



NATIONAL CONCRETE BURIAL
VAULT ASSOCIATION, INC.

July 10, 2023

Contradiction in OSHA's Cranes and Derricks Construction Standard

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OSHA'S CRANE RULING

The NCBVA was instrumental in reaching a ruling in our favor 10+ years ago to OSHA's Cranes and Derricks in Construction standard. This ruling stated that the movement and placement of burial vaults is not a construction activity and that the specialized equipment used to move/place burial vaults (in a grave) at the cemetery is excluded by the Cranes and Derricks in Construction standard.

WHY IS THIS IMPORTANT?

This ruling equated to a savings of thousands of dollars per burial vault company – EACH YEAR – by avoiding specialized training per vault man. Even a plant with only one vault man would have saved \$22,000 to date.

HOWEVER...

In a recent OSHA release, there is a contradiction to the directive in the online version (only) of "OSHA's Cranes and Derricks Construction standard." On page 13, **the online version now appears to define the movement/placement of vaults as a construction activity (instead of not a construction activity)**. This release does not align with the original response from OSHA or the current FAQ section on the OSHA website.

WHAT NCBVA IS DOING NOW

NCBVA is combining the resources of our legal counsel Poul Lemasters, Wilbert chief safety officer Cullen Rosine (our sharp-eyed member who first recognized this contradiction), and an OSHA third-party specialist. Poul's numerous attempts to contact OSHA and his subsequent conversations ultimately resulted in this week's findings in our favor.

This we know:

- OSHA agrees with our conclusion that there is an error. It appears to be an unfortunate misprint, impacting them and us.
- Our industry is still protected under the initial ruling of the 2013 letter.
- On behalf of our members and the burial vault industry as a whole, NCBVA is working with OSHA, the Department of Labor, and the directorate of construction to correct the discrepancy.
- Correction options may be in the form of an internal memo or OSHA could rewrite the directive. Or it could be something else. OSHA is elevating the case to higher internal ranks for review, assessment, and a decision.

(cont'd on page 2)

We do not know if the correction process will be quick or lengthy. Sometimes making a minor change, or even a correction to fix an honest error, can take an extended amount of time and considerable effort.

HOW YOU CAN HELP

While we believe this is primarily an administrative issue and should be able to be corrected (as it was 10 years ago when NCBVA first got involved), if this becomes a larger issue, we may need to come to you for assistance – such as encouraging other non-member vault companies to join NCBVA and/or financial support.

There are costs that NCBVA will incur to retain our position and resolved in our favor. The crane standard absolutely impacts EVERY burial vault plant that sets vaults at the gravesite, and fighting this as an individual plant would be a long, time-consuming, difficult process.

UNIFIED VOICE

NCBVA is a unified voice for the burial vault industry regardless of product affiliation, brand recognition, or location. We never would have received the first ruling in our favor if we weren't approaching OSHA with a unified voice. NCBVA is actively monitoring the situation and acting on the industry's behalf to get this discrepancy addressed.

JOIN THE CLUB

If you are not already a member of NCBVA, we'd love for you to be part of our membership. Our non-profit organization represents groups that provide 90% of all outer burial receptacles interred in the US & Canada. Single-site memberships are \$450 annually or \$1000 annually for companies with multiple locations. Doric, Trigard (and Eagle), and Wilbert offer an incentive to join as well, stretching your investment even further. To join or if you have questions, email us at info@ncbva.org.

