



U.S. Department
of Transportation
**Maritime
Administration**

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES

NO.

270-4

EFFECTIVE DATE

January 16, 1984

SUBJECT

OCCUPATIONAL SAFETY AND HEALTH INSPECTIONS

Section 1. Purpose:

This order sets forth the policy and procedures for conducting safety and health inspections of Maritime Administration workplaces and abating unsafe and unhealthful working conditions.

Section 2. Related Regulations and Directives:

Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.

29 CFR 1960, Subpart D, Inspection and Abatement.

Department of Transportation (DOT) Order 3902.7, Occupational Safety and Health Management Program.

Maritime Administrative Order (MAO) 270-1, Occupational Safety and Health Program.

Section 3. Policy:

3.01 It is the policy of the Maritime Administration to:

- 1 Provide periodic inspections by qualified personnel of all workplaces to insure a safe and healthful working environment.
- 2 Promptly abate any unsafe or unhealthful working conditions identified as a result of an inspection, any employee report, or other means.

Section 4. Definitions:

For the purposes of this order, the following definitions shall apply:

4.01 Inspection. A comprehensive survey of all or part of a workplace in order to detect safety and health hazards. Inspections do not include routine day-to-day visits to worksites or routine occupational safety and health surveillance.

4.02 Safety Health Inspector. A person who possesses the training, experience and technical competence to recognize unsafe or unhealthful working conditions.

Section 5. Workplace Inspections:

Safety and health inspections shall be scheduled and arranged for by the Safety Officer and conducted of all Maritime Administration workplaces, normally on an annual basis, and more frequently, as warranted.

Section 6. Inspection Requirements:

- 6.01 Before making an inspection, the Inspector shall be provided with all available relevant information which pertains to the occupational safety and health of the workplace to be inspected, including safety and health hazard reports, injury and illness records, previous inspection reports, and reports of unsafe and unhealthful working conditions.
- 6.02 Inspectors are authorized to:
- 1 Enter without delay and at reasonable times, any building, installation, facility, reserve fleet site, or other workplace where work is performed by employees of the agency.
 - 2 Inspect and investigate all pertinent conditions, structures, machines, apparatus, devices, equipment and materials.
 - 3 Interview privately any agency employee, supervisor, the official in charge of the establishment or other person who possesses knowledge relevant to the inspection.
 - 4 Employ reasonable techniques of inspection such as taking photographs or environmental samples.
- 6.03 The inspector shall comply with safety and environmental health rules and practices of the establishment being inspected and shall avoid unreasonable disruption of the operations of the establishment.
- 6.04 Notice of Inspections:
- 1 Unannounced inspections and unannounced follow-up inspections shall be conducted to ensure the identification and abatement of hazardous conditions. However, unannounced inspections shall not be conducted if such inspection would impair the effectiveness of the inspection or unduly interrupt work activities.

- 2 Advance notice of an inspection shall be given to the official in charge of the workplace to be inspected, when management and employee representation is required, or special preparations are necessary for conducting the inspection.

Section 7. Inspection Procedures:

- 7.01 An opening conference shall be held with the official in charge of the workplace (hereinafter referred to as the responsible official) or that official's representative, and with an appropriate representative of the employees of the establishment. The Inspector shall explain the purpose of the inspection in terms of Maritime Administration, Department of Transportation and Occupational Safety and Health Administration requirements.
- 7.02 The Inspector shall offer management and employee representatives the opportunity to participate in the inspection. However, the Inspector is authorized to deny the right of accompaniment to any person whose participation could interfere with a fair and orderly inspection.
- 7.03 At the conclusion of the inspection, the Inspector shall hold a closing conference with the responsible official or that official's representative, and with an appropriate employee representative to discuss inspection findings and to informally advise of any apparent unsafe or unhealthful working conditions disclosed by the inspection. The necessary corrective action and abatement periods shall also be discussed. During this conference, the responsible official and the employee representative shall be afforded the opportunity to bring to the attention of the Inspector any pertinent information regarding conditions in the workplace.

Section 8. Inspection Reports:

- 8.01 The Inspector shall make a formal report of each inspection. The report shall:
 - 1 Identify the facility or workplace; the official in charge of the workplace (responsible official); the management or employer and employee representatives who participated in the inspection; and the Inspector.
 - 2 Describe any unsafe or unhealthful conditions or violations.

- 3 Refer to the safety standards pertaining to each safety or health violation.
- 4 Recommend the abatement period for each safety or health violation.

8.02 Copies of the report shall be retained on file at the inspection location and submitted to the local safety official and Safety Officer.

Section 9. Notice of Unsafe and Unhealthful Working Conditions

- 9.01 When an inspection identifies unsafe or unhealthful working conditions, a Notice of Unsafe or Unhealthful Working Conditions (Notice) shall be issued by the Inspector. This Notice shall be issued not later than 15 days after completion of the inspection for safety violations, or not later than 30 days for health violations. The Notice shall contain references to the standards violated; describe the violations and the seriousness and the location of the unsafe or unhealthful working condition; and the abatement period.
- 9.02 A copy of the Notice shall be sent to the responsible official, the employee representative who participated in the closing conference, and the Safety and Health Committee of the workplace, as established in MAO 270-1. Upon receipt of a Notice, the responsible official shall immediately post such notice, or copy thereof, unedited, at the locations where unsafe or unhealthful conditions exist. The Notice shall remain posted until the unsafe or unhealthful conditions have been corrected.
- 9.03 In accordance with 29 CFR 1960.22(c)(4), Notices shall be retained on file for five years after abatement.
- 9.04 If the unsafe or unhealthful condition is corrected prior to the issuance of a Notice, no Notice shall be issued; however, a brief report shall be prepared by the Inspector and copies of the report transmitted to the officials specified in section 9.02.

Section 10. Abatement of Unsafe or Unhealthful Working Conditions:

- 10.01 The responsible official shall be responsible for the abatement of hazardous conditions and practices. Where there is a multiple occupancy within the workplace, this responsibility is assigned to the official who has supervisory authority over the specific work and/or employee where the hazardous condition exists.

- 10.02 Abatement periods shall be established by the responsible official and shall be:
- 1 Limited to 30 working days or less, whenever possible.
 - 2 Stated in the Notice of Unsafe or Unhealthful Working Conditions, when the abatement period is 30 working days or less.
- 10.03 When hazardous conditions cannot be abated within 30 working days or less, the responsible official shall submit an abatement plan to the local safety official. The plan shall:
- 1 Explain why the abatement of the hazardous conditions has been delayed.
 - 2 Propose a timetable for abatement of the hazardous conditions.
 - 3 Identify the interim actions taken to protect employees from the hazardous conditions.
- 10.04 A copy of the plan shall be forwarded to the Safety Officer and to the Safety and Health Committee for the establishment where the hazardous conditions exists.
- 10.05 Reinspection. Following the abatement of the hazardous condition, the Safety Officer, the Region or Academy Safety Officer, or the Reserve Fleet Safety Assistant, as appropriate, with management and employee representatives, except as specified in section 7.02 above, shall reinspect the workplace to confirm that corrective action has been taken.

Section 11. Imminent Danger:

- 11.01 Imminent danger exists whenever conditions or practices in the workplace can reasonably be expected to cause death or physical harm, either immediately or before normal corrective action eliminates the exposure.
- 11.02 Upon determination of imminent danger, the responsible official shall undertake immediate abatement action and withdraw employees not needed for abatement of the hazard and who may be injured.

- 1 If the dangerous exposure is in a Region Office, the U.S. Merchant Marine Academy (USMMA) or the Beaumont or Suisun Bay Reserve Fleet sites, the responsible official shall notify the Region or Academy Safety Officer or Fleet Safety Assistant, as appropriate, and request any necessary assistance. The safety official, in turn, shall notify the Region Director or Superintendent, USMMA, as appropriate.
 - 2 If the dangerous exposure is in the James River Reserve Fleet site, the responsible official shall notify the Fleet Safety Assistant and request any necessary assistance. The Fleet Safety Assistant shall notify the Chief, Division of Reserve Fleet.
 - 3 If the dangerous exposure is in the Washington Headquarters facility, the responsible official shall notify the Safety Officer and request any necessary assistance. The Safety Officer shall notify the Director, Office of Ship Operations, and the Associate Administrator for Shipbuilding, Operations, and Research.
- 11.03 If the imminent danger cannot be promptly and completely abated, the Region Director, the Superintendent, USMMA, or the Safety Officer shall notify the Chief, Occupational Safety Staff, DOT.

Section 12. Employee Reports of Unsafe or Unhealthful Working Conditions:

- 12.01 Employees are encouraged to make an immediate oral report to their supervisors of the existence of, or potential for, unsafe or unhealthful working conditions. In addition, written reports may be made on Form MA-914, Safety Hazard Report.
- 12.02 An employee report is not a grievance (29 CFR 1960.28(a)).
- 12.03 Request for Inspection. An employee is encouraged to make written requests for inspections of an employee's workplace if he or she believes that an unsafe or unhealthful condition exists. The request must be signed and dated, and should be submitted to the employee's immediate supervisor, a safety official or any member of the Safety and Health Committee. The person receiving the request should immediately transmit the request to the Safety Officer. If the reporting employee so requests, the employee's name shall not be disclosed.

- 12.04 The Safety Officer shall ensure that employee reports are responded to within the deadlines established by DOT Order 3902.7 9.a.(8) and that an inspection is made of the alleged unsafe or unhealthful conditions.
- 12.05 An inspection made as a result of any employee's report need not be limited to matters referred to in the report.
- 12.06 If the inspection reveals that unsafe or unhealthful conditions exist, a Notice (section 9) shall be issued and the abatement procedures prescribed in section 10 shall be followed.
- 12.07 If the inspection reveals no unsafe or unhealthful conditions exists, the employee who originated the request shall be given written notice of the inspection results.
- 12.08 If the employee who requested the inspection is not satisfied with the results of the inspection, subsequent reviews may be requested from the Safety Officer. In each case, the employee should be given a prompt written response. If the employee is not satisfied with the response, a review may be requested from the Occupational Safety Staff, DOT, and the Department of Labor, Occupational Safety and Health Administration.

Section 13. Allegations of Reprisal:

- 13.01 No employee shall be subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthful working condition, or other participation in occupational safety and health program activities or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by section 19 of the OSHA Act, E.O. 12196, 29 CFR 1960 and the provisions of DOT Order 3902.7 and this order.
- 13.02 If an employee believes that he or she has been discriminated against for participation in the Occupational Safety and Health program, the employee should immediately report such actions to the most immediate safety and health official. The safety and health official who receives such a report should document each report in writing. In the event the employee(s) feels that his or her report has received an unsatisfactory resolution, he or she may contact the Safety Officer. The Safety Officer shall review the resolution of the report to determine its appropriateness.



H.E. SHEAR
Maritime Administrator