

# NATIONAL MARITIME SAFETY ASSOCIATION, INC.

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(Vacant)  
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*Second Vice President*

(Vacant)  
*Third Vice President*

James M. MacDonald  
*Secretary*

George H. Brown  
*Treasurer*

919 - 18<sup>th</sup> Street, NW  
Suite 901  
Washington, DC 20006  
tel (202) 587-4830  
fax (202) 587-4888  
www.nmsa.us



*Dedicated to Maritime Safety & Health*

## EXECUTIVE DIRECTOR

Charles T. Carroll, Jr.  
Carroll & Froelich, PLLC  
chuck@cflaw.us

## GENERAL COUNSEL

F. Edwin Froelich  
Carroll & Froelich, PLLC  
win@cflaw.us

## TECHNICAL COMMITTEE

Ken Killough  
*Chairman*

## **NMSA News Bulletin . . . 11/22/2010**

### **2011 NMSA ANNUAL MEETING**

**Mark your calendars**

**June 22 - 24, 2011**

**Vancouver, British Columbia**

**Rooms - [Delta Vancouver Suites](#)**

**Meeting - [Morris J. Wosk Centre for Dialogue](#)**

**Program Chairman - John Beckett, British Columbia Maritime Employers Association**

***Additional information and registration details will be forwarded in January 2011.***

### **NMSA / INDUSTRY NEWS**

**Submitted by Marc MacDonald**

- **MACOSH**—The current two year charter for MACOSH concluded with the meeting held on July 13-15, 2010 in Long Beach. By all accounts it was one of the most productive charters in memory. The Longshoring Workgroup completed and turned in fourteen consensus documents to OSHA for consideration. The documents ranged from the creation of 7 OSHA “Quick Cards” to Safety Guidance Documents, and included reviews or updates to OSHA’s previously published guidance documents. The NMSA Technical Committee backed up the two delegates at MACOSH and acted as a sounding board for the documents being developed.

**MEMBERS** Pacific Maritime Association · New York Shipping Association · Boston Shipping Association · United States Maritime Alliance  
Hampton Roads Shipping Association · Mobile Steamship Association · South Carolina Stevedores Association · West Gulf Maritime Association  
Georgia Stevedore Association · Southeast Florida Employers Port Association · Midgulf Association of Stevedores · Steamship Trade Association of Baltimore  
Ports of the Delaware River Marine Trade Association · British Columbia Maritime Employers Association · Maritime Employers Association (Montreal)



Of particular note, the group developed policy guidance on traffic lane and safety zone widths under container gantry cranes. Although lanes have been in place for a long time, the variance detected between terminals in a national comparison study done by the NMSA TC for the Longshoring Workgroup was dramatic. While searching internationally for similar guidelines, ICHCA advised that there were none. Professional engineers too noted they did not have any guidance. A Quick Card on Working Safely on the Apron or Highline was developed as a companion document to the lane width policy. NMSA members have already used these two particular draft documents to respond to a state OSHA citation on safety lane widths resulting in the citation, with a potential penalty of \$20K, being dropped. The draft documents submitted to OSHA by the Longshoring Workgroup of MACOSH are available through NMSA TC members. A list of the completed draft documents is below. NMSA has already submitted nominees, as requested by OSHA, for the next charter of this national committee.

One of the last documents completed by the Longshoring Workgroup and submitted to OSHA was a guidance document for Marine Terminals with On Dock Rail Capabilities. One of the largest documents submitted (it runs some 18 pages) it covers the safety aspects of not only on dock container rail but on dock bulk rail as well. This is not an easy feat to combine safety guidance for these two different types of operations into one document. This document is intended to supplement the meager rail safety guidance currently in 29 CFR 1917, which focuses on the traditional flat car and box car break bulk cargoes.

NMSA looks forward to OSHA's publication of these documents and products in the form and with the language which was submitted by the Longshoring Workgroup. It is hoped that MACOSH will be re-chartered without delay so that the NMSA Technical Committee can continue this important work.

#### ■ MACOSH Documents Completed

1. Quick Card (QC) Marine Terminal First Aid
2. QC Marine Terminal Lifesaving
3. QC Marine Terminal Gangways
4. Guidance Document on Container Repair
5. Guidance Document on Break Bulk Cargo Handling
6. Traffic Lane and Safety Zone Guidance Document
7. QC Safety on the Apron or Highline
8. Edits to the Traffic Safety Guidance Document
9. QC Mechanics Working in the Yard
10. QC Mechanics Working on Power in the Yard
11. QC Plugging and Unplugging Reefers
12. Guidance document on Dealing with Inoperable SATLs
13. Guidance Document For Marine Terminals with On Dock Rail Capabilities
14. Ro-Ro Ship and Dock Safety Document reviewed and corrected

• **NMSA OSHA Alliance Update**—The second two-year term of the NMSA-OSHA Alliance (which NMSA has not sought to renew) concluded on June 23, 2010. During this Alliance, NMSA undertook the development of a series of “Learn and Live” videos depicting a fatality in the marine cargo handling environment. Four videos have been completed and two more are well into production. The NMSA TC developed the scenarios and has worked with the production company to ensure accuracy and realism. These videos were produced along the lines of the Shipyard Fatality Videos which OSHA produced for the Shipyard industry. Since OSHA was unable to make the financial commitment for the Marine Cargo



Handling Industry videos, NMSA members elected to go it alone. The Alliance partnership with OSHA ensures an OSHA buy-in to the project. OSHA required that Spanish language translations of the videos, as well as closed captioning, be added before it would allow the NMSA-OSHA Alliance logo to be added to the project. Although the Alliance is drawing to a close, the remaining two videos will be submitted as Alliance projects.

The completed videos are entitled:

1. Longshore Worker Killed by Top Loader
2. Longshore Worker Killed During Container Loading and Offloading Operations
3. Longshore Worker Killed by Yard Tractor Tip Over
4. Longshore Worker Killed by Container Falling from Ship.

These videos are available through a link on the NMSA website under the "information" tab as well as a link from the NMSA-OSHA Alliance page on the OSHA website. These videos have been generously put into the public domain by NMSA to the benefit of all employers and employees. NMSA members have been using the videos in safety training, saving hundreds of thousands of dollars in individual association development costs. The NMSA-OSHA Alliance also resulted in several policy and safety documents. The completed documents are: the generic person in the water safety guide; container lashing tip sheet; and, traffic safety tip sheet. They can also be downloaded from the NMSA website information tab.

The screenshot shows the NMSA website interface. At the top, the text "NATIONAL MARITIME SAFETY ASSOCIATION" is on the left and the "NMSA" logo is on the right. Below this is a navigation bar with tabs: "Home", "About", "Information", "Contact", "Login", and "Dedicated to Maritime Safety & Health". The main content area is divided into two columns. The left column is titled "NMSA / OSHA Alliance Links and Documents" and contains links for "Generic Person in Water (PIW) Recovery Guide - June 2010", "Drug-Free Work Week (October 19-25, 2009)", "Container Lashing Tip Sheet - June 2009", "Marine Terminal Traffic Safety Tip Sheet - June 2008", and "NMSA/OSHA Alliance Home Page". The right column is titled "Safety Videos" and contains links for "Safety Video #1 - Longshore worker killed by top loader", "Safety Video #2 - Longshore worker killed during container loading and unloading operations", "Safety Video #3 - Longshore worker killed by yard tractor tip-over", and "Safety Video #4 - Longshore worker killed by container falling from ship". The background of the content area features a faded image of a person wearing a shirt with "THINK SAFETY" written on it. At the bottom of the page, there is a footer section with text on the left: "The National Maritime Safety Association (NMSA) represents the marine cargo handling industry in the United States in safety and health matters arising under various statutes, including the Occupational Safety and Health Act." On the right of the footer, contact information is provided: "National Maritime Safety Association, 919 18th Street, NW, Suite 901, Washington, DC 20006, Main: (202) 587-4830, Fax: (202) 587-4888", accompanied by a small ship icon.



## AGENCY ACTION

### Occupational Safety & Health Administration

- **OSHA Proposes Revision to Noise Exposure Guidelines**—The *Federal Register* of October 19, 2010 includes an OSHA "[proposed interpretation](#)" of the phrase "feasible administrative or engineering controls" as the phrase relates to noise exposure standards. In a nutshell, OSHA proposes that employers be required to use "administrative or engineering controls," rather than personal protective equipment, to reduce noise exposures when "such controls are feasible...capable of being done." OSHA says its enforcement policy will be amended to reflect this change. Initially, comments on the "proposed interpretation" were due by December 20, 2010. **Due to the significant number of requests for an extension of the comment date, OSHA recently agreed to extend the deadline for comments until March 21, 2011.**

The Coalition for Workplace Safety (CWS), run jointly by the U.S. Chamber of Commerce and the National Association of Manufacturers, and of which NMSA is an informal member, is in the process of putting together a comprehensive statement in opposition to this new "interpretation" of noise exposure controls by OSHA. Subject to Board approval and guidance, NMSA may join in the CWS comments or submit comments independently. If you have any specific points you wish to be raised on this issue, please contact Chuck Carroll ([chuck@cflaw.us](mailto:chuck@cflaw.us)).

- **Walking-Working Surfaces and PPE (Fall Protection Systems) Informal Hearings**—In the *Federal Register* (FR) of November 12, 2010, OSHA announced informal public [hearings](#) on the Walking-Working Surfaces [proposed rule](#) published in the FR of May 24, 2010. The hearings will be held on January 18, 2011 in Washington. Requests to present testimony at the hearing must be made by November 30, 2010. Please see the FR notice for further information.

- **OSHA to Target High-Hazard Workplaces**—On October 22, 2010, OSHA [announced](#) its intention to "direct enforcement resources to high-hazard workplaces where the highest rates of injuries and illnesses occur." Sites are selected for targeting based on "several variables such as the number of injury and illness cases and number of days a worker has to stay away from work, or the number of workers who received job transfers or work restrictions due to injury or illness."

### Occupational Safety and Health Review Commission (OSHRC)

- **Occupational Safety and Health Review Commission Upholds OSHA Citations**—An OSHRC Administrative Law Judge (ALJ) recently [upheld](#) OSHA's "egregious or violation-by-violation policy" that permits the issuance of violations, and penalties, for each employee exposed to the same hazard.

### Bureau of Labor Statistics

- **Bureau of Labor Statistics (BLS) Announces 2009 Decline in Workplace Injuries & Illnesses**—On October 21, 2010, the BLS released a [report](#) on 2009 workplace injuries and illnesses that shows declines in cases of injury and illness rates across the board among private industry employers. In addition, on November 9, 2010, the BLS released its [data](#) on occupational injuries and illnesses requiring days away from work which showed a 9 percent decrease in such injuries. Overall, BLS notes a 13% decrease in workplace injuries and illnesses requiring time away from work for transportation and material moving workers, which



includes the cargo handling industry.

OSHA Assistant Secretary David Michaels [commented](#) that, although “encouraging...economic conditions may have weighed heavily on the decline” and “as the economy improves more Americans back on the job could potentially lead to easily preventable work-related injuries and illnesses.”

### ***IN THE CONGRESS***

• **House Republicans Plan to Conduct Oversight Review of Government Rules, Regulations & Statutes**—Rep. Eric Cantor (R-VA), who will be Majority Whip in the 112th Congress starting in January, 2011, released a plan for the Congress that includes a comprehensive review of government regulations and rules that “impose additional, unnecessary costs” on employers. Each House committee would review the regulations, rules, and statutes within its jurisdiction and produce a final report by mid-2011. Some of the regulations being suggested for review are: OSHA’s recent proposal to reinterpret noise standards, the proposed injury and illness prevention program, and any effort to institute an ergonomics rule.

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