



## ILA-USMX Joint Safety Committee

# OSH ALERT 2020-12 [19 May 2020]

## Things to Remember About “Reopening” Society

For a number of reasons, it’s ultimately necessary that we get back to living our lives in a way that we were more accustomed to. Depending upon your location, that will likely be done in an incremental fashion. As we move on, it’s also very important to understand that we’re still not out of the Covid-19 woods as yet and that the virus is out there and can still be transmitted very easily from person to person.

That’s why the ILA~USMX Joint Safety Committee reminds all our constituents that the [Covid-19 mitigation protocols](#) already established by ILA & USMX **and** the basic precautions found below are all the more important to practice in our everyday activities on the job going forward during the transition to reopen society.



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 2020-11 [12 May 2020]

## HazMat & OSHA-Required Training in the Age of Covid-19

HazMat training regulations are administered by the Pipeline & Hazardous Materials Safety Administration (PHMSA). Those regulations require initial HazMat awareness training and then refresher training on an at least every three year basis.

Given the limitations imposed by the Covid-19 experience, the timeliness of training has been provided some significant relaxation by PHMSA. We'll set that relaxation out here:

U.S. Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration

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### PHMSA Enforcement Policy Notice Regarding Hazardous Materials Training

Wednesday, March 25, 2020

PHMSA continues to monitor the effects the COVID-19 outbreak is having on regulated hazardous materials entities. As a result, PHMSA decided to temporarily halt enforcement actions against shippers and carriers that are unable to comply with training requirements included in the Hazardous Materials Regulations (HMR). The Notice is limited to recurrent training requirements and does not apply to all other HMR obligations or applicable laws for hazardous materials offers and carriers.

For more details, download the Enforcement Policy Notice Regarding Training Requirements in the related documents section on this page.

**Related Links**

- [More USDOT Specific COVID-19 Resources](#)

OSHA, too, has similarly relaxed training requirements found in that agency's standards, advising its compliance officers to exercise "discretion in enforcement" and consideration of "good faith efforts" in the light provided by the Covid-19 experience. Here's a link to that agency-wide guidance:

<https://www.osha.gov/memos/2020-04-16/discretion-enforcement-when-considering-employers-good-faith-efforts-during>

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-10 [13 April 2020]

## In the Covid-19 Environment, Properly Removing & Disposing of Your Respiratory PPE is Important!

Different germs and viruses can survive on a used mask for different periods of time. Experts feel that some viruses, when left exposed, can survive between a few hours and a few days. The **ILA~USMX JSC** requests that workers and employees not dispose of their used masks indiscriminately, as they can pose a potential health hazard to those who come in contact with them. Infected masks have respiratory secretions on them and can be dispersed and transmitted through the air. So, please be sensitive and respect yourselves and your fellow workers. Always wash your hands before and after taking off a mask. Employers should also be sensitive to providing adequate hand washing or disinfection alternatives for that purpose.

- **Cloth masks (Wash)** – Should be properly washed and left to hang/air dry.
- **Surgical masks (Fold, tie, wrap)** – Should be removed chin upwards, taking care to remove them using the ear loops/ strings. Be careful not to touch the front portion while taking off the mask. After taking the mask off, please fold it in half (inwards), such that droplets that have come from the mouth and nose are not exposed. Then, fold the mask into another half... until it looks like a roll. The mask can also be wrapped with its ear loops/strings, so that it will not unravel. Then, immediately discard the masks in a properly designated trash receptacle.
- **N95 respirator** – When removing the respirator, hold the edge of the straps attached to the N95 facepiece. Don't touch the inside part of the respirator. Gently remove the mask so as not to spread contaminants on the mask. Place the mask in a plastic or zip-lock bag. You can also store them in a breathable container such as a paper bag between uses. Secure the bag tightly. Place the plastic bag into a properly designated trash receptacle. Never put on a new mask until you have washed or sanitized your hands.

**Please Respect Yourself and Each Other: Do Not Litter**

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-09 [13 April 2020]

## In the Covid-19 Environment, Properly Removing your Disposable Gloves is Important to Your Health:



1. With both hands gloved, grasp the outside of one glove at the top of your wrist.



2. Peel off this first glove, peeling away from your body and from wrist to fingertips, turning the glove inside out.



3. Hold the glove you just removed in your gloved hand.



4. With your ungloved hand, peel off the second glove by inserting your fingers inside the glove at the top of your wrist.



5. Turn the second glove inside out while tilting it away from your body, leaving the first glove inside the second.



6. Dispose of the gloves following safe work procedures. Do not reuse the gloves.



7. Wash your hands thoroughly with soap and water as soon as possible after removing the gloves and before touching any objects or surfaces.

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-08 [10 April 2020]

### **ANALYSIS: New Guidance from CDC for Critical Infrastructure Workers Who May Have Been Exposed to COVID-19**

As yesterday's JSC OSH Alert 2020-07 pointed out, the U.S. Centers for Disease Control & Prevention (CDC) have very recently published an ***Interim Guidance*** document meant to clarify what measures and/or protocols should be put in place when an employee is potentially exposed to COVID-19 infection through close contact.

In this analysis we explore the impact of CDC's new ***Interim Guidance***, and in doing so importantly look to the first two paragraphs of that guidance which provides:

***"To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community."***

***A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic."***

The JSC can only interpret the first paragraph of CDC's interim guidance in its literal sense. That is, "***Critical Infrastructure Workers***" (such as longshore workers and those in allied crafts) can now (according to the ***Interim Guidance***) be permitted to continue work (i.e., no quarantine or exclusion necessary) even after a potential exposure to COVID-19, ***provided that*** those potentially exposed employees continue to exhibit no symptoms of associated sickness going forward and that additional precautions (taking of body temperatures, wearing of facepiece masks, disinfecting workplace surfaces and the respect of social distancing) are undertaken.

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In relation to the meaning of “**Potential exposure**” within the second paragraph, CDC is remaining relatively consistent with its previous position. That is, by defining “**close contact**” as having been within 6 feet of an individual with confirmed or suspected COVID-19. What CDC has added to the equation here, is the recognition and inclusion of potential “**household contact**.” In our view, potential exposures brought about by normal interaction between individuals in a domestic setting are now being brought into the equation... and essentially being given a pass; with the caveat that once any symptoms are being experienced all bets are off and the worker is sent home.

**After analysis, the JSC is not happy with what it sees in the newly issued *Interim Guidance*.**

The Joint Safety Committee would like each of its waterfront constituents to understand; as clearly as possible, that neither ILA nor USMX are pleased with the confusion that’s been created by CDC’s new ***Interim Guidance***.

Notwithstanding, both ILA and USMX are committed to ensure the continued uninterrupted flow of imports and exports through our ports.

In that light, ILA and USMX have adopted a policy dealing with many of the workplace Covid-19 issues that may arise. Those agreed upon terms have now been adopted for use at all Master Contract ports, and ILA and USMX will stand by those accords, notwithstanding the CDC’s new ***Interim Guidance***.

Specifically, **none** of the provisions agreed upon by ILA and USMX would be permissive of allowing any worker who had been exposed to an active COVID-19 infection to come to work without adhering to a requisite isolation/restoring of health period first. So, despite what the government is now apparently allowing.... **We won’t be going there...**

Here’s a link to the agreed upon policy, applicable throughout the range of Master Contract ports:

<https://documentcloud.adobe.com/link/review?uri=urn%3Aaaid%3Ascde%3AUS%3A0e6b766d-2e6b-4d01-b4bd-26fb8fb73e7d>

In sum, The JSC wants you to know that it’s the U.S. government (with this new CDC ***Interim Guidance***) that is advocating the foregoing form of unwise permissiveness. It is our ***private*** sense that the ***Interim Guidance*** is decidedly anti-worker (in an administration that shows its animus to workers in an almost non-stop fashion) and simply represents another ironic attack on individuals (workers and managers) who have been asked to provide extraordinary service to the country; in extraordinary times.

**We need to enhance Covid-19 workplace safety protections for each of our management and labor constituents; not erode them!** [10 April 2020]



## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-07 [09 April 2020]

## New Guidance from CDC for Workers Who May Have Been Exposed to COVID-19 Via “Close Contact”

### Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

Critical Infrastructure workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:

- ▶ Pre-Screen: Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- ▶ Regular Monitoring: As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- ▶ Wear a Mask: The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
- ▶ Social Distance: The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- ▶ Disinfect and Clean work spaces: Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Employers should implement the recommendations in the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 to help prevent and slow the spread of COVID-19 in the workplace. Additional information about identifying critical infrastructure during COVID-19 can be found on the DHS CISA website or the CDC's specific First Responder Guidance page.

#### INTERIM GUIDANCE

This interim guidance pertains to critical infrastructure workers, including personnel in 16 different sectors of work including:

- ▶ Federal, state, & local law enforcement
- ▶ 911 call center employees
- ▶ Fusion Center employees
- ▶ Hazardous material responders from government and the private sector
- ▶ Janitorial staff and other custodial staff
- ▶ Workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities

#### ADDITIONAL CONSIDERATIONS

- ▶ Employees should not share headsets or other objects that are near mouth or nose.
- ▶ Employers should increase the frequency of cleaning commonly touched surfaces.
- ▶ Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- ▶ Employers should work with facility maintenance staff to increase air exchanges in room.
- ▶ Employees should physically distance when they take breaks together. Stagger breaks and don't congregate in the break room, and don't share food or utensils.



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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-06 [29 March 2020]



**In guarding against Coronavirus, the greatest protection you can afford yourself and your family is observing a mandatory 6 foot distance between yourself and anyone else sharing your workplace.**

**Easier said than done? Perhaps, but worth the effort every time.....**

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 2020-05 [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>

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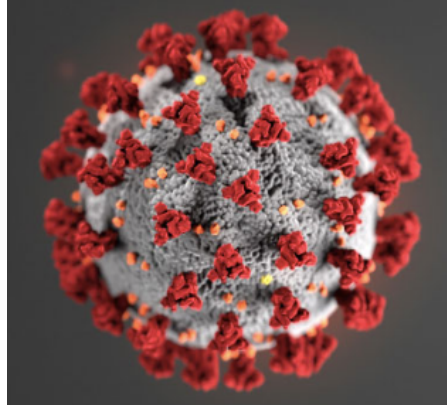
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## ILA-USMX JOINT SAFETY COMMITTEE

# 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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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-02 [14 January 2020]

## OSHA Civil Fines On The Rise



In tomorrow's edition of the **FEDERAL REGISTER**, we expect that the U.S. Department of Labor will publish a notice that will announce the annual increase of civil fines associated with violations of standards and regulations promulgated by the various administrative agencies of that executive department.

This annual event is brought about by the operation of the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015 (Inflation Adjustment Act), which requires all monetary fine-collecting Federal agencies to automatically increase the amounts of fines imposed, tied to a cost of living formula enshrined in that law.

Among those administrative agencies affected is the Occupational Safety & Health Administration (OSHA). The table below illustrates the increases being imposed, respectively, by the relevant categories/subjects of citations issued by that agency.

Paragraph	Remove	Add
§ 1903.15(d) introductory text	January 23, 2019	January 15, 2020
§ 1903.15(d)(1)	\$9,472	\$9,639
§ 1903.15(d)(1)	\$132,598	\$134,937
§ 1903.15(d)(2)	\$132,598	\$134,937
§ 1903.15(d)(3)	\$13,260	\$13,494
§ 1903.15(d)(4)	\$13,260	\$13,494
§ 1903.15(d)(5)	\$13,260	\$13,494
§ 1903.15(d)(6)	\$13,260	\$13,494

The sections/paragraphs appearing in the left most column are better identified through this link: <https://www.osha.gov/laws-regs/regulations/standardnumber/1903/1903.15>

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## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-01 [02 January 2020]

## OSHA & Audio Head/Earphones



Recently, OSHA made public an interpretation which clarified the agency's position with regard to worker use of certain audio devices meant to entertain/pass the time.

In sum, the agency's interpretation holds that the use of such devices may be allowed... but that employers who do permit their use should be cautioned that, under certain circumstances, audio head/earphones could serve as distractions and create a seriously unsafe workplace. In that event, OSHA would be free to cite the employer under the OSH Act's General Duty Clause. Here's a link to that section of the law:

[https://www.osha.gov/laws-regs/oshact/section\\_5](https://www.osha.gov/laws-regs/oshact/section_5)

While the interpretation was provided in response to an inquiry originating from a construction industry employer, the basis, logic and application of OSHA's interpretation would unquestionably hold true for those of us in the marine cargo handling industry. Here's a link to the interpretation:

<https://www.osha.gov/laws-regs/standardinterpretations/2019-09-06-0>

The ILA~USMX Joint Safety Committee appreciates how popular these devices have become at many marine terminals (particularly during late night shifts). Notwithstanding, we are obliged to recognize the wisdom of this recent interpretation and caution employers and employees about the existence of this interpretation and of the logic that forms its basis. We do so in this OSH Alert.

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