Readers Letters

Good afternoon Mr. Sparrow,

Regarding your article for the 10 year structural certification for cranes or aerial equipment you should take a look at the Canadian regulations which have been in place since January 2005. I enclose a copy of the regulations governing aerial work platforms, each product type has its own version of the regulation but it is specified that any machine older than 10 years or that has been damaged/involved in an accident - even if almost new – must be subjected to a full structural inspection. It is a very complex inspection and everything must be checked by a qualified engineer and when completed a signed and sealed document is provided by the engineer.

The first few years have been really hard, because customers were really not happy but now they do understand the benefit of it, plus it helps ensure that any machine is maintained in good condition. After the 10 year inspection a further structural inspection must be carried out every five years. Then between structural inspections we have an annual inspection which is almost as stiff as the regulation one.

Please take a look at section 5.0 of the regulation and see how much we need to do before we can put any machine into operation. Even if a machine is coming from the USA to us here in Canada we usually find many potential problems or things that need to be corrected.

Over the long run the Canadian government has found out that it is a good thing and is helping to reduce accidents and save lives.

It is the time to stop going around in circles and to make sure that in the end all lifting machines are in full safe operating mode and that hazardous pieces of equipment are not operating around people putting them at risk. Life is much more important than a machine as far as I can tell.

Have a great day

Martin Beaudet
Système APM (2010)
Vaudreuil-Dorion, QC
Canada

Mr Beaudet was responding to an on line editorial in which publisher Leigh Sparrow argued the case for the implementation of a statuary rule that requires all cranes and aerial lifts to be subjected to a thorough third party type structural inspection when 10 years old and then more frequently thereafter. This would be in place of the arbitrary 10 years rule that some contractors are now implementing on their sites which do little to improve safety and only penalise those who maintain their equipment to a higher standard so that it has an economic life of more than 10 years.

Ed

Dear Sir,

I thought I would drop you a line as I have had a recent run in with Lee Rowe who seemingly has since disappeared.
As you are aware PSS (LT) Ltd was put into liquidation some time ago and Rowe informed Vertikal that he was trading under PSS (Lifting) Ltd. Since then there have been many attempts by Rowe to trade under different company names, the stand out one being Brandon Lifting Services Ltd and then Brand One.

Rowes trading company PSS (Lifting) Ltd was the subject of a compulsory liquidation in Oct 2010 and the official receiver was appointed as liquidator.
Rowes other 'trading company', Brandon Lifting Services Ltd has never been registered at companies house even though he has offices in Warrington. All of the websites have been removed. Rowe has been removed from the list of training providers for both CPCS and NPORS so I am assuming he no longer provides training for the crane industry? IPAF would also, I am sure, be reluctant to touch him with a barge pole.

Upon speaking to people in the crane industry most companies won't touch him either, so he is probably not providing so called 'contract lifting' anymore.
He recently had his house up for sale amidst rumours of a move to Florida.
The house has either been taken off the market or recently sold.
Don't know whether he has finally done the decent thing and left the country, although decent doesn't seem to be in his nature.
Can anyone shed any light on the activities of Mr Lee Rowe?

Regards

The correspondent requested that his name be withheld for obvious reasons. A quick check at Companies House indicates that Rowe is the owner of Professional [sic] Specialist Services Ltd. The company had been called Prime Serve Solutions – always PSS. We were unable to contact him. Ed

Dear Leigh,

Nick, Mark & Tim Ambridge of NMT Crane Hire Ltd. Would like to thank all friends & colleagues within the crane industry for their overwhelming support in attending their fathers recent funeral.

Words cannot express our gratitude to Crane Hirers & Crane Manufacturers for their attendance on this sad day.

Many thanks,

Tim Ambridge.

Good Afternoon Leigh,

As promised in my earlier email, the following is my approach to Crane Safety in which I have both a personal and a professional interest.

1. In English Law the Word 'Negligence' has an express definition, which is found by applying the Three Stage Test.

a. Was there a Duty of Care (DoC) from the Defendant (D) to the Deceased ? **b.** Was there a Breach of that Duty of Care ?

c. Is the Injury a direct result of that Breach ?

And if the Court finds that the answers are Yes, Yes and Yes, then the D finds himself guilty of negligence, with BIG fines and Custodial sentences then available to the Courts.

2. The English Oxford Dictionary defines the word 'Accident' as ' An unforeseen event or one without an apparent Cause' : This is claimed on a daily basis, but the real test of whether it was accidental or not is then applied by the Courts : Which is, why they ask the rhetorical question "Was this risk foreseeable to a reasonable Man?"

if the answer is no, for example in lightning striking me as I put digit to keyboard, then the D has no further liability. But if the Answer is yes, that the risk was reasonably foreseeable, then the D will probably be held to be liable for the fatal injury.

This means that negligence has many different facets and if we apply these to the safe operation of a crane it can be any one, or any combination of the following factors...

3. Incorrectly rigged outriggers on sand or soft earth.
4. Incorrectly anchored hoist rope at the hook block.
5. Untrained or unqualified driver.
6. A crane with a structural defect or without a valid SWL test certificate.
7. Use of a crane to lift a load in excess of its rated SWL.
8. Use of a crane in an incorrect manner. (For example with a piling hammer)
9. Lifting the load over one corner of the crane. (which upsets the outrigger loadings)
10. Rigging the crane on soft or un-level ground.

I could go on, but by now you can see that there is a multitude of ways to operate a crane in a negligent manner. If nothing happens then the operator has got away with it, but if a crane goes over then the driver and owners negligence is exposed for the whole world to see. Moreover if someone gets killed on the ground (as happened to my father in law David P. Stanford on 16/1/88) then someone, somewhere could be facing a prison sentence.
For the widespread myth is that if a Fatality were not intended, then it must me an accident, but in Law there are three choices (Not two) : So if someone is killed at work (and it happened on 152 occasions in the UK in 2010). Then someone will be held to be liable and the charge most likely to be applied is negligence, but it could also be manslaughter, or even corporate manslaughter (for the company).
So the majority of photos of crane incidents on your website and my database are not 'Accidents' at all, for they were entirely foreseeable.
A prime example of that was the crane rigged on the first floor of a car park in Australia being a perfect example of negligence, even my 10 year old son could see that rigging a 250 tonne crane on the first floor was potentially fatal, irrespective of what the structural engineer had previously said. For in the final analysis, he was proven to be profoundly wrong big style, (fortunately no-one was killed).

The circumstances of every crane lift, every site and every load are different. So the only way to cope with these ever-changing myriad of circumstances is the correct way. This is clearly laid down in the LOLER Regs 1998, The management Regs 1999 and BS.7121. All UK crane companies are required to know these and are also required to train crane drivers in the correct methods, which is known as 'Safe Systems of Work' :But as we know, many do not.

So every crane incident is a tangible sign that someone, somewhere failed to do the right thing, in the right way at the right time. (This is what I call Right Thing, in the Right Way, Right First Time or RTR) If they had, then the incident is unlikely to have occurred, but when it does, then the facts speak for themselves. (Known in law as Res ipsa loquitor)

An excellent example of RTR is the outrigger leg above, for the manufacturer supplied the steel hydraulic leg, with the circular foot attached. But the crane driver has done a correct Risk Assessment and said to himself "If I use three long lengths of 6x2 timber, to create a mat under the outrigger leg then it will a) Reduce the vertical Loading per square inch. b) Make my crane much more stable and c) Make my crane much less susceptible to the destabilising effect of gusty winds, which can have an enormous impact on the size, shape and square area of the load being lifted".

I trust I have explained these matters to the best of my limited ability, so I would be pleased if you stopped reporting these dangerous incidents as 'Accidents' for they are not accidental at all.

Please report them as Incidents. For even the police now use the term RTI (Not RTA as they once did) : For incidents is what they are...and dangerous incidents at that.

With Kindest Regards

Mike Ponsonby BA

IOSH, IRTE and Appointed Person.

As clearly stated in his letter, Mr Ponsonby is taking our printed and online publications to task for using the word accident to describe cases of unfortunate events with cranes, platforms and telehandlers. It is hard to take a position against his reasoning, as in essence he is absolutely right. We would also agree with him that almost all of the 'incidents' we report could have been avoided, and most could easily have been predicted. The word incident though clearly does not have the same linguistic connotations of accident – although all too often it simply replaces the word accident. It is rarely used in a considered way - people do not say "now is this an accident or an incident?" And most importantly 'incidents' are treated in exactly the same way as accidents, rather than being a differentiator. If someone you knew – let's say a wife, child or a parent, called you in the middle of night and said. "Sorry to call you so late but I have been involved in an incident" My guess is that you would not immediately think that they were talking about a car crash? We all know what we mean by accident – and we all know that very few are truly accidents.

However the point is clear and while we have until now avoided being dragged into using a word that we tend to lump in with politically correct speak we will make an effort to use incident and accident as they are defined by Mr Ponsonby – at least for a while as we totally and completely agree with the rationale behind his point, and let's see how it goes.

PS: Our big American Random House dictionary of the English language (second edition unabridged) defines Accident as: "An undesirable or unfortunate happening that occurs unintentionally and usually results in harm, injury or loss." Sounds like an incident to me! LS.

Readers Letters

Dear Sir,

I was amused but in full agreement with the person who wrote the excellent letter in the latest issue of Cranes & Access about notified bodies making up their own rules and introducing their own interpretations of the European standards and directives. Amused only because of his description of the Dutch which as a Belgian I maybe see in a special way. But I am completely agreed that if actions like this continue then it will take us back to where we were 20 years ago.

The main point is that what the Italians and the Dutch inspectors are doing is holding up or antagonising the Single Market which is the most sacred idea within the European Union.

If manufacturers in Italy and Holland as well as other people involved made enough noise it could put a stop to this before it is too late and we are back at 1990.

Yves GRIGNON

We have edited Mr Grignon's letter a little as requested by him to 'correct his English' but tried to retain its original flavour – not as easy as you might think! The letter he refers to is Euroland in the April/May issue.

Ed

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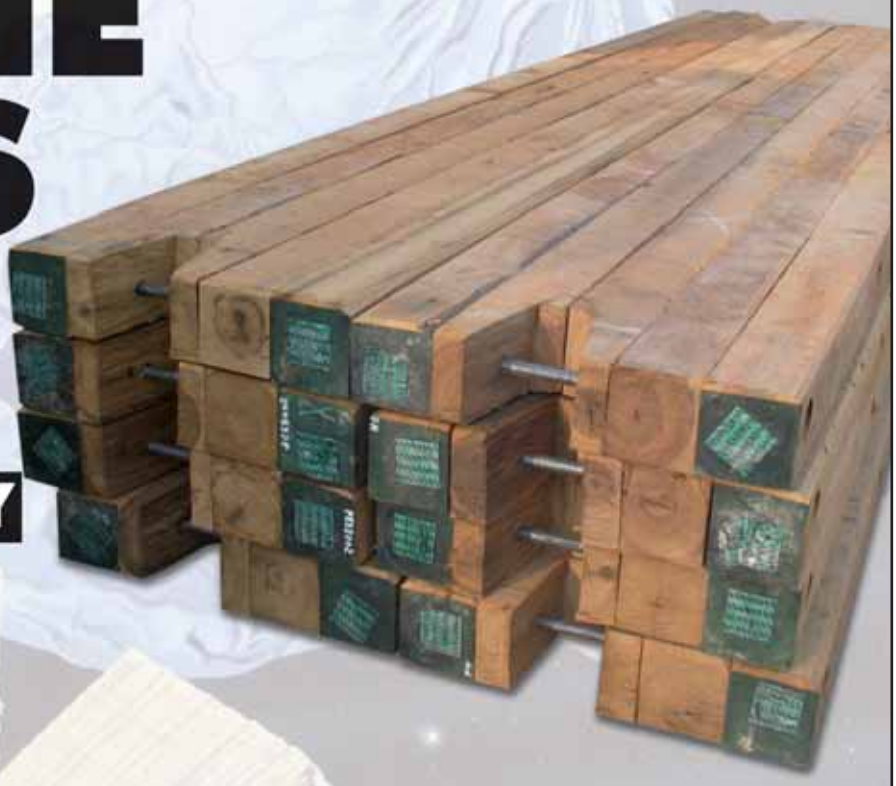

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