

§ 1910.11

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1910.1009	1218-0089
1910.1010	1218-0082
1910.1011	1218-0090
1910.1012	1218-0080
1910.1013	1218-0079
1910.1014	1218-0088
1910.1015	1218-0044
1910.1016	1218-0081
1910.1017	1218-0010
1910.1018	1218-0104
1910.1020	1218-0065
1910.1025	1218-0092
1910.1027	1218-0185
1910.1028	1218-0129
1910.1029	1218-0128
1910.1030	1218-0180
1910.1043	1218-0061
1910.1044	1218-0101
1910.1045	1218-0126
1910.1047	1218-0108
1910.1048	1218-0145
1910.1050	1218-0184
1910.1051	1218-0170
1910.1052	1218-0179
1910.1096	1218-0103
1910.1200	1218-0072
1910.1450	1218-0131

[61 FR 5508, Feb. 13, 1996, as amended at 62 FR 29668, June 2, 1997; 62 FR 42666, Aug. 8, 1997; 62 FR 43581, Aug. 14, 1997; 62 FR 65203, Dec. 11, 1997; 63 FR 13340, Mar. 19, 1998; 63 FR 17093, Apr. 8, 1998]

Subpart B—Adoption and Extension of Established Federal Standards

AUTHORITY: Secs. 4, 6, and 8 of the Occupational Safety and Health Act, 29 U.S.C. 653, 655, 657; Walsh-Healey Act, 41 U.S.C. 35 *et seq.*; Service Contract Act of 1965, 41 U.S.C. 351 *et seq.*; Sec.107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333; Sec. 41, Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 941; National Foundation of Arts and Humanities Act, 20 U.S.C. 951 *et seq.*; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 1911), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable.

§ 1910.11 Scope and purpose.

(a) The provisions of this subpart B adopt and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of parts 1915, 1916, 1917, 1918 in §§1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of part 1926 in §1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

(b) *Definition.* For purposes of this section, *Construction work* means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in §1926.13 of this title.

(c) *Construction Safety Act distinguished.* This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in part 1926 of this chapter. Thus, the standards (substantive rules) published in subpart C and the following subparts of part 1926 of this chapter are applied. This section does not incorporate subparts A and B of part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the

Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

(d) For the purposes of this part, to the extent that it may not already be included in paragraph (b) of this section, "construction work" includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

§ 1910.15 Shipyard employment.

(a) *Adoption and extension of established safety and health standards for shipyard employment.* The standards prescribed by part 1915 (formerly parts 1501-1503) of this title and in effect on April 28, 1971 (as revised), are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in ship repair, shipbreaking, and shipbuilding, or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in ship repair, shipbreaking, and shipbuilding, or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) *Ship repair* means any repair of a vessel, including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work;

(2) *Shipbreaking* means any breaking down of a vessel's structure for the purpose of scrapping the vessel, includ-

ing the removal of gear, equipment, or any component of a vessel;

(3) *Shipbuilding* means the construction of a vessel, including the installation of machinery and equipment;

(4) *Related employment* means any employment performed as an incident to, or in conjunction with, ship repair, shipbreaking, and shipbuilding work, including, but not restricted to, inspection, testing, and employment as a watchman; and

(5) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

[58 FR 35308, June 30, 1993]

§ 1910.16 Longshoring and marine terminals.

(a) *Safety and health standards for longshoring.* (1) Part 1918 of this chapter shall apply exclusively, according to the provisions thereof, to all employment of every employee engaged in longshoring operations or related employment aboard any vessel. All cargo transfer accomplished with the use of shore-based material handling devices shall be governed by part 1917 of this chapter.

(2) Part 1910 does not apply to longshoring operations except for the following provisions:

(i) *Access to employee exposure and medical records.* Subpart Z, § 1910.1020;

(ii) *Commercial diving operations.* Subpart T;

(iii) *Electrical.* Subpart S when shore-based electrical installations provide power for use aboard vessels;

(iv) *Hazard communication.* Subpart Z, § 1910.1200;

(v) *Ionizing radiation.* Subpart Z, § 1910.1096;

(vi) *Noise.* Subpart G, § 1910.95;

(vii) *Nonionizing radiation.* Subpart G, § 1910.97;

NOTE TO PARAGRAPH (a)(2)(vii): Exposures to nonionizing radiation emissions from commercial vessel transmitters are considered hazardous under the following conditions: (1) where the radar is transmitting, the scanner is stationary, and the exposure distance is 18.7 feet (6 m.) or less; or (2)