



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 2-09-01C

**EFFECTIVE DATE:** 10/01/2011

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**SUBJECT:** Local Emphasis Program (LEP) Covering Maritime Employers

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**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

- Purpose:** This notice continues the policy and procedures to be followed when making programmed safety and health local emphasis inspections of maritime employers located in Iowa and Missouri.
- References:**
- OSHA Instruction ADM 03-00-003, OSHA Directive System, December 11, 2000.
  - OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
  - OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.
  - OSHA Instruction CPL 03-00-012, OSHA's National Emphasis Program (NEP) on Shipbreaking, November 4, 2010
  - OSHA Instruction CPL 02-00-139, Longshoring and Marine Terminals "Tool Shed" Directive, May 23, 2006.
  - OSHA Instruction CPL 02-00-142, Shipyard Employment "Tool Bag" Directive, August 3, 2006.
  - OSHA Instruction CPL 02-01-020, OSHA/U.S. Coast Guard Authority Over Vessels, November 8, 1996.
  - OSHA Instruction CPL 02-01-039, Enforcement of Cargo Gear Regulations and the Requirements for Gear Certification in the Maritime Program, March 24, 2003.
  - OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
  - OSHA Instruction CPL 03-00-0009, National Emphasis Program – Lead, August 14, 2008

OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.

Memorandum for Regional Administrators, Appropriations Act: Replacement of Appendix A for CPL 02-00-051, December 3, 2008 (or current version).

Iowa Barge Terminal Directory,  
<http://www.dot.state.ia.us/barge.htm>, 2011 Edition.

*Inland River Guide*, The Waterways Journal, Inc., 2011 Edition.

Occupational Safety and Health Act, Public Law 91-596, December 29, 1970, as amended through January 1, 2004.

**Scope:** Maritime establishments throughout Iowa and Missouri.

**Action Offices:** Des Moines Area Office.

**Originating Office:** Kansas City Regional Office-Enforcement Programs Section

**Contact:** Enforcement Programs  
(816) 283-8745

By and Under the Authority of

Charles E. Adkins, CIH  
Regional Administrator

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- I. Purpose. This notice continues the policy and procedures to be followed when making programmed safety and health local emphasis (LEP) inspections of maritime employers located in Iowa and Missouri.
- II. Scope. This notice applies to employers located in Iowa and Missouri who are classified with a primary or secondary Standard Industrial Classification (SIC) code 3731, 4440 through 4449 or 4490 through 4499 or North American Industry Classification System (NAICS) codes 336611, 483111, 483112, 483113, 483114, 483211, 483212, 487210, 488310, 488320, 488330, 713930, 532411, and 488390 and are involved in maritime activities.

The Iowa Occupational Safety and Health Administration (Iowa OSHA) is responsible for enforcing the OSH Act in Iowa. Iowa OSHA's State Plan (see V. Background) covers private and public employers and employees located in the state, but excludes coverage of private maritime employers. The Federal OSHA Des Moines Area Office has historically assumed enforcement of maritime-related OSHA standards in Iowa. Any violations of 29 CFR Part 1910 regulations not referenced by the shipbuilding, ship repairing, ship breaking, marine terminal or longshoring standards that are observed while conducting inspections in Iowa related to this program, will be referred to Iowa OSHA.

For purposes of this LEP, maritime activities include the operations listed below:

Shipbuilding

Ship breaking

Ship repairing

Longshoring (includes loading, unloading, moving or handling cargo into or out of any vessel)

Marine terminals (includes wharves, piers, docks and other berthing locations associated with the primary movement of cargo or materials from vessel to shore or shore to vessel)

III. Expiration. This Notice expires September 30, 2012.

IV. References.

- A. OSHA Instruction ADM 03-00-003, OSHA Directive System, December 11, 2000.
- B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.
- D. OSHA Instruction CPL 03-00-012, OSHA's National Emphasis Program (NEP) on Shipbreaking, November 4, 2010

- E. OSHA Instruction CPL 02-00-139, Longshoring and Marine Terminals “Tool Shed” Directive, May 23, 2006.
  - F. OSHA Instruction CPL 02-00-142, Shipyard Employment “Tool Bag” Directive, August 3, 2006.
  - G. OSHA Instruction CPL 02-01-020, OSHA/U.S. Coast Guard Authority Over Vessels, November 8, 1996.
  - H. OSHA Instruction CPL 02-01-039, Enforcement of Cargo Gear Regulations and the Requirements for Gear Certification in the Maritime Program, March 24, 2003.
  - I. OSHA Instruction CPL 03-00-0009, National Emphasis Program – Lead, August 14, 2008.
  - J. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
  - K. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
  - L. Memorandum for Regional Administrators, Appropriations Act: Replacement of Appendix A for CPL 02-00-051, November 20, 2006.
  - M. Iowa Barge Terminal Directory, <http://www.dot.state.ia.us/barge.htm>, 2011 Edition.
  - N. *Inland River Guide*, The Waterways Journal, Inc., 2011 Edition.
  - O. Occupational Safety and Health Act, Public Law 91-596, December 29, 1970, as amended through January 1, 2004.
- V. Background.

Section 18 of the OSH Act allows State agencies to assume responsibility for development and enforcement of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated by submitting a State Plan for the development of such standards and their enforcement. The State of Iowa, Division of Labor, has had such an approved plan since July 2, 1985. However, they have chosen to exclude coverage of private sector maritime activities and bridge construction projects spanning the Mississippi and the Missouri Rivers between Iowa and other states. Therefore, the Des Moines Area Office of Federal OSHA has assumed jurisdiction for these employers in Iowa (except for the Illinois side of bridge projects, and Locks and Dam sites other than 10, 11, 12, and 16 and 19, which are covered by another Federal OSHA Region.)

In an effort to provide regional consistency regarding maritime inspections, the Des Moines Area Office will conduct all inspections, including those within the jurisdictional boundaries of the St. Louis and Kansas City Area Offices.

The U.S. Bureau of Labor Statistics (BLS) compiles workers 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 2005 through 2009 are presented below in Table 1 for NAICS 48832 (marine cargo handling), 336611 (shipbuilding and repairing), 483 (water transportation) and 4832 (inland water transportation).

**Table 1 BLS National Days Away Restricted or Transferred Incidence Rates**

Calendar Year	Private Industry Average	Construction Industry Average	Marine Cargo Handling 48832	Ship Building & Repair 336611	Water Transportation 483	Inland Water Transportation 4832
2005	2.4	3.4	5.0	6.0	2.4	2.5
2006	2.3	3.2	5.4	6.3	2.6	2.6
2007	2.1	2.8	6.1	5.2	2.6	2.8
2008	2.0	2.5	4.9	5.2	1.7	1.6
2009	1.8	2.3	4.7	4.8	1.7	2.2

The national average DART incidence rate for Marine Cargo Handling and Shipbuilding & Repair activities far exceeds the rate for general industry and construction. Water Transportation and Inland Water Transportation DART rates have only within the last two years fallen below the national averages of private industry and construction.

The maritime industry is made up of many industrial activities and there are unique differences between coastal and inland maritime establishments. OSHA Instruction CPL 02-00-025, Paragraph B.1.b.(4), allows Area Offices to establish LEPs that address specific hazards or industries in their area. This notice continues the LEP for inspections of maritime employers in Missouri and Iowa taking into account the unique jurisdictional circumstances of this Region. This LEP also addresses the following areas of emphasis: Lead, Silica, Noise in non-construction industries, Fall from elevation, Struck by, Powered Industrial Vehicle (PIV), and Electrical.

This program will direct OSHA resources towards maritime operations within Iowa and Missouri in order to ensure that they are in compliance with applicable OSHA regulations.

- VI. Policy. The Des Moines Area Office shall use this notice for inspection selection and scheduling for both safety and health inspections of maritime establishments.

## VII. Procedures.

### A. Establishment Targeting/Selection.

1. A list of active maritime establishments in Iowa and Missouri will be compiled by the Des Moines Area Office using the most current data obtained from the Iowa Department of Transportation (2011), the Missouri Department of Transportation, and the Inland River Guide (2011).
2. Establishments will be alphabetically arranged and 10 will be randomly selected for each cycle using the random numbers table provided in Appendix C of CPL 02-00-025. Subsequent cycles will be developed in the same manner. Establishments within a cycle may be inspected in any order that makes efficient use of resources, however all establishments within a cycle must be inspected prior to initiating a new cycle. Carry-overs will be allowed, as provided in OSHA Instruction CPL 02-00-025, paragraph B.1.b.(1)(b).
3. Each establishment on the list will receive a comprehensive safety and health inspection. When both the safety and health inspections of an establishment on the list have been completed, the establishment will be removed from the list. The safety and health inspections may be conducted jointly or at separate times. In addition, if a CSHO observes an establishment engaged in maritime activities, as defined in Paragraph II., and it is not on the current inspection list, the establishment will be added to the inspection list and will receive a comprehensive safety and health inspection.
4. Unprogrammed events such as fatalities, catastrophes, referrals and follow-up inspections will be scheduled for inspection in accordance with existing procedures in the FOM. Complaints will be handled in accordance with OSHA Instruction CPL 02-00-140.
5. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, will be followed in the implementation of this program.

### B. Deletions.

1. Printouts of inspection history from OSHA's Integrated Management Information System (IMIS) will be generated by the Des Moines Area Office. The printout will be a listing of all establishments in Des Moines' jurisdiction that are in the SIC/NAICS codes that have received a comprehensive safety or health inspection for the period of October 1, 2009 through the effective date of this LEP. All establishments that have received a comprehensive safety or health inspection in these SIC/NAICS codes between October 1, 2009 and the effective date of this LEP will be deleted from the establishment list.

2. Additional deletions will be made from each list by applying criteria set forth in OSHA Directive CPL 02-00-025, paragraph B.1.b.(1)(b).6.d, except for H#, I# and S#.

C. Inspection Procedures

1. Maritime establishments may be inspected in any order that makes efficient use of the available resources.
2. Upon arrival at each maritime establishment, the CSHO shall confirm and document the SIC (or NAICS) code for each employer on the inspection list and all information required by the FOM prior to initiating each inspection.
3. All active employers classified with a confirmed and documented primary or secondary SIC or NAICS that is covered by this program shall be inspected.
4. The scope of inspections conducted under this program will be comprehensive safety and health inspections. During inspections, CSHOs must make an initial determination of whether or not the potential exists for worker exposure to lead, silica, noise, struck by hazards, falls from elevations, electricity and PIVs. If exposure to lead exists, the CSHO will address all aspects of any potential lead work or exposure and include a review of all related written documentation (i.e., record keeping, monitoring, compliance program, medical monitoring, respirator fit testing and procedures, and training materials), in accordance with OSHA Instruction CPL 03-00-009. As resources allow, an inspection may begin as safety only or health only and appropriate referrals may be initiated.

VIII. Recording in IMIS. All OSHA-1 Forms shall be coded with the Local Emphasis Program code of MARITIME in Block 25c. Where the compliance officer determines that there is a potential worker exposure to lead block 25d and 25f should be coded as LEAD.

IX. Evaluation. At the end of the fiscal year, the Des Moines Area Office shall evaluate this program to determine whether it should be continued. The evaluation should be submitted to ARA/EP by October 30, 2012.

The Evaluation will include:

1. The number of employees covered.
2. Reduction in the number of injuries and illnesses.
3. Number of workers removed from hazards.
4. Reductions in employee exposures.
5. Abatement measures implemented.
6. Number of violations related to specific targeted hazards.
7. The goal of the LEP and how it supports OSHA's Strategic Plan.
8. Determination whether the LEP met its goal.
9. A discussion of data and information used to support the conclusion of whether the LEP met its goal.



10. Discussion of any significant or egregious cases.
11. Discussion of serious hazards eliminated.
12. A discussion of standards cited.
13. Impact on non-inspected employers.
14. A determination of whether the LEP should be continued.
15. Discussion of any legal issues that have arisen.
16. Additional comments and recommendations, if any.

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Charles E. Adkins, CIH  
Regional Administrator

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Date

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Office of the Solicitor Concurrence

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Date

Distribution:

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