



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 04-09-2404

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**SUBJECT:** Regional Emphasis Program for Ship and Boat Building and Repair

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**REGION:** IX

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**SIGNATURE DATE:** October 1, 2023

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**EFFECTIVE DATE:** October 1, 2023

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## ABSTRACT

**Purpose:** This instruction renews a local emphasis program for scheduling inspections for ship and boat building, repair, and shipbreaking in Region IX.

**References:** See paragraph III.

**Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-05, dated October 1, 2018.

**Significant Changes:** None.

**Action Offices:** All Region IX Regional and Area Offices

**Originating Office:** Region IX Enforcement Programs

**Contact:** Paul Leary, Assistant Regional Administrator  
Enforcement Programs

By and Under the Authority of:

James D. Wulff  
Regional Administrator

## **Executive Summary**

It is OSHA policy to conduct programmed inspections in primarily high-hazard industries, including maritime. In 2021, the total recordable injury and illness case rate for the private sector was 2.7 per 100 full-time workers, compared to 6.4 for ship and boat building. Scheduling systems for programmed inspections provide general guidelines for Area Directors to plan compliance operations and related activities.

The Area Offices will use procedures described in this instruction for scheduling programmed safety and health inspections of ship or boat building, repair, breaking, and other shipyard-related employment. This instruction does not apply to longshoring.

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**I. Purpose:**

This instruction renews a local emphasis program for scheduling inspections for ship and boat building, repair, and shipbreaking in Region IX. The intent of this instruction is to reduce employee exposure to hazardous conditions, and to prevent injuries and illnesses and fatalities in this high-hazard industry.

**II. Scope:**

This instruction applies to all Area Offices and Region IX jurisdiction locations.

**III. References:**

- A. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
- B. OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for the Approval of Local Emphasis Programs (LEPs)
- C. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually)
- D. OSHA Instruction CPL 02-00-164, April 14, 2020, Field Operations Manual
- E. Memorandum dated December 3, 2014 on Procedures for Local and Regional Emphasis Programs.
- F. Memorandum dated November 12, 2014, on Establishment-Targeting Lists for Emphasis Programs.

**IV. Cancellation:**

Region IX Enforcement Programs Notice CPL 04-00-05, dated October 1, 2018.

**V. Expiration:**

This LEP will expire no later than five years from the date of implementation, unless renewed.

**VI. Action:**

The Area Directors will use procedures described in this instruction for scheduling programmed safety and health inspections of ship or boat building, repair, breaking, and other shipyard-related employment. This instruction does not apply to longshoring. Joint safety and health inspections will be conducted where practical.

**VII. Background:**

- A. Scheduling systems for programmed inspections provide general guidelines for the Regional Administrator, ARA-EP and the Area Directors to plan compliance operations and related activities.
- B. A programmed inspection generally is a comprehensive inspection of the worksite. However, focused inspections may be necessary due to higher enforcement priorities and resource availability. Low hazard areas, such as administrative offices, may be excluded from inspections without affecting the comprehensiveness of the inspection. Per the FOM, a comprehensive inspection is a substantially complete and thorough inspection of all potentially hazardous areas of the establishment. An inspection can be deemed comprehensive even though, as a result of professional judgment, not all potentially hazardous conditions or practices within those areas are inspected.
- C. It is OSHA policy to conduct programmed inspections in primarily high-hazard industries such as maritime. In 2021, the total recordable injury and illness case rate for the private sector was 2.7 per 100 full-time workers, compared to 6.4 for ship and boat building.
- D. Where no establishment list is provided by the National Office (e.g., maritime and logging industries), the Area Directors will compile a complete list of active worksites within the jurisdiction of Region IX by using the best available information (commerce directories, commercial telephone listings, internet searches, stratelocal permitting agencies, local knowledge, etc.). From this list (see Appendix A), worksites will be selected randomly for inspection.

**VIII. Procedures:**

The following inspection procedures will be used when conducting an inspection in a worksite involved in or providing ancillary services or products to building, repairing, or demolishing ships, boats, barges, skiffs, and related operations.

- A. Trades or Crafts: Principal trades or crafts will consist of, but are not limited to, sandblasters, shipfitters, shipwrights, scalers, pipefitters, painters, asbestos workers, welders, torch cutters, carpenters, electricians, and laborers. These trades or crafts will primarily be employees of prime contractors, but may also include employees of subcontractors in direct support of ship or boat building, repair or breaking activities.
- B. Scope: This instruction will cover all port areas within Region IX jurisdiction and includes all known onshore and offshore ship and boat building, repair, and breaking activities. See Appendix A for compiling a list of port areas for inspection on a random basis.
- C. Inspection Scheduling for Maritime Worksites:
  - 1. On an annual basis, each Area Director with Maritime worksites within the Area Office's jurisdiction will prepare a listing of port areas, or subdivisions of port areas, rather than marine employers. This is due to the transitory nature of ships entering and leaving piers, docks, and wharves. Also, shipbuilding and repair sites may involve several employers working varying lengths of time.
    - a. Port area lists will include all sites in Federal jurisdiction.
    - b. The Area Director will attempt to identify if the port area could be reasonably expected to be engaged in shipbuilding or repair business.
    - c. Port areas will be scheduled for inspection based on a random number system. The Area Director will determine the number of sites which are likely to be inspected quarterly. The number estimated will be the inspection cycle.
  - 2. Inspections at port areas will be schedule based on the procedures outlined in Appendix B.
  - 3. Deletions and additions to the worksite list will be made as follows:
    - a. The Area Director will direct CSHOs that an employer at a given worksite will not be inspected if it has received a comprehensive safety and health inspection (either programmed or unprogrammed) during the previous quarter, within the same port area.
    - b. If a port area becomes known to the AD only after the inspection cycle has been prepared, it will be added to the worksite list for the following cycle.

NOTE: This paragraph does not preclude unprogrammed inspections conducted in response to specific evidence of conditions involving imminent danger or serious hazards at pier, wharf, or dry dock area, such as those observed by a CSHO:

- i. On his/her way to or from another activity such an unprogrammed inspection, etc.
- ii. Upon referral by state compliance officers in the discharge of normal activities.

This evidence will be thoroughly evaluated by the AD and, if appropriate, investigated as a referral inspection. The referral will be entered in OIS as appropriate.

#### **IX. Coding:**

In addition to recording of information and entering data in OIS in accordance with other relevant instructions and directives, for maritime inspections the following specific coding instructions apply:

- G. Inspection Type: the code **BOATPROG** shall be used as a primary emphasis code for all inspections scheduled under this LEP, and for all unprogrammed inspections of the industries targeted by this LEP.
- H. Any other applicable LEP or NEP codes may be entered as non-primary emphasis codes.

#### **X. Evaluation:**

- A. At the midpoint of the effective period of this REP (two and a half years from the implementation date) and at the end of the effective period, evaluation reports will be completed that shall include the following elements:
  1. The goal of the program.
  2. A determination of how effective the program was in meeting its goal.
  3. Data and information to support the conclusions stated in the goal, including enforcement statistics, as required in CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs.

4. Statement of whether the program should be continued, accompanied by a brief rationale.
  5. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
  6. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.
- B. This evaluation shall be submitted to the Regional Administrator for review, at which time a decision will be made to continue, amend, renew or discontinue the LEP.

**XI. Outreach:**

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the LEP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with ship and boat building and repair operations and covered by this LEP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this LEP will be provided to interested parties upon request.



## **APPENDIX A: List of Port Areas with Ship and Boat Building and Repair Facilities**

### **Oakland Area Office:**

Alameda

Crescent City

Eureka

Fort Bragg

Monterey

Moss Landing

Oakland

Richmond

Sacramento

San Francisco

Santa Cruz

Sausalito

Stockton

Treasure Island

Vallejo

**San Diego Area Office:**

Catalina Island

Chula Vista

Coronado Beach

Long Beach

Los Angeles

National City

Newport Beach

Oceanside (Marine Corps Base LCAC Hovercraft)

Oxnard

Point Loma

San Diego

Santa Barbara

Shelter Island

Terminal Island

Ventura

**Honolulu Area Office:**

American Samoa

Guam

Hawaii

Kauai

Lanai

Maui

Molokai

Oahu

Rota

Saipan

Tinian

## APPENDIX B: Procedures for Scheduling Inspections

1. The Area Office will maintain a master list of port areas eligible for inspection under this LEP. The master list, all additions and deletions, the randomized list, and scheduling cycles created for this REP, shall be filed electronically on the regional shared drive or the regional Sharepoint site and retained for three years. Area Offices will coordinate with EP to ensure all documentation is filed at least annually.
  - a. Additions may be made to the master list based on local knowledge or other factors, including OSHA inspection history.
  - b. Port areas shall be deleted from the master list if, during the course of an inspection, it is determined that the site no longer falls within the parameters of the LEP. This would primarily apply to sites which no longer perform the process or use the equipment targeted by the LEP.
  - c. All additions and deletions must be documented.
2. At the beginning of each fiscal year (or on the LEP's effective date), the Area Office shall create a randomly numbered list of all port areas on the master list. Port areas shall be randomly ordered using the RANDBETWEEN function in Excel or an equivalent randomization tool. AOs may also send their master list to EP for randomization. All steps in the randomization process should be documented and this documentation should be maintained and filed with the master list, cycles, reasons for deferrals, and any other related information.
3. If all port areas on the master list are to be inspected during the fiscal year, the sites may be inspected in any order. If an Area Office is not able to complete all inspections on the master list within a fiscal year, the Area Office will complete the list as soon as possible in the first quarter of the next fiscal year, and shall develop and follow scheduling cycles for the remainder of that year and in subsequent years.
4. The Area Office will create scheduling cycles by selecting a number of port areas from the randomized master list. All scheduling cycles shall be filed electronically with the master list, as described in Paragraph 1.
  - a. Port areas selected in a cycle can be inspected in any order, but the cycle must be completed before another cycle is created. Area Offices should take into account programming goals and available resources when setting the size of a cycle.
  - b. New cycles will be selected as required by the Area Office, upon completion of the previous cycle, but at least once per fiscal year. An uncompleted cycle may be carried

over into the next fiscal year, but the Area Office should take this into account and adjust the number selected for subsequent cycles accordingly.

- c. Employers may be subject to multiple inspections at a single port area, if they are working at multiple ships or terminals when that port area comes up for inspection. Each ship will be counted as a separate worksite and a separate inspection; where Federal OSHA has jurisdiction over marine terminals, each terminal will be counted as a separate worksite and separate inspection.
- d. Employers within a port area may be deferred to the next cycle if the employer has been subject to a comprehensive programmed inspection (under this or any LEP) within the previous quarter, at this port area, or if the process to be inspected is not active. Area Directors are not required to defer an employer based on this criteria; an employer working on different ships or using different processes at a single port area may be subject to re-inspection. All deferrals must be documented. Additional criteria for deferral include:
  - i. Necessary equipment or personnel with necessary experience are not available to perform the inspection.
  - ii. The port area is the last remaining area in a cycle, the inspection would require travel in excess of 50 miles, and it cannot be combined with other inspection activity.
  - iii. The employer was cited as the result of a previous comprehensive inspection, and the final abatement date has not yet passed.
  - iv. The employer has contested a previous citation and it is still pending before the Review Commission.

Approval for deferrals based on reasons other than those listed must be discussed with and approved by the ARA for EP.