



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2018-06 (CPL 04) | **EFFECTIVE DATE:** October 1, 2017

SUBJECT: Regional Emphasis Program for Programmed Maritime Inspections

REGIONAL IDENTIFIER: Philadelphia Region III

ABSTRACT

- Purpose:** This Notice continues a Regional Emphasis Program (REP) for the programmed inspection 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 and boat building, located on or adjacent to navigable waterways.
- References:** [CPL 04-00-001, Procedures for Approval of Local Emphasis Programs](#) (November 10, 1999)
[CPL 02-00-025, Scheduling System for Programmed Inspections](#) (January 4, 1995)
[CPL 02-00-160, Field Operations Manual](#) (August 2, 2016)
- Cancellations:** Philadelphia Regional Notice: CPL 2017-06 (CPL 04), dated October 1, 2016. This Notice replaces and updates an earlier version.
- State Impact:** None
- Action Offices:** Pittsburgh, Baltimore/Washington, Charleston, Philadelphia, Norfolk, Wilmington Area Offices
- Originating Office:** Philadelphia Regional Office
- Contact:** Michael Rivera, Deputy Regional Administrator
The Curtis Center, Suite 740 West
170 S. Independence Mall
Philadelphia, PA 19106-3309

By and Under the Authority of

Richard Mendelson
Regional Administrator

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Maritime REP

I. Purpose

This Notice continues a Regional Emphasis Program (REP) for the programmed inspection 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 and boat building, located on or adjacent to navigable waterways.

II. Scope

This notice applies to the Pittsburgh, Baltimore/Washington, Charleston, Philadelphia, Wilmington, and Norfolk Area Offices

III. References

[CPL 04-00-001, Procedures for Approval of Local Emphasis Programs](#) (November 10, 1999)

[CPL 02-00-025, Scheduling System for Programmed Inspections](#) (January 4, 1995)

[CPL 02-00-160, Field Operations Manual](#) (August 2, 2016)

IV. Expiration

This notice expires on September 30, 2018.

V. Action Information

- A. Responsible Office: Pittsburgh, Baltimore/Washington, Charleston, Philadelphia, and Norfolk Area Offices
- B. Action Office: Pittsburgh, Baltimore/Washington, Charleston, Philadelphia, and Norfolk Area Offices
- C. Information Office: Philadelphia Regional Office

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*.

[OSHA Instruction CPL 02-00-160](#), allows Area Offices to establish REPs that address specific hazards or industries in their area. This REP also addresses such as, but not limited to the following areas of emphasis: machine guarding, personal protective equipment, flammable and combustible liquids, chemicals, lead, silica, hazard communication, noise, struck by hazards, falls from elevations, guarding of edges, crushing, explosion, electricity, powered industrial vehicles and cranes.

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.

The U.S. Bureau of Labor Statistics (BLS) compiles worker safety and health data, including the Days Away, Restricted or Transferred (DART) incidence rates for maritime activities. Its five recent years of available data, calendar years 2012 through 2016, are presented below in Table 1 for (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).

The national average DART incidence rate for Port and Harbor Operations, Marine Cargo Handling, Shipbuilding and Repair and Boat Building activities far exceeds the rate for general industry and construction.

Table 1

Calendar Year	Private Industry Average	Construction Industry Average	Port & Harbor Operations (488310)	Marine Cargo Handling (488320)	Navigation Services to Shipping (488330)	Ship Building & Repair (336611)	Other Support Activities for Water transportation (488390)	Boat Building (336612)	Marinas (713930)
2016	1.6	1.9	-	3.7	1.8	3.8	-	2.4	.2
2015	1.6	2.0	-	3.9	1.6	3.9	-	3.8	0.8
2014	1.7	2.0	-	4.1	1.5	4.2	1.2	3.3	1.1
2013	1.7	2.2	-	4.2	1.3	4.6	0.8	2.9	2.1
2012	1.8	2.1	-	6.5	1.9	4.9	1.3	4.1	1.4

* NOTE: Dashes indicate data that do not meet publication guidelines for the Bureau of Labor Statistics, U.S. Department of Labor

VIII. Procedures

Outreach: During the course of this REP the Area Director will ensure that a robust outreach program will continue during the enforcement phase of the program. Outreach activities will be conducted during a 90 day period before the enforcement element of the REP is initiated. Outreach activities will be directed to reach as many stake holders in the Area Office jurisdiction as is practicable. Members of the ASSE, various Chambers of Commerce will be notified and the purpose of the outreach will be to inform interested parties of the existence, purpose and objectives of this local (regional) emphasis program as well as promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the Area Director's discretion and can consist of one or more of the following components:

1. Broadcast mail-outs or program information to stakeholders and affected groups.
 2. Conduct informational meetings to stakeholders and affected groups.
 3. Targeted training sessions to specific groups appropriate to the industry.
 4. Media press release or e-blast to stakeholders and affected groups.
 5. Encourage employers to utilize OSHA's free consultative program.
 6. Prepare linguistically appropriate outreach materials.
- a. Scheduling lists shall be developed using the employer method per CPL 02-00-025, paragraph B.1.b(3)(c): A list of all water transportation services 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) at the beginning of each fiscal year 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

In the Inspection Form, under the Inspection Type Tab, select "MARITIME" from the LEP drop down menu for proper coding.

The Scope of the inspection will be coded in accordance to the Field Operations Manual (FOM).

X. Evaluation

Not later than October 31 of each year, each Area Office will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A (CPL 02-00-025). This program will be evaluated using the following activity measures and outcome measures:

- a. Number of inspections.
- b. Number of inspections in-compliance.
- c. Number of “no inspection” cases.
- d. Percent of total violations cited serious/ repeat/ and willful.
- e. Number of employees covered by inspection.
- f. Dollar amount of penalties assessed.
- g. Percent of citations contested.
- h. Number of significant cases.
- i. Average violations per inspection.

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

Appendix A

Dear Employer:

The XXXXXX Area Office of the Occupational Safety and Health Administration (OSHA) is conducting a Local Emphasis Program to address safety and health hazards in the maritime industries. OSHA has determined that employees face a significant safety and health risk as the result of occupational exposure to moving/rotating parts of machinery/equipment, flammable and combustible liquids, chemicals, lead, silica, noise, electricity, unexpected release of energy, falls from elevations, material handling equipment within this industry. Our agency has further concluded that these hazards can be minimized or eliminated by using a combination of engineering and work practice controls, including but not limited to, physical guarding, energy control, inspection programs, respiratory protection, exposure determinations, personal protective clothing and equipment, training, labeling, hazard communication program medical surveillance, and other provisions.

Additionally, OSHA has standards in place to protect employees from workplace hazards associated with occupational exposure referenced in the previous paragraph for this industry.

This 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).

There are two components to the Local Emphasis Program, outreach and enforcement. During the outreach phase, OSHA will provide affected employers with guidance and information on how to minimize employees' risks, and how to comply with pertinent OSHA standards. A list of compliance assistance materials available from the OSHA website is attached

Additionally, employers may want to take advantage of OSHA's free on-site consultations service administered by XXXXXXXXXXXXXXXXXXXX.

The enforcement phase of this program will begin 10 days from the mailing of this letter. Inspections will be conducted in establishments in NAICS 336611, 488320, 488330, 488310, 488390, 336612, 811490 and 713930 will focus on employee exposure to safety and health hazards referenced in this initiative. Other hazards observed during the inspection will also be addressed.

If you have any questions, or require additional information regarding this program, please contact the XXXXX Area OSHA office at XXX-XXX-XXXX between the hours of 8:00 am and 4:30 pm.

Sincerely,

XXXXXXXXXXXXXXXXXX
Area Directo

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/compliance.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>

https://www.osha.gov/OshDoc/Directive_pdf/cpl_02-00-156.pdf

https://www.osha.gov/SLTC/etools/shipyard/standard/index_se.html