

North Carolina Department of Labor
Occupational Safety and Health Division
Bureau of Compliance

Field Operations Manual
Chapter XVIII – Maritime Inspection Procedures



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Chapter XVIII

Maritime Inspections Procedures

A. Maritime Industry Primary Resources.

1. Directives.

- a. CPL 02-00-142 – Shipyard Employment “Tool Bag” Directive, August 3, 2006.
- b. CPL 02-00-139 – Longshoring and Marine Terminals “Tool Shed” Directive, May 23, 2006.
- c. CPL 02-01-039 – Enforcement of Cargo Gear Regulations and the Requirements for Gear Certification in the Maritime Program, March 24, 2003.
- d. CPL 02-01-047 – OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010.
- e. CPL 02-00-143 – 29 CFR Part 1910, Subpart T – Commercial Diving Operations, August 11, 2006.
- f. CPL 02-01-042 – 29 CFR Part 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment, September 7, 2005.
- g. CPL 02-01-049 – 29 CFR Part 1915, Subpart I, Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment, November 4, 2010.

B. Standards.

1. Guidance Documents.

- a. Shipyard Employment Industry.
 - Abrasive Blasting Hazards in Shipyard Employment. OSHA Guidance Document (December 2006).
 - Deck Barge Safety. OSHA Guidance Document, Publication 3358-01N (January 2009).
 - Ergonomics for the Prevention of Musculoskeletal Disorders: Guidelines for Shipyards. OSHA Guidance Document, Publication 3341-03N (March 2008).
 - Fire Protection in Shipyard Employment. OSHA Slide Presentation (March 2005).
 - Safe Work Practices for Marine Hanging Staging. OSHA Guidance Document (April 2005)..
 - Safe Work Practices for Shipbreaking. OSHA Publication 3375-03 (April 2010).

- Shipyard Fire Protection Frequently Asked Questions (FAQs). OSHA (March 2006).
- Spud Barge Safety. OSHA Fact Sheet, Publication 3358 (January 2009).

b. Marine Cargo Handling Industry.

- First Aid in Marine Cargo Handling, OSHA Quick Card, Publication 3368 (2009).
- Gangway Safety in Marine Cargo Handling, OSHA Quick Card, Publication 3369 (2009).
- Lifesaving Facilities in Marine Cargo Handling, OSHA Quick Card, Publication 3367 (2009).
- Marine Terminal Fall Protection for Personnel Platforms. OSHA Fact Sheet (June 2006).
- OSHA Guidance Update on Protecting Employees from Avian Flu (Avian Influenza) Viruses. OSHA Guidance Document, Publication 3323 (October 2006).
- Radio Communication Can Assist Container Gantry Crane Operators in Marine Terminals. OSHA Fact Sheet (June 2007).
- Roll-On Roll-Off (RO-RO) Ship and Dock Safety. OSHA Guidance Document, Publication 3396-06N (July 2010).
- Traffic Safety in Marine Terminals. OSHA Guidance Document, Publication 3337-07 (July 2007).

2. eTools, Expert Advisors, eMatrix.

- a. eTools are “stand-alone,” interactive, web-based training tools that provide highly illustrated information and guidance on occupational safety and health topics. Some also use expert system modules, which enable users to answer questions and receive reliable advice on how OSHA standards apply to their worksite(s).
- b. Shipyard Employment eTools were developed by OSHA in conjunction with the shipyard employment industry for ship repair, shipbuilding, shipbreaking, and barge cleaning activities. The eTools provide comprehensive information, in an electronic format with photos and illustrations, regarding the applicability of safety and health standards. They are excellent overall training tools and good for safety briefs of specific standards.

C. Shipyard Employment - 29 CFR Part 1915.

1. Coverage.

- a. Shipyard employment includes the building, repairing, and breaking (scrapping, disposal, recycling) of vessels, or a section of a vessel, without regard to geographical location, and is covered by 29 CFR Part 1915 for Shipyard Employment (see 29 CFR 1910.11(b)). Examples of vessels include, but are not limited to: ships, barges, fishing boats, work boats, cruise liners, and floating oil drilling rigs (i.e., mobile offshore drilling units).
- b. Shipyard employment involves work activities aboard floating vessels as well as vessel-related work activities on the land, docks, piers, etc., of a shipyard. Although 29 CFR Part 1915 covers many hazards in shipyard employment, it does not cover all such hazards. Therefore, some of the 29 CFR Part 1910 General Industry Standards are also applicable in shipyard employment. (See Appendix A of Shipyard Employment “Tool Bag” Directive, CPL 02-00-142, August 3, 2006.)

Note: Not all activities within a shipyard are considered shipyard employment covered by 29 CFR Part 1915. For example, erection of a new building, roadway construction, demolition activities (including the dismantling of cranes), and the installation of water pipes are covered by Construction Standards, 29 CFR Part 1926.

2. Shipyard Authority.

- a. U.S. Coast Guard and OSH Division Jurisdiction.
 - OSHA and the U.S. Coast Guard each have authority over shipyard employment activities. In North Carolina, the NCDOL OSH Division has authority over public sector shipyard employment activities. The U.S. Coast Guard regulates working conditions for seamen (crew members) on inspected vessels through 46 CFR 90.05-1. OSHA has authority to cite shipyard employment activities on inspected vessels if the work is performed by shipyard employees (non-crew members), except that the NCDOL OSH Division retains the authority to cite public sector shipyard employment activities on inspected vessels if the work is performed by shipyard employees (non-crew members).

Note: An inspected vessel is any ship, boat, barge, etc., that has or is required to have a Certificate of Inspection (COI) issued by the U.S. Coast Guard.
 - On uninspected vessels, the OSH Division has authority to cite public sector shipyard employers for all working conditions. The OSH Division can also cite the owners or operators of uninspected vessels for violations involving shipbuilding, shipbreaking, and ship repair operations regardless of whether the work is performed by seamen (crew members) or by non-crew members unless the hazards are covered by U.S. Coast Guard regulations. (See Section XIV.B.1. in CPL 02-01-047 – OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010.)
 - CSHOs should contact the vessel owner, master or captain to obtain the vessel identification or official number (VIN or ON) and contact the

nearest U.S. Coast Guard Sector (<http://homeport.uscg.mil> or USCG phonebook) to determine whether the vessel is inspected or uninspected.

3. Shipyard Inspections.

a. Public Sector Programmed Inspections will be scheduled in accordance with Compliance Programming, Chapter II, F.3., of the Field Operations Manual. Additionally, the most current revision of Operational Procedure Notice 128 will be used.

b. Compliance Officer Training.

District supervisors are responsible for ensuring that CSHOs are qualified to inspect/intervene in shipyard employment establishments. CSHOs must complete the OSH Division Maritime 10 hour course, or have received equivalent training and/or experience prior to conducting shipyard inspections.

c. Compliance Officer Preparation.

In addition to normal inspection preparation procedures, CSHOs must be properly equipped and attired. All necessary personal protective equipment (PPE) must be available for use and in proper operating condition. CSHOs must be trained in the uses and limitations of PPE before beginning the inspection.

At the opening conference, the CSHO will request a copy of the employer's certification of hazard assessment prepared in accordance with 29 CFR 1915.152(b) in order to be aware of the necessary PPE. The suggested minimum PPE for a CSHO is: a hard hat, safety shoes, gloves, eye protection, hearing protection, a personal flotation device (PFD), and a high-visibility/retro-reflective vest. Additional PPE may be required, such as a respirator, if conditions warrant. All testing and monitoring equipment must be calibrated (if necessary) and in good condition. It may be advisable for a CSHO to carry a multi-gas meter when conducting a vessel inspection to test for O₂, H₂S, CO, and/or LEL.

d. Safety and Health Rules at Shipyards.

29 CFR 1903.7(c) requires CSHOs to comply with all site safety and health rules and practices at a shipyard or on a vessel, and to wear or use the safety clothing or protective equipment required by OSHA standards or by the employer for the protection of employees.

e. Inspection Data.

Inspection data is accessible through OSHA's web page. The "Statistics & Data" page allows the user to conduct searches by establishment, Standard Identification Classification (SIC) code, North American Industry Classification System (NAICS) code, OSHA inspection number, accidents, and frequently cited standards. The page also contains links to the Bureau of Labor Statistics (BLS) for injury and illness statistics. The NAICS codes that correspond to shipyard employment include, but are not limited to:

336611 Shipbuilding and Repairing, except for floating dry-docks not associated with shipyards (SIC codes 3731 and 3732);

488390 Shipbuilding and Repairing at floating dry-docks not associated with shipyards (SIC codes 3731 and 3732);

713930 Marinas (SIC 3732) that are located on or adjacent to U.S. navigable waters and build, repair, or break recreation boats are covered by the 29 CFR Part 1915 Shipyard Employment Standards;

Note: Boats are defined by NAICS code 336612 as watercraft not built in shipyards and typically of the type suitable or intended for recreational or personal use (such as dinghy manufacturing, motorboat building, rowboat manufacturing, and sailboat/yacht building that is not done in shipyards). Boat building, repair, and breaking, including recreational boat building and manufacturing facilities, that are not located on or adjacent to U.S. navigable waters of the United States are covered by 29 CFR Part 1910 General Industry Standards.

811490 Recreational Boat Repair (SIC code 3732) is part of "Other Personal and Household Goods Repair and Maintenance." The repair of recreational boats is covered by the 29 CFR Part 1915 Shipyard Employment Standards if performed on or adjacent to U.S. navigable waters;

336611 Shipbreaking at shipyards (SIC code 4499);

423930 Shipbreaking, except at floating dry-docks and shipyards (SIC code 5093); and

488390 Shipbreaking at floating dry-docks (SIC code 4499).

Note: A complete list of NAICS codes is available on the U.S. Census Bureau website.

f. Leased Employees and Employer Responsibilities.

Many shipyards use contract or temporary leased employees. The company on whose payroll the employee is listed, as well as the company that supervises and controls the employee's activities, may be regarded as the employer. However, only the company that supervises the employee's daily work activities is responsible for injury and illness recordkeeping for that employee.

g. Multi-employer Worksites.

More than one employer may be liable for a hazardous condition that violates an OSHA standard. The process which must be followed in determining whether more than one employer is liable for employee safety and health conditions can be found in OSHA Instruction CPL 02-00-124, Multi-Employer Citation Policy, December 10, 1999. See also the multi-employer worksite provisions in 29 CFR 1915.12(f) and 29 CFR 1915.501.

4. Applicable Standards.

a. 29 CFR Part 1915 – Shipyard Employment Standards.

Apply to all ship repairing, shipbuilding, shipbreaking and related employments.

b. 29 CFR Part 1910 – General Industry Standards.

For a list of general industry standards that do or do not apply in shipyard employment, refer to Appendix A: Application of 29 CFR Part 1910 Standards to 29 CFR Part 1915 Shipyard Employment, in the Shipyard “Tool Bag” Directive.

c. 29 CFR Part 1926 – Construction Standards.

Apply when:

- Construction activities occur on shipyards; or
- Construction materials, equipment and supplies in support of a construction project are unloaded, moved, or handled into, in, on, or out of any vessel, from shore-to-vessel, from vessel-to-shore, or from vessel-to-vessel. (See STD 03-13-002, 29 CFR 1926.605(a)(1) as Applied to Maritime Construction; July 15, 1982.)

Note: Incidental maintenance or normal upkeep performed on floating equipment during actual construction operations is not covered by 29 CFR 1915.115(a), but major overhauls of floating equipment when equipment is taken out of service and is not being used for construction operations are covered by 29 CFR 1915.115(a). (See STD 03-13-002, 29 CFR 1926.605(a)(1) as applied to Maritime Construction; July 15, 1982.)

d. 29 CFR Part 1919, Gear Certification.

Provides guidance for the approval of OSHA-accredited agencies and criteria for Part 1919 agencies to evaluate and issue a certificate (OSHA Form-71 and -72) for certain cranes in shipyards. **The 29 CFR Part 1919 standards may not be cited by CSHOs.** CSHOs will use the appropriate 29 CFR Part 1915 standards to cite hazards.

5. Shipyard References.

There are a number of resources available to assist CSHOs in conducting shipyard employment inspections; two principle references are listed below.

a. Shipyard Employment “Tool Bag” Directive.

The Shipyard “Tool Bag” Directive, CPL 02-00-142, is the primary source of information for all aspects of shipyard employment inspections. All maritime industry primary resources that have relevance in the shipyard employment industry can be accessed through the “Tool Bag” directive.. The “Tool Bag” directive is designed to provide comprehensive information about inspection scheduling, conduct of shipyard inspections, shipyard alliances, training sources, etc. Appendix A of the directive is very useful because it contains guidance about which General Industry Standards (29 CFR Part 1910) can be used in shipyard employment, and equally important, which general industry standards are applicable aboard a vessel. The “Tool Bag” directive also consolidates all

OSHA interpretations related to shipyard employment into a question-and-answer appendix. This directive is located on the OSH One Stop Shop.

b. Additional Shipyard Information and Documents.

OSHA's public maritime webpage provides access to shipyard employment directives, standards, guidance documents and eTools, as well as:

- Shipyard employment fatality videos – presents 16 computer-generated animated scenarios based on actual shipyard fatalities. Each scenario includes a review of the factors that contributed to the accident and how to avoid them;
- Maritime Outreach Training Programs – includes OSHA's Maritime "Train-the-trainer" (course #5400), and OSHA's 10-hour and 30-hour Maritime Industry courses;
- MACOSH (Maritime Advisory Committee for OSH) – includes upcoming/recent events, background and history, current membership, meeting minutes, and MACOSH Federal Register notices;
- Federal Registers pertaining to the maritime industry are located on the OSH One Stop Shop.
- SHIPS – Safety and Health Injury Prevention Sheets developed by OSHA in conjunction with the shipyard industry to provide specific guidance and "Do's and Don'ts" with accompanying photographs for various shipyard processes;
- Maritime crane accreditation and certification program information including: an explanation of the program, instructions for the use of the OSHA-71 and -72 forms, and a list of agencies accredited under the 29 CFR Part 1919 program; and
- Shipyard Employment Industry "Flyer." OSHA Products, Information and Guidance (November 2007);

D. Marine Cargo Handling Industry – 29 CFR Parts 1917 & 1918.

1. Coverage.

The marine cargo handling industry includes:

- a. Longshoring and related employment aboard a vessel. Longshoring is the loading, unloading, moving or handling of cargo, ship's stores, gear, or any other materials into, in, on, or out of any vessel. Related employment is any employment performed incidental to or in conjunction with longshoring, including securing cargo, rigging, and employment as a porter, clerk, checker, or security officer. (The NCDOL OSH Division does not enforce the 29 CFR 1918, Longshoring Standards); and
- b. Marine terminal (on shore) employment, as defined in 29 CFR 1917.1, includes the loading, unloading, movement or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, and any other activity within and associated with the overall operations and functions of the terminal, except as noted in the standards. It includes all cargo transfers using shore-based material handling devices.

CSHOs will review the Longshoring and Marine Terminals "Tool Shed" Directive, CPL 02-00-139, May 23, 2006, for more information related to marine terminal employment.

2. Marine Cargo Handling Authority.

- a. U.S. Coast Guard and OSH Division Jurisdiction.

The NCDOL OSH Division has authority to cite employers engaged in public sector marine terminal operations; U.S. Coast Guard regulations do not preempt the OSH Division from citing such employers. However, on inspected vessels, the NCDOL OSH Division has no authority to cite the owner or operator of the vessel with respect to any working conditions of seamen (crew members), regardless of the work they are performing. On uninspected public sector vessels only, the NCDOL OSH Division may cite the owner or operator of the vessel for any violation of working conditions affecting seamen or non-seamen, unless the hazards are covered by U.S. Coast Guard regulations.

CSHOs will review CPL 02-01-047 – OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010, for more complete information regarding U.S. Coast Guard authority.

3. Marine Cargo Handling Inspections.

- a. Public Sector Programmed Inspections will be scheduled in accordance with Compliance Programming, Chapter II, F.3., of the Field Operations Manual. Additionally, the most current revision of Operational Procedure Notice 128 will be used.

b. Compliance Officer Training.

District supervisors are responsible for ensuring that CSHOs are qualified to inspect/intervene in marine cargo handling establishments. CSHOs must complete the OSH Division Maritime 10 hour course, or have received equivalent training and/or experience prior to conducting marine cargo handling industry inspections.

c. CSHO Preparation.

In addition to normal inspection preparation procedures, CSHOs must be properly equipped and attired. All necessary personal protective equipment (PPE) must be available for use and in proper operating condition. CSHOs must be trained in the uses and limitations of PPE before beginning the inspection. The suggested minimum PPE for a CSHO is: a hard hat, safety shoes, gloves, eye protection, hearing protection, a personal flotation device (PFD), and a high-visibility/retro-reflective vest. Additional PPE may be required, such as a respirator, if conditions warrant. All testing and monitoring equipment must be calibrated (if necessary) and in good condition.

d. Safety and Health Rules at a Marine Cargo Handling Facility.

29 CFR 1903.7(c) requires CSHOs to comply with all site safety and health rules and practices at marine cargo handling facility, and to wear or use the safety clothing or protective equipment required by OSHA standards or by the employer for the protection of employees.

e. Inspection Procedures.

A CSHO will gain access to a marine terminal by following local security measures per the Security Procedures in paragraph E. below.

f. Multi-employer Worksites.

More than one employer may be liable for a hazardous condition that violates an OSHA standard. The process which must be followed in determining whether more than one employer is liable for employee safety and health conditions can be found in OSHA Instruction CPL 02-00-124, Multi-Employer Citation Policy, December 10, 1999.

4. Applicable Standards.

a. There are separate standards for the two components of marine cargo handling.

- Marine Terminal Standards.

Material handling activities that occur on piers, docks, wharves, and other shore-side locations are covered by 29 CFR Part 1917, Marine Terminals Standards. In North Carolina, the Marine Terminal Standards are only enforced in the Public Sector.

- Longshoring Standards.

Material handling activities occurring **on a vessel** are covered by 29 CFR Part 1918, Longshoring Standards. The NCDOL OSH Division does not enforce the Longshoring Standards.

b. General Criteria for Standard Application.

There are often uncertainties as to which part applies. The following are basic “rule-of-thumb” criteria for making a determination concerning standard applicability.

- Lifting Devices.

- Use 29 CFR Part 1917 for cranes, derricks, hoists, spouts, etc., located on the marine terminal.

Note: See the third bullet under C.4.c, below, if cranes, derricks, or hoists are involved in construction activities.

Note: See Enforcement of Cargo Gear Regulations and the Requirements for Gear Certification in the Maritime Program, CPL 02-01-039, March 24, 2003. This document is for informational purposes only and has not been adopted for use in North Carolina. The NCDOL OSH Division does not enforce 29 CFR 1919.

- Work Location.

- 29 CFR Part 1917 applies if the work occurs within a marine terminal (i.e., on the land-side), including all piers, docks and wharves.
- 29 CFR Part 1918 applies if the work occurs on a vessel (i.e., on the water), including the gangway. The NCDOL OSH Division does not enforce 29 CFR Part 1918.

Note: See the third bullet under C.4.c, below, if cranes, derricks, or hoists are involved in construction activities.

c. Other Applicable Standards.

- Gear Certification – 29 CFR Part 1919.

Provides guidance for the approval of OSHA-accredited agencies and criteria for Part 1919 agencies to evaluate and issue a certificate (OSHA Form-71 and -72) for cargo handling gear onboard vessels and at marine terminals. **The 29 CFR Part 1919 standards may not be cited by CSHOs.** CSHO’s will cite the appropriate standard in 29 CFR Part 1917

- General Industry Standards – 29 CFR Part 1910.

The only 29 CFR Part 1910 General Industry Standards that are applicable to marine terminals are identified in the Scope and Applicability section.

- Construction Standards – 29 CFR Part 1926.

Apply when:

- Construction activities occur on marine terminals; or
- Construction materials, equipment and supplies in support of a construction project are unloaded, moved, or handled into, in, on, or out of any vessel, from shore-to-vessel, from vessel-to-shore, or from vessel-to-vessel. (See STD 03-13-002, 29 CFR 1926.605(a)(1) as Applied to Maritime Construction; July 15, 1982.)

- Shipyard Employment Standards – 29 CFR Part 1915.

When vessels located at marine terminals are repaired, 29 CFR Part 1915 Shipyard Employment Standards apply.

5. Marine Cargo Handling References.

There are a number of resources available to assist CSHOs in conducting marine cargo handling industry inspections; two principle references are listed below.

- a. Longshoring and Marine Terminal “Tool Shed” Directive.

The Longshoring and Marine Terminal “Tool Shed” Directive, CPL 02-00-139, is the primary source of information for all aspects of marine cargo handling industry inspections. All maritime industry primary resources that have relevance in the marine cargo handling industry can be accessed through the “Tool Shed” directive. The “Tool Shed” directive is designed to provide comprehensive information about inspection scheduling, conduct of marine cargo handling inspections, alliances, training sources, etc. Appendices are provided which cross-reference similar 29 CFR Part 1917 and Part 1918 standards and include a question-and-answer section about the longshoring and marine terminal standards. This directive is located on the OSH One Stop Shop.

- b. Additional Marine Cargo Information and Documents.

OSHA’s public maritime webpage provides access to marine cargo handling directives, standards, guidance documents and eTools, as well as:

- Longshoring and Marine Terminals: Fatal Facts – presents 42 written scenarios based on actual marine cargo handling fatalities;
- Maritime Outreach Training Programs – includes OSHA’s Maritime “Train-the-trainer” (course #5400), and OSHA’s 10-hour and 30-hour Maritime Industry courses;

- MACOSH (Maritime Advisory Committee for OSH) –includes upcoming/recent events, background and history, current membership, meeting minutes, and MACOSH Federal Register notices;
- Federal Registers pertaining to the maritime industry are located on the OSH One Stop Shop;
- Maritime crane accreditation and certification program information including: an explanation of the program, instructions for the use of the OSHA-71 and -72 forms, and a list of agencies accredited under the 29 CFR Part 1919 program; and
- Longshoring and Marine Terminal Industries “Flyer.” OSHA Products, Information and Guidance (November 2007);

E. Other Marine Activities.

There are a number of other activities that occur on, above, or in water. Although these other activities involve water, there are no separate 29 CFR parts that specifically deal with them. Rather, the activities are covered by either general industry or construction standards.

1. Commercial Diving – 29 CFR Part 1910, Subpart T. (See 29 CFR Part 1910, Subpart T – Commercial Diving Operations CPL 02-00-143, August 11, 2006.)

Diving activities related to shipyard employment are covered by 29 CFR 1915.6 and diving activities related to construction activities are covered by 29 CFR Part 1926, Subpart Y. Both standards reference 29 CFR Part 1910, Subpart T.

Diving is classified as NAICS code 561990 – Diving services on a contract or fee basis (SIC code 7389).

2. Commercial Fishing – 29 CFR Part 1910. (See CPL 02-01-047 – OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010.)

Shipyard employment activities for fishing vessels are covered by 29 CFR Part 1915; marine cargo handling activities for fishing vessels are covered by 29 CFR Parts 1917 and 1918.

Commercial fishing is classified as NAICS codes:

114111 Finfish Fishing (SIC code 0912 – Finfish);

114112 Shellfish Fishing (SIC code 0913 – Shellfish); and

114119 Other Marine Fishing (SIC code 09190919 – Miscellaneous Marine Products (Except plant aquaculture, cultured pearl production, and catching sea urchins)).

3. Marine Construction – 29 CFR Part 1926. (See in particular 29 CFR 1926.605 and 29 CFR 1926.106.)

Construction activities (e.g., bridge and pier construction, bulkhead construction, installation of sewage outfalls) occurring from a vessel are considered marine construction and are covered under the 29 CFR Part 1926 Construction Standards.

4. Towboats/Tugboats – 29 CFR Part 1910. (See CPL 02-01-047 – OSHA Authority over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010.)

Unless a ship repair or cargo transfer activity is involved with work in the above industries, the Shipyard Standards (29 CFR Part 1915), Marine Terminals Standards (29 CFR Part 1917), and Longshoring Standards (29 CFR Part 1918) do not apply. Normal towboat and tugboat operations are covered by the 29 CFR Part 1910 General Industry Standards.

On August 9, 2004, Congress gave the U.S. Coast Guard authority to regulate all towing vessels as inspected vessels under 46 U.S.C. 3301; as a general rule, such vessels were previously classified as uninspected vessels. The U.S. Coast Guard has not yet exercised this authority; thus, towing vessels, remain uninspected vessels. Therefore, the NCDOL OSH Division will continue to provide safety and health coverage of employees on uninspected public sector towing vessels until the U.S. Coast Guard issues inspected vessel regulations for these vessels.

Note: The U.S. Coast Guard is required by 46 CFR 4.07-1 to conduct an investigation of all marine casualties or accidents, as defined in 46 CFR 4.03-1, to ascertain the cause of the casualty or accident. The mere fact that the U.S. Coast Guard is authorized to investigate a marine casualty or accident, or investigates one, does not mean that the OSH Division is preempted from exercising its authority pertaining to occupational safety and health.

5. Training Marine Oil Spill Response Workers under OSHA's Hazardous Waste Operations and Emergency Response Standard.

Training needed for marine oil spill response employees is covered under 29 CFR 1910.120 – Hazardous waste operations and emergency response (HAZWOPER) and explained in OSHA Publication 3172.

OSHA's website, Keeping Workers Safe during Oil Spill Response and Cleanup Operations, compiles safety and health information for workers conducting such operations including: multi-lingual fact sheets and guidance documents, oil spill training materials, national response system information, and many other additional resources relating to oil spills and cleanup operations.

6. Other Regulatory Agencies.

During a maritime inspection, CSHOs may encounter other regulatory agencies such as, but not limited to: federal OSHA; the Department of Homeland Security (DHS), including the U.S. Coast Guard (USCG) and the Transportation Security Administration (TSA); U.S. Army Corps of Engineers (USACE); Department of Transportation (DOT); Environmental Protection Agency (EPA); Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE); Nuclear Regulatory Commission (NRC); and Federal Grain Inspection Service (FGIS). CSHOs should contact their district supervisor for any questions regarding coordination and/or jurisdiction with other agencies.

F. Security Procedures.

Transportation Worker Identification Card (TWIC).

The TWIC program is a Transportation Security Administration (TSA) and U.S. Coast Guard initiative. The TWIC program provides a tamper-resistant biometric credential to: maritime workers requiring unescorted access to secure areas of port facilities, outer continental shelf facilities, and vessels regulated under the Maritime Transportation Security Act (MTSA); and all U.S. Coast Guard credentialed merchant mariners. An estimated 750,000 individuals require TWICs.

Question:

Do OSHA compliance officers (federal and State) require a TWIC to gain access to maritime facilities?

Answer:

No, a CSHO's credentials and government identification card are equivalent to a TWIC for the purposes of access to and escorting non-TWIC holders on maritime facilities (see Redefining Secure Areas and Acceptable Access Control, January 7, 2008 and TWIC & Law Enforcement Officials & Other Regulatory Agencies, November 21, 2007). If problems arise, the CSHO should contact their district supervisor. The district supervisor will contact the local U.S. Coast Guard office (<http://homeport.uscg.mil> or USCG phonebook) to obtain resolution and access.