

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



July, 1, 1999

Mr. Marc Mac Donald
Director, Accident Prevention
Pacific Maritime Association
P.O. Box 7861
San Francisco, CA 94120-7861

Dear Mr. Mac Donald:

Thank you for your May 13, 1999 E-mail requesting clarification of the Occupational Safety and Health Administration's (OSHA's) revised maritime standards related to the handling of containerized cargo aboard vessels. With regard to your concern about the difficulty of providing a safe means that would completely eliminate the need for employees to go on the top of a container to safely unlock those stacked 5,6 and 7 high above deck, Section 29 CFR 1918.85 (j)(1) provides an exception with some examples listed in Footnote 6.

We agree that the use of a longer lashing pole while standing on deck would prove difficult to control and would create a greater hazard for the employees working on deck than if they were allowed to "go aloft" onto the top of the container to unlock those stacked more than four high. If the employer can show that there are no alternative feasible means to allow employees to safely unlock these containers without going "aloft," then the exception would apply.

Whenever a new procedure or positive container securing device is developed that eliminates the need for employees to go on top of containers to perform such an operation, it must be used. We also want to remind you that Section 29 CFR 1918.85(j) requires that employees who go on top of containers and are exposed to a fall hazard, must be protected by a fall protection system meeting the requirements of Section 1918.85(k).

We have enclosed, for your information, a copy of 29 CFR Parts 1911 to 1925. These regulations contain the OSHA rules covering longshoring (29 CFR Part 1918) and marine terminals (29 CFR Part 1917). We have also enclosed a copy of the Federal Register notice, dated July 25, 1997, which first published these revised rules. This document contains useful background information about the development of the revised rules.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. Please be aware that OSHA's enforcement guidance is subject to periodic review and clarification, amplification, or correction. Such guidance could also be affected by subsequent rulemaking. In the future, should you wish to verify that the guidance provided herein remains current, you may consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Office of Maritime Compliance Assistance at (202) 693-2399.

Sincerely,

Richard E. Fairfax, Director
Directorate of Compliance Programs