



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

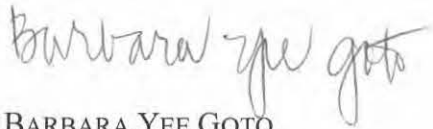
Occupational Safety and Health Administration

DIRECTIVE NUMBER: San Francisco Regional Instruction CPL 04-00-05	EFFECTIVE DATE: October 1, 2015
SUBJECT: Local Emphasis Program (LEP) for Ship and Boat Building and Repair	
REGIONAL IDENTIFIER: Region IX	

ABSTRACT

Purpose:	This instruction transmits a local emphasis program for scheduling inspections for ship and boat building, repair, and shipbreaking in Region IX.
References:	See paragraph III.
Cancellation:	This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-05, dated October 1, 2014.
Significant Changes:	None.
Action Offices:	Office of Enforcement Programs (Enforcement) All Area Offices Office of Cooperative and State Programs (CSP)
Originating Office:	Office of Enforcement Programs (Enforcement)
Contact:	David Shiraishi Assistant Regional Administrator, Enforcement Programs

By and Under the Authority of

A handwritten signature in cursive script that reads "Barbara yee goto". The signature is written in dark ink and is positioned above the printed name.

BARBARA YEE GOTO
Regional Administrator

Executive Summary

It is OSHA policy to conduct programmed inspections in primarily “high-hazard” industries such as maritime. Scheduling systems for programmed inspections provide general guidelines for Area Directors to plan compliance operations and related activities.

The Area Directors will use procedures described in this instruction for scheduling programmed safety and health inspections of ship or boat building, repair, breaking (NAICS 336611 and 336612), and related activities. This instruction does not apply to any other marine-related industries (i.e., longshoring).

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Appendix A: List of Port Areas with Ship and Boat Building and Repair Facilities

Appendix B: Procedures for Scheduling Inspections

- I. **Purpose:** This instruction transmits a local emphasis program for scheduling inspections for ship and boat building, repair, and shipbreaking in Region IX.
- II. **Scope:** This instruction applies to all Area Offices and Region IX jurisdiction locations.
- III. **References:**
 - A. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
 - B. OSHA Instruction CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs
 - C. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually)
 - D. OSHA Instruction CPL 02-00-159, October 1, 2015, Field Operations Manual
- IV. **Cancellation:** Region IX Enforcement Programs Notice CPL 04-00-05, dated October 1, 2014.
- V. **Expiration:** This LEP will expire no later than one year from the date of implementation.
- VI. **Action:** The Area Directors will use procedures described in this instruction for scheduling programmed safety and health inspections of ship or boat building, repair, breaking (NAICS 336611 and 336612), and related activities. This instruction does not apply to any other marine-related industries (i.e., longshoring). Joint safety and health inspections will be conducted where practical.
- VII. **Background:**
 - A. Scheduling systems for programmed inspections provide general guidelines for the Regional Administrator, ARA-EP and the Area Directors to plan compliance operations and related activities.
 - B. A programmed inspection generally is a comprehensive inspection of the worksite. However, focused inspections may be necessary due to higher enforcement priorities and resource availability. (Low hazard areas, such as administrative offices, may be excluded from inspections without affecting the comprehensiveness of the inspection.)
 - C. It is OSHA policy to conduct programmed inspections in primarily “high-hazard” industries such as maritime.

- D. Where no establishment list is provided by the National Office (e.g., maritime and logging industries), the Area Directors will compile a complete list of active worksites within the jurisdiction of Region IX by using the best available information (commerce directories, commercial telephone listings, local permitting agencies, local knowledge, etc.). From this list (see Appendix A), worksites will be selected randomly for inspection.

VIII. Procedures:

The following inspection procedures will be used when conducting an inspection in a worksite involved in or providing ancillary services or products to building, repairing, or demolishing ships, boats, barges skiffs, and related operations.

- A. Specific Industries: It is anticipated that the primary employers will be identified under NAICS 336611 and 336612.
- B. Trades or Crafts: Principal trades or crafts will consist of, but are not limited to, sandblasters, shipfitters, shipwrights, scalers, pipefitters, painters, asbestos workers, welders, torch cutters, carpenters, electricians, and laborers. These trades or crafts will primarily be employees of prime contractors (usually classified under NAICS 336611 and 336612), but may also include employees of subcontractors in direct support of the shipbuilding or ship repair or shipbreaking activities.
- C. Scope: This instruction will cover all port areas within Region IX jurisdiction and includes all known onshore and offshore ship and boat building, repair, and breaking activities. See Appendix A for compiling a list of port areas for inspection on a random basis.
- D. Inspection Scheduling for Maritime Worksites:
1. On an annual basis, each Area Director with Maritime worksites within the Area Office's jurisdiction will prepare a listing of port areas, or subdivisions of port areas, rather than marine employers. This is due to the transitory nature of ships entering and leaving piers, docks, and wharves. Also, shipbuilding and repair sites may involve several employers working varying lengths of time.
 - a. Port area lists may include all sites in Federal jurisdiction under NAICSs 336611 and 336612, or separate lists for each code.
 - b. The Area Director will attempt to identify if the port area could be reasonably expected to be engaged in shipbuilding or repair business.
 - c. Port areas will be scheduled for inspection based on a random number system. The Area Director will determine the number of sites which are likely to be inspected quarterly. The number estimated will be the inspection cycle.

2. Inspections at port areas will be schedule based on the procedures outlined in Appendix B.
3. Deletions and additions to the worksite list will be made as follows:
 - a. The Area Director will direct CSHOs that an employer at a given worksite will not be inspected if it has received a comprehensive safety and health inspection (either programmed or unprogrammed) during the previous quarter, within the same port area.
 - b. If a port area becomes known to the AD only after the inspection cycle has been prepared, it will be added to the worksite list for the following cycle.

NOTE: This paragraph does not preclude unprogrammed inspections conducted in response to specific evidence of conditions involving imminent danger or serious hazards at pier, wharf, or dry dock area, such as those observed by a CSHO:

- i. On his/her way to or from another activity such an unprogrammed inspection, etc.
- ii. Upon referral by state compliance officers in the discharge of normal activities.

This evidence will be thoroughly evaluated by the AD and, if appropriate, investigated as a referral inspection. The referral will be entered in OIS as appropriate.

IX. Recording in OIS:

In addition to recording of information and entering data in OIS in accordance with other relevant instructions and directives, for maritime inspections the following specific coding instructions apply:

- A. Inspection Type: the code BOATPROG shall be used as a primary emphasis code for all inspections scheduled under this LEP, and for all unprogrammed inspections of the industries targeted by this LEP.
- B. Any other applicable LEP or NEP codes may be entered as non-primary emphasis codes.

- C. Strategic Plan codes, including but not limited to AMPUTATIONS, ELECTRICAL, FALL FROM HEIGHT, LEAD, NOISE, POWERED IND VEHICLE, SILICA and STRUCK-BY should be entered where applicable.

X. Evaluation:

The Regional Administrator will direct staff to evaluate the LEP in accordance with the guidelines in Appendix A of CPL 04-00-001, November 10, 1999, Procedures for Approval of Local Emphasis Programs and Experimental Programs.

- A. For LEPs which have been renewed from a previous year, the evaluation will use data for the period covering from the beginning of the 4th quarter of the previous fiscal year through the end of the 3rd quarter of the current fiscal year (i.e., the FY16 LEP evaluation will include data from July 1, 2014 – June 30, 2015). Narrative sections of the evaluation should cover the same time frame, although significant issues arising in the 4th quarter, which may affect a decision on renewal of the LEP, may also be discussed.
- B. This evaluation shall be submitted to the Regional Administrator for review by November 1, at which time a decision will be made to renew or discontinue the LEP. On the approval of the Regional Administrator, the evaluation report shall be submitted to the Directorate of Enforcement Programs no later than November 30.

XI. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the LEP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with ship and boat building and repair operations and covered by this LEP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this LEP will be provided to interested parties upon request.

Port Areas with Ship and Boat Building and Repair Facilities

Oakland Area Office:

Alameda

Crescent City

Eureka

Fort Bragg

Monterey

Moss Landing

Oakland

Richmond

Sacramento

San Francisco

Santa Cruz

Sausalito

Stockton

Treasure Island Vallejo

San Diego Area Office:

Catalina Island

Chula Vista

Coronado Beach

Long Beach

Los Angeles

National City

Newport Beach

Oceanside (Marine Corps Base LCAC Hovercraft)

Oxnard

Point Loma

San Diego

Santa Barbara

Shelter Island

Terminal Island

Ventura

Honolulu Area Office:

American Samoa

Guam

Hawaii

Kauai

Lanai

Maui

Molokai

Oahu

Rota

Saipan

Tinian

APPENDIX B

Procedures for Scheduling Inspections

1. The Area Office will maintain a master list of port areas eligible for inspection under this LEP. The master list, all additions and deletions, the randomized list, and scheduling cycles created for this LEP, shall be filed electronically on the regional shared drive and retained for three years.
 - a. Additions may be made to the master list based on local knowledge or other factors, including OSHA inspection history.
 - b. Port areas shall be deleted from the master list if, during the course of an inspection, it is determined that the site no longer falls within the parameters of the LEP. This would primarily apply to sites which no longer perform the process or use the equipment targeted by the LEP.
 - c. All additions and deletions must be documented.
2. At the beginning of each fiscal year (or on the LEP's effective date), the Area Office shall create a randomly numbered list of all port areas on the master list. Port areas shall be randomly ordered using the RANDBETWEEN function in Excel. AOs may also send their master list to EP for randomization.
3. If all port areas on the master list are to be inspected during the fiscal year, the sites may be inspected in any order. If an Area Office is not able to complete all inspections on the master list within a fiscal year, the Area Office will complete the list as soon as possible in the first quarter of the next fiscal year, and shall develop and follow scheduling cycles for the remainder of that year and in subsequent years.
4. The Area Office will create scheduling cycles by selecting a number of port areas from the randomized master list. All scheduling cycles shall be filed electronically on the regional shared drive.
 - a. Port areas selected in a cycle can be inspected in any order, but the Area Office should take into account that the cycle must be completed before another cycle is created. Area Offices should take into account programming goals and available resources when setting the size of a cycle.
 - b. To the extent possible, new cycles should be selected at least once per quarter. Cycles may be run more often if necessary. An uncompleted cycle may be carried over into the

next quarter, but the Area Office should take this into account and adjust the number selected for subsequent cycles accordingly.

- c. Employers may be subject to multiple inspections at a single port area within a quarter, if they are working at multiple ships or terminals when that port area comes up for inspection. Each ship will be counted as a separate worksite and a separate inspection; where Federal OSHA has jurisdiction over marine terminals, each terminal will be counted as a separate worksite and separate inspection.
- d. Employers within a port area may be deferred to the next cycle if the employer has been subject to a comprehensive programmed inspection (under this or any LEP) within the previous quarter, at this port area, or if the process to be inspected is not active. All deferrals must be documented. Additional criteria for deferral include:
 - i. Necessary equipment or personnel with necessary experience are not available to perform the inspection.
 - ii. The port area is the last remaining area in a cycle, the inspection would require travel in excess of 50 miles, and it cannot be combined with other inspection activity.
 - iii. The employer was cited as the result of a previous comprehensive inspection, and the final abatement date has not yet passed.
 - iv. The employer has contested a previous citation and it is still pending before the Review Commission.

Approval for deferrals based on reasons other than those listed must be discussed with and approved by the ARA for EP.