

# DOSH DIRECTIVE

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

## 21.25

## Personal Flotation Devices

**Updated: September 20, 2019**

### **I. Purpose**

This directive provides guidance to DOSH Compliance and Consultation Safety and Health Officers (CSHOs) regarding the selection, use, and maintenance of Personal Flotation Devices (PFD) to protect workers when drowning hazards exist in the work place.

### **II. Scope and Application**

This Directive applies to all DOSH staff and operations statewide. **DOSH has reviewed this Directive for applicability, and it remains effective with a new issue date of September 20, 2019.** If this Directive conflicts with the DOSH Compliance Manual or any other DOSH Directive, the guidance contained in this Directive shall take precedence.

### **III. References**

- **79 FR 56491, Personal Flotation Devices Labeling and Standards (A Final Rule by the Coast Guard on 9/22/2014)**
- Title 46 CFR 160, Coast Guard Lifesaving Equipment Specifications
- 33 CFR 175.23 Coast Guard Table of Devices Equivalent to Personal Flotation Devices
- Chapter 49.17 RCW, Washington Industrial Safety & Health Act of 1973
- Chapter 296-54 WAC, Safety Standards for Logging Operations
- Chapter 296-56 WAC, Longshore, Stevedoring and Related Waterfront Operations
- Chapter 296-78, WAC Sawmills and Wood Working Operations
- Chapter 296-115 WAC Charter Boats
- Chapter 296-155 WAC, Construction Safety Standards
- Chapter 296-304 WAC Shipbuilding, Ship Repairing and Shipbreaking
- Chapter 296-800 WAC, Safety & Health Core Rules
- OSHA CPL 02-00-154, Longshoring and Marine Terminals “Tool Shed” Directive, Appendix A, Personal Protective Equipment

### **IV. Background**

Employees assigned to work duties, which place them above, alongside, or on the water, are exposed to a danger of drowning. In accordance with chapter 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA), DOSH adopted rules requiring employers to protect employees from drowning.

There are two types of PFD rules that require the employer to protect employees from drowning hazards. First, the core PFD rule, WAC 296-800-16070 reads in part, “*Provide and make sure your employees wear personal flotation devices (PFD) when they work in areas where the danger of drowning exists, such as on the water, over the water, alongside the water....*” The second type of PFD rules are industry specific rules that address specific drowning hazards for those industries.

The Core Rules and the industry specific rules require employers to provide employees protection against drowning. Yet, the rules appear to conflict. For example, WAC 296-56-60115(2)(b)(iii) prohibits the use of an inflatable PFD, but the core rule does not. As a result, DOSH has received the following types of questions from employers:

- What defines employee exposure to a drowning hazard?
- When is a PFD required?
- What type of PFD can be used?
- Can I use a PFD that is approved for recreational purposes?
- Do I have to provide protection against drowning if the water is known to be only chest deep?

## V. Interpretative Guidance

### A. **Defining the Hazard of Drowning.**

WAC 296-800-16070 requires that employees wear PFDs when they work in areas where the danger of drowning exists, such as on, over, or alongside the water.

The rule specifies that “*Employees are not exposed to the danger of drowning when:*

- *Employees are working behind standard height and strength guardrails.*
- *Employees are working inside operating cabs or stations that eliminate the possibility of accidentally falling into the water.*
- *Employees are wearing an approved safety belt with a lifeline attached that prevents the possibility of accidentally falling into the water.”*

However, there are situations other than those listed, where a danger of drowning may not exist. The emphasis is on closely evaluating working conditions and employee activities to determine if the hazard of drowning exists. As a general principle, work that requires an employee’s concentrated attention, such as maintenance, repair, construction, material handling, etc., represents such a hazard when it is performed on, over, or along the water, and when the employee is not otherwise protected from falling into the water. Factors that must be considered include:

- Proximity to the hazard
- Job task
- Divided attention
- Working with hands
- Unprotected edges of the working surface
- Size of the dock or float
- Distance between the employee and the water
- Loads being carried by the employee
- Employee’s weight and size
- Obstructions on the dock minimizing the space available for safe passage
- Tripping hazards
- Weather conditions

Some industry specific regulations have requirements based on unique, pre-defined job tasks or conditions. For example, WAC 296-56-60115(2) requires the employer to provide PFDs for line handlers and comparable employees who may fall into the water if they are working alone, the physical work space creates a hazard of falling into the water, or the work area is obstructed by cargo or other obstacles that prevent safe footing.

Otherwise, the requirements of chapter 296-56 WAC are consistent with WAC 296-800-16070 and must be interpreted and applied in the same manner. Employees comparable to line handlers might include employees engaged in connecting shore-based services to a vessel or connecting welding leads or gas lines in a ship repair facility.

**B. Employers Must Provide Approved PFDs.**

WAC 296-800-16070 states that all PFDs provided to employees must be “Approved by the United States Coast Guard (USCG) for use on commercial or merchant vessels.” In the absence of an industry specific rule allowing the use of recreational types of PFDs, the provisions of WAC 296-800-16070 apply to all industries.

The following are appropriate or allowable USCG approved commercial PFDs:

- **Type I:** Off-Shore Life Jacket--effective for all waters or where rescue may be delayed.
- **Type II:** Near-Shore Buoyant Vest--intended for calm, inland water or where there is a good chance of quick rescue.
- **Type III:** Flotation aid--good for calm, inland water, or where there is a good chance of rescue.
- **Type V:** Flotation aids such as boardsailing vests, deck suits, work vests and inflatable PFDs marked for commercial use.

PFDs must be used in accordance with their intended and approved use. For example, Type III PFDs that are not approved for use on personal watercraft may not be used for work duties on personal watercraft.

Some industry WISHA rules specifically prohibit the use of inflatable PFDs. However, the Marine and Dock Section within DOSH has determined that, since the adoption of these rules, significant technological advancement has occurred in the design, construction, and reliability of inflatable PFDs that are rated for commercial use. DOSH intends to propose a rule change to allow inflatable PFDs that are USCG approved for commercial purposes. In the interim, DOSH will allow the use of inflatable PFDs as a means to protect employees from the danger of drowning, provided:

- They are rated by the USCG under 46 C.F.R. 160 for commercial use.
- They are used and maintained in accordance with the manufacturer’s instructions.
- Inflatable PFDs are not used while performing any kind of hot work.
- Special care is taken to ensure the continued integrity of the inflation bladders on inflatable PFDs due to their increased vulnerability to damage.

**VI. Enforcement and Consultation Policies**

- A. When DOSH enforcement and consultation staff determine an employee is exposed to a drowning hazard, they are expected to clearly document all of the facts and circumstances that demonstrate a danger of drowning prior to issuance of a violation.
- B. If an employer is using an inflatable PFD, DOSH staff must verify the PFD is USCG approved for commercial use and that the PFD is being used and maintained in accordance with the manufacturer’s instructions. If the PFD is not rated for commercial usage, the employer shall be issued a citation under WAC 296-800-16070 or the applicable industry specific regulation.
- C. If the PFD is not maintained in a clean and reliable condition, DOSH staff shall cite WAC 296-800-16045 or the applicable industry specific regulation. If the PFD is not used in accordance with the manufacturer’s instructions, DOSH staff shall cite WAC 296-800-11005, Safe place.
- D. If DOSH staff believe the PFD is approved for commercial use, but is not being maintained in a clean and reliable condition or is not being used and maintained in accordance with the manufacturer’s instructions, DOSH staff must do the following three things:
  - (1) Document which instructions were not followed;
  - (2) Include a copy of the instructions in the inspection/consultation case file; and
  - (3) Document how this creates a hazard of serious injury or death.
- E. All DOSH consultation and enforcement staff shall follow this directive for the enforcement and implementation of rules related to PFDs.

**VII. Point of Contact**

If specific situations require further guidance, staff should consult the **Maritime Supervisor in Region 8.**

**VIII. Review and Cancellation**

**DOSH will review this Directive for applicability within two years from the issue date, and it will remain effective unless superseded or canceled.**

Approved:   
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