



Ship type: Container Ships Trade Area: USA

## **Bulletin 105 - 8/99 - Container Top Safety - New Regulations - USA**

New requirements for complying with the US Occupational Safety and Health Administration's standards for longshoring and marine terminals are in force since July 26th, 1999.

The new rules effecting container top safety deal with containerized cargo operations, where a container gantry crane is being used to handle containers and will prohibit employers of longshoremen (ie. terminal operators or stevedoring companies) from placing longshoreman on top of containers, with certain narrow exceptions.

**Exception:** An employee may be on top of a container only to perform a necessary function that cannot be eliminated by the use of positive securing devices (semi-automatic twist locks).

Employers shall ensure that positive container securing devices are used wherever container gantry cranes are used to hoist containers.

Examples of work that may not be eliminated by positive securing devices and that may require employees to work on top of containers include, but are not limited to; installing or removing bridge clamps; hooking up or detaching over-height containers; or freeing a jammed semi-automatic twist lock. In these situations a comprehensive fall protection program must be implemented.

OSHA recognizes that, in this industry, there may be particular instances when fall protection may not be feasible. An example of such a circumstance is the placement of an overheight container on a chimney stow using gear that requires the manual release of hooks. In these types of situations, the standard requires the employer to:

- Make a determination that an employee will be exposed to a fall hazard but that the use of fall protection is not feasible or would create a greater hazard;
- Alert the exposed employee about the hazards involved; and
- Instruct the exposed employee how to best minimize the hazard.

Violators of OSHA regulations are subject to OSHA's Civil Penalties Policy which carries a minimum penalty of \$5,000 for a willful violation of the OSH Act. The maximum allowable penalty is \$70,000 for each willful or repeated violation. For further details of OSHA Civil Penalty Policy please refer to the following web address:

[http://www.osha-slc.gov/OshDoc/Fact\\_data/FSN092-36.html](http://www.osha-slc.gov/OshDoc/Fact_data/FSN092-36.html).

The above regulations apply whether the containers are handled above deck or below deck.

**Whilst it is unclear at this stage how the above will affect Members, delays may be experienced in cargo operations if positive securing devices are not in use.**

The full text of the OSHA regulations can be viewed on the at <http://www.osha.gov/> [see 1918.85 (j)(1)(i) and (ii)]

Source of information : Leo. Kirchner (New Jersey Office)