



OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 21-07 (CPL 04) | **EFFECTIVE DATE:** December 31, 2021

SUBJECT: Local Emphasis Program: Shipyard Employment Operations

REGIONAL IDENTIFIER: Region 10

ABSTRACT

- Purpose:** This instruction renews the policies and procedures to be followed when conducting programmed and unprogrammed safety or health local emphasis inspections in shipyard employment operations in Region 10.
- Scope:** This instruction applies to the Anchorage, Washington, and Portland Area Offices.
- References:**
- OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
 - OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
 - OSHA Instruction CPL 02-00-164 Field Operations Manual (FOM), dated April 4, 2020.
 - OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs”, dated November 13, 2014.
 - OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs”, dated December 3, 2014.
- Cancellation:** OSHA Regional Instruction 19-05 (CPL 04), dated December 31, 2018
- Expiration Date:** This instruction will expire December 31, 2026, but may be renewed.
- State Plan Impact:** None.

Significant Changes: Provided clearer inspection procedure instructions in section X.C.4.

Action Offices: Anchorage, Washington, and Portland Area Offices.

Originating Office: Office of Enforcement Programs

Contact: Assistant Regional Administrator
Office of Enforcement Programs

By and Under the Authority of:

A handwritten signature in black ink, appearing to read "Patrick J. Kapust". The signature is written in a cursive style with a large initial "P" and a stylized "K".

Patrick J. Kapust
Acting Regional Administrator

Executive Summary

This instruction renews the framework for a local emphasis program to reduce and/or eliminate hazards associated with shipyard employment in Region X.

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I. Purpose.

This instruction renews the policies and procedures to be followed when making programmed and unprogrammed safety or health local emphasis inspections in shipyard employment operations in Region 10.

II. Scope.

This instruction applies to the Anchorage, Washington and Portland Area Offices.

III. Action Offices.

Anchorage, Washington and Portland Area Offices.

IV. References:

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

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V. Cancellation.

OSHA Regional Instruction 19-05 (CPL 04), dated December 31, 2018.

VI. Expiration.

This instruction will expire December 31, 2026 but may be renewed.

VII. Background.

This LEP supports the Occupational Safety and Health Administration (OSHA) Fiscal Year 2022 Agency Management Plan, Agency Theme 1, Assure Safe and Healthful Workplaces, to secure safe and health workplaces, particularly in high-risk industries, including the agency’s theme to protect the most vulnerable workers in high hazard industries, by targeting industries with higher than average illness and injury rates.

Inspection selection and scheduling in shipyard employment operations in Region X is impractical if done from the safety and health NAICS lists for General Industry. Since work in OSHA's jurisdictional areas is sporadic and of short duration due to vessels coming and going, and the varying use of some facilities by more than one employer, shipyard employment operations are continually being revised and are outside the normal scheduling means of the FOM. Accordingly, a system which identifies the work sites is necessary. This local emphasis program is designed to provide a system to identify work sites and ensure that employers are selected and scheduled for programmed inspections in a fair and impartial manner.

Injury and illness statistical data from Alaska and Oregon did not report incident rates in the shipbuilding industry (NAICS 336611). Washington State reported the following 2019 TRC and DART rates.

NAICS	WA TRC	WA DART
33661 Ship and Boat Building	9.8	5.5
336611 Ship Building and Repair	9.8	5.5

The 2019 Federal injury data for the shipbuilding industry are shown below:

NAICS	FED TRC	FED DART
33661 Ship and Boat Building	4.9	2.9
336611 Ship Building and Repair	5.1	3.0

The Federal TRC rate for all private industries in 2019 was 2.8 and the DART rate was 1.5; therefore, the shipbuilding industry has demonstrated TRC and DART rates higher than all private industry.

VIII. Action Required.

Area directors shall use this instruction for inspection selection and scheduling for both safety and health inspections.

IX. Policy.

This inspection scheme is to be used for programmed and unprogrammed safety and health inspections in the shipbuilding/repairing, boatbuilding/repairing, and shipbreaking industries (NAICS 336611, 336612 and 488390).

Area Directors, prior to implementation of this instruction, are required to designate the order in which locations are to be inspected.

X. Procedures.

A. Outreach Program

This LEP has been in place for several years and outreach is a continual effort through programs such as 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 shipbuilding and repair industry and how to implement a safety and health program, and details about the LEP.

B. Specific Industry

The primary employers will be those engaged in Shipbuilding/Repairing (NAICS 336611), Boatbuilding/Repairing (NAICS 336612) and Shipbreaking (NAICS 488390). Supportive industries, such as contract painters, sandblasters, tank cleaners, etc., will be inspected if deemed appropriate following discussions between the CSHO and the area director.

C. Inspection Selection, Scheduling, and Procedures

1. A master list of all work sites of employers in NAICS 336611, 336612 and 488390 within the respective area offices' jurisdictions shall be prepared. A work site is defined to be a discrete area utilized to construct, repair or break vessels. The area may be the bounds of a company's property; the navigable water around a single group of piers, wharfs, or docks; or the section of a navigable waterway where vessels are anchored while repair is conducted. Any floating vessel, dry-dock, graving dock, or marine railway within the area is considered part of the work site.
2. The work sites shall be grouped into distinct geographical locations that shall be used for the duration of this local emphasis program. The boundaries of the locations may vary and shall be determined based on past inspection activity and local knowledge. Locations with roughly equal numbers of work sites will be established. For example, in metropolitan areas a grouping may consist of an area of a city. In a less populated area, the grouping may be a set of small cities, while in rural areas the grouping may be on a county-wide basis. In some situations, present port area designations may suffice.
3. An inspection cycle shall be prepared using all the work sites on the master list. Area directors may delete work sites from the cycle based upon local knowledge of operations, i.e., out of work, seasonal employment, etc. With the creation of the second and subsequent cycles, area directors shall add new work sites to the master list.

4. Work sites within a location shall be visited in an order predetermined by the area director when the inspection cycle is created, e.g., alphabetically, proximity to the office, etc. A visit shall consist of:
 - a. An inspection of the work site where work activity under OSHA's jurisdiction takes.
 - b. An assessment through observation, contacts with U.S. Coast Guard, or other reliable local sources.
 - c. In the event the employer is not conducting work that falls under OSHA's jurisdiction at the time of the inspection, but the CSHO determines that the employer does conduct work that falls under OSHA's jurisdiction, the CSHO will review the employer's Safety and Health Management System including applicable programs. These programs may include, but are not limited to, Hazard Communication, PPE Assessment, Respiratory Protection Program, Permit Required Confined Spaces, and Control of Hazardous Energy..
 - d. The number of work sites visited would be dependent upon the number of inspections projected in the annual program plan and the number of sites without activity. Inspections of subcontractors at the sites would count towards the annual goal. The inspection cycle is not time dependent and may be longer or shorter than one year.
5. Prior to beginning a new cycle from the master list, all locations on the existing cycle must be visited, and the work sites either inspected or removed due to inactivity. All work sites would be eligible for a visit during the new cycle.
6. A complete inspection of all areas under OSHA's jurisdiction shall be made for each employer at each work site.
7. If an unprogrammed inspection (complaint, referral, and fatality/catastrophe) is conducted at a work site, all employers at the work site shall be inspected. The inspection(s) shall be complete unless there has already been a programmed inspection(s) at the work site during the cycle. In this event the unprogrammed inspection shall only address those areas referenced for the employer involved. When a comprehensive unprogrammed inspection is conducted at the work site, then the work site shall be removed from the cycle for programmed inspections.

XI. OIS Coding.

Inspections conducted under this LEP will be identified in the OSHA Information System (OIS) as described below. Supportive industries - for example, contract painters, sandblasters, or tank cleaners - inspected under this program, shall also be coded "SHIP." Inspections conducted under this program shall be coded as "Programmed Planned" with

the LEP designation “SHIP”. Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) shall be classified as “Unprogrammed” and coded under this local emphasis program designation of “SHIP.”

XII. Evaluation Procedures.

- A. This LEP will be evaluated in accordance with the guidelines in OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
- B. The Area Director 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 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.