



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-03 [18 March 2021]

COVID-19 & OSHA

A Prospective to Consider

An Executive Order signed by President Biden on 21 January 2021 directs the Secretary of Labor, acting through the Assistant Secretary of Labor for OSHA, to:

“(b) consider whether any emergency temporary standards on COVID-19, including with respect to masks¹ in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021;”

[Emphasis supplied]

We understand that the “drop dead date” of March 15, 2021 occurred three days ago and that OSHA has failed to timely respond to the literal direction of the foregoing paragraph within the Executive Order. We can conjecture as to why OSHA has not formally made its determination... but won't do so here.

One thing appears relatively certain: In the coming days, OSHA will likely make a determination that an emergency temporary standard (ETS) addressing potential COVID-19 workplace exposures is necessary. What will be included within any such ETS is presently a matter of some controversy and debate.

Earlier this year, however, OSHA published a document entitled, **“Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace.”** In that document, labor and management constituents of the ILA~USMX Joint Safety Committee have the opportunity to review what the agency's current thoughts may be with regard to potential regulatory avenues it may pursue.

We provide a link to that guidance here:

<https://www.osha.gov/coronavirus/safework>

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

¹ The issue of mask wearing within seaport transportation hubs has been affirmatively decided by an Order issued by the Centers for Disease Control & Prevention last month. If OSHA mandates workplace mask wearing, however, all workplaces (including those workplaces within the 17 States that have no general mask wearing requirement) would be obliged to comply with the OSHA mandate.

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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): *“If I’ve been fully vaccinated against COVID-19, do I need to observe the usual quarantine period if I happen to come into “close contact” with someone who turns out to be infected? [26 February 2021]*

A. Based upon recent guidance offered by the U.S. Centers for Disease Control and Prevention (CDC), the JSC is pleased to report that those persons who have been fully vaccinated against COVID-19 can skip quarantine requirements if they’ve received the last of their vaccinations within the last three months and have shown no signs of infection.

A link to CDC’s guidance of 11 February 2021 is provided here:

<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

The section that provides the necessary clarification is set out here:

Who needs to quarantine?

People who have been in close contact with someone who has COVID-19—excluding people who have had COVID-19 within the past 3 months.

- People who have tested positive for COVID-19 within the past 3 months and recovered do not have to quarantine or get tested again as long as they do not develop new symptoms.
- People who develop symptoms again within 3 months of their first bout of COVID-19 may need to be tested again if there is no other cause identified for their symptoms.
- People who have been in close contact with someone who has COVID-19 are not required to quarantine if they have been fully vaccinated against the disease within the last three months and show no symptoms.

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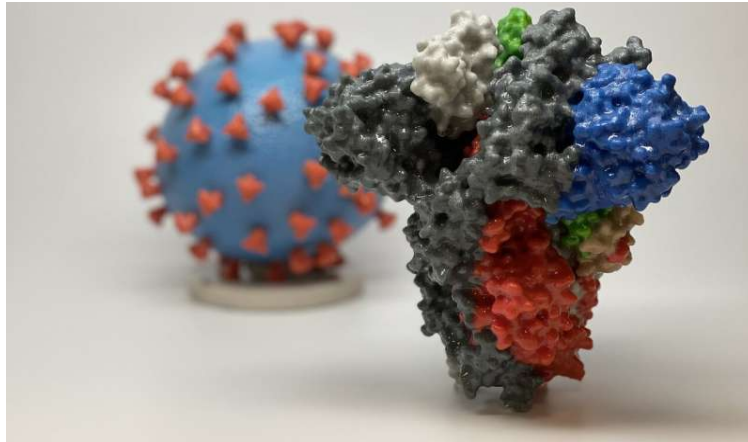
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ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-01 [06 January 2021]

COVID-19 MUTATIONS



Over the last few months, reports of the Novel Coronavirus' mutated forms have become more and more prominent. All viruses mutate in order to better adapt to their environment. Notably, mutated strains of the Novel Coronavirus initially found in the U.K. and South Africa are described as having spike proteins that are considerably enlarged and that more readily bind to human cell receptors (*See comparative illustrations, above*). That makes them much more transmissible (much more contagious) but not necessarily more lethal. The U.K. mutated strain has now been found in several U.S. States; it's likely that the South African strain (and perhaps others) will find its way here, as well.

The results: The mutated strain(s) will likely become more dominant and the rate of COVID-19 infections in our country [and in our industry] will likely rise as a consequence. The best means at our disposal to remain COVID-19 infection free continue to be:

- 1). Wearing a face covering (a mask);**
- 2). Practicing effective social distancing;**
- 3). Practicing effective hand washing/disinfection;**
- 4). Keeping your hands away from your face & mouth; and**
- 5). Taking the vaccine when it becomes available to you. [The FDA-approved vaccines are considered to be effective against the mutated strains]**

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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): “Your last OSH Circular (2020-06) addressed the subject of “Heat Stress” and spoke of the mandatory wearing of face masks/respirators to mitigate potential Covid-19 infections. Are there any longshore crafts that may be given some relief from wearing face masks/respirators in particularly high heat/high humidity conditions?”

A. The short answer is “yes.” JSC leadership are in agreement and can comfortably take the reasonable position that anyone working within the cab of a vehicle i.e., in isolation; not exposed to the respiratory droplets of other workers, may; in extreme high heat/high humidity conditions¹ dispense with the wearing of a face mask/respirator while so isolated².

With that relief, the JSC cautions that when it is necessary for such workers to interact in close contact³ with others it will become necessary for them to don their face mask/respirator for the complete timeframe of that interaction. Consequently, it will be imperative to have that protective equipment immediately available.

In providing this latitude, and in light of continuing spikes in the infection rates at several relevant geographical areas, the JSC is emphatic in continuing to require all workers to resist the temptation to drop your guard in the wearing of the necessary protection against Covid-19 infection. [22 June 2020]

[Being safe rather than being sorry has great meaning to our situation]

¹ Operating inside a vehicle’s air-conditioned cab is excluded from this policy relaxation.

² All vehicle cabs shall be disinfected after every shift change.

³ The term “close contact” means being within six feet of another worker. Should additional clarity be required, please be in touch with the ILA~USMX Joint Safety Committee at: blueoceana@optonline.net

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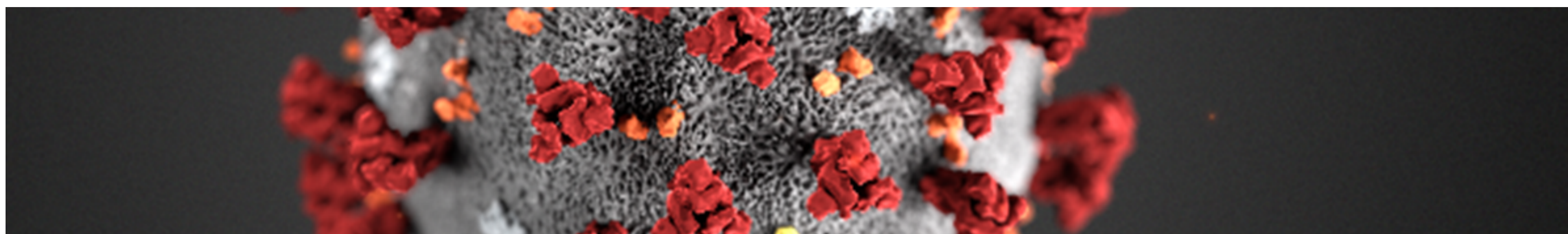


SEARCH OSHA

Alert: Due to routine maintenance on the OSHA website, some pages may be temporarily unavailable. To report an emergency, file a complaint with OSHA or ask a safety and health question, call 1-800-321-6742 (OSHA).

[Safety and Health Topics](#) / [COVID-19](#)

COVID-19



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COVID-19 Frequently Asked Questions

This page includes frequently asked questions (FAQs) and answers related to the coronavirus disease 2019 (COVID-19) pandemic.

Cloth Face Coverings

What are the key differences between cloth face coverings, surgical masks, and respirators?

Are employers required to provide cloth face coverings to workers?

Should workers wear a cloth face covering while at work, in accordance with the Centers for Disease Control and Prevention recommendation for all people to do so when in public?

If workers wear cloth face coverings, do employers still need to ensure social distancing measures in the workplace?

Yes. Cloth face coverings are not a substitute for social distancing measures.

If I wear a reusable cloth face covering, how should I keep it clean?

Are surgical masks or cloth face coverings acceptable respiratory protection in the construction industry, when respirators would be needed but are not available because of the COVID-19 pandemic?

This guidance is not a standard or regulation, and it creates no new legal obligations. It contains recommendations as well as descriptions of mandatory safety and health standards. The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace. The Occupational Safety and Health Act requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the Act's General Duty Clause, Section 5(a)(1), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.



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ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

Workers and Employers Want to Know

Q. What's all this “stuff” about face masks? Do they work? How well?

A. It's important to know that all facemasks/respirators, if properly worn, will provide a given level of protection against transmitting and/or acquiring Covid-19 infection. On the waterfront, we typically see three different types of respiratory protection being worn for that purpose.

1). Surgical-Type Facemasks:



Surgical masks are disposable after a day's use, and with a reasonably good facial seal provide protection against both the transmission of virus particles and the (somewhat less effective) acquisition of virus particles. They come in a number of different designs, the most effective of which are the multi-layer type. In high demand markets, surgical mask designs are among the most readily obtainable.

2). Cloth Facemasks



Cloth facemasks are basic filtration facepieces that are reusable after light washing, and are among the most convenient of all means of respiratory protection. Some, like the one shown at left, are essentially “homemade” and, depending upon the type of materials used in their construction, offer varying degrees of affirmative protection. Cloth facemasks are becoming more and more obtainable online, even in high demand markets.

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Here are a few pointers for putting on and taking off a cloth mask:

- Place your mask over your mouth and nose.
- Tie it behind your head or use ear loops and make sure it's snug.
- Don't touch your mask while wearing it.
- If you accidentally touch your mask, wash or sanitize your hands.
- Remove the mask by untying it or lifting off the ear loops without touching the front of the mask or your face.
- Wash your hands immediately after removing your mask.
- Regularly wash your mask with soap and water in the washing machine. It's fine to launder it with other clothes.

3). N-95 Respirators:



N-95 (NIOSH 95%) respirators are also meant to be disposable, but with exemplary hygiene practices (given their current high market demand in medical and hospital settings), can be reused for short periods. Like any form of respiratory protection, their effectiveness is best when a good facial seal can be secured. In that light, it is important to ensure that both elastic straps are used.

The ILA~USMX Joint Safety Committee has devised a continuing series of useful publications that have particular relevance to the Covid-19 experience at our ports.

Please find them at the respective webpages of both ILA and USMX.

Here are the links to those webpages:

<https://ilaunion.org/osh-circular/>

<https://www.usmx.com/resources/public/downloadable-safety-bulletins-and-various-safety-resources>

Please remember: Frequent handwashing/disinfection and social distancing also play crucial roles in limiting the spread of Covid-19!



ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

Workers and Employers Want to Know

Q. Several of our constituent employers have asked the ILA~USMX Joint Safety Committee (JSC) questions similar to this one: “We’ve experienced a small number of workers who have tested positive for Covid-19. What are OSHA’s recordkeeping requirements for these occupational illness cases?”

In most cases, OSHA will not enforce its recordkeeping rules that otherwise would have required all employers to make determinations as to whether “workers who contacted COVID-19 did so due to exposures at work.” In sum, there is a limited exemption.....

OSHA **did not** retract its basic position that COVID-19 “is a recordable illness,” which must be recorded as a work-related illness on OSHA 300 logs (or their equivalent) if: **(1)** the employee has a “confirmed case of COVID-19” based on at least one positive test for the virus; **(2)** the COVID-19 is “work-related,” per 29 CFR § 1904.5, *i.e.*, the disease is contracted from exposure in the work environment; and **(3)** the case meets recording criteria, including a significant illness diagnosed by a healthcare professional or days away from work.

Instead, OSHA recognized that in areas with community-spread of the coronavirus, most employers “may have difficulty” making determinations that COVID-19 cases were due to exposures at work, so those employers would no longer have to affirmatively investigate whether the employee’s COVID-19-positive diagnosis was work-related in order to avoid the risk of an OSHA enforcement action for a recordkeeping violation.

The agency’s internal policy memorandum is anything but clear, but is nonetheless provided to the JSC’s constituents through this link:

<https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>

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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

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 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%3Ascds%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

The Novel Coronavirus

Workers and Employers Want to Know

Q. Workers and employers have asked the ILA~USMX Joint Safety Committee (JSC): “As the availability of Coronavirus test kits rise, and more positive tests results become inevitable, what is the process we must follow in the aftermath of worker’s/employee’s positive test?”

A. Once an employer has direct knowledge that an employee has tested positive for the Coronavirus, the following guidance is offered:

- 1). Contact the relevant local health agency and disinfect the work area(s) normally occupied by the infected employee;**
- 2). Inform potentially exposed employees (those typically in contact with the infected worker) without mentioning the infected worker’s name;**
- 3). Within the parameters offered by the relevant collective bargaining agreement and by applicable (and evolving) Federal & State laws and regulations, promptly sort out and implement the proper means and methods available for granting leave (paid, subsidized or otherwise) from work;**
- 4). Maintain absolute confidentiality. Several Federal laws impose strict confidentiality requirements in re a CoVid-19 employees’ symptoms, test results, treatments, etc.; and**
- 5). Carefully manage return to work certifications. Once an employee has recovered from a Coronavirus infection and is well, it is important to verify his/her recovery so as not to potentially endanger other, uninfected employees on a return to work. To that extent, a note/certification from a licensed health care profession would serve that purpose. Given the workload being imposed upon those health care providers during the current Coronavirus crisis, however, acquiring timely return to work notes/certifications may be problematic. Both CDC and OSHA have encouraged “Alternative” certifications, where possible. We’re confident that our industry can be inventive enough to arrive at a suitable and fully protective “Alternative” certification. [21 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): “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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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): “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]

Working Together For The Benefit Of All



ILA-USMX JOINT SAFETY COMMITTEE

The Novel Coronavirus

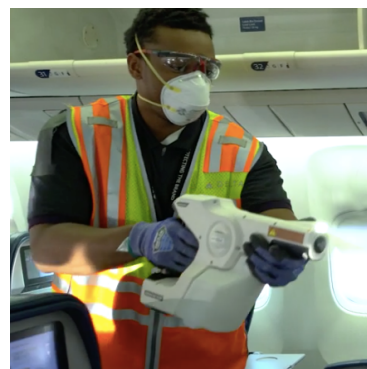
Workers and Employers Want to Know

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**

Working Together For The Benefit Of All

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.

10-March-2020



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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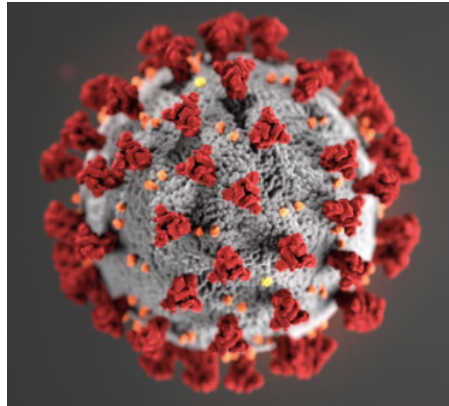
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ILA-USMX JOINT SAFETY COMMITTEE

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>

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

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ILA-UMX 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.

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

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