specific classes and continuing education requirement for each class. We do not object to the need for licensure to ensure that operators are trained and competent to operate machinery; however, we do object to the way the Department has changed the requirements and added all the sub specialties.

In fact, I question the entire premise justifying the need for the recent change in the regulations. It is a fact from National statistics that worker injuries have declined from 10.9 per hundred to 3.3 per hundred since 1970. The same is true for worker deaths. How can the Department of Safety justify the need to increase regulations for continuing education of hoisting engineers knowing that the workplace is already safer due to better trained employees and better equipment? It is also a fact that the transportation industry has injury rates almost three times higher than machine operators. Are you prepared to recommend that every truck driver now be required to have continuing education?

Furthermore, the ability to take a written test does not necessarily result in the ability to become a qualified operator. For instance a person holding a class IA license is qualified to operate a 100 ton crane but is not qualified to operate a lawnmower 4G. This is utterly absurd and does not lead to increased safety to the public. I personally know many operators who hold the license but are very poor operators whom I consider unqualified. There are things that no piece of paper (license) or continuing education credit can guarantee. No amount of continuing education can preclude these poor drivers from causing accidents.

In the case of equipment operators, the Department of Public Safety has strayed from a good system that required operators of an equal class or higher to sponsor a new applicant before the applicant was allowed to sit for the test. The Department should return to this policy and let the employers and supervisors weed out the unqualified individuals.

Another issue requiring change is the problem with attachments. The type of license required should be determined by the base machine not the attachment. For instance, if you place a set of forks on a loader the license requirement changes from a 2A or 2B to a 1C. It is much safer to have a loader operator who is used to handling heavy loads on uneven terrain operate the loader rather than a dockworker who hold a 1C forklift license who is used to lifting light loads on smooth surfaces. This goes back to experience and judgement. Leave the operator who is most familiar with the base machine operate it regardless of the attachment placed on it.

No city, town or even private company is opposed to worker safety. We all train our employees and try to send them to appropriate courses and seminars to improve worker safety. We can't afford not to do this. There is even financial encouragement offered by insurance companies (i.e. MIIA rewards program) to accomplish this. The training should be left to the employers to tailor the training to the individual industry, application and machine type. A one shoe fits all approach does nothing but waste time and money.

The recent changes in 520 CMR 6.00 do not satisfy the Governors executive order number 562. These changes should be immediately removed from the regulations. In addition, the entire licensing system should be simplified and reorganized so that operators with higher grades automatically are qualified to operate everything in grades of classes below.

If you have any questions, please contact me. I would be happy to discuss this in more detail with you. My office number is 781-834-5580 or you can email at treynolds@townofmarshfield.org.

Sincerely,



Thomas Reynolds
President Mass Highway Association