

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

21.55

Boatbuilding of Vessels 65 Feet or Less

Date: May 17, 2005

I. Background

There is a need for clearer guidance regarding the applicability of the general industry standards and the shipyard standards to the boatbuilding industry. WAC 296-304-01001 defines “vessels” as: **“every kind of watercraft for use as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.”** WAC 296-304 by its terms applies to the construction of any vessel without regard to size, intended use or manner of construction. The literal language of the regulation requires builders of small boats to comply with WISHA’s shipyard standard, irrespective of whether these regulations suit the manner of construction in the small boatbuilding industry.

Boatbuilding is classified in a different SIC code, 3732, than shipbuilding, which is 3731. The lost-Workday Injury and Illness (LWDII) rate for boatbuilding is historically about half that of shipbuilding.

Shipyards (SIC code 3731) primarily engage in the construction of large commercial or naval vessels. The vessels are fabricated in place either afloat or in a drydock located on or adjacent to water. The vessels are typically constructed with steel. The average shipyard constructs one ship per month.

In contrast, boatbuilding (SIC code 7332) involves a repeatable, production line process performed in a manufacturing plant specifically designed for the types of boats being built. The average boat plant manufactures from 30 to 35 boats per day. Boats are manufactured of fiberglass reinforced plastic (FRP), aluminum or wood.

The building of ships in shipyards presents hazards that are distinct from those present in the production of small boats, including, but not limited to, work at higher elevations, fall hazards over water, extensive use of movable rather than permanent scaffolding, and welding and confined space hazards that are unique to the construction of large vessels.

WISHA acknowledges that WAC 296-304 requirements for shipyards do not appropriately address the hazards and processes involved in the boatbuilding

industry. WISHA further recognizes that the production processes for small boats are similar to the processes covered by the general industry standards.

Vessels 65 feet or less in length will be classified as “small boats.” It is WISHA’s opinion that the general industry standards address the types of operations and hazards of small boatbuilding more accurately than the shipyard standards of WAC 296-304 and provide an equal level of protection. It has been determined that vessels less than 65 feet in length should be classified as “small boats.” Given the similarities in the construction processes and hazards present during the building of vessels greater than 65 feet in length, Chapter 296-304 WAC will continue to apply to these facilities.

II. Scope and application

This WISHA Regional Directive (WRD) provides guidance to WISHA enforcement and consultation staff whenever they encounter boatbuilding activities. This WRD updates WRD 21.55 issued on March 8, 2005, and will remain in effect until rescinded.

III. Special Enforcement Protocols

A. Will WISHA enforce the shipbuilding requirements found in Chapter 296-304 WAC in relation to the manufacturing of boats 65 feet or less in length?

WISHA will enforce the requirements of Chapter 296-304 WAC in relation to small boatbuilding *only* to the extent that a violation would also have been a violation of one or more of the general requirements found in Chapter 296-24 WAC, Chapter 296-62 WAC, Chapter 296-800 WAC or one of the specific requirements of the Chapter 296-800 series of rules. If a small boatbuilding employer is in violation, the violation of Chapter 296-304 WAC should be cited and the other applicable violation cited in the alternative.

B. How will WISHA enforce Chapter 296-304 WAC when a boatbuilder builds vessels above and below 65 feet in length?

When a boatbuilder builds vessels greater than 65 feet, they will be subject to all of the provisions of Chapter 296-304 WAC, even during the building of vessels less than 65 feet.

C. Does this policy only apply to the manufacturing of small vessels or will it also include the repair yards that work on these types of vessels?

The requirements of WAC 296-304 will continue to apply to repair yards. These facilities are not manufacturing plants that consistently follow the same procedure. Rather, the process utilized in repair yards is similar to those utilized in shipyards including, but not limited to, entering confined or enclosed spaces that once contained flammable or combustible liquids.

In the event that specific situations require further guidance, staff should consult the maritime specialist in WISHA P&TS.

Approved: _____
Mel James, Acting Senior Program Manager
WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.lni.wa.gov/Safety/>).