ABSTRACT

Purpose: This Notice establishes a Local Emphasis Program (LEP) for the programmed inspection of Maritime Industries engaged in shipbuilding and repair, marine cargo handling, navigation services to shipping, port and harbor operations, other support activities for water transportation and boat building, located on or adjacent to navigable waterways.

References: CPL 04-00-001, Procedures for Approval of Local Emphasis Programs CPL 02-00-025, Scheduling System for Programmed Inspections CPL 02-00-150, Field Operations Manual

Cancellations: None.

State Impact: None

Action Offices: Pittsburgh, Pennsylvania Area Office

Originating Office: Pittsburgh, Pennsylvania Area Office

Contact: Christopher Robinson, Area Director Pittsburgh Area Office Federal Building, Room 905 Pittsburgh, PA 15222-4101

By and Under the Authority of

MaryAnn Garrahan
Regional Administrator
Maritime LEP

I. Purpose:

This Notice establishes a Local Emphasis Program (LEP) for the programmed inspection of Maritime Industries engaged in shipbuilding and repair, marine cargo handling, navigation services to shipping, port and harbor operations, other support activities for water transportation and boat building, located on or adjacent to navigable waterways.

II. Scope:

This notice applies to the Pittsburgh Area Office.

III. References:

CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs)
CPL 02-00-025, Scheduling System for Programmed Inspections
CPL 02-00-150, Field Operations Manual

IV. Expiration:

This notice expires on September 30, 2015.

V. Action Information:

A. Responsible Office: Pittsburgh Area Office
B. Action Office: Pittsburgh Area Office
C. Information Office: Philadelphia Regional Office

VI. Action:

OSHA compliance personnel shall ensure that the procedures contained in this directive are followed when conducting inspections under this LEP.

The U.S. Coast Guard is the agency responsible for making any determination of whether a body of water is considered to be U.S. navigable waters. The term, U.S. navigable waters includes U.S. inland waters (such as rivers, tributaries, lakes, bays, and sounds), as well as State territorial seas.
OSHA Instruction CPL 02-00-150, allows Area Offices to establish LEPs that address specific hazards or industries in their area. This LEP also addresses such as, but not limited to the following areas of emphasis: machine guarding, personal protective equipment, flammable and combustible liquids, chemicals, lead, silica, hazard communication, noise, struck by hazards, falls from elevations, guarding of edges, crushing, explosion, electricity, powered industrial vehicles and cranes.

VII. Background:

The Port of Pittsburgh is located on the Allegheny, Monongahela, and Ohio Rivers and according to the U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center is the largest tonnage port in Pennsylvania and the second largest inland port in the United States. It ranks as the 21st largest port in the United States with almost 34 million short tons of river cargo for 2011, the port ranked 9th largest in the U.S. when measured in domestic trade.

OSHA Instruction CPL 02-00-025, Inspection Scheduling for Maritime, states that the maritime industry is made up of several industrial activities and due to the unique differences among the industries, several scheduling methods are necessary. Recognizing the differences in conducting water transportation services operations in a large port where for example, many stevedores generally conduct longshoring operations, and on rivers and other waterways, where loading and unloading by a single employer is generally involved, water transportation services inspections may be scheduled either by port area or by employer.

The U.S. Bureau of Labor Statistics (BLS) compiles worker safety and health data, including the Days Away, Restricted or Transferred (DART) incidence rates for maritime activities. Its five recent years of available data, calendar years 2008 through 2012, are presented below in Table 1 for (NAICS) code 336611 (Ship building, Repairing), 488320 (Marine Cargo Handling), 488330 (Navigation Services to Shipping), 488310 (Port and Harbor Operations), 488390 (Other Support Activities for Water Transportation), 336612 (Boat Building), 811490 and 713930 (Marinas).

The national average DART incidence rate for Port and Harbor Operations, Marine Cargo Handling, Shipbuilding and Repair and Boat Building activities far exceeds the rate for general industry and construction.
Table 1

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Private Industry Average</th>
<th>Construction Industry Average</th>
<th>Fort &amp; Harbor Operations</th>
<th>Marine Cargo Handling (Tonnage)</th>
<th>Navigation Services to Shipping</th>
<th>Ship Building &amp; Repair</th>
<th>Other Support Activities for Water</th>
<th>Boat Building (336612)</th>
<th>Marina (713930)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>2.0</td>
<td>2.5</td>
<td>4.6</td>
<td>4.9</td>
<td>2.0</td>
<td>5.2</td>
<td>3.3</td>
<td>3.8</td>
<td>2.1</td>
</tr>
<tr>
<td>2009</td>
<td>1.8</td>
<td>2.3</td>
<td>4.7</td>
<td>4.7</td>
<td>3.4</td>
<td>4.8</td>
<td>2.9</td>
<td>3.6</td>
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<tr>
<td>2010</td>
<td>1.8</td>
<td>2.1</td>
<td>4.7</td>
<td>4.9</td>
<td>1.3</td>
<td>5.8</td>
<td>2.4</td>
<td>3.2</td>
<td>1.5</td>
</tr>
<tr>
<td>2011</td>
<td>1.8</td>
<td>2.1</td>
<td>4.4</td>
<td>5.8</td>
<td>1.8</td>
<td>4.8</td>
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<td>3.3</td>
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<tr>
<td>2012</td>
<td>1.8</td>
<td>2.0</td>
<td>-</td>
<td>6.5</td>
<td>2.1</td>
<td>4.9</td>
<td>1.3</td>
<td>4.1</td>
<td>1.7</td>
</tr>
</tbody>
</table>

*NOTE: Dashes indicate data that do not meet publication guidelines for the Bureau of Labor Statistics, U.S. Department of Labor*

VIII. Procedures:

This Local Emphasis Program will be conducted within the Pittsburgh Area Office's jurisdiction.

A. Outreach: The Pittsburgh Area Office has developed outreach programs that support the purpose of this initiative – the reduction and elimination of safety and health hazards within the maritime industries. The programs include letters to the employer (see Appendix A) explaining the purpose of the initiative and the selection criteria for the targeted participants. Employers were provided with a list of relevant compliance assistance materials (see Appendix B), directions on how to access these materials, and a reference to other sources of assistance such as the OSHA funded State Consultation Program.

B. Scheduling lists shall be developed using the employer method per CPL 02-00-025, paragraph B.1.b(3)(c): A list of all water transportation services employers within the Area Office’s jurisdiction may be prepared, based on OSHA inspection history, local knowledge and experience, company schedules, and other sources.

C. The method of selection (for the lists) at the beginning of each fiscal year shall be approved by the Regional Administrator.

D. Deletions shall be made in accordance with CPL 02-00-025, paragraph B.1.b(3)(c)(6).

E. Health inspections shall be scheduled in accordance with CPL 02-00-025, paragraph B.1.b.(3)(c)(8).
F. Inspections shall be conducted in accordance with CPL 02-00-150, Field Operations Manual.

IX. Recording in OIS:

In the Inspection Form, under the Inspection Type Tab, select “MARITIME” from the LEP drop down menu for proper coding.

The Scope of the inspection will be coded in accordance to the Field Operations Manual (FOM).

X. Evaluation: Not later than October 31 of each year, the Pittsburgh Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A (CPL 2-0.102A). This program will be evaluated using the following activity measures and outcome measures:

A. Number of inspections.

B. Number of inspections in-compliance.

C. Number of “no inspection” cases.

D. Percent of total violations cited serious/ repeat/ and willful.

E. Number of employees covered by inspection.

F. Dollar amount of penalties assessed.

G. Percent of citations contested.

H. Number of significant cases.

I. Average violations per inspection.

Distribution: Regional and Area Offices
Regional Solicitor
Directorate of Enforcement Programs
Appendix A

Dear Employer:

The Pittsburgh Area Office of the Occupational Safety and Health Administration (OSHA) is conducting a Local Emphasis Program to address safety and health hazards in the maritime industries. OSHA has determined that employees face a significant safety and health risk as the result of occupational exposure to moving/rotating parts of machinery/equipment, flammable and combustible liquids, chemicals, lead, silica, noise, electricity, unexpected release of energy, falls from elevations, material handling equipment within this industry. Our agency has further concluded that these hazards can be minimized or eliminated by using a combination of engineering and work practice controls, including but not limited to, physical guarding, energy control, inspection programs, respiratory protection, exposure determinations, personal protective clothing and equipment, training, labeling, hazard communication program medical surveillance, and other provisions.

Additionally, OSHA has standards in place to protect employees from workplace hazards associated with occupational exposure referenced in the previous paragraph for this industry.

This initiative focuses on (NAICS) code 336611 (Ship building, Repairing), 488320 (Marine Cargo Handling), 488330 (Navigation Services to Shipping), 488310 (Port and Harbor Operations), 488390 (Other Support Activities for Water Transportation), 336612 (Boat Building), 811490 and 713930 (Marinas).

There are two components to the Local Emphasis Program, outreach and enforcement. During the outreach phase, OSHA will provide affected employers with guidance and information on how to minimize employees’ risks, and how to comply with pertinent OSHA standards. A list of compliance assistance materials available from the OSHA website is attached. If you do not have access to the internet and would like to view this information, please contact us at 412-395-4903.

Additionally, employers may want to take advantage of OSHA’s free on-site consultations service administered by Indiana University of Pennsylvania, 1-800-382-1241.

The enforcement phase of this program will begin 30 days from the mailing of this letter. Inspections will be conducted in establishments in NAICS 336611, 488320, 488330, 488310, 488390, 336612, 811490 and 713930 will focus on employee exposure to safety and health hazards referenced in this initiative. Other hazards observed during the inspection will also be addressed.

If you have any questions, or require additional information regarding this program, please
contact the Pittsburgh Area OSHA office at 412-395-4903 between the hours of 8:00 am and 4:30 pm.

Sincerely,

Christopher M. Robinson
Area Director
Appendix B

Resources available on the web at www.osha.gov:


Maritime Advisory Committee: http://www.osha.gov/dts/maritime/compliance.html


Maritime Additional Resources/Related Safety & Health Topics:

http://www.osha.gov/dts/maritime/otherresources.html


https://www.osha.gov/SLTC/etools/shipyard/standard/index_se.html