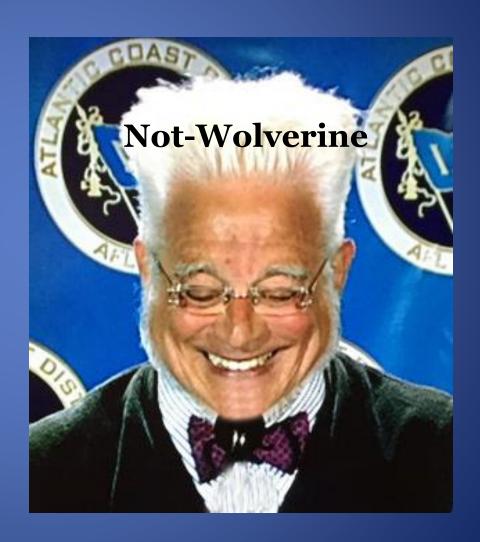
Occupational Safety in the Marine Cargo Handling Industry



The Fundamental Parts of the Equation and The Current Experience

How The Issues Are Presented

- Visually [Through PowerPoint Slides]
- Oral Narrative
 [To Better Understand The Stakeholders & The Relevant Laws and Regulations]
- Real Life Experience
 [Fatal Accidents That Have Occurred at US Ports In CYs 2017/2018]



Appreciating The Financials

A Marine Terminal Operator's Hierarchy of Recurring Costs *

- 1). Payroll (Labor)
- 1). Property Rental Fees
- 2). Insurance (General Liability/Worker's Compensation)

^{*} Higher cost equipment, i.e., container cranes, RTGs, etc.., are infrastructure investments often expensed by the local port authority.

State Workers' Compensation Laws

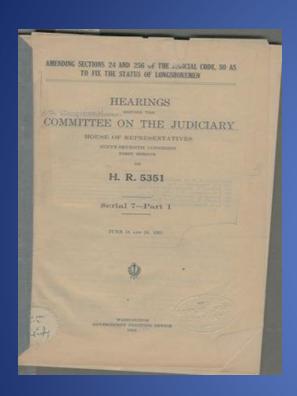
1855: Georgia; Alabama – Employer Liability Acts - Permitted Employees to File Suit and then Prove Employer Negligence/Omissions

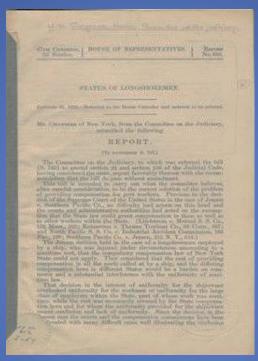
1902: Maryland – First Neutral, No-Fault, Sole Remedy Worker's Compensation Law

1949: All States Had Similar Laws, Basing Compensation Payments on the SAWW (State Average Weekly Wage)

2017/2018: Nat'l Average Weekly Wage: \$735.89

The Jensen Era





- Southern Pacific v. Jensen (1917)
- Knickerbocker v.
 Stewart (1920)
- Washington v.
 Dawson (1924)

Memorializing an internecine turf fight between the U.S. Congress and the Supreme Court, in determining the method (or indeed the existence) of worker's compensation for injuries sustained on the navigable waters of the U.S.

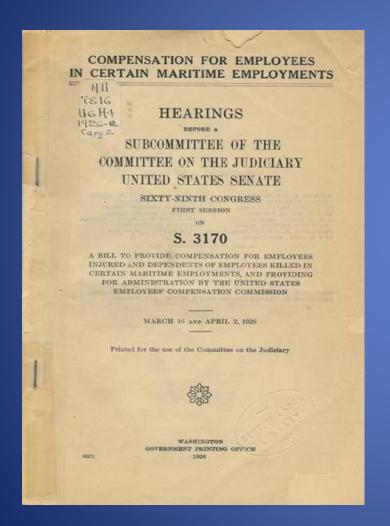
U.S. Constitution

Article III.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;

LHWCA of 1927



 Creates a Federal scheme for the payment of compensation to marine cargo handling and shipyard workers injured "on the navigable waters of the United States.

Validated by the Supreme Court in:

- T. Smith & Son v. Taylor (1928)
- Minnie v. Port Huron Terminals (1935)

Compensation Rates (LHWCA) 10 Year Lookback

<u>Point In Time</u>	<u>NAWW</u>	MAX	MIN	% Incr
10/01/2018- 09/30/2019	\$755.38	\$1,510.76	\$377.69	2.36%
10/01/2017-09/30/2018	\$745.89	\$1,471.78	\$367.94	2.46%
10/01/2016-09/30/2017	\$718.54	\$1,436.48	\$359.12	2.17%
10/01/2015-09/30/2016	\$703.00	\$1,406.00	\$351.50	2.10%
10/01/2014- 09/30/2015	\$688.51	\$1,377.02	\$344.26	2.25%
10/01/2013 - 09/30/2014	\$673.34	\$1,346.68	\$336.67	1.62%
10/01/2012 - 09/30/2013	\$662.59	\$1,325.18	\$331.30	2.31%
10/01/2011 - 09/30/2012	\$647.60	\$1,295.20	\$323.80	3.05%
10/01/2010 - 09/30/2011	\$628.42	\$1,256.84	\$314.21	2.63%
10/01/2009 - 09/30/2010	\$612.33	\$1,224.66	\$306.17	2.00%
10/01/2008 - 09/30/2009	\$600.31	\$1,200.62	\$300.16	3.47%

Source: U.S. Dept of Labor ~ OWCP

(1951) Organized Labor Initiates Attempts to Legislatively "Perfect" the LHWCA

[COMMITTEE PRINT]

82b Congress $\{ \begin{array}{c} \text{REPRESENTATIVES} \\ \text{2d Session.} \end{array} \}$ HOUSE OF REPRESENTATIVES $\{ \begin{array}{c} \text{Report} \\ \text{No} \end{array} \}$

SAFETY IN LONGSHORE AND HARBOR WORK

The subcommittee of the Committee on Education and Labor, to which was referred the bill (H. R. 5796) to amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act of 1927, as amended, to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill be considered favorably by the full Committee on Education and Labor and be reported to the House of Representatives for passage.

The subcommittee amendment is as follows:
On page 5, line 8 of the bill, strike out the comma after the word
"amended" and insert in lieu thereof a period and strike out all of
line 9.

Hearings on H. R. 5796 were held on March 19, 20, and April 3, 1952, by the subcommittee. The subcommittee held hearings on H. R. 4032 on June 5, 11, 12, 19, 20, 22, and 26, 1951. Members of the subcommittee observed the longshoring operations at Cleveland, Ohio, Chicago, Ill., and in the Boston, Mass., and city of New York harbors. As a result of the subcommittee's consideration of H. R. 4032, certain amendments thereto were adopted, and the chairman of the subcommittee was instructed to introduce a new bill which was designated H. R. 5796

HISTORICAL BACKGROUND

The Longshoremen's and Harbor Workers' Compensation Act was passed by Congress on March 4, 1927, to provide compensation for disability or death resulting from injury to employees, other than officers and crew members of vessels, who are injured while employed on the navigable waters of the United States and who are not covered by the compensation laws of any State. Upon its enactment, the bill was administered by the United States Employees Compensation Commission. On June 16, 1946, the Commission was abolished and its functions transferred to the Federal Security Agency. Effective May 24, 1950, the functions previously transferred to the Federal Security Agency were transferred by Reorganization Plan No. 19 to security Agency were transferred by Keorganization Plan No. 19 to the United States Department of Labor. This transfer was made to provide for better administrative efficiency. The functions and personnel relating to safety were placed under the Director of the Bureau of Labor Standards and the existing safety services of the Bureau have been utilized to bolster accident prevention programs on a voluntary basis in the stevedoring industry. The Director of Employees Compensation administers the compensation features of this law. 2015 98325 52 of the Wartenbur and an emergorid violate granting of a di

- ILA/ILWU
- Boilermakers
- Steelworkers
- Carpenters
 - ➤ Higher than usual number of explosions in shipyards.
 - ➤ Increased trade volumes w/more cargo gear failures.
 - ➤ Post 1953: Political incentives to reseat a Democratic president

The Political Landscape U.S. House of Representatives (1955)

COMMITTEE ON EDUCATION AND LABOR

GRAHAM A. BARDEN, North Carolina, Chairman

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ADAM C. POWELL, Jr., New York
JOHN S. WOOD, Georgia
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JOHN O. GRAHAM, Minority Clerk
JOHN S. FORSYTHE, General Counsel
DAVID N. HENDERSON, Assistant General Counsel
RUSSELL C. DERRICKSON, Investigator

SUBCOMMITTEE ON SAFETY IN LONGSHORE AND HARBOR WORK

JOHN F. KENNEDY, Massachusetts, Chairman

CLEVELAND M. BAILEY, West Virginia

CARROLL D. KEARNS, Pennsylvania

The 85th Congress (1957-1958)

Millertun Calendar No. 1823

85TH CONGRESS 2d Session SENATE

REPORT No. 1788

ESTABLISHING A SAFETY PROGRAM FOR THE LONGSHORE AND SHIP REPAIR INDUSTRIES

JULY 1, 1958.—Ordered to be printed

Mr. Kennedy, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany S. 3486]

⁵ The Committee on Labor and Public Welfare, to whom was referred the bill (S. 3486), to amend section 41 of the Longshoremen's and Harbor Workers' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes, having considered the same, report favorably thereon, with amendments, and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 1, strike out the word "methods" and insert the word "procedures".

On page 2, line 2, strike out the phrase "work methods" and substitute "working conditions".

On page 6, strike out lines 12 through 21 and insert a new subsection (g) as follows:

(g) (1) The provisions of this section shall not apply in the case of any employment relating to the operations for the exploration, production and transportation by pipeline of mineral resources upon the navigable waters of the United States, nor under the authority of the Act of August 7, 1953 (ch. 345, 67 Stat. 462), nor in the case of any employment in connection with lands (except filled in, made or reclaimed lands) beneath the navigable waters as defined in the Act of May 22, 1953 (ch. 65, 67 Stat. 29), nor in the case of any employment for which compensation in case of disability or death is provided for employees under the authority of the Act of May 17, 1928 (ch. 612, 45 Stat. 600), as amended, nor under the authority of the Act of August 16, 1941 (ch. 357, 55 Stat. 622), as amended.

 Sustained organized labor efforts to widen LHWCA coverage and increase safety protection.

 Political impetus now gradually translated into labor support for one prospective Democratic presidential candidate.

20006-58---1

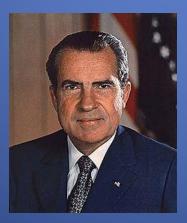
The 1958 LHWCA Amendments

[Public Law 85-742/ The Kennedy Maritime Safety Act]









- Political compromise brokered by Senate Majority Leader Lyndon Johnson, with JFK as strongest proponent.
- Resisted by Ike; needed by Richard Nixon to appease Labor in his (1960) bid for Presidency.
- Expanded §41 of LHWCA, to provide for safety standards, enforcement and training.
- Put in the enforcement hands of DOL (LSB).

The 1st U.S. Federal Longshoring Industry Safety Regulations

DESK COPY

EARL J. KROTZER

(Reprinted from Federal Register, Paleratery 20 1808)

Safety and Health Regulations for . . . LONGSHORING

U.S. DEPARTMENT OF LABOR James P. Mitchell, Secretary

BUREAU OF LABOR STANDARDS

Title 29-LABOR

Subtitle A-Office of the Secretary of

PART 9-SAFETY AND HEALTH REG-ULATIONS FOR LONGSHORING

On September 18, 1959, notice was pub-Cm September 33, 1299, notice was published in the Pensant Russyme '04 PR. Collows: The Pensant Russyme '04 PR. Collows: The Pensant Russyme '05 PR. Collows: The Pensant Pensant '05 PR. Collows: The Pensant remen's and Harnor Workers Com-aution Act (44 Stat. 1444, 33 U.S.C. a.s. Reference specifications, standards, 8,39 Ventilation and atmospheric condi-

epportunity to participate in the rule making process by submission of oral and Subport S.—Congweys and Gast Cariffonian hanous written data, views and severe held on the proposed resultation of Chicago. His hearings for this purpose were held on Histories and Prantisco, California, New 221 Cristonia, Louisiana, and New York, New 222 Ories written data, views and arguments, pub. 9.11 Congways. He hearings for this purpose were held on 9.12 Cour seruification. Himole, San Prancisco, California, New 231
Gaingways and other means of access, 232
York on October 8, October 18, October 18, October 18, October 18, October 18, October 19, October 19, October 22, and November 3, 1500, respectively, 524
Hidge plates and sump.

Laborator on department of the Control of t ties were afforded copies of the transcript of each hearing and afforded opportunity for the exhaustons of written commons. The time for filling such commonly are provided by the fied by the hearing examiners to the 0.37 Secretary of Labor on December 8, 1959, 9.38

Regressional traves of 22 engalists as the learning of the lea mitted data, views and arguments. After mitted data, views and arguments. After consideration of all relevant matter sub-smitted, and other information and ma-serials within my official cognizance, I 8.50 Mouches. Sub-conclude that the proposed regulations of the Migring gase. conclude that the proposed regulations, as hereinafter amended, should be School G-Caspo Mondling Oute and Equipment Other Than Ship's Geor

The basis and purpose of these regulaThe basis and purpose of these regulations is that stated in 19 1 of Schpar A

the resultance which follow A

Therefore, pursuant to section 4c for 1 and 1 a

Stat. 228; 5 U.S.C. 1008), and under au-thority of Public Law 85-742; (72 Stat. 247 235), amending section 41 of the Lous-sian and Marbor Workers' Com-pensation. Act, as amended: 446 Stat. 247 144; 38 U.S.C. 541), and R.C. 181; 0 U.S.C. 97 27), Subtille A of 29 Code of Pederal R.S. Feetlalations. As keeply amended by 3-34 adding thereto a new Part B to read as

- 41).

 In order that interested persons have a.y Amendment of this part.

Subport C-Moons of Access

- - Subport D-Warking Surfaces

- 9.38 Freshly olled derks.

- Subpart #-Ship's Carpo Handling Geor

- Paliris.
 Chuice, gravily conveyors and rollers.
 Fowered conveyors.
 Partiable storting winches.
 Radia sense.
 Mechanically powered whicles.
 Notitying adults officers before using ostalia equipment.
- Subport H-Handling Corps
- 8.81 Slinging. 9.82 Building drafts. 9.83 Thering and breaking down. 9.84 Building cargo.
- Subport I-Occupil Working Conditions
- 1939 Ventilation and atmospheric condi-tions.

 934 Banitation and drinking water.
 939 Longsharing operations to the vicinity of repair and multismance work.
 940 First sid and life soving equipment.
 937 Qualifications of machinery operators.
- Subport J-Personal Protective Equipment

Appendix I-Carps Gear Register and

9.51 Haith coverings.
9.22 Showed cargo and temporary banding brief of the Short Control of t

Subpart A-General Provisions

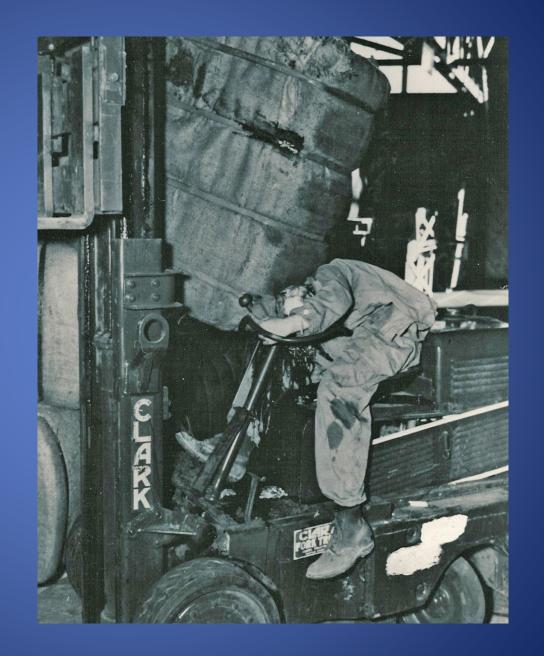
£ 9.1 Basis and authority.

(a) The Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. 961 et acq.) provides compensation for injuries suffered by employees when they are working for private employers within the Federal maritime jurisdiction on the navigable waters of the United States, including dry docks. Public Law 85-742, 72 Stat. 835, approved August 23, 1958, which amends section 41 of the Longshorement; and Harbor Workers' Compensation Act. as amended (44 Stat. 1444; 33 U.S.C. 941) requires, among other things, that every employer of the aforementioned employees "shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment

- Published in the FEDERAL REGISTER, February 20, 1960
- Applicability tracked the jurisdiction of enabling legislation (LHWCA), i.e., to work "on the navigable waters"
- Work on terminals therefore, not covered

Other Laborers and Industrial Workers Wanted To Be Protected On The Job, As Well.

To Achieve That Goal, They Must Take Their Message To Congress:



The Occupational Safety & Health Act of 1970 [Public Law 91-596]



Public Law 91-596 91st Congress, S. 2193 December 29, 1970 As amended by Public Law 101-552, §3101, November 5, 1990

An Act

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and transing in the field of occupational safety and health; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. (2) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

wage loss, medical expenses, and disability compensation payments. (b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions:

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience.

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational

Occupational Safety and Health Act of 1970.

29 USC 651

- Signed into law by Richard Nixon, December 29, 1970
- Extended to all workplaces
- Adopted all existing
 Federal Safety Standards
 (including the
 Longshoring safety
 regulations under LSB
 care)
- "on the navigable waters" limitations of LHWCA (for safety/health purposes) no longer apply

LHWCA Extensions of 1972

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSA-TION ACT AMENDMENTS OF 197213

An Act To provide compensation for disability or death resulting from injury to employees in certain maritime employment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. This Act may be cited as "Longshoremen's and Harbor Workers' Compensation Act."

SEC. 2. When used in this Act-

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally rally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against

an injury caused by the wilful act of a third person directed against an employee because of his employment.

(3) The term "employee" means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor-worker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include a master or member of a crew of any vessel, or any person clude a way to be a crew of any vessel, or any person and the control of the control engaged by the master to load or unload or repair any small vessel under eighteen tons net.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine rationally or other adjoining are customarily used by an employer in loading amount of the states of th

way, or other aujouung area customarity used by an employer in load-ing, unloading, repairing, or building a vessel).

(5) The term "carrier" means any person or fund authorized under section 32 to insure this Act and includes self-insurers.

(6) The term "depretedary" means the Secretary of Labor.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

- Now, additionally covers "related employments"
- Substantially boosts amount of compensation paid to recipients

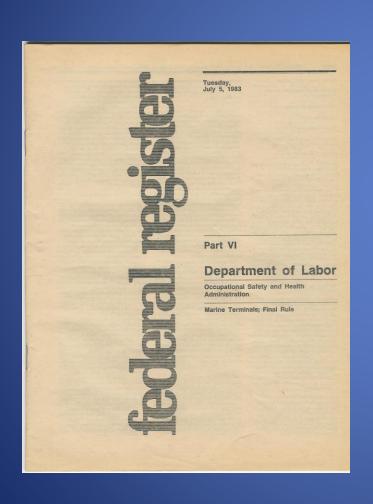
Brings existing Federal program of compensation ashore

¹ Includes 1972 amendments made by P.L. 92-576 printed in italic.

² The amendments (except section 19(d) of the Act) are effective thirty days after enactment (12:01 a.m., November 26, 1972).

OSHA Regulations Having Application at Marine Cargo Handling Workplaces

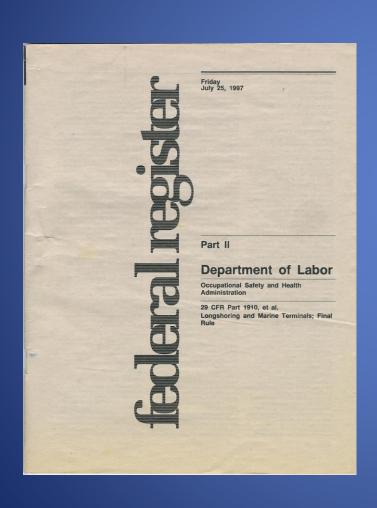
The Marine Terminals Standard [29 CFR 1917]



Applies From the Terminal's Gate to the Foot of the Gangway

(and everything inbetween)

Longshoring Standard [29 CFR Part 1918]



Applies From the Foot of the Gangway, to All Cargo Handling Operations Being Conducted Aboard Any Vessel

Lots Of Regulations...

What's Their Purpose?

Decrease Human Suffering



Offset Financial Loss



Help Prevent Even Greater Financial Loss



Culture Effective Labor Relations





Goal No. 1

Accorded The Highest Priority, Taking Precedence Over Any Other Consideration:

All Workers Get To Go Home In The Same Good Physical Condition They Came To Work In.

No Ocean Carrier, Marine Terminal Operator, Stevedore, Labor Union or Port Authority Can Possibly Hope To Attain the Desired Increased Levels of Efficiency, Productivity or Profit, Without First Attaining Consistent Success In Achieving Goal No. 1.

Fatal Accidents at US Ports CY 2017 [2nd Half]

10 July 2017 Philadelphia, PA



Pat Kelly, an ILA Checker, was fatally crushed while attending to paperwork inside his company pickup truck.

He was parked in the shade provided by a five high stack of containers, when a toploader turned the corner of that stack with a fully extended spreader, clipped the top box and brought three down.

23 August 2017 Houston, Texas

Christian Fitzgerald, an ILA checker assigned dockside duties relative to a shipment of steel coils being discharged from a general cargo vessel at City Dock, was backed over by a large capacity industrial truck.



20 October 2017 Port Arthur, Texas



Jesus Ceuvas, a marine terminal worker at the German Pellets facility, was engulfed and suffocataed by tons of wood pellets while working inside one of the company's silos.

Fatal Accidents at US Ports CY 2018 [Jan to Date]

O3 January 2018 San Diego, California



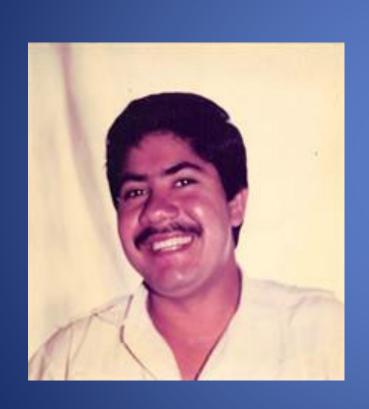
Phil Vargas, an ILWU industrial truck operator (and trainer), was ejected from his forklift when it struck a warehouse support column. His machine kept on moving, and its rear wheels ran him over.

22 February 2018 Claymont, Delaware



Billy Burns, a front loader operator at a bulk cargo facility, drowned when his machine went over the edge of an elevated section of wharf.

27 March 2018 Houston, Texas



Francisco Montoya, an ILA hatch foreman, was assisting in the discharge of steel pipe from a vessel berthed at the City Dock.

After hooking up a draft, he stood on an adjacent stow which was supported by laminated plywood dunnage. The stow buckled, causing Montoya to fall into the hatch. He was followed by the pipe stow which pinned and killed him.

08 August 2018 Charleston, South Carolina



Dwight Collins, an ILA worker, was en route to a dockside parking area when his personal automobile suddenly picked up great speed and struck a bollard.

He suffered internal injuries, which ultimately caused his death several days later.

16 August 2018 Houston, Texas

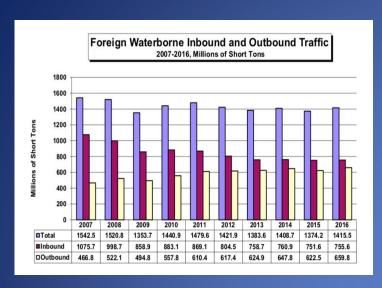


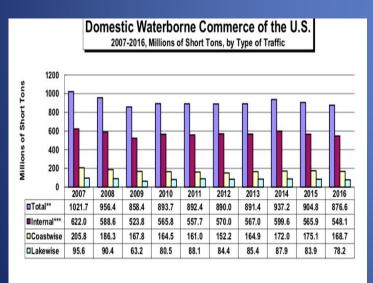
Cody Carter, a 28 year old ILA container repair worker, was crushed under the weight of an empty 20' intermodal container when the door end of the box slipped off the forks of an industrial truck supporting it.

16 September 2018 Paulsboro, New Jersey



Basim Gilliard, a 26 year old longshore worker, was crushed by steel plates which had slipped off the blades of a forklift truck while in a cargo hold of M/V VIRTUOUS STRICKER.





Total Waterborne Commerce of the U.S. (2007-2016)

In 2016 (latest year w/refined data):

2,292,000,001 Short Tons

Cargo-Related Fatal Accidents Occurring at US Ports (2016):

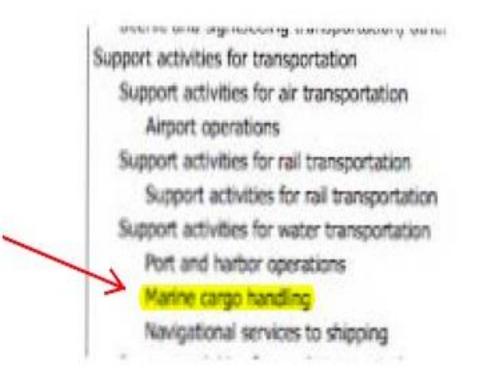
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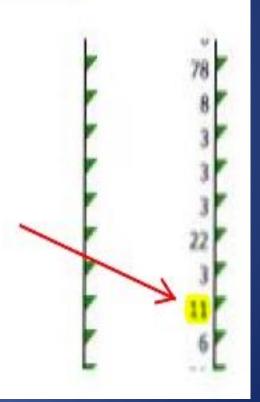
(Source: Bureau of Labor Statistics)

Source: USACE

The Industry's Performance: Fatal Accidents ~ 2016

Occupational Fatalities (CY 2016) NAICS 488320













Current East and Gulf Coast Labor & Management OSH Initiative, Designed To Advance the Industry's Occupational Safety & Health Experience:

ILA~USMX JOINT RESOLUTION ON PORT SAFETY & HEALTH

WHEREAS, the International Longshoremen's Association, AFL.—CIO (ILA) and the United States Maritime Alliance, Ltd. (USMX) recognize the necessity of maintaining a proactive approach in relation to occupational safety & health (OSH) issues which must be soberly and responsibly addressed by both parties; and

WHEREAS, the ILA and the USMX have created a Joint Safety Committee (JSC) comprised of three (3) ILA Members, three (3) USMX Members and a Technical Facilitator, to initiate the industry's review of relevant OSH issues: and

WHEREAS, the JSC has made significant progress in creating a greater awareness of OSH issues on an industry wide basis, and will continue to assist labor and management interests throughout the various port districts in successfully approaching OSH issues, to wit:

- Providing guidance and knowledge to ILA, its Local Unions; USMX and its member Port Associations in relation to a diverse range of OSH issues; utilizing 29 CFR Parts 1917 & 1918 as mandatory OSH rules and supplementing such rules at the discretion of the ISC.
- Working closely with the National Maritime Safety
 Association (NMSA), Port Associations, individual employers
 and ILA Local Unions to develop uniform OSH practices,
 policies and procedures to be followed at all Master Contract
 ports. This would include efforts to initiate the development of
 a greater number of industry-wide safety training procedures
 and, to the extent practicable, job specific standards for all
 relevant crafts.
- Requiring every Master Contract port to establish an ILA---Employer joint safety committee (where none presently exist) to review and investigate accidents, to monitor and improve workplace OSH conditions and to develop and enforce reasonable, effective and compassionate disciplinary procedures.
- Monitoring local port compliance with all provisions of the Master Contract Drug and Alcohol Testing Program, including Random testing provisions & enforcement protocols.
- As necessary, appoint subcommittees that are comprised of knowledgeable and well motivated local ILA and Port Employer Members to supplement the work of the ISC.

NOW, THEREFORE, the undersigned adopt the following amendments to the ILA---USMX Master Contract:

1). The Joint Safety Committee (JSC) shall be a standing committee and shall discharge the following responsibilities:

- a). It shall provide OSH---related guidance and knowledge to USMX and ILA (including local Port Employers and Labor Locals) with the goal of making each and every Master Contract marine cargo handling activity a safe place for all employees to work.
- **b).** It shall monitor each local port's compliance with the Master Contract Drug and Alcohol Testing Program.
- c). It shall serve as a clearinghouse; in coordination with the National Maritime Association (NMSA) Technical Committee, for reporting and analyzing all serious accidents occurring at Master Contract marine cargo handling operations.
- d). At the request of Management and ILA leadership at any Local Port or District, or on its own initiative, the JSC shall be empowered to investigate any serious accident occurring at Master Contract marine cargo handling operations.
- e). It shall be authorized to appoint subcommittees that are comprised of knowledgeable and well--motivated local ILA and Port Employer Members to supplement the work of the JSC.
- f). It shall submit quarterly activity reports to ILA and USMX leadership, detailing the work of the JSC.
- g). It shall ensure that each Master Contract port establishes a local joint safety committee comprised of equal numbers of subjectively well---versed and well--- motivated labor and management representatives. Labor representatives so appointed shall not hold concurrent elective office.

Such local committees shall have the authority to review and investigate accidents, to establish local OSH procedures and policies (in consultation with and approval of the ILA--USMX Joint Safety Committee) and to develop and enforce appropriate disciplinary procedures; provided that such procedures remain consistent with those already agreed upon and in place at the relevant port(s).

Dated: January 15, 2014

International Longshoremen's Association, AFL-CIO

By Harold J. Daggett, President

United States Maritime Alliance, Ltd.

By: David F. Adam Chairman & CEO

West Coast Collective Bargaining Agreement Has Included, for Many Years, the Supplemental Pacific Coast Marine Safety Code

PACIFIC COAST MARINE SAFETY CODE

2014 REVISION



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