

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

21.95

Enforcement Activity Related to Piers and Docks

Updated: November 3, 2014

I. Purpose

This directive establishes inspection procedures and enforcement policies related to piers and docks.

II. Scope and Application

This directive applies to all DOSH operations statewide involving the application of WAC 296-56-60117, Maintenance and Load Limits. It updates the guidance in WRD 21.95, (*Enforcement Activity Related to Piers and Docks*) issued September 18, 2006 and replaces all previous instructions on this issue, whether formal or informal.

III. References

- WAC 296-56-60117, Maintenance and Load Limits (of the Safety Standards for Longshore, Stevedore and Waterfront Related Operations)
- DOSH Directive 22.90, Enforcement of Load Limit Signage on Ferry Terminals

IV. Background

Chapter 296-56 WAC applies to longshore, stevedore, and related waterfront operations. WAC 296-56-60117 addresses the integrity of the structures themselves, raising questions about the manner in which DOSH enforcement and consultation staff can effectively address hazards related to the construction, maintenance, and overall condition of fixed structures.

WAC 296-56-60117(1) requires employers to ensure that the “structural integrity of docks, piers, wharves, terminals and working surfaces” is maintained. In addition to this general requirement, WAC 296-56-60117(2) requires the posting of maximum safe load limits of floors elevated above ground level and of pier structures over water, while WAC 296-56-60117(3) requires that those limits not be exceeded.

IV. Enforcement Policies

- A. DOSH enforcement and consultation staff engaged in activities on the waterfront are expected to determine whether the employer or other responsible operator has fulfilled the posting requirements of WAC 296-56-60117(2).

1. If the posting requirements have not been met, a violation must be issued. DOSH must advise the employer that engineering or other appropriate documentation supporting the capacity posted in accordance with the standard will be needed to show that the hazard has been abated.
2. If there are observable signs of serious structural deterioration above or below the structure suggesting that an imminent danger may exist, the inspector or consultant must determine whether an Order of Immediate Restraint (OIR) should be issued or other immediate action taken. If the inspector or consultant determines that an OIR is necessary, the OIR must be phrased in such a manner that the employer can meet its requirements by relying upon a qualified engineer or local building official to determine the structure's capacity.

For example: An OIR might declare that the employer was prohibited from using all or a portion of the structure "until safe load limits have been determined and approved by a qualified engineer or the local building officials and the approved limits posted." This would allow the employer to use the facility as soon as an engineer provides the necessary approval, even before the OIR itself has been lifted.

See the Compliance Manual for guidance on issuing OIRs.

- B. If the employer has load limits posted, the inspector or consultant may ask for the documentation on which those safe load limits were based if he or she has questions about their accuracy.
1. If documentation cannot be provided, a grouped violation of WAC 296-56-60117(2) and WAC 296-56-60117(3) must be issued. The employer must be advised that posted limits unsupported by appropriate documentation do not satisfy the intent of the standard. The inspector or consultant must document the specific reasons why he or she questioned the accuracy of the load limits.
 2. If sufficient and current documentation is provided, the inspector or consultant must not issue a violation. However, the inspector may make a referral to the local building official with jurisdiction over the establishment in question.

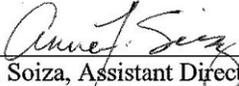
V. Who to Contact

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