

Town of Granby Highway Department

10 B West State Street
Granby, Ma 01033
Telephone (413) 467-7575

November 24, 2015

Department of Public Safety

Re: Objections to Hoisting License Regulation Changes

To Whom It May Concern:

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. For instance a person holding a class 1A 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.

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. I personally know many operators who hold the license but are very poor operators whom I consider unqualified. It is far more important to have good eye hand coordination, good judgement and experience. These are things that no piece of paper (license) or continuing education credit can guarantee. This is the same for driving an automobile. There are licensed drivers who drive to fast, use poor judgement and are very poor drivers whom get in numerous accidents. 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. Most employers and supervisors are capable and qualified to accomplish this task in very short order. The industry simply can't afford to employ unqualified people.

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. Due to the ever increasing plethora of attachments available for all machines, the Department of Public Safety should not fall into the trap of trying to regulate each attachment or device on every machine. We must standardize the regulation and go back to the way it was previously interpreted and enforced. An excavator with a vibratory pile driver attachment is still an excavator and should only require the excavator license. 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.

We all strive to reduce accidents but trying to regulate training is making it more difficult for us to place our efforts in the areas that will truly make a difference. 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 Governor's 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. We should not make operators have several different licenses, grades and training for each sub class or specialty.

If you have any questions, please call me. I will be happy to discuss this in more detail with you.

Sincerely,

A handwritten signature in black ink, appearing to read "David D.", followed by a long horizontal line extending to the right.

David Desrosiers, P.E.

Highway Superintendent