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Dear Leigh,

I was sad to read the news of the passing of Ferruccio Moritsch. Not only was Ferruccio a great crane engineer but a very likeable man and one of the most passionate crane men I have ever known.

I particularly remember on one of my visits to Fontanafredda soon after Terex had invested in his Comedil business. A group of us including Fil Filipov were discussing tower crane technology including the question as to why some models were galvanized and others painted - with no apparent logic to the distinction.

Ferruccio got so exasperated that in the midst of the discussions he picked up the (land line) telephone set from his desk and fiercely flung it against the wall of his office! It was completely smashed and he certainly got our attention!

I have since seen many CEOs lose their tempers, shout and scream, but that was the first. He never lost his passion for cranes or for life. He will be missed by all those that had the privilege to know him.

Stuart Anderson

Chortsey Bar Associates

Hi Leigh,

I hope you and your team are well. I read with interest your comment on the findings of the legal eagles with regard to the scissor lift accident.

This part perplexes me "It goes on to state that training would not have improved their understanding of how to deal with wind hazards nor changed anything about how the lifts would have been used on the day. In other words training would not have helped at all! This from an organisation that has been charged with 'creating and implementing a mechanism for spreading education about scissor lifts'."

I thought a University should be well aware of the principals of training and education, after all that is why they exist. If the core reasons for them being relevant - greater knowledge through attendance and study- can't be run parallel with actual practices, perhaps a university such as this has lost its way?

Have they become a business with an impressive football team that also has a side line interest in education??? They have a football stadium on campus that holds 80,795 people! That is some kind of a structure, which I am sure many major cities around the world could be rightly envious of. Wikipedia tells me that in 2007, the football team had a value of \$101 million US dollars.

So if an organisation such as Notre Dame University, with 8,000 undergraduates studying and learning doesn't see training as relevant, I fear that those of us who actually see hands-on learning as a must-do may be in fact banging our heads into a brick wall.

The battle for common sense continues. Keep up the good work !!!

Cheers,

A safety specialist for lifting equipment in the Antipodes

Crane 10 year rule

An arbitrary 10 year old crane rule is not suitable for purpose. Cranes are designed to carry out a specific number of lift cycles, not a specific number of years.

With a sealed black box installed on cranes loads can be recorded, the lift cycles analysed and at the designed life span the owner/user informed. Then the manufacturer's recommendations for inspection, overhaul, etc., or even destruction, can be carried out, complete with independent certification of compliance by a qualified engineer. A far more appropriate method of protecting against fatigue or other long usage related issues.

Regards

Trevor Vanson

Vanson Cranes, UK

Mr Vanson was responding to an editorial we carried arguing the case for a full in depth strip down type inspection requirement for all cranes or aerial lifts at 10 years and then possibly at increasingly shorter intervals after that such as 17, 21 etc....

In a corresponding online poll in which over 600 people voted the vast majority of our agreed that such a policy should be mandatory. Vanson's proposal is equally good in that it adds some form of science and rational to the 10 year argument, rather than the arbitrary and meaningless "no cranes or lifts older than 10- years on this site" rule that some UK contractors are implementing.

Good morning Leigh,

Thank you first of all to all the crew that make up such a compelling read that is always welcomed on delivery through the door.

With reference to the article on the deck riders from your July issue. As an IPAF instructor I was interested to know how the machine is kept in position on the building steels? If it's bolted or clamped and if it required a thorough examination once in place as (and please correct me if I'm wrong) a tower crane once erected requires an examination before work commencing.

Another question would be, how does the operator stand with his IPAF 3b licence if the machine is bolted or clamped into place doesn't this then become a static machine?

I think that clarification is required not only for the employer but also for the employee, as I have found out over the years he or she is usually the last to know and the only time it ever comes to light is after it's all gone horribly wrong.

Best regards to all
Paul Homer.
Training Instructor
Lavendon Academy
Lutterworth
Leicester

We requested permission to publish this letter and were given approval subject to the writer's name being withheld. He in fact said: "I have no trouble with you using it. However, I don't need to get myself on an Anti-American black list, so I'm not keen on being linked to criticism, regardless of how true it may actually be. I am also an employee so must mind my p's and q's."

The following letters and correspondence were sent to us by Paul Adorian, past MD of IPAF. They are part of chain of correspondence during the Chelsea Flower Show, earlier this year and cover the subject of 'joy riding' on work platforms or cranes and the lifting of personnel in platforms suspended from cranes. Space limitations does not allow us to publish all of the correspondence, however both letters from Judith Hackitt are published in full as requested by her, and all points in the exchange are covered in full. The letters speak for themselves leaving nothing else for us to say.

Ed

Dear Judith Hackett,

You probably won't remember I founded and ran IPAF for some 23 years and have been involved in the powered access industry for 45 years. I have always had a close relationship with your organisation, as a result of my very strongly held views regarding safety in our industry, which you will know relates to the lifting of people in mobile elevating work platforms and on occasions, lifting of people in platforms attached to cranes.

It is on this subject that I am writing to you urgently, having been shocked by the misuse of a crane for lifting people in a 'flying garden' at The Chelsea Flower Show this week. This use of a mobile crane to lift the garden carrying passengers breaks just about every rule in the book and flies in the face of regular Bulletins issued by your organisation since the 1970's relating to JOY RIDING IN MEWPs OR BASKETS SUSPENDED BENEATH CRANES.

There is no way this machine can comply, as it could never be CE certificated as a MEWP due to so many non-compliances and if it is treated as a crane with a platform suspended, again it defies the regulations relating to that equipment when it carries people. Your organisation has made it clear, throughout related industries that the carrying of people in platforms, or suspended baskets, should never be used for "joy-riding" and yet if ever there was a serious case of "joy riding" this surely is it!

Your organisation has also put out very strict instructions on the use of cranes for carrying people in suspended baskets which state that "this form of access should only be used for essential purposes when no other means is practical" or words to that effect.

I am aware that the responsibility for health and safety at the Chelsea Flower Show falls under The Royal Borough of Kensington and Chelsea and I spoke with Mrs Linda Powell, their Chartered Environmental Health Practitioner Policy Officer -Commercial, on Monday morning, who arranged for her health and safety expert, assigned to the Chelsea Flower Show, to contact me later that morning, which he did. I explained to him, at some length, why this use of the crane should not be allowed. He advised me that the HSE had made it clear to him that this situation was the Borough's responsibility and admitted to me that he knew nothing about the legislation for such use of a crane and undertook to take advice from the HSE before looking into the matter again.

I have heard nothing further from the Borough and I note that the crane is still being used and taking passengers up to 80ft in the air. If you allow this to continue, it is sending out a terrible message to all those people who use powered access equipment, or cranes fitted with personnel baskets, as it is clearly flouting all the regulations and directives to which the industry is committed. This function is not necessary under any circumstances -it is a clear case of "joy-riding" for the purpose of publicity and I appeal to you to take urgent action to have this nonsense stopped, as I feel, if this is allowed to continue for the rest of the Show, you are allowing this gardener to drive the equivalent of a coach and horses through the regulations, which have taken nearly thirty years to reach their present effective state and it sets an example, to anyone so inclined, that the legislation means nothing where high profile activities are concerned. This is surely an appalling message to be transmitted at a time when safety at height has such a high profile throughout our industry.

In conclusion, I have alerted the national media of this situation, as I feel

I must use every avenue to try and bring this absurd performance to a speedy end and I do so much hope that you will take the steps that are necessary without delay.

Yours sincerely,

Paul A Adorian

Dear Mr Adorian,

Thank you for your emails to Ms Hackitt's office, which were passed to my team for action. Before I go on leave today, I thought I would update you on HSE's response.

On receipt of your original message we discussed the issues you raised with the relevant enforcing authority, the Royal Borough of Kensington and Chelsea. Our discussions with the Borough suggested that sensible precautions have been taken in the unusual circumstances presented by the Flying Gardens. Consequently, we do not propose any further action.

Yours sincerely,

Tim Galloway Head of Operations, London

Correspondence continues on page 78

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Dear Mr Adorian,

I am writing in response to your email to me dated 31 May 2011, which follows on from substantive earlier correspondence addressed to me and to numerous other HSE officials. All of your correspondence relates to concerns about the use of a crane to transport guests and visitors as part of a 'Flying Garden' display at Chelsea Flower Show. I have now had the opportunity to review all of the correspondence, which has taken place in full, and I would like to make the following observations:

I am satisfied that HSE officials responded in an entirely appropriate and timely manner to the concerns you raised.

The concern was dealt with as an official complaint and followed up accordingly - this included making contact with the relevant local authority regulator directly and conducting a review of the precautions, which had been put in place at the installation itself. You were then informed within 2 days of your original email to me that we had investigated the complaint and concluded that sensible precautions were in place and no further action was required.

I anticipate that this response is not what you were expecting to hear, but I cannot agree that this represents a change of policy or anything else within HSE. HSE's guidance recognises that lifting machinery such as cranes can be used for lifting people if the necessary precautions are taken. In the case of the "Flying Garden" the local authority inspector was able to satisfy himself that appropriate precautions had been taken. As was stated in Tim Galloway's response to you, HSE were also satisfied that appropriate and sensible precautions had been taken.

In your correspondence, you repeatedly refer to "rules" being changed and/ or broken. The whole basis of our approach to health and safety management in Great Britain is one of sensible and proportionate management of risks, not on a set of rigid rules which must be applied irrespective of circumstances. Whilst you may not agree with our judgment on this occasion, I do not believe there is any inconsistency with the assessment made here and the earlier more general guidance against widespread use of MEWPs for all forms of joyriding which you quote in your correspondence. There will always be unusual and exceptional occasions which will require appropriate risk management measures to be taken so that spectacular events and displays can take place with due consideration being given to safety.

Judith Hackitt *CBE Chair, Health and Safety Executive*

Dear Judith Hackitt,

I am a little disappointed to have received no response from you to my e-mail of the 17th June, 2011 responding to your letter of the 9th June last. Nevertheless, I do appreciate the fact that you have responded with a clear statement of your organisation's change of heart on the use of mobile cranes for joy-riding and I know that my colleagues and indeed, all those involved in any way with the lifting industry, whether it be of objects of persons, will share my surprise and disappointment at what appears to be a complete 'about face' in HSE guidance to an industry that has always responded eagerly to HSE guidance on the misuse of cranes and platforms for joy-riding.

I fear that the surprise within the industry will be all the greater throughout Europe now in view of the decision recently taken by Europe's major crane manufacturers, widely publicised by FEM, completely condemning the use of mobile cranes for any form of "spectacular event" where the lifting of people is involved.

As I feel it is vitally important that our industry within Great Britain should be aware of this significant change of heart from the HSE, as a matter of courtesy I write to request your permission for me to circulate your letter of the 9th June, 2011 to all those concerned with health and safety in the British lifting industry, as I do feel that they have a right to have sight of this document, which so clearly states the HSE's current attitude towards the use of cranes and platforms in unusual and exceptional Circumstances.

As you may not wish to continue this correspondence, I will assume, if I don't hear from you within the next seven days, that you are happy for your letter to be circulated.

With kind regards.

Paul A Adorian

Dear Mr Adorian,

I am writing in response to your email dated 8 July 2011.

Our earlier correspondence which took place in June related to the specific concerns you raised about the use of a crane as part of a 'Flying Garden' display at the Chelsea Flower show

On that occasion, I addressed the specific points that you raised and also the official complaint you lodged. I concluded that in the particular case which you cited HSE was content that the local authority inspector had taken the necessary steps to satisfy himself that the appropriate and sensible precautions had been taken to allow the "Flying Garden" to go ahead.

Your most recent e-mail claims that HSE has undergone an about face in relation to its general policy for the use of cranes and attachments. Your concerns now appear to extend beyond the specific instance and looks more broadly at the use of cranes for entertainment purposes.

Please allow me to make our position clear. From the advent of 'bungee jumping' in GB, HSE's position has been that cranes and attachments used for these sorts of entertainment activities are more akin to fairground rides than conventional work activities. In circumstances such as these it would be inappropriate to rigidly apply regulations which are designed for conventional work activities and for which there are alternative and reasonably practicable means available to work safely at height.

HSE does, however, clearly expect the operators of these amusement attractions to consider carefully the use of cranes for entertainment purposes and to ensure that all appropriate measures are taken to ensure employee and public safety. Given the temporary nature of these attractions and their purpose in providing thrills for the participants, considering alternate means does not apply as it would in a workplace situation.

In 2009 HSE initiated a review of existing guidance on bungee jumping. The information on crane use in this updated guidance will be relevant to other entertainment attractions which use cranes. In accordance with our long established procedures and our commitment to full and open consultations we will be seeking to engage with all relevant stakeholders including those in the crane industry during this process.

Your latest email seeks my agreement to your circulating my earlier correspondence with you more widely. I have no objections to you doing this as long as those to whom it is made available have access to the full text of the letter and also to all of the information associated with this discussion, including the explanation of our more general position on the use of cranes for entertainment purposes as set out above, so that they can place this discussion in the fullest context.

Yours Sincerely

Judith Hackitt *CBE Chair, Health and Safety Executive*

A full transcript of all of the correspondence can be found in the Library section of www.Vertical.Net

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