



ILA-UMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~UMX Joint Safety Committee (JSC): “If a worker or manager, acting in good faith, reports for work and is subsequently found to be sick... should that worker or manager be required to absent himself/herself from the workplace in order to be isolated, tested and (if necessary) treated?”

A. Given the current pandemic status of the Novel Coronavirus, the JSC’s guidance in such a matter must be provided in a manner that preserves the health and safety of as many ILA members and management representatives as possible.

In order to flatten the infection curve being experienced nationally, the JSC must recommend that sick workers and managers should be required to absent themselves (voluntarily or through direct order) so that other workers and managers who are not ill may be spared the risks of being infected with the Novel Coronavirus.

We make that recommendation with the full understanding that a certain degree of potentially negative financial impact may be present for individuals who are required to absent themselves, but also that Federal legislation currently includes provisions that will substantially soften that impact. Moreover, in speaking with industry employers we’re made to understand that there is a prevailing sentiment that no worker or manager should be unduly impacted when engaged in an effort designed to protect our industry and the health and safety of the people who make it work.

The JSC provides the foregoing guidance after very careful consideration, and with the overriding goal of preserving the health and safety of as many ILA members and management representatives as possible in these very challenging times. [19 March 2020]

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The Novel Coronavirus

Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~UMX Joint Safety Committee (JSC): “If a worker or manager, acting in good faith, reports for work and is subsequently found to be sick... and should that worker present himself/herself for work in a similarly unwell condition soon afterward, is it permissible for the employer to allow the apparently sick worker entrance to a workplace populated by fellow workers who are in apparent good health?”

A. No, for several reasons. In these times, it would be wrong to permit an apparently unwell employee access into a workplace populated with fellow employees who are in apparent good health.

First, allowing sick workers who are potentially infected with any easily transmittable disease into the same work environment shared with workers who are well is morally repugnant and medically very ill advised.

Next, employers permitting workers who are ill with potentially infectious and easily communicable diseases to share the same workplace with workers who are in apparent good health is, according to OSHA, *illegal*. OSHA has recently announced that the OSHA law’s General Duty Clause (§5 (a)(1)) has application in circumstances where an employer knowingly allows a worker to be exposed to a transmittable disease being carried by another worker.

In sum, if you’re a worker or manager who’s ill, do yourself, your fellow workers and your industry a big favor and stay home until you’re well. Consult with your own health care provider; have him/her document your ability to return to work... we’ll wait for you.

Moreover, given a Federal law passed by the U.S. Senate just yesterday, any negative financial impact arising from a worker being sidelined owing to a potential communicable disease it appears that such negative impact will be substantially moderated. Also, in many cases, there are disability pay potentials. [19 March 2020]

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ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~USMX Joint Safety Committee (JSC): “In terms of disinfecting equipment used by ILA workers and management representatives, what actually needs to be done in order to decrease the potential for virus transmission?”

A. There are several effective methods that may be used to kill viruses which may be present within the various types of equipment commonly used at marine terminals. Conduct one such method after or before each shift change.

The most basic method is through the use of a commercial, disinfectant-saturated wipe/cloth¹. An impermeable-gloved hand simply wipes down all (clean) surface areas within the cab of the equipment. Once the wipe down is concluded, the wipe/cloth and the glove are properly disposed of and use of the equipment may then commence. Wash hands once you're done.

Another method is through the use of hand-held, industrial “foggers.” These self-contained devices are loaded with one of the EPA-approved solutions², which is then distributed inside the equipment's cab through a fine mist. Use gloves and a simple respirator to apply; wash hands once you're done. [19 March 2020]



Above left: Examples of disinfectant wipes. Above right: Commercial fogger in use.

¹ Any of the commercial Alcohol, Chlorine or Hydrogen Peroxide-based products are suitable.

² <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

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Recently, the ILA~USMX Joint Safety Committee (JSC) has published several OSH Alerts that supply information in relation to our industry's experience with the Novel Coronavirus.

Those JSC OSH Alerts contain online hyperlinks to the U.S. Centers for Disease Control & Prevention and World Health Organizations' dedicated Novel Coronavirus webpages. Those webpages are updated daily, and provide an excellent source of information and guidance. We encourage our labor and management constituents to review them often.

Today, we have been asked to provide general guidance for our industry constituents in the form of bullet points which set out our principal precautionary recommendations in relation to the Novel Coronavirus pandemic.

We hope that you find them informative, and convenient to reproduce and distribute.



ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus:

What to Do; What Not to Do

- 1). Wash hands frequently and completely;**
- 2). No handshaking (Use your elbows);**
- 3). Keep your hands away from your face;**
- 4). Practice social distancing (Keep six feet between you and the next guy/gal);**
- 5). Stay well clear of all others who appear to be ill (sneezing/coughing);**
- 6). Keep hiring, meeting and close quarters equipment locations/spaces clean and regularly disinfected;**
- 7). On the job: Wear the required personal protective equipment; *and***
- 8). Monitor and follow National, State & Local government directions designed to inhibit community spread**

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U.S. COAST GUARD MARINE SAFETY INFORMATION BULLETIN (March 13, 2020)

Consistent with the advice the ILA~USMX Joint Safety Committee has been providing its labor and management stakeholders, the United States has some very strict laws and regulations which mandate that the Master of any ship bound for a U.S. port must provide notice to the relevant USCG Captain of the Port and to the relevant Centers for Disease Control & Prevention quarantine station, in the event of any death or illness aboard their vessel.

On Friday (13 March) the U.S. Coast Guard reminded all affected persons of that fact in the form of Bulletin broadcast widely. You may access the Bulletin below.

For longshore workers the mandatory notice requirement is their first line of defense against crew member-acquired Novel Coronavirus, in that it provides a mechanism wherein a vessel's mandatory self-reporting effectively takes an infected crew member out of the transmission equation.

Everything else we do to supplement our well-being is additive; just in case.

We hope this information is helpful, and provides a level of comparative comfort that we all deserve.



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 06-20
Date: March 13, 2020

E-Mail: OutbreakQuestions@uscg.mil

Vessel Reporting Requirements for Illness or Death

An outbreak of respiratory illness caused by novel coronavirus (COVID-19) is affecting mariners and maritime commerce. This MSIB serves as a reminder that the illness of persons on board a vessel must be reported to both the Coast Guard and the Centers for Disease Control and Prevention (CDC). Reporting delays create significant challenges to protect persons on board vessels and, more broadly, maintain an effective Marine Transportation System. Vessels or masters that do not immediately report illness or death among passengers or crew may face delays and disruption to passenger and cargo operations including a requirement to return to the previous port after sailing. Additionally, vessels and masters are subject to Coast Guard enforcement action, which include civil penalties, vessel detentions, and criminal liability.

Illness of a person onboard a vessel that may adversely affect the safety of a vessel or port is a hazardous condition per 33 CFR 160.216 and the owner, agent, master, operator, or person in charge **must immediately** notify the nearest Coast Guard Captain of the Port (COTP). It is critical to report persons who exhibit symptoms consistent with COVID-19 or other illness to the COTP.

42 CFR 71.1 defines an ill person onboard a vessels as one that has:

(A) Fever (has a measured temperature of 100.4 °F [38 °C] or greater; or feels warm to the touch; or gives a history of feeling feverish) accompanied by one or more of the following:

- skin rash,
- **difficulty breathing** or suspected or confirmed pneumonia,
- **persistent cough** or cough with bloody sputum,
- decreased consciousness or confusion of recent onset,
- new unexplained bruising or bleeding (without previous injury),
- persistent vomiting (other than sea sickness)
- headache with stiff neck;

(B) Fever that has persisted for more than 48 hours;

(C) Acute gastroenteritis, which means either:

- diarrhea, defined as three or more episodes of loose stools in a 24-hour period or what is above normal for the individual, or
- vomiting accompanied by one or more of the following: one or more episodes of loose stools in a 24-hour period, abdominal cramps, headache, muscle aches, or fever (temperature of 100.4 °F [38 °C] or greater);

Additionally, as required by [42 CFR 71.21](#), the master of a ship destined for a U.S. port shall report *immediately* to the quarantine station at or nearest the port at which the ship will arrive, the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter). Guidance and forms to report deaths and illnesses to the CDC can be found at: <https://go.usa.gov/xdjnj>.

Richard Timme, RDML, U.S. Coast Guard, Assistant Commandant for Prevention Policy sends.



ILA-USMX JOINT SAFETY COMMITTEE

JOINT STATEMENT ON COVID-19
BY USMX-ILA LEADERS

RELEASED

MARCH 10, 2020

USMX and ILA Leaders Direct Their Safety Committee To Advise Members On Protections Against Coronavirus

NORTH BERGEN, NJ – (March 10, 2020) At the direction of David F. Adam, Chairman and Chief Executive Officer, United States Maritime Alliance, Ltd., and Harold J. Daggett, International President, International Longshoremen’s Association, AFL-CIO, the ILA-USMX Joint Safety Committee issued new safety guidelines to protect ILA members and employers against potential risks posed by Coronavirus-infected crewmembers/passengers that may be present in the shipboard workplace.

“We want to make sure everyone working in our industry – from ILA members to employers – are protected against exposure to Coronavirus disease (COVID-19)” said Mr. Adam and Mr. Daggett in a joint statement. “We have directed our ILA-USMX Joint Safety Committee to monitor the situation daily and to devise pro-active policies to keep everyone safe.

U.S. Coastguard and CDC protocols direct the master of a ship destined for a U.S. port to report immediately to the quarantine station at or nearest the port at which the ship will arrive, to report the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of the ship’s expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter.)

The ILA-USMX Joint Safety Committee is making two recommendations:

1. That ILA workers and members of management avoid close contact (closer than six feet) with any crew members or passengers who appear to be ill (coughing, sneezing, etc.); and
2. That those ILA and management workers obliged to serve aboard passenger vessels be provided with properly fitted NIOSH-approved filtering masks and impermeable gloves.

“The ILA and USMX encourage all our members to continue to visit the websites of the Centers for Disease Control and Prevention (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) and the World Health Organization (<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>)

The United States Maritime Alliance, Ltd. (USMX) represents employers of the East and Gulf Coast longshore industry. Membership consists of Container Carriers, including the largest carriers and carrier alliances worldwide, all major Marine Terminal Operators, and Port Associations representing each port on the East and Gulf Coasts. USMX's members are responsible for the transportation and handling of cargo shipped to and from the United States.

The International Longshoremen's Association, AFL-CIO represents 65,000-members working at Atlantic and Gulf Coasts from Maine to Texas; U.S. and Canadian Great Lakes ports; Eastern Canadian Maritime Provinces; major U.S. Rivers and Puerto Rico.

(A copy of the ILA-USMX Joint Safety Committee report is included in this release).

For additional information, contact Jim McNamara at ILA 212-425-1200, ext. 307 jmcnamara@ilaunion.org or Beth Monica at USMX 732-404-2965 bmonica@usmx.com



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2020-05 [10 March 2020]

More on the Novel Coronavirus

The ILA~USMX Joint Safety Committee (JSC) continues to receive inquiries regarding the manner in which industry labor and management constituents may become aware of any potential risks posed by Coronavirus-infected crewmembers/passengers that may be present within the shipboard workplace.

As a threshold matter, all of us should understand that ***in the event of any crew member/passenger death or illness***, U.S. law and regulation require ship Masters to provide advance notice to the relevant U.S. Centers for Disease Control & Prevention quarantine station, Penalties for failing to report are sizable. The regulation appears in this form:

§ 71.21 Report of death or illness.

(a) The master of a ship destined for a U.S. port shall report immediately to the quarantine station at or nearest the port at which the ship will arrive, the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter).

Notwithstanding; out of an abundance of caution, the JSC recommends the following:

- 1).** That ILA workers and members of management avoid close contact (closer than 6 feet) with any crewmembers or passengers who appear to be ill (coughing, sneezing, etc.); *and*
- 2).** That those ILA and management workers obliged to serve aboard passenger vessels be provided with properly fitted NIOSH-approved filtering facemasks and impermeable gloves;

Consistent with previous advice, we continue to provide extremely informative links to the relevant CDC and WHO websites. They provide excellent guidance:

Centers for Disease Control & Prevention (CDC):

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

World Health Organization (WHO)

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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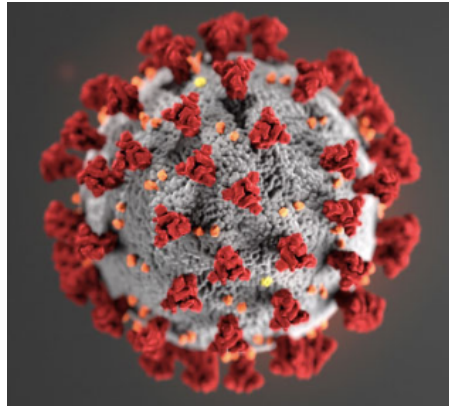
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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2020-04 [25 February 2020]

The “Novel Coronavirus” Update



Since the publication of ILA~USMX Joint Safety Committee OSH Alert 2020-03 (27 January 2020), the U.S. experience with the Novel Coronavirus has not changed in any substantial way. Currently (as of yesterday; reported by the U.S. Centers for Disease Control and Prevention), there have been **14** confirmed cases documented in the U.S. On review, none of those cases have any connection to commercial or passenger ocean shipping. And while that’s relatively good news, our sense is that we’re not out of the woods just yet.

For that reason, we continue to actively monitor all available resources in our ongoing assessment of potential risk to our labor and management constituents.

Two important resources we use (of many), are the U.S. Centers for Disease Control and the World Health Organization. Both organizations have webpages that are exclusively devoted to provide accurate and timely information to those seeking to maintain a protective, up-to-date posture.

We’d like to share access to those websites with all persons and organizations receiving our OSH Alerts, and for that purpose provide the relevant links here:

Centers for Disease Control & Prevention (CDC):
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

World Health Organization (WHO)
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2020-03 [27 January 2020]

The “Novel Coronavirus”



Countries with Confirmed Cases to Date

As the ILA~USMX Joint Safety Committee begins to develop this OSH Alert, we are aware of five (5) confirmed cases of the Coronavirus presently on U.S. soil. We are also aware of the situation on the ground at Wuhan Province, China (inclusive of Wuhan port), wherein thousands of confirmed cases have been established. The situation there is extremely serious.

At present, the U.S. Centers for Disease Control (CDC) has implemented detection activities (passenger screening) at several U.S. airports. That's wise, inasmuch as the threat of importation there is quite significant in terms of numbers. As yet, similar measures have not yet been implemented at U.S. seaports where the importation threat is less numerically severe.

The U.S. Maritime Administration and local Port Authorities are, however, monitoring unfolding circumstances very carefully.

At present we would like to provide our management and labor stakeholders with access to CDC's increasingly active Coronavirus webpage, which provides an amazingly complete amount of information about this threat:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Our best (conservative) advice: Continue to monitor the CDC webpage for updates. Also, port workers/managers obliged to interact with ship's personnel aboard a vessel that called at Wuhan port, China recently, should wear a simple filtration facemask (in line with manufacturer's recommendations) during that interaction and avoid direct (skin to skin) contact.

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