



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 19/12 (CPL 04) | **EFFECTIVE DATE:** April 9, 2019

SUBJECT: Regional Emphasis Program (REP) for Programmed Maritime Inspections

REGIONAL IDENTIFIER: Atlanta - Region IV

ABSTRACT

- Purpose:** This instruction renews a Regional Emphasis program for programmed inspections 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, boat building and marinas engaged in recreational boat repair located on or adjacent to navigable waterways.
- References:** [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
[OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
[OSHA Instruction CPL 02-00-160, Field Operations Manual \(FOM\)](#), August 2, 2016
- Cancellations:** CPL 18/12, April 9, 2018. This Instruction updates and replaces an earlier version.
- State Impact:** None.
- Action Office:** All Region IV Area Offices
- Originating Office:** Atlanta Regional Office
- Contact:** Christi Griffin
Assistant Regional Administrator for Enforcement Programs
678-237-0400

By and Under the Authority of

KURT A. PETERMEYER
Regional Administrator

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- I. Purpose. This instruction renews a Regional Emphasis program for programmed inspections 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, boat building and marinas engaged in recreational boat repair located on or adjacent to navigable waterways safety throughout Region IV.
- II. Scope. This instruction applies to all Region IV Area Offices.
- III. References.
 - a. [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
 - b. [OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
 - c. [OSHA Instruction CPL 02-00-160, Field Operations Manual \(FOM\)](#), August 2, 2016
- IV. Cancellations. This replaces the previous REP (CPL 18/12).
- V. Expiration. This instruction will expire four years from the effective date, unless extended.
- VI. Action. OSHA Compliance Personnel shall ensure that the procedures contained in this directive are followed when conducting inspections under this REP.

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*.

The U.S. Coast Guard has issued comprehensive regulations for the working conditions of *seamen* on inspected vessels. Therefore, OSHA may not enforce the OSH Act (except for regulations dealing with the recording and reporting of occupational injuries and illnesses) with respect to any working conditions of *seamen* on inspected vessels.

- VII. Background. 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.

OSHA Region IV has recorded 10 work-related fatalities at facilities in the North American Industry Classification System (NAICS) codes covered by these operations

between 2013 and 2018. Additionally, 263 inspections were conducted addressing 749 hazards. In order to better address the hazards that employees in this industry face, Region IV continues this REP.

In FY18, OSHA conducted 41 inspections in this industry. Three of them were fatal incidents. Additionally, four employer-reported referrals were coded. According to the Bureau of Labor Statistics (BLS) 2017 data, the DART (Days Away, Restricted or Transferred) incidence rate for Marinas is 2.6, approx. 1.7 times that of private industry (1.5). This instruction provides the authority to area offices to continue conducting inspections of these operations.

VIII. Procedures. This REP will be conducted throughout Region IV.

- A. Scheduling lists shall be developed in one of the following two ways per CPL 02-00-025, paragraph B.1.b(3)(c):
 - List by Port Area - A list of port areas may be prepared at the beginning of the fiscal year by the Area Director, using OSHA inspection history, local knowledge and experience, company schedules, and information from other sources. For example, the Port of Savannah might be subdivided into three port areas; the Port of Houston might be subdivided into eight or more port areas. Other large ports may be subdivided in the same manner.
 - List by Employer - A list of all maritime service employers within the Area Office's jurisdiction may be prepared, based on OSHA inspection history, local knowledge and experience, company schedules, and other sources.
- B. The method of selection (for the lists) shall be determined at the beginning of each fiscal year by each Area Director, based on the type of maritime activities within the Area Office jurisdiction and on the ability to identify active employers and their worksites. The selection method shall be approved by the Regional Administrator.
- C. Deletions shall be made in accordance with CPL 02-00-025, paragraph B.1.b(3)(c)(6).
- D. Health inspections shall be scheduled in accordance with CPL 02-00-025, paragraph B.1.b(3)(c)(8).
- E. Inspections shall be conducted in accordance with CPL 02-00-160, Field Operations Manual.

IX. Recording in OIS. Current instructions for completing the appropriate OSHA forms shall be applied when recording inspections under this REP.

- A. For any programmed inspection conducted under this REP, the Manage Inspection section of OIS shall be marked as:
 - 1. "Program Planned"
 - 2. LEP coding marked as: MARITIME PRGM

B. For any unprogrammed inspections conducted under this REP (i.e., accidents, complaints, referrals, fatalities/catastrophes), the Manage Inspection section of OIS shall be marked as:

1. “Unprogrammed”
2. LEP coding marked as: MARITIME UNPRGM

X. Outreach. The Area Directors will continue to provide educational and compliance assistance information relevant to the industry along with other applicable outreach materials to appropriate stakeholders (employers, employees, unions and trade associations) to explain this REP and the hazards associated with Maritime Operations, particularly Marine Cargo Handling. They may utilize letters (see Appendix A) or other means to communicate this information. Compliance Assistance Specialists and Area Directors will also include information about this emphasis program in all of their outreach efforts, as well as providing information on the health and safety hazards of the industry. Resources may be found at the links in Appendix B.

XI. Evaluation. An evaluation of the program will be conducted midway through and at the completion of the effective period that includes:

1. The goal of the program.
2. Data and information used to support the continuation or cancellation of the program. Data may include enforcement statistics, serious hazards identified and abated, the number of employees removed from hazards, and any impact on covered, non-inspected employers.
3. Statement and rationale of whether the program should be continued.
4. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program.
5. Any other comments or recommendations, including findings, which might have an impact on how the industry conducts business.
6. Data associated with outreach sessions in which this emphasis program is addressed.

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

APPENDIX A
SAMPLE LETTER

Dear Stakeholder:

The Occupational Safety and Health Administration (OSHA) has initiated a Regional Emphasis Program (REP) focusing on hazards related to maritime industries. The 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).

As a result of this, the *(Area Office Name)* Area Office will be conducting inspections of workplaces that have been identified as having operations and possible worker exposures to common hazards found in this industry. The most common hazards include falls, power industrial trucks (PIT), and working under an overhead load. We are notifying you of our intent to conduct these inspections because your company may be covered by this emphasis program.

OSHA continues to offer compliance assistance focusing on prevention of occupational injuries and illnesses. As part of this new emphasis program, compliance assistance products are readily available to assist your company in enhancing its safety and health program. You can obtain information about electrical safety, powered industrial trucks, emergency action plans, hazard communication, hearing conservation and noise, lockout/tagout, machine guarding, respiratory protection, and safety and health programs from OSHA's website at www.osha.gov. Specific information about the hazards of working in maritime operations can be obtained from OSHA's area offices. If you do not have access to the Internet, please contact our office and we will provide copies of this information to you. You may contact our office at any time for further assistance: *(insert phone number and address for the Area Office)*.

OSHA also offers a free Consultation Service under Section 21(d) of the Occupational Safety and Health Act to small employers. The 21(d) Consultation Service helps employers to identify (and correct) potential hazards at their work sites and improve their occupational safety and health management systems. This service is delivered by universities using well-trained safety and health professionals. To schedule this consultation service, please contact the 21(d) Consultation Program at:

(Insert contact information for the local Consultation Program including the Address and Telephone Number for the State Consultation Program)

Your interest in protecting your employees from safety and health hazards is appreciated.

Sincerely,

Area Director

APPENDIX B

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

Maritime Topics Page: <http://www.osha.gov/dts/maritime/index.html>

Maritime Standards and Guidance:

<http://www.osha.gov/dts/maritime/standards.html>

Maritime Compliance: <http://www.osha.gov/dts/maritime/compliance.html>

Maritime Advisory Committee: <http://www.osha.gov/dts/maritime/macosh/index.html>

Maritime OSHA 10 & 30 Hour Training: <http://www.osha.gov/dte/outreach/maritime/index.html>

Maritime Additional Resources/Related Safety & Health Topics:

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

<http://www.osha.gov/SLTC/etools/shipyard/index.html>