



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 13-37 (CPL 04)	EFFECTIVE DATE: November 26, 2013
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SUBJECT: Local Emphasis Program for Inspections of Longshoring Activity
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REGIONAL IDENTIFIER: Region 10

Purpose: This Notice transmits the policies and procedures to be followed when scheduling and conducting programmed safety and health inspections in longshoring.

Scope: This Notice applies to all longshoring activities under the jurisdiction of Region X.

References: See paragraph III.

Cancellation: OSHA Regional Notice 13-17 (CPL 04), February 20, 2013.

Expiration Date: This Notice will expire December 31, 2014, but may be renewed.

State Plan Impact: None.

Significant Changes: None.

Action Offices: Anchorage Area Office, Bellevue Area Office, Boise Area Office and Portland Area Office and the Office of Federal and State Operations

Originating Office: Office of Federal and State Operations

Contact: Steve Gossman
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By and Under the Authority of:

David L. Mahlum
Acting Regional Administrator

EXECUTIVE SUMMARY

Longshoring is a highly specialized and hazardous activity, covered by standards in 29 CFR 1917 and 1918. OSHA Region X has jurisdiction over longshoremen working for stevedoring companies in Alaska, Idaho, Oregon and Washington. In Alaska, Idaho and Oregon, OSHA Region X maintains jurisdiction over all longshoring and marine terminal operations on and off the water except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks. In addition, OSHA Region X maintains jurisdiction over longshoring and marine terminal operations at the Red Dog Mine in Alaska. Finally, in Washington, OSHA Region X maintains jurisdiction over employers with operations aboard vessels afloat such as container ships, cargo barges, and boom boats except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks.

In the past, Region X has scheduled longshoring inspections through the scheduling systems in place in CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995. This Notice will clarify the scheduling system to be used in Region X.

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- I. Purpose.** This Notice transmits the policies and procedures to be followed when scheduling and conducting programmed safety and health inspections in longshoring.

II. Scope. This Notice applies to all federal OSHA enforcement offices located in Region X for inspections of longshoring sites.

III. Action Offices. Anchorage Area Office, Bellevue Area Office, Boise Area Office, Portland Area Office and the Office of Federal and State Operations.

IV. State Plan Impact. None.

V. References.

A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.

B. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998.

C. OSHA Notice CPL 02-00-150, Field Operations Manual, April 22, 2011.

D. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs) and Experimental Programs, November 10, 1999.

VI. Background. Longshoring is a highly specialized and hazardous activity, covered by standards in 29 CFR 1917 and 1918. The North American Industry Classification Systems (NAICS) industry code for longshoring is 488320, Marine Cargo Handling, and encompasses establishments primarily engaged in providing stevedoring and other marine cargo handling services except warehousing. In addition, NAICS 488310, Port and Harbor Operations, is also affiliated with marine cargo handling and longshoring operations. The Standard Industrial Classification (SIC) Manual of 1987 depicts Marine Cargo Handling as SIC 4491, and provides the following industry description:

Establishments primarily engaged in activities directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or in-transit area until cargo loading or unloading operations are completed. Included in this industry are establishments primarily engaged in the transfer of cargo between ships and barges, trucks, trains, pipelines, and wharfs. Cargo handling operations carried on by transportation companies and separately reported are classified here. This industry includes the operation and maintenance of piers, docks, and associated buildings and facilities.

Workers engaged in longshoring activities are exposed to serious, life-threatening hazards such as being struck by mobile equipment, crushed by falling material, falling and drowning. The total number of reported fatalities in the United States in 2010 for all private industry was 4,070; while the number of fatalities reported in 2010 in marine cargo handling was seven (7). All seven of these fatalities were categorized as “Transportation incidents.” Nationally, injury and illness rates for Days Away Restricted

and Transfer (DART) and Total Recordable Cases (TRC) in the marine cargo handling industry are higher than the national private industry rates. Injury and illness data reported by the states of Alaska, Oregon and Washington in 2010 indicates occupational injury and illness rates are higher than the national private industry rates for DART and TRC. In Alaska, the 2010 TRC and DART rates for NAICS 4883, Support Activities for Water Transportation, are higher than the national industry average TRC and DART rates. In Washington, the 2010 TRC rate for NAICS 483, Water Transportation, is higher than the national industry average. A Survey of Occupational Injuries and Illness (SOII) for Idaho was not available. Please see the table below.

2010	TRC	DART
National: Private Industry	3.5	1.8
National: Marine Cargo Handling (NAICS 48832)	6.5	4.9
Alaska: Transportation and Warehousing (NAICS 48-49)	5.7	3.9
Alaska: Support Activities for Water Transportation (NAICS 4883)	7.9	6.2
Oregon: Transportation and Warehousing (NAICS 48-49)	5.8	3.9
Oregon: Support Activities for Transportation (NAICS 488)	4.7	2.5
Washington: Water Transportation (NAICS 483)	7.2	4.5

In the past, Region X has scheduled longshoring inspections through the scheduling systems in place in CPL 02-00-025, Scheduling System for Programmed Inspections. This scheduling system has been found to be insufficient to provide enforcement coverage of all longshoring areas in Region X.

VII. Jurisdiction. Federal OSHA in Region X has jurisdiction in the following areas:

- A. Alaska: All longshoring and marine terminal operations on and off the water, except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks, except for longshoring and marine terminal operations at the Red Dog Mine where federal OSHA does have jurisdiction.
- B. Idaho: All longshoring and marine terminal operations on and off the water, except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks.
- C. Oregon: All longshoring and marine terminal operations on and off the water, except loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks.
- D. Washington: Employers with operations aboard vessels afloat and access to the vessel, such as container ships, cargo barges, and boom boats except

loading/unloading coal or other minerals into/out of barges or vessels at mine piers and docks. In the event of accidents involving crane or mooring operations which cross jurisdictional lines, joint investigations by OSHA and DOSH may be appropriate.

VIII. Scheduling Procedures. The following procedures shall be followed when scheduling inspections under this program:

- A. Scheduling: Region X will schedule longshoring inspections by random selection of port areas, using the following system.
 1. Port areas in Region X will be divided into zones within each area office's jurisdiction for longshoring scheduling purposes. The following zones will be established in each state:
 - a. Alaska: The Anchorage Area Office will establish eight zones.
 - Zone 1 will consist of ports in southeast Alaska.
 - Zone 2 will consist of ports in southcentral Alaska.
 - Zone 3 will consist of ports in Prince William Sound.
 - Zone 4 will consist of the port of Kodiak, Alaska.
 - Zone 5 will consist of ports on the Aleutian Chain.
 - Zone 6 will consist of ports in western Alaska.
 - Zone 7 will consist of ports in northern Alaska.
 - Zone 8 will consist of ports on the interior river systems of Alaska.
 - b. Idaho: The Port of Lewiston will be scheduled and inspected by the Portland Area Office.
 - c. Oregon: The Portland Area Office will establish four zones.
 - Zone 1 will consist of ports in Portland, Oregon and Vancouver, Washington.
 - Zone 2 will consist of ports on the southwest coast of Oregon.

- Zone 3 will consist of ports in eastern Oregon and Lewiston, Idaho.
 - Zone 4 will consist of ports on the northwest coast of Oregon.
- d. Washington: The Bellevue Area Office will establish six zones.
- Zone 1 will consist of ports north of Seattle.
 - Zone 2 will consist of ports surrounding Seattle.
 - Zone 3 will consist of ports in Kitsap and Clallam counties.
 - Zone 4 will consist of ports south of Tacoma.
 - Zone 5 will consist of ports in eastern Washington.
 - Zone 6 will consist of ports on the Washington coast.
2. A prioritized list of port areas in each zone will be selected on a random basis, at the beginning of each fiscal year, using the following method:
- a. At the beginning of the fiscal year, each area office will develop one list for each zone, by ordering the port areas alphabetically within each zone. A list of port areas in each zone is found in the Appendix.
 - b. Each year, each zone within the jurisdiction of the area office will be randomly ordered using a random order number table such as: <http://stattrek.com/statistics/random-number-generator.aspx>. The port areas in each zone will be inspected in the order in which they are selected; however, an area office will not have to complete the inspections in one zone before moving on to another zone. Inspections can be planned as resources and geography permit. To the extent possible, all employers actively working in the port area at the time of the scheduled inspection shall be included in the programmed inspection of the port area.
 - c. If an area office is unable to complete all the port areas in a given year, the uninspected areas will not be given weight for earlier inspection in the next year, nor will any port area or employer be carried over to the next year if inspection lists were not completed. All port areas will be included in the random selection for each year.

- d. If a port area is identified which has not previously been scheduled by this LEP, the Area Director will be notified and the port area will be added to the bottom of the list for the next inspection cycle. If the CSHO observes any imminent danger or serious hazards within this port area, the CSHO may make self-referrals and conduct inspections as appropriate.
3. Based on the random list of port areas, inspections of employers within each port area will be scheduled as follows:
 - a. The order of inspection of employers within a port area is at the discretion of the compliance officer.
 - b. Where federal OSHA has jurisdiction over marine terminals, every terminal within a port area will be inspected.
 - c. Employers will be scheduled for a programmed inspection no more than once a year, within the same port area. If a programmed inspection of an employer which was initiated in a previous year has not been completed (citations are pending), that employer will not be scheduled for inspection in the next year.
 - d. If a compliance officer observes imminent danger or serious hazards at an employer's site which is not scheduled for inspection, the CSHO may make a self-referral and conduct an inspection. This is not a programmed inspection, and as such is not covered by the proscription on inspections in consecutive years in paragraph (iii).

IX. Inspections.

- A. Active loading or unloading of a vessel or barge will have priority over marine terminal inspections where no longshoring activity is underway.
- B. Programmed inspections will not be scheduled while an on-site fatality or catastrophe investigation is in progress.
- C. Signed, formal complaints; reports of imminent danger; and unresolved phone/fax investigations will be scheduled for on-site investigation as appropriate, in accordance with the current FOM and regional complaint directive. All other complaints and referrals will be handled by phone/fax in accordance with policy. Programmed inspections will not be scheduled while an on-site complaint or referral investigation is in progress.
- D. Whenever possible, CSHOs will verify abatement immediately, during the on-site inspection. On-site abatement is particularly important in longshoring inspections, where conditions can change quickly; therefore, CSHOs must make every attempt

possible to compel immediate abatement, before inspections are completed. It is critical that compliance officers verify abatement before inspected ships leave port. A ship leaving port is not satisfactory abatement.

- E. Employer and employee involvement is expected on inspections. If an employee representative cannot accompany OSHA personnel during an inspection, compliance officers should thoroughly document in the case file the steps taken to request and encourage such involvement, and the reasons for continuing the inspection without the participation of the employee representative. If necessary, the compliance officer may delay the opening of the inspection for a reasonable period of time, until an employee representative becomes available.
- F. Programmed inspections will not be scheduled during a work stoppage, including strikes or lock-outs.
- G. The Portland Area Office will schedule and conduct the inspections in the Washington ports of Longview and Vancouver due to their proximity to the Portland Area Office. The Port of Lewiston in Idaho will be scheduled and inspected by the Portland Area Office due to their experience with longshoring and marine terminal facilities and regulatory standards.

X. Recording in OIS. In addition to recording information and entering data in OIS in accordance with all other relevant instructions and directives, for all inspections conducted under this directive the following specific coding instructions apply:

- A. All inspections, unprogrammed activities and compliance assistance activities of longshoring operations, including programmed and unprogrammed, shall be coded on the appropriate form, with the LEP designation **LONGSHORE**. For those jobsites that are inspected under multiple emphasis programs, appropriate coding should be included on the Inspection Form for each specific emphasis program.
- B. All Inspection Forms should be marked either “Safety Planning Guide/Maritime” or “Health Planning Guide/Maritime” as appropriate.

XI. Evaluation.

- A. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.
- B. Area Directors will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.

- C. The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.

APPENDIX A

Port Areas by Zone

Area Office	Zone	Port Area
Anchorage	1	Craig Gustavus Haines Juneau Ketchikan Metlakatla Petersburg Sitka Skagway Thorne Bay Wrangell
Anchorage	2	Anchorage Homer Nikiski Seward Whittier
Anchorage	3	Cordova Valdez Yakutat
Anchorage	4	Kodiak
Anchorage	5	Adak Akutan Dutch Harbor Sandpoint
Anchorage	6	Bethel Dillingham Emmonak Kotzebue Naknek Nome Red Dog Mine Unalakleet
Anchorage	7	Barrow Prudhoe Bay
Anchorage	8	Nenana

Area Office	Zone	Port Area
Bellevue	1	Anacortes Bellingham Everett Friday Harbor Port Townsend
Bellevue	2	Seattle Tacoma
Bellevue	3	Bremerton (Sinclair Inlet) Brownsville Kingston Port Angeles
Bellevue	4	Olympia
Bellevue	5	Pasco Walla Walla
Bellevue	6	Aberdeen-Hoquiam Grays Harbor Ilwaco Neah Bay Peninsula Raymond

Area Office	Zone	Port Area
Portland	1	Columbia City Kalama Longview Portland Rainier St. Helens Vancouver
Portland	2	Bay City Brookings Charleston Coos Bay Gold Beach North Bend Port Orford Winchester Bay
Portland	3	Arlington Biggs Boardman Irrigon Klickitat Lewiston The Dalles Umatilla
Portland	4	Astoria Garibaldi Newport Warrenton