



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2023-06 [08 August 2023]

OSHA Enforcement Activities Within the Marine Cargo Handling Industry

In the time period January 6, 2023 through September 6, 2023, the Occupational Safety & Health Administration (OSHA) initiated a total of 108 inspections of U.S. workplaces ostensibly engaged in marine cargo handling activities. Employers operating within that industrial sector are classified within the North American Industrial Classification System (NAICS) Code 448320.

Of those 108 inspections, five (5) were logged into the agency's management information system (MIS) as being the result of a fatal accident; twelve (12) as a result of an employee complaint; three (3) as a result of a non-fatal, "reportable" accident; eleven (11) as a result of a referral originating from another law-enforcement agency; three (3) as a result of a mandatory "follow-up" in the wake of a previously issued citation; and one (1) as simply a "monitoring" exercise. The balance were all either "Planned" or "Programmed", pursuant to OSHA's selection system.

In the link provided below, the ILA-USMX Joint Safety Committee provides access to the results of an inquiry we've made regarding OSHA's CY 2023 enforcement initiatives within our industry. The entries appearing under the "*Activity*" column are live links, which will relate available particulars associated with that particular inspection.

Labor and management constituents will note that the vast majority of inspections disclose no citations ("violations") as having been issued. That absence is somewhat misleading, in that OSHA has 6 months (by statute) after the occurrence of an alleged violation of an OSHA standard or regulation within which to formally issue citations. Accordingly, many of these inspections have simply not "matured."

Most will.

The link:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:9232884d-d867-3d27-9ad5-dc5dbcbee6d1>

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

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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2023-05 [21 July 2023]

OSHA Issues Final Rule Amending Electronic Reporting of Injuries/Illnesses Regulation [29 CFR 1904]

In today's **FEDERAL REGISTER**, OSHA has published a final rule which substantially amends regulations already in effect and dealing with the mandatory electronic submission of annual injury and illness data that employers are required to maintain on OSHA Forms 300; 300A and 301.

The notice's **SUMMARY** section:

SUMMARY: OSHA is amending its occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. OSHA will not collect employee names or addresses, names of health care professionals, or names and addresses of facilities where treatment was provided if treatment was provided away from the worksite from the Forms 300 and 301. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis. OSHA is also updating the NAICS codes used in appendix A, which designates the industries required to submit their Form 300A data, and is adding appendix B, which designates the industries required to submit Form 300 and Form 301 data. In addition, establishments will be required to include their company name when making electronic submissions to OSHA. OSHA intends to post some of the data from the annual electronic submissions on a public website after identifying and removing information that could reasonably be expected to identify individuals directly, such as individuals' names and contact information.

We provide a link to today's full notice: <https://www.govinfo.gov/content/pkg/FR-2023-07-21/pdf/2023-15091.pdf>.

In sum, today's final rule expands the universe of data that must be electronically submitted each year; particularly by those in industries identified within the two (2) appendices found within today's notice.

The marine cargo handling industrial sector [Base NAICS Code 4883] has been identified within both of those appendices. Consequently, employers operating within that sector will be required (effective January 1, 2024) to electronically file their respective data appearing within each of those three (3) forms to an OSHA-maintained website. "Some" data from that website, OSHA advises, will be publicly accessible.

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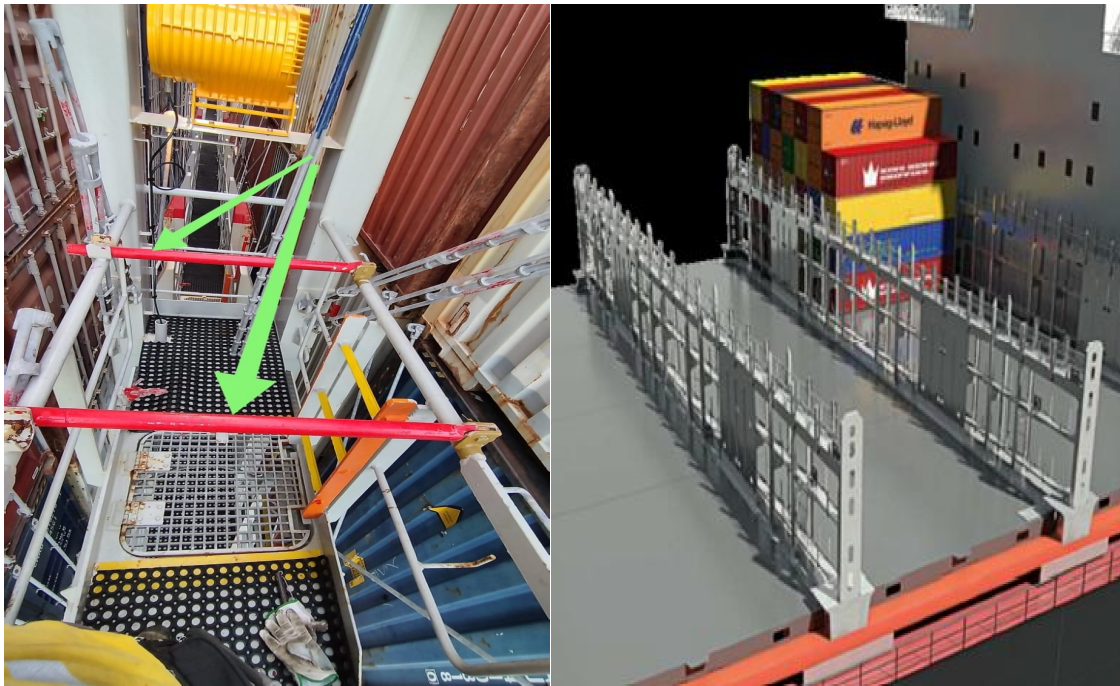
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OSH ALERT 2023-04 [17 March 2023]

Lashing Bridge Hatchways



Since the introduction of lashing bridges, one of the most frequently occurring accidents observed globally involves lashers who fall through open lashing bridge hatchways.

As a solution, it's very easy to simply say that workers who open hatchway covers should always close them. In that way, these accidents would very likely cease to exist.

For whatever reason, however, our industry has not perfected a means nor a manner with which to make workers (lashers or otherwise) close hatchway covers each time they open them.

Lots of mitigating efforts have been attempted, including the installation of fore & aft elevating walkway pipe guards on some ships (**See** photo above left).

Despite those mitigating attempts, accidents have continued to occur. The ILA~USMX Joint Safety Committee hasn't found "the magic bullet" with which to bring all such accidents to an end, but it has received a suggestion that may serve to foreclose on a portion of those accidents occurring.

What if regular ship's maintenance included the painting of those hatchway grates a brilliant "Safety Yellow?" Then, it could be reasoned that if the brilliant "Safety Yellow" color was not present to the eye of the person on the walkway... something could be wrong and greater care would be exercised in response. Is it worth a try? In light of the potentials involved: Yes....

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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2023-03 [30 January 2023]

Electronically Reporting CY 2022 Injuries/Illnesses to OSHA

The ILA~USMX Joint Safety Committee (JSC) would like to remind our management constituents having responsibility to electronically submit their firm's CY 2022 injury and illness data to OSHA, that the deadline to do so is March 2nd.

As many of you know, it's a relatively simple process made even easier by utilizing the agency's Injury Tracking Application (ITA). For your convenience, we provide a link to that application's webpage here:

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

OSHA recently transitioned its login procedure to utilize one single account to access all applications: [Login.gov](https://login.gov). All current and new account holders must connect their ITA account to a Login.gov account with the same email address to access the application for the 2023 collection of Calendar Year 2022 Form 300A data. Before proceeding, entities are encouraged to review the [guidance](#) on how to connect your accounts. OSHA has a history of citing employers who fail to timely upload their Form 300A data by March 2, so ensure your account access is up to date before that date.

OSHA provides the [secure ITA website](#) that offers three options for injury and illness data submissions. Users may manually enter data, upload a CSV file to add multiple establishments at the same time, or transmit data electronically via the API (application programming interface).

In late-2021, OSHA proposed restoring the Obama-era requirement for all covered employers to submit full OSHA Form 300s (Log of Work-Related Injuries and Illnesses) and OSHA Form 301s (Injury and Illness Incident Report). However, this proposed revision has not yet become effective.

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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2023-02 [26 January 2023]

OSHA Revises Enforcement Policy



Today, the Occupational Safety & Health Administration (OSHA) announced the issuance of new enforcement guidance distributed to its regional and area offices which would permit the issuance of “***instance-by-instance citations***” in specific cases. While that concept may not sound revolutionary, its affect has the potential to be head-turning.

To quote from today’s press release (the full release is available via the hyperlink provided below):

*"OSHA Regional Administrators and Area Office Directors now have the authority to cite certain types of violations as “***instance-by-instance citations***” for cases where the agency identifies “high-gravity” serious violations of OSHA standards specific to certain conditions where the language of the rule supports a citation for each instance of non-compliance. These conditions include lockout/tagout, machine guarding, permit-required confined space, respiratory protection, falls, trenching and for cases with other-than-serious violations specific to recordkeeping."*

The tenor of the release appears to aim this amplified genre of enforcement at employers who place “***profit over safety***.”

Link to Press Release: <https://www.osha.gov/news/newsreleases/national/01262023-0>

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OSH ALERT 2023-01 [16 January 2023]

OSHA Civil Monetary Fines Going Up

The ILA~USMX Joint Safety Committee (JSC) is obliged to make its management and labor constituents aware that, through a Final Rule published in the January 13, 2023 **FEDERAL REGISTER**, the Occupational Safety & Health Administration (OSHA) has announced increases in the amounts of civil monetary penalties that may be imposed for alleged violations of OSHA standards and regulations.

We've revised a table which tracks the characterization of the alleged violations and makes comparisons between the current maximum penalty limits with those that have taken practical effect today:

	Paragraph	Remove	Add
	§ 1903.15(d) introductory text	January 15, 2022	January 15, 2023
	§ 1903.15(d)(1)	\$10,360	\$11,162
Willful	§ 1903.15(d)(1)	\$145,027	\$156,259
Repeated	§ 1903.15(d)(2)	\$145,027	\$156,259
Serious	§ 1903.15(d)(3)	\$14,502	\$15,625
Other-Than-Serious	§ 1903.15(d)(4)	\$14,502	\$15,625
Failure to Correct	§ 1903.15(d)(5)	\$14,502	\$15,625
Failure To Post	§ 1903.15(d)(6)	\$14,502	\$15,625

Also, for those constituents interested in reviewing the entirety of the Final Rule, the hyperlink below will provide access:

<https://www.govinfo.gov/content/pkg/FR-2023-01-13/pdf/2023-00271.pdf>

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