



# OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 19-11 (CPL 04) | **EFFECTIVE DATE:** December 31, 2018

**SUBJECT:** Regional Emphasis Program for Inspections of Longshoring Activity

**REGIONAL IDENTIFIER:** Region 10

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## ABSTRACT

- Purpose:** This Instruction renews the policies and procedures to follow when scheduling and conducting programmed safety and health inspections in longshoring.
- Scope:** This Instruction applies to all longshoring activities under the jurisdiction of Region X.
- References:**
- OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
  - OSHA Instruction CPL 02-00-160, Field Operations Manual, dated August 2, 2016.
  - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," dated November 12, 2014.
  - OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs," dated December 3, 2014.
- Cancellation:** OSHA Regional Notice 17-11 (CPL 04), December 31, 2017.
- Expiration Date:** This Instruction will expire December 31, 2021, but may be renewed.
- State Plan Impact:** None.
- Significant Changes:** None.

**Action Offices:** Anchorage Area Office, Washington Area Office, Boise Area Office and Portland Area Office and the Office of Enforcement Programs

**Originating Office:** Office of Enforcement Programs

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By and Under the Authority of:

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## EXECUTIVE SUMMARY

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 Instruction provides a framework for a Regional emphasis program to reduce and/or eliminate hazards associated with longshoring operations in Region X.

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- I. **Purpose.** This Instruction renews the policies and procedures to follow when scheduling and conducting programmed safety and health inspections in longshoring.
  
- II. **Scope.** This Instruction applies to all federal OSHA enforcement offices located in Region X for inspections of longshoring sites.
  
- III. **Action Offices.** Anchorage Area Office, Washington Area Office, Boise Area Office, Portland Area Office and the Office of Enforcement Programs.

**IV. References.**

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-160, Field Operations Manual, dated August 2, 2016.

OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs,” dated November 12, 2014.

OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs,” dated December 3, 2014.

**V. Cancellation.** OSHA Regional Notice 17-11 (CPL 04), December 31, 2017.

**VI. Expiration.** This Instruction will expire December 31, 2021, but may be renewed.

**VII. Background.** This LEP supports the DOL 2018-2022 Strategic Plan, Strategic Objective 2.1, to secure safe and health workplaces, particularly in high-risk industries. 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. Idaho does not report State Occupational Injuries and Illnesses data to the Bureau of Labor and Statistics. Oregon and Alaska report injury rates for NAICS 488, Support Activities for Transportation and Washington, Oregon and Alaska report injury rates for NAICS 48-49, Port and Harbor Operations. The table below shows the 2017 TRC and DART rates in Alaska, Oregon, and Washington. The 2017 federal TRC in NAICS 48-49 was 4.6 and the DART was 3.3. The 2017 federal TRC in NAICS 488 was 3.1 and the DART was 1.9. The injury rates in the three states were typically higher than the federal injury rates.

NAICS	AK TRC	AK DART	OR TRC	OR DART	WA TRC	WA DART
48-49, Port & Harbor Operations	5.0	3.0	6.0	4.3	6.0	4.0
488, Support Activities for Transportation	3.1	2.3	2.7	1.6	Not Reported	Not Reported

In FY 2018, 28 serious violations, four repeat were issued, indicating that at least 32 serious hazards were identified and eliminated as a result of this REP.

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.

**VIII. 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.

**IX. 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 Washington 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 REP, 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 IX.A.2.c.
- B. Outreach Program – This REP has been in place for several years and outreach is a continual effort through meetings with local industry organizations. The Area Offices will provide updated information to employers on topics such as the OSHA standards that apply to the longshoring industry, how to implement a safety and health program, and details about the REP. Information will be disseminated via the Boise Area Office electronic newsletter to employers and industry representatives.

**X. 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.

**XI. 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 REP 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. Inspections conducted under this program shall be coded as “Programmed Planned” with the REP designation “LONGSHORE”. Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) shall also be classified as “Unprogrammed” and coded under this local emphasis program designation of “LONGSHORE”.

B. All Inspection Forms should be marked either “Safety Planning Guide/Maritime” or “Health Planning Guide/Maritime” as appropriate.

**XII. Evaluation.**

A. Area Directors will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the REP; and recommendations to renew or not renew the REP.

B. The Office of Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review at the midpoint, and at the completion of the program.

### 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

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

<b>Area Office</b>	<b>Zone</b>	<b>Port Area</b>
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