Occupational Safety & Health/Worker’s Compensation
In The U.S. Marine Cargo Handling Industry

A History and Overview for Port Industry Executives
Docks accident kills employee

Monday, June 23, 2008

ROBERT MCCLENDON
Staff Reporter

Authorities continued Sunday to investigate an accident on a coal ship at the Alabama State Docks that killed one man and injured another early Saturday.

Tim Huff, a millwright with the State Docks, fell to his death inside the hold of a massive coal-bearing bulk carrier at about 3 a.m. Saturday, docks and union officials said Sunday.

Another man, a crewman on the MV CELERINA, fell while attempting to rescue Huff, officials said.

State Docks spokeswoman Judith Adams, who didn’t know the crewman’s name Sunday, said he survived the fall and was later rescued by emergency workers.

Exactly what caused the two men to fall remains under investigation, but Michael Bru, vice-president of Local 1984 of the International Longshoreman’s Association, said Huff died while doing his job.

As a millwright, it was Huff’s responsibility to troubleshoot any equipment problems that arose during offloading, Saturday, he was responding to an offloading bucket that had become stuck in the ship’s hold, Bru said.

Huff, who was from Robertsdale, was working his way down a shaft in the coal to reach the bucket when he was overcome by fumes, passed out and fell down the shaft, Bru said.

"The bottom line is there was not enough oxygen. He passed out and fell," Bru said. "It’s the millwright’s job to get to the problem, and he was trying to get to the problem so that the work could continue."

The crewman of the MV CELERINA went into the shaft after Huff but was also overcome by the fumes, Bru said.

Although he didn’t know exactly how deep the shaft was, Bru said it could have been up to 75 feet deep.

Bru said the accident was the first of its kind at the State Docks.

Adams said Huff is the first State Docks worker to be killed in a work-related incident in her 15 years on the job.

Bru said the job of a millwright requires someone who is willing to take the initiative when things breakdown and Huff fit that description perfectly.

"He was one of the hardest working men on the docks," Bru said. "It takes a go-getter like himself to do a job like this."

Bru also vowed to work to make sure that an accident of this type never happens again.

"We are deeply saddened by the loss of our employee and we will get to the bottom of this," Adams said.

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SAVANNAH, GA (WTOC) - Officials at the Savannah ports says a man was killed after an accident this morning at the ocean terminal.

Benjamin Bryan, the international vice president of ILA for the Savannah region said the victim was 69-year-old Lee Fluker.

City of Savannah spokesman Bret Bell says there were two forklifts moving large amounts of tubular steel. Some steel rolled off one of the forklifts and hit Fluker, he fell to the ground and into the path of the other forklift.

The driver of that forklift saw Fluker and stopped short of hitting him, however the tubular steel fell off and crushed Fluker, OSHA is on the scene investigating.

Fluker was a member of Local 1414 and worked at the port for about 10 years.
77-Year-Old Man Drowns in the Port of Oakland

Bay City News Service
Article Last Updated: 08/24/2008 01:33:50 PM PDT

OAKLAND (BCN)  August 23, 2008, Aboard The C/V NYK STARLIGHT

A 77-year-old Oakland resident apparently fell off a container ship while he was working in the Port of Oakland and drowned Saturday night, said U.S. Coast Guard Petty Officer Thomas Shay.

Delmont Blakeney was reportedly trying to free a cargo container off his vessel when it broke free and knocked him into a rail, throwing him overboard just before 11 p.m.

Crewmembers threw Blakeney a lifesaver but he lost consciousness, Shay said. He was reportedly pulled to shore, given CPR and transported to the hospital where he was pronounced dead.
Victim of Port Accident ID'ed as Northeast Houston Man

By KEVIN MORAN Copyright 2008 Houston Chronicle
Sept. 4, 2008, 11:59AM

A man who died in a traffic accident at the Port of Houston has been identified as Donald Earl Soule Jr., of the 1000 block of Grenfell Lane in northeast Houston, the Harris County Medical Examiner's Office reported today. Soule, 56, died shortly before noon Wednesday after a shuttle bus on which he was riding collided with an 18-wheel truck.

The accident occurred at 919 E. Barbours Cut Blvd., which is on port property, spokeswoman Lisa Whitlock said.

The shuttle bus was operated by APM Terminals, a port tenant, Whitlock said. APM spokesman Tim Haas today declined to comment while port and La Porte police investigate the case.

kevin.moran@chron.com
Double Throughput Or Suffer, U.S. Ports Told

Journal of Commerce
Tuesday, October 16, 2007
By: Bill Mongelluzzo / The JOURNAL of COMMERCE ONLINE

LONG BEACH, Calif. -- If the U.S. container trade continues to increase about 7.5 percent per year, three-quarters of the country’s major ports will experience significant capacity problems by 2010, according to a marine architect who has designed container terminals around the world.

Ports in the United States handle less than 5,000 TEUs per-acre, per-year, while Asian ports handle more than 16,000 TEUs per acre, Vickerman told a marine terminal management training program Monday sponsored by the American Association of Port Authorities.

Although Asian terminal operators have more flexibility in their use of labor and equipment, the main reason they are so productive is that they work three full shifts per day, Vickerman said. Distribution facilities likewise work around the clock, so containers incur very little dwell time at marine terminals. In the U.S., where dock labor is more expensive, most terminals work only one shift per day. This explains the low productivity figures of about 2,661 TEUs per acre at East Coast ports and 4,944 TEUs at West Coast ports. Los Angeles-Long Beach now runs five extra shifts per week, and this increases productivity by moving about 30 percent of the truck traffic to off-peak hours.
Potential Translation:

Work Harder, Faster, and Longer

Potential Result:

More Accidents; More Deaths
Potentially Moderating Factors:

- Terminal Operators/Unions/Ocean Carriers Working Smarter; With Compatible Safety Priorities;
- Port Authorities Acting As Independent Catalysts For Safer Workplaces, By Requiring Adherence to Tariff-Established Operational Parameters that Better Define Safety Priorities.

That’s Where We Want To Be. Let’s See Where We’ve Been…
A Little U.S. History

[With Comparable Circumstances at Canadian, Caribbean & South American AAPA Member Ports]
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.”
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.”

- Clarified by the Supreme Court in:
  - T. Smith & Son v. Taylor (1928)
  - Minnie v. Port Huron Terminals (1935)
Organized Labor Initiates Attempts to “Perfect” the LHWCA

- ILA/ILWU
- Boilermakers
- Steelworkers

- 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

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SUBCOMMITTEE ON SAFETY IN LONGSHORE AND HARBOR WORK
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## The 85th Congress (1957-1958)

- **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.**
The 1958 LHWCA Amendments
[Public Law 85-742]

- Political compromise brokered by Lyndon Johnson, with JFK as strongest proponent.
- Resisted by Ike; needed by Richard Nixon 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 Longshoring Industry Safety Regulations

- 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 and Health Act of 1970
[Public Law 91-596]

- 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

- Brings Federal program of compensation ashore

- Now, additionally covers "related employments"

- Substantially boosts amount of compensation paid to recipients (66 2/3% of average wkly wage)
Applicability of Initial OSHA Regulations to Marine Cargo Handling Operations


Confusing & Contradictory…. Labor & Management Rebel!
The Marine Terminals Standard

- 29 CFR Part 1917 reduced the volume of applicable regulations by 75%
- Custom tailored in unison with labor & management interests
- Included criteria for safely conducting all modern cargo handling operations
- Applies from gate to gangway
“Modernized” Part 1918 (Shipboard) Standards

- Afloat marine cargo handling rules had very little change since the 1960’s

- Needed to subjectively track, without any variance, the shoreside (Part 1917) rules
Lots Of Regulations

What’s the Purpose?
Decrease Human Suffering
Offset Financial Loss
(With Loss Of Life)
Prevent Even Greater Financial Loss
Accidents: Direct/Indirect Costs

- Worker’s Comp: “The Manual Rate”

- All In Costs: 4-15 Percent of Total Payroll

- Therein lies the difference between profit and loss in an industry with razor thin profit margins
ILA seeks safety talks
Journal of Commerce
Wednesday, December 01, 2004
By: The JOURNAL of COMMERCE ONLINE

The president of the International Longshoremen's Association has called for port safety meetings with employers and federal agencies following recent accidents that killed a union dockworker in New Jersey and injured three others in South Carolina.

"Safety remains a top priority with the ILA as it is with our employers," said ILA President John Bowers. "However, something is wrong when ILA members are killed or critically injured at the work sites. We need to address this problem immediately."
HazMat Cargoes

THE HALIFAX HERALD

HALIFAX WRECKED

More Than One Thousand Killed In This City,
Many Thousands Are Injured And Homeless.

More than one thousand dead and
probably five thousand injured,
many of them fatally, is the result of the
explosion yesterday on French steam-
ship Mont Blanc, loaded with nitro-
glycerine and trinitrotoluol. All of Hal-
ifax north and west of the depot is a mass
of ruins and many thousands of people
are homeless. The Belgian Relief steamer Isis,
carrying mail and the crew of the Mont
Blanc, which immediately took fire and was headed to
the Pier No. 4 and exploded. Buildings over a great
area collapsed, burying men, women and children. Tow-
wards and smaller vessels were engulfed and then a
great wave washed up over Campbell Road. First
rescue efforts included motor boats, stopping the
work of rescue. Not a house on Halifax escaped some
damage, and the region bounded on the east by the
harbor, south by North street and west by Windsor
street is absolutely devastated.

THE wounded and homeless are in
different institutions and homes
over the city. The Halifax Herald
is collecting information regarding
the missing, and citizens who have
victims of the disaster at their homes
are requested to telephone to The
Herald office. Hundreds of the
bodies which were taken from the ruins are un-
recognizable and morgues have been opened in dif-
ferent parts of the city. Citizens' committees are
being formed for rescue work. Bulletins will be
issued throughout the day giving information for the
assistance of those who have lost relatives and friends.
While practically every home in the city has
lost those who are able to give any temporary accom-
modation are asked to notify some of the committee.

Military and naval units are housing units
improvising the rescue work.
QuickTime™ and a decompressor are needed to see this picture.
NON-FLAMMABLE GAS 2
3 Longshoremen Dead at Port Everglades

Why?
Loading The M/V Madeleine
Hayman Sooknanan
The Venting Tank Container
Crewmember with Blower
Recovering the Bodies
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.