

The image features the OSHA logo prominently in the center. The 'O' is a large, stylized letter with a blue outer ring and a grey inner circle. The letters 'S', 'H', and 'A' are white with a subtle 3D effect. The background is a close-up, slightly blurred image of the American flag, showing the stars and stripes in a diagonal orientation.

# OSHA

adds value to business,  
work and life.

# FEDERAL REGULATION UPDATE – OSHA PORT SAFETY

**Paul Rossi**

**Office of Maritime Enforcement**

**AAPA – Port Operations, Safety and  
Information Technology Seminar**



# OSHA

- OSHA Adds Value to Business

# OSHA

- OSHA Adds Value to Work

# OSHA

- OSHA Adds Value to Life



# Enforcing Standards

- OSHA is the primary agency
- OSHA creates and publishes the national standards
- Site-Specific Targeting and Enhanced Enforcement

# Balanced Approach

- (1) Strong, fair and effective enforcement of standards;
- (2) outreach, education and compliance assistance
- (3) cooperative and voluntary programs.

# Employer Responsibility

- To provide safe and healthful working conditions

# Benefits

- insurance costs go down
- workers' compensation payments go down
- employee morale goes up
- productivity goes up
- profits go up.

# The Real Cost

- more than \$170 billion a year
- 25 percent of all their pretax corporate profits

# Employee Costs

- average \$8,000 — out of pocket
- much more likely to lose their homes, their cars, and their health insurance.
- Taxpayers footing a fifth of the bill

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# Standards vs Guidance

- Rulemaking is an iterative and deliberative process. It includes many checks and balances to ensure the Agency is basing its decisions on the best available evidence.
- Guidance is an additional tool to provide information to help address safety and health issues.

# Safety Issues on the Reg Agenda

- Explosives
- Employer payment for personal protective equipment (PPE)

# Updating Consensus Standards

- Multi-phase process with various rulemaking strategies, e.g., direct final rules, proposed rulemakings (6(b) process), amend/revise standards to latest consensus version
- Overall policy direction and first direct final rule published November 2004
- Additional rulemakings in clearance

# Subparts D & I

- Walking Working Surfaces
- Personal Fall Protection
- Re-open the record to obtain additional economic data



# Electrical

- Electrical Safety Standards-
- Subpart S
- Final rule published February 2007
- Application on vessels



# Vertical Tandem Lift



LA

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# VTLs – OSHA's PROPOSAL

- Allows 2 containers with up to 20 tons
- Requires Load Indicating Device
- Crane operator must have cargo plan
- Pre-Lift required
- Plan for moving VTLs in terminal
- VTLs only w/shore-based gantry crane
- Liftlocks in accord w/ILO 152 loose gear

# VTLS-Proposal (cont.)

- Liftlocks lock/unlock in same manner
- Liftlocks IAW with ILO 152 loose gear
  - Requires initial testing-inspection-marking of each twistlock
  - Requires annual inspection

# HEALTH ISSUES on the REG AGENDA

- Assigned Protection Factors (APFs)
- Published August 24, 2006
- APF rulemaking completes the major revision of the Respiratory Protection Standard published in 1998.
- Standard Applies both to Longshoring and Marine Terminals



# Hexavalent Chromium

- Previous standard dated to 1971 and was based on controlling irritation and damage to nasal tissues.
- Final rule published February 28 2006.
- Separate standards for general industry, construction, maritime

# Hexavalent Chromium

- **1917.1(a)(2)(xiii)(E)**
- Hexavalent chromium § 1910.1026  
(See § 1915.1026)
- **1917.1(b)**
- Section 1915.1026 applies to any occupational exposures to hexavalent chromium in workplaces covered by this Part.



# Hexavalent Chromium

- **1918.1(b)(9)(v)**
- Hexavalent chromium § 1910.1026 (See § 1915.1026)
- **1918.1(c)**
- Section 1915.1026 applies to any occupational exposures to hexavalent chromium in workplaces covered by this part.

# Ionizing Radiation

- Standard is out-of-date. Jurisdiction has been limited, but new applications are developing and there is a possibility of OSHA assuming responsibility for some DOE sites
- Published request for information to determine whether and how to address ionizing radiation in rulemaking on 5/3/05
- Comment period closed November 28
- A Stakeholder meetings is being held tomorrow



# Emergency Response and Preparedness

- OSHA's jurisdiction is limited, but its standards are used by state and local authorities
- Experience in preparing guidance
- Publishing request for information to solicit input on whether rulemaking should be done, and what form it should take. Issues related to PPE, training, medical surveillance

# Hazard Communication

- Considering adoption of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)
- Added to the new regulatory agenda,
- Published an advance notice of proposed rulemaking (ANPR) 9/12/2006
- Working on a proposal



# Guidance Projects

- Substantive guidance being developed on safety and health topics
  - To assist employers to comply with existing standards
  - To address an issue where rulemaking is not yet appropriate
  - To get information out during a rulemaking sooner than the rule can be completed

# Fireworks Safety Tips

## Retail Fireworks Sales

1. Keep exits clear and accessible.
2. Know all exit routes.

**OSHA QUICK CARD**  
**Ladder Safety Tips**

Use portable ladders safely. They are portable and can be used in a variety of situations. They are also used in a variety of situations.

• Always inspect a ladder prior to using it. If the ladder is damaged, it should be repaired or discarded.

• Always maintain a 3-point contact with the ladder. This means that you should have two feet and one hand, or one foot and two hands, in contact with the ladder at all times.

• Do not overreach. Keep your body between the ladder and the work area. Do not lean against the ladder while climbing.

• Do not use ladders and equipment in areas with slippery surfaces, such as wet floors, oil, or grease.

• Do not use a ladder on a single extension or on a partially closed extension.

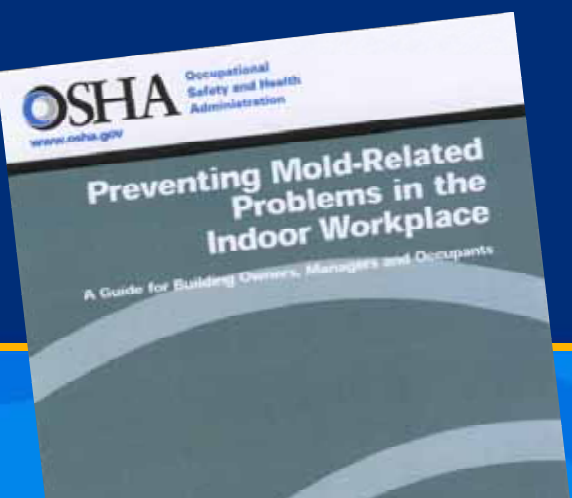
• Do not use the top rung of a ladder as a step.

• Do not use a ladder on a damaged or unstable surface.

**OSHA**  
**Guidelines for Retail Grocery Stores**

**Ergonomics for the Prevention of Musculoskeletal Disorders**

**OSHA FactSheet**  
**Personnel**



# Completed Guidance Projects

- Ergonomics guidelines for nursing homes, grocery stores, and poultry processing
- Fireworks safety
- Perchloroethylene in dry cleaning
- Motor vehicle safety

# Longshoring Guidance Projects

- COMPLETED:
  - Marine Terminal Fall Protection for Personnel Platforms
- IN PROGRESS:
  - Motor Vehicle Safety at Marine Terminals
  - RO-RO Safety at Marine Terminals
  - Radio communication with crane operators
  - Training guidance and requirements



# Motor Vehicle Safety in Marine Terminals



# Motor Vehicle Safety in Marine Terminals

- Covers a wide variety of topics
  - OSHA PIT standards
  - Seat belts
  - Safe lanes and traffic patterns
  - Safe operation
  - Equipment checks and maintenance
  - Safety for OTR truck drivers
  - Pedestrians

# RO RO Issues & Hazards

- Fatigue
- Lack of communication
- Site/terminal conditions
- Substance abuse
- Traffic controls
- Training
- Walking hazards



# Avian/Pandemic Flu

- Guidance on Avian Flu
  - Laboratory workers
  - Healthcare workers
  - Food handlers
  - Workers stationed abroad
  - Poultry workers and animal handler
- Participating on workgroup to develop guidance for pandemic flu





## Guidance on **Preparing Workplaces for an Influenza Pandemic**

OSHA 3327-02N 2007

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# Avian/Pandemic Flu

- National Strategy for Pandemic Influenza
- HHS and DHS along with other Departments and stakeholders
- Will include cargo handlers

# MACOSH

- Maritime Advisory Committee for Occupational Safety and Health
- Management – Labor – Public
- Last met February, 2007
- Next meeting tentatively July, 2007

# MACOSH

- 5 Workgroups have been established
- 3 groups more concerned with cargo handling issues



## OSHA PRODUCTS, INFORMATION AND GUIDANCE FOR THE LONGSHORING AND MARINE TERMINAL INDUSTRIES

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### Directives

## CPL 02-00-139 - Longshoring and Marine Terminals "Tool Shed" Directive

[Directives - Table of Contents](#)

Record Type:	Instruction
Old Directive Number:	CPL 02-00-139
Title:	Longshoring and Marine Terminals "Tool Shed" Directive
Information Date:	05/23/2006
Standard Number:	<a href="#">1910</a> ; <a href="#">1917</a> ; <a href="#">1918</a> ; <a href="#">1919</a>

## OSHA INSTRUCTION

**DIRECTIVE NUMBER:** CPL 02-00-139**EFFECTIVE DATE:** 5/23/06**SUBJECT:** Longshoring and Marine Terminals "Tool Shed" Directive

### ABSTRACT

**Purpose:**

To provide OSHA offices, interested industry representatives, and State and federal agencies, guidance concerning the application of occupational safety and health standards in longshoring and marine terminal activities. Also, this instruction provides consistent information and ensures consistent enforcement of OSHA's marine cargo handling industry standards (29 CFR Parts 1917 and 1918).

**Scope:**

OSHA-wide.

**References:**

- A. 29 CFR Part 1910, General Industry Standards.
- B. 29 CFR Part 1917, Marine Terminals Standards.
- C. 29 CFR Part 1918, Longshoring Standards.

directly associated with those production or manufacturing areas.

**Question 4: Who has jurisdiction at a "Designated Waterfront Facility" for the movement of cargo, the U.S. Coast Guard or OSHA?**

Answer: Section 4(b)(1) of the OSH Act provides that OSHA has no authority over a working condition if another federal agency has a regulation dealing with that working condition. Pursuant to 33 U.S.C. Section 1231, a provision of the Ports and Waterways Safety Act, the Coast Guard has promulgated regulations (33 CFR Part 126) dealing with working conditions for the loading and discharging of vessels at "designated waterfront facilities" involving the handling and storage of "dangerous cargo," "designated dangerous cargo," or "cargo of a particular hazard."

Further, pursuant to this same section, the Coast Guard has promulgated regulations (33 CFR Part 154) for working conditions involving facilities capable of transferring oil or other hazardous liquids or gases, *in bulk*, to or from a vessel (see 29 CFR Part 1917.1(a)(1)(i)). If the cargo handled at the "designated waterfront facility" is of the type specified in these Coast Guard regulations (33 CFR Parts 126 and 154), then OSHA authority is preempted with respect to those hazards addressed by those regulations (e.g., fire, explosion and toxic hazards).

NOTE: Before making any determination concerning these jurisdictional issues, CSHOs should consult with OSHA's National Office (Directorate of Enforcement Programs; Office of Maritime Enforcement). It is noted that OSHA is preempted only at "designated waterfront facilities" used solely for operations involving the bulk storage, handling and transfer of liquids and gases or cargo listed in 33 CFR Part 126 or Part 154; any other working conditions at the facility are subject to OSHA regulation (such as activities related to production, manufacturing, construction, ship repair including tank cleaning operations, and the movement of general cargo).

**Question 5: Is the foot of the gangway the point of separation between the 29 CFR Part 1917 *Marine Terminals* standard and the 29 CFR Part 1918 *Longshoring* standard?**

Answer: The longshoring rule applies to all activities related to cargo handling aboard a vessel, and the gangway is considered to be part of the vessel. Therefore, when an employee steps onto the foot of the gangway, 29 CFR Part 1918 applies. Conversely, when an employee steps onto the pier or dock from the gangway, 29 CFR Part 1917 applies. Ship-to-shore/shore-to-ship cargo transfer and handling operations accomplished shore-side are covered by the *Marine Terminals* standard (29 CFR Part 1917).

**Question 6: Does the location of the crane being used to load or discharge a vessel determine which standard (29 CFR Part 1917 or 29 CFR Part 1918) applies for operations pertaining to that crane?**

Answer: For shore-based cranes the *Marine Terminals* standard (29 CFR Part 1917) applies, including all lifting device-specific aspects of such transfers. For cranes located on a vessel the



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[Safety and Health Topics](#) > [Maritime Industry](#) > Longshoring and Marine Terminals: Hazard and Abatement Summaries

*Directorate of Science, Technology, and Medicine*  
*Office of Science and Technology Assessment*

## Longshoring and Marine Terminals:

### Hazard and Abatement Summaries

The Longshoring and Marine Terminals: Hazard and Abatement Summaries have been developed to help employers and workers in the maritime cargo handling industry to recognize and control the significant hazards commonly experienced in longshoring and marine terminal operations. This document is comprised of guidesheets that address the most frequent sources of fatalities in the maritime cargo handling industry. Each guidesheet contains a hazard summary describing the circumstances that may have contributed to the hazards and how the specific accident could have been prevented.



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#### INTRODUCTION

#### SECTION I - VEHICULAR ACCIDENTS



print version

(Print entire document in PDF)

**Summary No. 1 - Front-End Loader Operations**

*Struck by a powered industrial truck (PIT) with no warning signals*

**Summary No. 2 - Front-End Loader Operations**

*Struck by a PIT with missing safety devices*

**Summary No. 3 - Ro-Ro Operations**

*Struck by a tractor trailer operating in same lane as lasher*

**Summary No. 4 - Night Time Ro-Ro Operations**

*Struck by a chassis being backed into an area with inadequate visibility*

**Summary No. 5 - Container Ship Unloading/Transfer Operations**

*Struck by a container truck operating in a high traffic area*

**Summary No. 6 - Container Ship Unloading/Transfer Operations**

*Struck by a truck in an area with poorly marked lanes*

**Summary No. 7 - Container Loading/Unloading Operations**

*Struck by a truck making a u-turn in a high traffic area*

**Summary No. 8 - Forklift Truck Operations**

*Struck by a PIT with an obstructed forward view as it turned around a top loader*

**Summary No. 9 - Forklift Truck Operations**

*Struck by a PIT with an obstructed forward view as it approached container*

**Summary No. 10 - Forklift Truck Operations**

*Struck by a PIT with an obstructed forward view as it entered pier shed*

**Summary No. 11 - Forklift Truck Operations**

*Struck by a PIT with broken safety devices impairing rear visibility*

**Summary No. 12 - Forklift Truck Operations**

*Struck by a PIT in a warehouse with no designated safe aisle ways*

**Summary No. 13 - Forklift Truck Operations**

*Struck by the forks attached to a PIT with defective safety devices*

**Summary No. 14 - Servicing and Maintenance Operations**

*Struck by an exploding wheel of a forklift truck*



## SECTION I: VEHICULAR ACCIDENTS

### Summary No. 3 - Ro-Ro Operations

#### Hazard

Employees working in vehicle loading lanes on a barge were exposed to the hazard of being struck by a tractor-trailer truck.

#### Process

Longshoring roll-on roll-off (Ro-Ro) operations were taking place. Vehicles were being loaded onto a barge.

#### *Activity at time of incident:*

An employee was lashing a vehicle to the deck of a barge as a tractor-trailer truck was backing up in an adjacent lane.

#### Incident Description

##### *Setting:*

Longshoremen are loading vehicles into a barge, in a Ro-Ro operation. The barge is used to transport wheeled cargo, such as passenger cars and containerized freight that is mounted on flatbed trailers. This is a typical Ro-Ro operation involving a high concentration of vehicle and pedestrian traffic on the vessel and pier. The barge, which is approximately 730 feet long and 300 feet wide, has three cargo decks and is enclosed at the bow on the first and second decks. The vessel is open on all three decks at the stern, where the vehicle access ramp is located.

Each deck has 10 vehicle loading lanes. The loading lanes are separated by concrete curbs (rub rails), and the drivers position their vehicles between these rub rails. Each vehicle is driven into a predetermined (by weight) loading lane, moving in either a forward or reverse direction as necessary. Other employees who work in the lanes, manually securing (lashing) the vehicles, with nylon web straps, either to fixtures on the deck or to stanchions on the rub rails.

# Longshoring Industry



U.S. Department of Labor  
Occupational Safety and Health Administration

OSHA 2232  
2001 (Revised)





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# OSHA FactSheet

## Marine Terminal Fall Protection for Personnel Platforms

In marine terminals, personnel platforms attached to the container spreader of a container handling gantry crane are commonly used to transport workers, equipment and tools to and from container ships. The longshoremen then perform various tasks onboard the ship, such as disconnecting the twistlocks that hold cargo containers together, attaching and removing lashing equipment that secure the stacks of containers on the ship, and handling other problems that may arise. During the transport of longshoremen to and from container ships, the hazard of falling is a major concern for employers, ship owners, and the longshoremen.



### General Precautions

Employers are required to ensure that employees use a personal fall protection system while working on top of a vessel's containers (see 29 CFR 1918.85(j)). However, employers are not required to ensure that employees use the personal fall protection system while riding in a personnel platform. However, OSHA standards 29 CFR 1917.45(j) and 1918.66(c) provide safety requirements and procedures for longshoring employees who are being hoisted.

### Personnel Platform Recommendations

To better protect employees, OSHA recommends that employers and employees implement the following safety precautions to ensure the safety of workers being transported on personnel platforms:



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**Enforcement of Cargo Gear Regulations and the Requirements of Gear Certification Directive.** This purpose of this instruction is to offer guidance regarding the application of OSHA's policy, procedures, and the enforcement of the cargo gear certification standards in the maritime industries. This directive can be accessed directly via [www.osha.gov](http://www.osha.gov) (see "Directives," "Enforcement of Cargo Gear Regulations and the Requirements of Gear Certification Directive") or through the Longshoring and Marine Terminal "Tool Shed" Directive.

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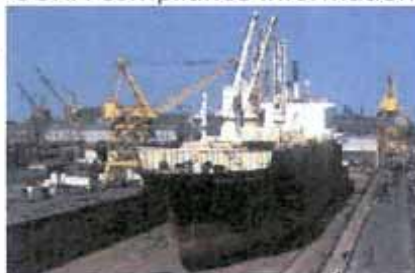
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### OSHA Assistance for the Maritime Industry

These pages are part of OSHA's commitment to provide employers and maritime workers with information and assistance to help in complying with OSHA standards and in ensuring a safe workplace.

- **Maritime Standards and Guidance.** OSHA. Links to maritime related standards, and to the OSHA Office of Maritime.
- **Maritime Compliance Information.** OSHA. Links to OSHA compliance information including directives, letters of interpretation, Review Commission decisions, and crane certification, and to the OSHA Office of Maritime Enforcement.
- **Maritime Advisory Committee for Occupational Safety and Health (MACOSH).** OSHA. MACOSH is a committee which provides additional viewpoints to OSHA on maritime safety issues. This page provides MACOSH contacts, workgroup assignments, meeting minutes, and recommendations.
- **Maritime Safety and Health Topics.** OSHA. Provides access to maritime publications and training materials, as well as web pages addressing specific maritime topics.
  - **Shipyard Employment.** OSHA eTool. Shipyard work has traditionally been hazardous, with an injury-accident rate more than twice that of construction and general industry. OSHA has included the industry in its Strategic Plan to reduce injuries and illnesses and prevent fatalities. The eTool describes



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common hazards and possible solutions for tasks performed during the maritime industry's ship repair, shipbuilding, shipbreaking, and barge cleaning processes.

## **Maritime Alliances and Partnerships**

### **National Alliances**

- American Shipbuilding Association (ASA). Signed July 15, 2003; renewed January 13, 2006.
- National Shipbuilders Research Program (NSRP). Signed July 15, 2003; renewed February 20, 2006.
- Shipbuilders Council of America (SCA). Signed January 31, 2003; renewed June 16, 2005.



**Assistant Secretary Henshaw with representatives from three different shipbuilding organizations that have signed National Alliances. From left to right: Richard McCreary, Shipbuilders Council of America; Steve Strom, National Shipbuilding Research Program and Paul Robinson, American Shipbuilding Association.**

### **Regional Alliances**

- Region I - Braintree Area Office
  - US Coast Guard Marine Safety Office. Signed April 14, 2003. Also see the Annual Alliance Evaluation. (Alliance is also with Providence Area Office)
- Region IV - Jackson Area Office and Region VI - Baton Rouge Area Office
  - Northrop Grumman Ship Systems and its Unions. Signed May 9, 2003.
- Region IX
  - Hawaii Occupational Safety & Health Division, Occupational Safety & Health Administration, Educational Institutions and the Primary Business, Safety & Health, and Government Organizations in Hawaii. Signed November 25, 2002.
- Region X
  - Shipbuilders Council of America. Signed October 22, 2002; renewed October 22, 2003.

### **Strategic Partnerships**

- For a listing of partnerships, see Shipyards and Ship Building and Repair.



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## Maritime Compliance Information

This page provides links related to OSHA's maritime compliance program.

- [Office of Maritime Enforcement](#). OSHA Directorate of Enforcement Programs. This office provides compliance information to the OSHA community and staff.
- [Compliance Directives](#). OSHA. Provides OSHA's operating procedures and ensure consistency within the agency.
- [Shipbreaking](#). OSHA Fact Sheet (2001). Provides information on the hazards associated with shipbreaking.
- [Standards Interpretations](#). OSHA. Responses by OSHA to specific questions relating to OSHA interpretation of the requirements of a standard.
- [Review Commission and Administrative Law Judge Decisions](#). Written summaries of disputes about OSHA enforcement actions which are brought before the independent Occupational Safety and Health Review Commission for a legal hearing.
- [Maritime Crane Accreditation/Certification Program](#). Program to accredit agencies to certify lifting devices used in the maritime industry.

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# Top 10 Ways to Tell if Your OSHA Inspection is Going Poorly

10. OSHA sets up temporary housing in your parking lot
9. The Compliance Officer mutters, "This is unbelievable" each time he or she enters a different department.
8. OSHA calls in a professional film crew to document conditions in the plant. A reporter from "60 Minutes" tags along.

# Top 10 Ways to Tell if Your OSHA Inspection is Going Poorly

7. The Compliance Officer insists on wearing a moon suit supplied with a SCBA, while your employees work in jeans and tennis shoes
6. The Congressman you called for help won't return your call, but he does return your campaign contribution.

# Top 10 Ways to Tell if Your OSHA Inspection is Going Poorly

5. The Compliance Officer begins the opening conference with the following: "You have the right to remain silent..."
4. The Compliance Officer asks you a specific question about a report in your files, but you haven't turned over any files

# Top 10 Ways to Tell if Your OSHA Inspection is Going Poorly

3. The Compliance Officer is a former employee that you fired
2. The Compliance Officer knows each of your employees by their first name

# Top 10 Ways to Tell if Your OSHA Inspection is Going Poorly

1. Edwin G. Foulke conducts the closing conference

- Thanks to the HSE Group

