



## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-01 [16 January 2019]

## OSHA Civil Penalties About To Rise

The clockwork built into the Federal Civil Penalties Inflation Adjustment Act, more or less assures that each year civil monetary fines set by Federal administrative agencies will be adjusted upward to account for inflation.

2019 is no different, except that this year's adjusted fines cannot take effect until they're published in the **FEDERAL REGISTER**. Owing to the current Federal government shutdown, however, the **FEDERAL REGISTER** is not being published.

When the Government Printing Office gets back to work, the **FEDERAL REGISTER** will likely be published once more and the revised civil monetary penalty structure found in the table below will take effect.

Characterization	Historical Maximums	Aug. 2016 (80% Catch-up Increase)	Jan. 2018 (Annual Bump – Current Maximums)	Jan. 2019 (Annual Bump – Delayed b/c Shutdown)
Other-than-Serious	\$7,000	\$12,471	\$12,934	\$13,260
Serious	\$7,000	\$12,471	\$12,934	\$13,260
Willful	\$70,000	\$124,709	\$129,336	\$132,598
Repeat	\$70,000	\$124,709	\$129,336	\$132,598
Failure to Abate	\$7,000 per day	\$12,471 per day	\$12,934 per day	\$13,260 per day

Got a question about this particular subject? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-02 [18 January 2019]

## Mandatory Posting of Form OSHA 300A

Employers are reminded that **the Form OSHA 300 A** (Summary of Workplace Injuries & Illnesses for Calendar Year 2017) **must be conspicuously posted in the workplace during the period 01 February through 30 April.**

In that relation, OSHA's Recordkeeping WebPage offers specific information and advice:

[Link to OSHA Recordkeeping WebPage](#)

OSHA's Form 300A (Rev. 01/2004)

### Summary of Work-Related Injuries and Illnesses

Year 20\_\_



U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved OMB no. 1218-004

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0".

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rules, for further details on the access provisions for these forms.

#### Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G)	(H)	(I)	(J)

#### Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
(K)	(L)

#### Injury and Illness Types

Total number of ...

(M)

(1) Injuries	_____	(4) Poisonings	_____
(2) Skin disorders	_____	(5) Hearing loss	_____
(3) Respiratory conditions	_____	(6) All other illnesses	_____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing the instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about this estimate or any other aspect of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20220. Do not send the completed form to the office.

#### Establishment information

Your establishment name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Industry description (e.g., *Manufacture of motor vehicles*) \_\_\_\_\_

Standard Industrial Classification (SIC), if known (e.g., 3713) \_\_\_\_\_

OR

North American Industrial Classification (NAICS), if known (e.g., 336212) \_\_\_\_\_

**Employment information** (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

#### Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company address \_\_\_\_\_ Title \_\_\_\_\_

( ) \_\_\_\_\_ / /

Print \_\_\_\_\_ Title \_\_\_\_\_

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-03 [30 January 2019]

## Electronic Filing of CY 2018 OSHA I&I Data

Employers are reminded that March 2, 2019 is the deadline date for the electronic submission of CY 2018 Injury & Illness data (the data appearing on the completed OSHA Form 300A Summary).

Guidance in re how such data is transferred to OSHA can be found by following this link:

<https://www.osha.gov/injuryreporting/>

### Electronically Submitting Injury, Illness Data



- Covered employers must electronically submit info from their OSHA Form 300A to OSHA
- Applies to establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in certain industries with historically high rates of occupational injuries and illnesses

#### Form 300A deadlines:

- 2017 data: Submit by July 1, 2018
- 2018 data and forward: Submit by March 2



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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-04 [14 March 2019]

## OSHA Publishes Request For Information In Re Potential Revision of PIT Standards



On Monday, 11 March 2019, the Occupational Safety & Health Administration (OSHA) published a notice in the **FEDERAL REGISTER** which may very well be the precursor to the revision of all the agency's standards that address the design, maintenance and operation of all powered industrial trucks (PITs); across all industries.

We provide a link to that notice here: [OSHA FEDERAL REGISTER Notice 11 March '19](#)

Within the notice, the agency poses 47 separate questions that it would like commenters to respond to. Some are "loaded" and should thus likely be avoided owing to their potentially incriminating nature. We recommend coordinating any responses you care to make through the auspices of your local port association, the auspices of the National Maritime Safety Association's Technical Committee or through the auspices of the ILA International Union c/o Bob Fiore [ilabobby@bellsouth.net](mailto:ilabobby@bellsouth.net) or Bennie Bryan [bbryan1414@yahoo.com](mailto:bbryan1414@yahoo.com)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-05 [18 March 2019]

## USCG Publishes Updated National Container Inspection Program Manual



### *National Container Inspection Program*



COMDTINST M16616.11D

The United States Coast Guard has announced (14 March) the publication of a revised reference manual used by members of that agency's specialized container inspection teams.

The National Container Inspection Program Manual provides both Policy and Doctrine applicable to hazardous materials and container transportation laws and regulation enforced by the agency.

A link to the revised publication is provided here: [Revised NCIP Manual](#)

Got a question about this particular subject? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-06 [01 April 2019]

## USCG Publishes Final Rule in re Seafarer Access To Marine Terminal Gates

In today's **FEDERAL REGISTER**, the United States Coast Guard has published a Final Rule that addresses the mandatory ***safe***, timely and no-cost ingress/egress of certain individuals (principally seafarers) at U.S. marine terminals. [Emphasis supplied]

The **SUMMARY** section of today's notice is instructive:

**SUMMARY:** The Coast Guard is issuing a final rule requiring each owner or operator of a maritime facility regulated by the Coast Guard to implement a system providing seafarers, pilots, and representatives of seamen's welfare and labor organizations access between vessels moored at the facility and the facility gate, in a timely manner and at no cost to the seafarer or other individuals. These access procedures must be documented in the Facility Security Plan for each facility and approved by the local Captain of the Port.

This final rule, which implements a congressional mandate, ensures that no facility owner or operator denies or makes it impractical for seafarers or other individuals to transit through the facility.

A link to today's notice is provided here: [Final Rule in re Seafarer Access](#)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-07 [14 April 2019]

### Inspection Notice IMMEDIATE ACTION REQUIRED

### 3M® DBI-SALA® ExoFit NEX™ Harnesses



The manufacturer of the 3M-ExoFit-NEX fall protection harness has distributed a product notification, alerting users of a potential “D” Ring defect.

Should your fall protection system incorporate the use of the 3M-ExoFit-NEX, we urge review and implementation of the guidance provided via this link:

<https://www.mcaa.org/wp-content/uploads/2019/04/3M-ExoFit-NEX-Inspection-Notice-April-16th-2019.pdf>

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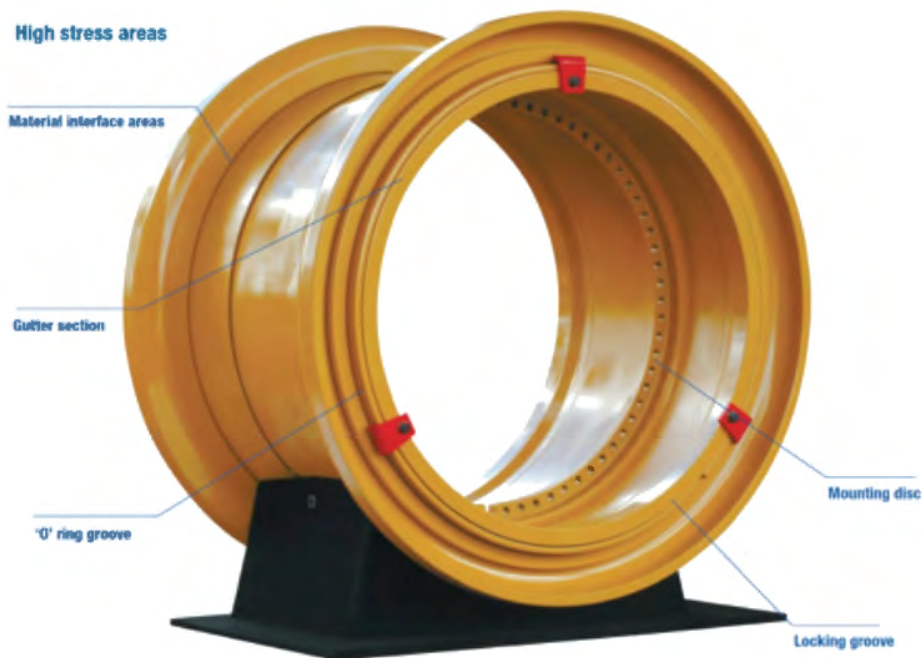
## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-08 [20 May 2019]

### Inspection & Servicing of Industrial Truck Wheel Rims

Last week, the marine terminal operating community here in the U.S. was horribly impacted by a top loader tire explosion that claimed the life of an ILWU mechanic at Los Angeles. In June of 2011, the ILA lost one of its own in a similar accident involving a reach stacker tire explosion at New Orleans. We miss these colleagues and grieve their loss in no small way.

In both cases, it appears somewhat likely that the underlying causes included cracks that had developed within the structure of the wheel rims, themselves.



**Above: Typical Areas of Wheel Rim High Stress**

Following the relevant rim wheel manufacturer's service manual and adhering to the stipulated inspection/service intervals and protocols would likely go a long way in saving the lives of a few waterfront mechanics going forward. In that light, we provide a link to an example of one such model service manual: [https://www.accuridecorp.com/files/2012/10/Accuride-Wheels-Rim\\_Wheel-Safety-and-Service-Manual-ACC7-0002-Rev-4-06-22-12.pdf](https://www.accuridecorp.com/files/2012/10/Accuride-Wheels-Rim_Wheel-Safety-and-Service-Manual-ACC7-0002-Rev-4-06-22-12.pdf)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-09 [03 June 2019]

## Hurricane Season Begins!



As is our custom, the ILA~USMX Joint Safety Committee is publishing its annual notice heralding the beginning of our Atlantic/Gulf hurricane season (01 June-30 November).

The United States Coast Guard publishes and regularly updates mandatory heavy weather/hurricane plans for each individual port sector. Several marine terminal operating firms maintain their own such plans, which should always complement those published by the Coast Guard.

A friend and colleague of the ILA~USMX Joint Safety Committee maintains a current version of each U.S. Coast Guard Sector's Heavy Weather/Hurricane plan, which are available through this hyperlink: [http://www.brymar-consulting.com/wp-content/uploads/HCP/HCP\\_170602.pdf](http://www.brymar-consulting.com/wp-content/uploads/HCP/HCP_170602.pdf)

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# OSH ALERT 2019-10 [27 July 2019]



3M Fall Protection, the manufacturer of the 3M™ DBI-SALA® Twin-Leg Nano-Lok™ *edge* and the Twin-Leg Nano-Lok™ Wrap Back Self-Retracting Lifeline has distributed a product “**Stop Use - Recall**”, alerting users of a potential energy absorption feature defect.

Some stevedoring operations here in the United States actively utilize these self-retracting lifelines to protect workers going aloft. Should your fall protection system incorporate the use any of these particular self-retracting lifelines, we urge review and implementation of the guidance provided via this link:

[Stop-Use-Recall-Notice](#)

Got a question about this particular subject? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-11 [02 August 2019]

## U.S. Coast Guard Revises Marine Casualty Forms

The United States Coast Guard (USCG) has recently revised the five (5) forms utilized in the reporting of qualifying marine casualties. A link to each of the revised forms is provided below:

[CG-2692 \(Report of Marine Accident, Injury, or Death\)](#)

[CG-2692A \(Barge Addendum\)](#)

[CG-2692B \(Report Of Chemical Drug and Alcohol Testing\)](#)

[CG-2692C \(Personnel Casualty Addendum\)](#)

[CG-2692D \(Witness Addendum\)](#)

Marine Terminal/Stevedoring employers are, in a general sense, obliged to report serious/fatal injuries exclusively to the Occupational Safety & Health Administration (OSHA); not USCG.

In certain, discrete, **shipboard** accidents, however, relevant provisions within the Code of Federal Regulations require the execution and transmittal of the foregoing USCG forms.

Guidance relative as to when the execution and transmittal is mandatory, and how to execute the forms, may be accessed via this link:

[USCG NVIC 01-15](#)

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-12 [09 August 2019]

## Tire, Wheel & Rim Servicing Guide

**Taylor Machine Works** has very recently published a Guide dealing expressly with the servicing of the large industrial truck tires fitted to container handling equipment. We provide a link to the Guide here:

[https://www.taylorbigredforklifts.com/safety/Tire-Safety-Guide\\_TMW-0153.pdf](https://www.taylorbigredforklifts.com/safety/Tire-Safety-Guide_TMW-0153.pdf)

The publication is extremely informative, and if the guidance provided within it is carefully followed, serious injuries occurring to marine terminal maintenance personnel assigned tire servicing duties may be avoided.



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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-13 [27 November 2019]

## Timely Contesting OSHA Citations

[Section 10 \(a\) of the OSH law](#) provides that an employer has 15 working days after receipt of an OSHA citation within which to contest any part of that citation.

For many, many years, the Occupational Safety & Health Review Commission (OSHRC) has interpreted that tolling of time in a very strict manner. After those 15 days had passed, an employer was time-barred from contesting any citation and could not mount a defense. The citations became a “Final Order” of OSHRC.

On 06 November 2019, however, the U.S. Court of Appeals for the 5<sup>th</sup> Circuit issued an opinion that changed all that, albeit somewhat narrowly.... for some.

In [Coleman Hammons Construction Co v. OSHRC](#), a panel of three 5<sup>th</sup> Circuit judges ruled that there were certain circumstances wherein an untimely notice of contest could be received as a product of “*excusable neglect*.”

In sum, at Coleman Hammons, the well-established procedure for receipt and processing of OSHA citations (and similar correspondence) had not been followed by mid and lower level administrative staff.

The Court’s opinion held that the untimely filing of Coleman Hammons’ letter of contest was occasioned by “***an unforeseeable human error beyond*** [the company’s] ***reasonable control***.”

Thus, in the 5<sup>th</sup> Circuit at least, there are means with which to seek relief from the heretofore iron-clad 15 working day “drop dead date” associated with the contesting of OSHA citations.

In the fullness of time, it may be reasonably expected to see similar appeals reach into the other Circuits.

Note: The links set out above are active, and will take the reader to the relevant section of the OSH Act and to the decision published by the U.S. Court of Appeals for the 5<sup>th</sup> Circuit, respectively.

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-14 [02 December 2019]

## Crosby 7/8" Shackle Notice



The ILA~USMX Joint Safety Committee has confirmed through the Crosby Group's Vice President of Engineering, that the Alert accessed via the link provided below is substantially accurate and (unlike several bogus "Crosby" alerts published in the past) originates from Crosby.

In sum, the 7/8" shackles set out in the alert have been found to have an ultimate (breaking) load somewhat below that published within Crosby's product catalog.

Crowley urges that: ***"The shackle bow may have a previously undetected defect, and continued use may result in loss of load, property damage, severe injury, or death."***

The effected shackles are of the 6.5 Ton variety, and each have a product identification code (PIC) of **5VJ** embossed on the shackles' bow.

<http://wirelessestimator.com/articles/2019/crosby-warning-workers-to-take-out-of-service-certain-78-shackles/>

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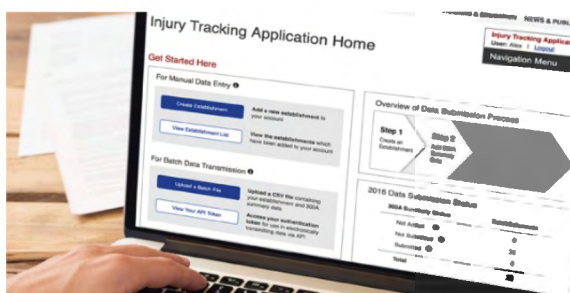
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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2019-15 [18 December 2019]

## Electronic Submission of Injury & Illness Data



OSHA now accepting electronic submissions of injury and illness reports

Employers can begin submitting Form 300A data using an electronic reporting system. Learn more [here](https://www.osha.gov/injuryreporting/index.html).

<https://www.osha.gov/injuryreporting/index.html>



This OSH Alert is issued as a reminder to employers, that OSHA requires the electronic submission of Calendar Year 2019's occupational injury & illness data (the data you log onto the OSHA Form 300A) no later than **March 2, 2020**.

You may follow the link provided above to the application at OSHA's website which will facilitate your company's individual electronic submissions.

For those employers who have not, for whatever reason, filed the appropriate Employer Identification Number with past electronic submissions, you have until January 2, 2020 to do so. That, too, can be accomplished through the link found above.

For those wishing a quick link to OSHA's Electronic Submission standards, we provide it here: <https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904.41>

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