



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 19/04 (CPL 04) | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Local Emphasis Program for Ship/Boat Building and Repair

REGIONAL IDENTIFIER: Region IV

ABSTRACT

Purpose: This notice renews a Local Emphasis program for inspections of safety and health hazards in the ship and boat building and repair industry (NAICS 336611 and 488390, and, if on navigable waters, NAICS 336612, 713930, and 811490).

Scope This Notice applies to the State Plan Federal area offices

References: [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
[OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 10, 1999
[OSHA Instruction CPL 02-00-160, Field Operations Manual \(FOM\)](#), August 2, 2016
U. S. Department of Labor, Bureau of Labor Statistics: Occupational Injuries/Illnesses and Fatal Injuries Profiles – Ship and Boat Building

Cancellation: CPL 18/04, October 1, 2017, Local Emphasis Program for Ship/Boat Building and Repair. This Notice replaces and updates an earlier version.

State Impact: None

Action Offices Columbia, Nashville and Raleigh Area Offices

Originating Office: Atlanta Regional Office

Contact: Billie A. Kizer, Deputy Regional Administrator Enforcement Programs, 678-237-0400

By and Under the Authority of:

KURT A. PETERMEYER
Regional Administrator

I. **Purpose:**

This notice renews a Local Emphasis program for inspections of safety and health hazards in the ship and boat building and repair industry (NAICS 336611 and 488390, and, if on navigable waters, NAICS 336612, 713930, and 811490).

II. **Scope:** This notice applies to the Columbia, Nashville and Raleigh Area Offices.

III. **References:**

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

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

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

U. S. Department of Labor, Bureau of Labor Statistics: Occupational Injuries/Illnesses and Fatal Injuries Profiles – Ship and Boat Building

IV. **Cancellation:** CPL 18/04, October 1, 2017, Local Emphasis Program for Ship/Boat Building and Repair. This Notice replaces and updates an earlier version.

V. **Expiration:** This notice expires within one year of the effective date, unless extended.

VI. **Action:**

OSHA compliance personnel shall ensure that the procedures contained in this notice are followed in conducting the Local Emphasis Program for ship and boat building and repair.

VII. **Background:**

Shipyards are identified as one of the five industries considered most hazardous in OSHA's Strategic Plan. It has been determined that the Federal area offices have jurisdiction over all ship building and repair establishments in the states of Kentucky, Tennessee, North Carolina, and South Carolina and those boat building and repair establishments that are located on navigable waters. However, since the data initiative used to select establishments for the site specific targeting initiative did not collect information for employers in the federal area office jurisdiction in Kentucky, Tennessee, North Carolina, and South Carolina, it is necessary to implement this Local Emphasis Program. This program is consistent with the guidance contained in OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs). This REP is developed in order to conduct inspections in the shipyard industry in Kentucky, Tennessee, North Carolina, South Carolina and contribute to Agency goal 1.1 to "Reduce the number of worker injuries, illnesses, and fatalities by focusing nationwide attention and Agency resources on the most significant types of workplace injuries and illnesses, the most hazardous industries, and the most hazardous workplaces."

According to 2016 BLS data, the total case rate for ship and boat building (6.1) was more than 2 times that of all of private industry (2.9). This is also true of the DART rate, which was 3.8 opposed to that of private industry at 1.6. The incidence rate for illnesses (53) was almost 3 times that of private industry (14.1) with hearing losses (14.8) being more than 8 times private industry (1.7). In FY-17, the area offices conducted seven inspections under the LEP with all seven resulting in serious violations. During this period, an average of 8 violations per inspection was

recorded. We are pleased to note that during this same time frame, no fatal injuries were recorded. However, one employer reported referral was investigated in FY17.

VIII. Procedures:

1. Inspection Goals. The area offices covered by this notice shall conduct inspections under this program during the fiscal year in accordance with the following numerical goals:

Area Office	Safety Inspections	Health Inspections
Columbia	2	2
Nashville	3	3
Raleigh	3	3

2. Scheduling.

- a. Since no establishment list is provided by the national office, the area offices will develop a list of establishments (worksites) covered by this program in a manner consistent with the guidance contained in OSHA Instruction CPL 02-00-025, paragraph B.1.a.(2)(c); "where no establishment list is provided by the national office, the area director shall compile a complete list considering all establishments within the coverage of the office and using the best available information (e.g., commerce directories, commercial telephone listings, local permits, local knowledge)." Adjustments to the list for additions and deletions will follow guidelines in CPL 02-00-025, paragraph B.1.b.(1)(b)6. However, all employers in the subject NAICS's will be considered for inspection, including those with ten or fewer employees due to the hazardous nature of the employment and the historically high injury and illness rates for the industry.
- b. After the establishment list for the area office has been adjusted as necessary, establishments on the list shall be numbered consecutively beginning with the number one, skipping deletions. Using a random number method and following the guidelines in OSHA Instruction CPL 02-00-025 a local experimental program inspection register shall be developed in the area office. Establishments will be selected in the order prescribed by the random numbers until the total of establishments selected equals the number of projected inspections for the year. The resulting list shall constitute the program inspection register.
- c. Establishments may be selected from the inspection register for inspection in an order that makes efficient use of available resources. If any establishment on the inspection register is documented to be unavailable for inspection, the next originally unscheduled establishment according to the application of the random number table shall replace it on the inspection register.

IX. Recording in OIS.

The Inspection Forms for all inspections conducted in establishments that are covered by this program shall be coded as local experimental program inspections and marked "XBOATPRG."

X. Evaluation.

1. Area Director's Responsibility. The area directors affected by this local experimental program shall submit to the ARA for Enforcement Programs by October 30Th of each year, an evaluation report that shall include the following elements:
 - a. The goal (purpose) of the program.
 - b. The area director's opinion of how effective the program was in meeting its goal.
 - c. Data and information to support the conclusion(s) stated in (b) above, e. g., enforcement statistics; serious hazards eliminated; decline in occupational injuries, illnesses and fatalities; impact on covered non-inspected employers; impact on suppliers of production equipment; egregious cases (if any).
 - d. Statement of whether the program should be continued, accompanied by a brief rationale.
 - e. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
 - f. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.

2. Regional Office Responsibility. Based on the area director's evaluation and any other pertinent information, Enforcement Programs will prepare an evaluation of this program for the regional administrator's submission to the national office as required by current instructions.

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