

referring to industry consensus groups. The Agency believes that the final membership list represents a broad cross-section of the industry. The commenter has not demonstrated why the interests of the individuals who serve on consensus groups, or the consensus groups themselves, would be unable to form coalitions with one or more of the named members.

One commenter (Ex. 6–5) suggested adding a member to the committee to represent manufacturers of specialized safety equipment and devices, such as equipment used to warn those in the vicinity of the crane or to detect hazards. Mr. Means was named to the committee to represent the interests of crane equipment suppliers. The commenter has not indicated why manufacturers of safety devices cannot form a coalition with Mr. Means or others.

A commenter (Ex. 6–4) recommended the addition of a member to represent the outdoor advertising industry. The commenter stated that the location, purpose and dimension of the work environments involved in outdoor advertising create unique challenges in the area of workplace safety. In addition, the commenter noted that work zone control and operations near electric power lines are issues that the outdoor advertising industry has extensive and unique experience with.

OSHA agrees that outdoor advertising is a unique type of construction activity that uses specialized crane equipment. The Agency believes that this interest is significant enough to add a member to the committee and, therefore, is adding Stephen Charman of Viacom Outdoor Group, Inc. to the committee to provide expertise on the use of cranes in the construction of billboards.

The Agency has hired Susan Podziba as Facilitator for the negotiated rulemaking Committee. The primary functions of the Facilitator will be to chair the meetings of the Committee in an impartial manner and assist the members of the Committee in conducting discussions and negotiations.

### III. Final Committee Membership List

The final C–DAC membership list is comprised of the 23 individuals listed below:

#### *Manufacturers and Suppliers*

Michael Brunet, Manitowoc Cranes, Inc., 2401 S. 30th Street, Manitowoc, WI 54220

Peter Juhren, Morrow Equipment Company, L.L.C., 3218 Pringle Road SE., P.O. Box 3306, Salem, OR 97302

Bernie McGrew, Link-Belt Construction Equipment 2651 Palumbo Drive, P.O. Box 13600, Lexington, KY 40583

Larry Means, Means Engineering & Consulting, P.C., 44 South Carriage Drive, St. Joseph, MO 64506–1233

#### *Lessors/Maintenance*

William Smith, Maxim Crane Works 508-C DiGiulian Blvd., Glen Burnie, MD 21061

#### *Users—Employers*

Stephen P. Charman, Viacom Outdoor, Inc., 49–29 Maspeth Ave., Maspeth, NY 11378

Joseph Collins, Zachry Construction Corporation, P.O. Box 240130, San Antonio, TX 78224

Brian Murphy, Sundt Corporation, 4101 E Irvington Road, P.O. Box 26685, Tucson, AZ 85726

George R. “Chip” Pocock, C.P. Buckner Steel Erection, P.O. Box 598, Graham, NC 27253

Thomas “Craig” Steele, Schuck & Sons Construction Company, Inc., 8205 North 67th Avenue, Glendale, AZ 85302

Darlaine Taylor, Century Steel Erectors, Co., LP 210 Washington Avenue, Dravosburg, Pennsylvania 15034

William J. “Doc” Weaver, 8065 S. Overhill Circle, Salt Lake City, UT 84121

Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., 53–20 44th Street, Maspeth NY 11378

Doug Williams, Buckner Heavylift Cranes, P.O. Box 598, Graham, NC 27253

Stephen Wiltshire, Turner Construction Company, 6108 Waterman Drive, Fredericksburg, VA 22407

#### *Users—Labor Organizations*

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, 1750 New York Ave., NW., Suite 400, Washington, DC 20006

Dale Shoemaker, Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV 89119

#### *Operators—Labor Organizations*

Stephen Brown, International Union of Operating Engineers, 1125 17th Street, NW., Washington, DC 20036

Emmett Russell, International Union of Operating Engineers 1125 17th Street, NW., Washington, DC 20036

#### *Government/Public Entities*

Noah Connell, U.S. Department of Labor/OSHA, 200 Constitution Ave., NW., Room N–3468, Washington, DC 20210

#### *Training and Operator Testing*

David Ritchie, The St. Paul Companies, P.O. Box 1419, Bastrop, TX 78602

#### *Power Line Owners*

Michael Hyland, American Public Power Association, 2301 M Street, NW., Washington, DC 20037

#### *Insurance*

Charles Yorio, Acordia, Two Gateway Center, Suite 1900, 603 Stanwix Street, Pittsburgh, PA 15222

### IV. Procedure for Adding and Replacing Members

#### *A. Additional Members*

During the course of the Committee’s negotiations, an unanticipated issue significantly affecting one or more unanticipated, unrepresented interests may arise. The Committee may decide that it is necessary for that issue to be addressed in the proposed rule. If so, the Agency will publish in the **Federal Register** a request for additional nominations to represent such interests. The Secretary or her designee may then select one or more additional representatives, who will be added as Committee members. The additional members will not be entitled to revisit any issue that has already been negotiated, unless the Committee agrees by consensus to do so.

#### *B. Replacement Members*

In the event an appointed member becomes unavailable or otherwise unable to serve, the Secretary or her designee will select a replacement member to represent the interest the original member had represented.

### V. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes “cranes and derricks” for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.