



# OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 2-1.27

**EFFECTIVE DATE:** May 12, 1998

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**SUBJECT:** Focused Inspection Program for Intermodal Container Top Fall Protection

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## ABSTRACT

- Purpose:** This Instruction implements a Focused Inspection Program for Intermodal Container Top Fall Protection.
- Scope:** OSHA-wide
- References:** OSHA Standard 29 CFR 1918.85 (j) through (l); OSHA Instruction STD 2-1.11
- Cancellations:** None
- State Impact:** This Instruction describes a Federal Program Change for which State adoption is not required (see paragraph V).
- Action Offices:** National, Regional, and Area Offices
- Originating Office:** Office of Maritime Standards (OMS), Directorate of Safety Standards Programs
- Contact:** Larry Liberatore, OMS  
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By and Under the Authority of  
Charles N. Jeffress  
Assistant Secretary

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OSHA Instruction CPL 2-1.27 - Focused Inspection Program for Container Top Fall Protection

- I. Purpose. This directive provides guidance for compliance officers to focus their inspection efforts to reduce injuries and eliminate the incidence of hazards associated with working on intermodal container tops
- II. Scope. This instruction applies to Federal jurisdiction.
- III. References.
  - A. OSHA Standard 29 CFR 1918.85 (j) through (l).
  - B. OSHA Instruction STD 2-1.11, OSHA's Updated Longshoring and Marine Terminal Regulations (Pending).
- IV. Action Information.
  - A. Responsible Office. Office of Maritime Safety Standards
  - B. Action Offices. National, Regional and Area.
  - C. Information Offices. Consultation Program Managers and State Designees.
- V. Federal Program Change. This instruction describes a Federal Program Change for which State adoption is not required.

NOTE: To effectively enforce safety and health standards, guidance to compliance is necessary. Therefore, although adoption of this instruction is not required, States are expected to have standards, enforcement policies and procedures which are at least as effective as those of Federal OSHA. States which cover private sector maritime employment and/or have public sector employees engaged in maritime operations are expected to provide guidance to compliance and consultation staff with respect to the fall hazards associated with working on intermodal container tops.

- VI. Action.
  - A. Questions regarding the application or interpretation of this Instruction should be directed to the originating office, the Office of Maritime Standards (OMS), Directorate of Safety Standards.
  - B. OSHA Regional Administrators, Area Directors, and National Office Directors

shall ensure that the policies and procedures set forth in this instruction are followed and implemented.

- C. Regional Administrators shall ensure that the State Consultation Program Managers and the State Plan State Designees in their Regions are apprised of the contents of this instruction. Regional Administrators are to encourage the Consultation Programs' involvement in this Agency-wide effort.

VII. Background. Falls from tops of containers have resulted in a number of serious injuries and fatalities (see the Longshore final rule, 62 FR 1634 (7/25/97), for a complete discussion). Containers are typically stacked from one to nine below deck and one to seven above deck. The loading and unloading procedures typically require a worker to place and remove container stacking alignment cones in and from the container's corner castings. This means that workers performing these tasks are exposed to fall hazards of up to 90 feet.

Advances have been made in the technology of securing intermodal containers which have had a dramatic effect on container top safety. The use of positive container securing devices or systems such as semi-automatic twistlocks and above deck cell guides, can minimize the need for workers to work on top of containers, most notably, in coning and deconing operations. Effective July 25, 1999, positive container securing devices must be used when working a ship with a container gantry crane (See 1918.85(j)(1)).

Effective **January 21, 1998**, the employer must ensure that each employee is protected from fall hazards by a system meeting the requirements of 1918.85(k).

VIII. Program and Compliance Procedures.

- A. The issue of container top fall protection was a major segment of the Agency's outreach effort. Employers were encouraged to establish effective safety and health programs/plans and with emphasis on establishing a container top fall protection program.
- B. Each Area Office will endeavor to inspect each stevedoring company at each major marine terminal at least once within the next twelve months.
- C. During marine cargo handling inspections, CSHO's shall determine whether employers are providing fall protection in accordance with 1918.85(j), (k), and (l).
- D. A brief discussion will be included in each case file concerning the type of fall protection system(s) utilized by the employer.
- E. If questions arise with regard to feasibility issues, the Area Director shall consult with the Regional Office and the National Office (DCP or the Maritime Facilitator).

F. If a decision is made to not issue a citation based on a feasibility argument, the Area Director must consult with the Regional Office and the National Office (DCP or the Maritime Facilitator).

IX. Program Evaluation. Regional Offices may be asked to forward data to the Maritime Facilitator in selected case files which are relevant to container top fall protection.

X. IMIS Coding. Current instructions for completing enforcement forms OSHA-1, OSHA-7, OSHA-36, and OSHA-90 and Consultation Request Form-20 and Visit Form-30 shall be applied when recording inspections conducted under this Focused Inspection Program as follows:

A. For any Marine Cargo Handling inspection conducted under this Focused Inspection Program, Item 42 (Optional Information), on the OSHA-1 Form shall be completed as follows:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

B. Whenever an OSHA-7 is completed and the applicable complaint alleges the presence of container top fall hazards, complete the OSHA-7 in the usual manner, but include the code for container top fall hazards in "Optional Information" in Item 46. The following format should be used:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

C. Whenever an OSHA-36 is completed and the inspecting CSHO is able to identify the existence of container top fall hazards at the site of the fatality/catastrophe, complete the OSHA-36 in the usual manner, but include the code for container top fall hazards in "Optional Information" in Item 35. The following format should be used:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

D. Complete the OSHA-90 in the usual manner and enter the code for container top fall hazards in "Optional Information" in Item 26 when the applicable referral case has container top fall hazards as one of the subjects of the file. The following format should be used:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

E. Complete the Consultation Request Form-20 in the usual manner and enter the code for container topfall hazards in "Optional Information" when container top

fall hazards is one of the subjects of the file. The following format should be used:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

- F. Complete the Consultation Visit Form-30 in the usual manner and enter the code for container topfall hazards in "Optional Information" when container top fall hazards is one of the subjects of the file. The following format should be used:

<u>TYPE</u>	<u>ID</u>	<u>VALUE</u>
N	14	FOCUS, CTOPFALL

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