

DOSH DIRECTIVE

Division of Occupational Safety and Health

Department of Labor and Industries

Keeping Washington safe and working

2.18

Programmed Inspections Regarding Maritime Industries

Updated: August 25, 2014

I. Purpose

This Directive provides guidance to enforcement and consultation staff regarding programmed inspection activities within the Maritime high hazard industry.

II. Scope and Application

This Directive applies to all DOSH operations statewide. It updates the guidance in WRD 2.18 (*Targeting WISHA Inspections – Maritime Industries*) issued May 2, 2001, and replaces all previous instructions on this issue, whether formal or informal.

III. References

- Chapter 296-56 WAC, Longshore, Stevedore and Waterfront Operations
- WAC 296-900-12005, WISHA Inspections

IV. Background

Most Washington employers are subject to Title 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). RCW 49.17.050(6) specifically requires the department to "provide for the frequency, method, and manner of the making of inspections of workplaces without advance notice." WAC 296-900-12005 specifically provides for programmed inspections using scheduling systems that may look at a range of objective criteria. It also provides for routine programmed inspections of several high hazard industries, including maritime.

Within the maritime industries, jurisdiction issues become a special concern. In relation to ship-building/ship repairing, longshore/stevedoring activities, and commercial diving, a single employer will frequently fall under both OSHA and DOSH jurisdiction depending upon the nature and location of the specific activity. For this reason, coordination of state and federal activities takes on particular value.

V. Enforcement Policies

- A. The DOSH Maritime Compliance Supervisor is responsible for statewide management of the appropriate assignment of safety inspections in relation to maritime activities.
- B. The DOSH Regional Hygiene Compliance Supervisors are responsible for managing the appropriate assignment of hygiene inspections in relation to maritime activities in their regions.

- C. Inspections within maritime industries are considered programmed inspections when initiated according to the guidelines below, unless they are fatality/catastrophe investigations, or have been initiated in response to specific complaints or referrals. All such programmed inspections must be comprehensive hygiene or safety inspections of the worksite and/or operation, including an evaluation of the employer’s overall safety and health program.

Programmed inspections are:

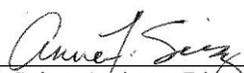
1. Comprehensive inspections of shipyards (NAICS 336611), boatbuilding (NAICS 336612) and closely related operations, when assigned by the DOSH compliance supervisor.
 2. Comprehensive inspections of marine terminals subject to the Longshore/Stevedore standard (Chapter 296-56 WAC).
 3. Any comprehensive inspections involving the use of maritime cranes subject to the maritime crane certification requirements.
 4. Any comprehensive inspections of commercial diving operations, when assigned by the supervisor or when the divers are observed in operation under state jurisdiction.
 5. Any inspections of waterfront structures (piers and docks), when assigned by the supervisor.
- D. All other maritime enforcement activities will be addressed through existing scheduling protocols. Such activity will **not** be considered programmed activity based on the nature of the industry alone.
 - E. When marketing to maritime industries employers, consultation services are considered “programmed consultation activity” for the purpose of reporting to Federal OSHA.

VI. Who to Contact

If DOSH staff have questions or need additional guidance or interpretive assistance, they are encouraged to contact the Maritime Supervisor.

VII. Expiration Date

This Directive will expire 2 years from the effective date, or earlier, if replaced by some other method of sufficient guidance.

Approved: 
Anne F. Soiza, Assistant Director
Division of Occupational Safety and Health
Department of Labor and Industries