



Safety Bulletin

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April 2021

Industry Update

PMA Training & Accident Prevention Department

- **72nd Annual Coast Accident Prevention Awards**

2020 was certainly a mixed year for the PMA Accident Prevention department. COVID-19 introduced extraordinary challenges to the marine cargo handling industry. PMA member companies and longshore workers quickly adapted to COVID-19 safety protocols while still focusing on occupational safety and health.

First and foremost, PMA honors the memory of all West Coast maritime workers who lost their lives to COVID-19. In addition, we all mourn the loss of Oakland longshore worker Jarvis Haskins who died in March 2020. Their loss is a reminder of the challenges that remain but provides an opportunity to recommit our efforts to reducing workplace injury and illness.

Since 2012, the Lost Time Injury Rate (LTIR) has fallen by nearly two-thirds even as longshore workers have increased the hours worked at marine terminals. In 2020, the Coastwide LTIR again fell to a new low, a recurring theme in recent years. On a coastwise basis, that rate fell to 3.28 in 2020.

All three categories of ILWU workers: longshore, clerks, and walking boss/foremen, reduced their injury rate in 2020. West Coast longshore workers continue to drive down the occupational injury rate despite COVID-19.

Qualifications: In order to qualify for an award, a company must be a member of the PMA, have reported all ILWU work injuries while in operation, and be a participant in the PMA Safety Award Program. Satisfactory participation in the PMA Safety Award Program is defined as employer attendance at fifty percent (50%) of all regularly scheduled AAPC meetings and seventy-five percent (75%) of regularly scheduled JAPC's.

For a complete list of the 2020 award winners, please review page 37 in the [Annual Report](#).

Congratulations to the 2020 award winners.

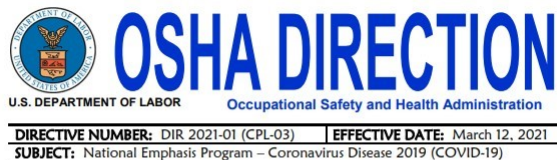


Regulatory Update

FedOSHA

- OSHA National Emphasis Program—Coronavirus Disease 2019

On March 12, 2021, OSHA published a [National Emphasis Program](#) for the inspections of companies that put the largest number of workers at serious risk of contracting COVID-19. OSHA will use the list of industries in the NEP to target COVID-19 inspections. While maritime is not specifically listed as a High Hazard COVID industry under the NEP, regional OSHA offices can target maritime employers, and other industries, based upon additional information for a targeted inspected focusing on COVID hazards.



ABSTRACT

Purpose: This Direction describes policies and procedures for implementing a National Emphasis Program (NEP) to ensure that employees in high-hazard industries or work tasks are protected from the hazard of contracting SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of Coronavirus Disease 2019 (COVID-19). The NEP augments OSHA's efforts addressing unprogrammed COVID-19-related activities, e.g., complaints, referrals, and severe incident reports, by adding a component to target specific high-hazard industries or activities where this hazard is prevalent. The NEP targets establishments that have workers with increased potential exposure to this hazard, and that puts the largest number of workers at serious risk. In addition, this NEP includes an added focus to ensure that workers are protected from retaliation, and are accomplishing this by preventing retaliation where possible, distributing anti-retaliation information during inspections, and outreach opportunities, as well as promptly referring allegations of retaliation to the Whistleblower Protection Program.

Scope: This Direction applies OSHA-wide.

References: [Presidential Executive Order on Protecting Worker Health and Safety](#), January 21, 2021.
Section 5(a)(1) of the Occupational Safety and Health Act (OSH Act), [29 U.S.C. § 654](#).
OSHA Instruction, [CPL 02-00-164](#), *Field Operations Manual (FOM)*, April 14, 2020.
OSHA Instruction, [CPL 02-03-007](#), *Whistleblower Investigations Manual*, January 28, 2016.
OSHA Guidance, [Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#), January 29, 2021.
(See [Section III](#) for additional references.)

Cancellations: None.

In addition to the NEP, OSHA also published their [Interim Enforcement Response Plan](#), which details how OSHA's field staff should conduct COVID-related inspections. While the COVID enforcement plan is designed for OSHA compliance officer's it is helpful for Employers to be familiar with the inspection scope, procedures, and requirements that OSHA will be reviewing.

The current CDC guidance should be consulted in assessing potential workplace hazards and to evaluate the adequacy of an employer's protective measures for workers. Where the protective measures implemented by an employer are not as protective as those recommended by the CDC, the CSHO should consider whether employees are exposed to a recognized hazard and whether there are feasible means to abate that hazard.

OSHA: [Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#)

CDC: [About COVID-19](#)

CDC: [Guidance for COVID-19](#)

- OSHA Letters of Interpretation

OSHA recently published a new Letter of Interpretation under 29 CFR 1904.39 (*Recording and Reporting Occupational Injuries and Illnesses*) titled [Reporting Two Related Reporting Events](#) providing an explanation if a single workplace event needs to be reported to OSHA more than once.

A complete listing of all published LOI's can be referenced [here](#).

Cal/OSHA

- Cal/OSHA Advisory Committee on the COVID-19 Emergency Temporary Standard

In February 2021, Cal/OSHA hosted an Informal Advisory Committee to discuss the proposed changes to a revised version of the COVID-19 ETS. PMA participated on the committee and has submitted comments on suggested changes to the current ETS that are of concern to the maritime industry. The discussion draft from Cal/OSHA and committee video can be reviewed on the [ETS website](#).

Cal/OSHA proposed several regulatory clarity and cleanup changes across all sections of the ETS — from outbreaks to a revised definition for “Exposed Worksite.”

Version 2 of the COVID-19 ETS is expected to be released for public comments in April-May 2021.

PMA member companies are reminded the current ETS remains fully in effect. Updated CDC or CA Dept of Public Health COVID-19 guidance does not automatically alter the current ETS.

- Cal/OSHA Training Academy

Cal/OSHA has launched a free online [Training Academy](#) hosting COVID-19 related guidance, videos, and training on various safety and health related topics.

- Cal/OSHA Regulatory Updates Expected in 2021

Indoor Heat Illness regulation. Cal/OSHA is expected to complete their proposal to the Standards Board in 2021. Supporting documentation is available [here](#).

Workplace Violence in General Industry (including marine terminals). Cal/OSHA is nearing completion of their workplace violence regulation. Supporting documentation is available [here](#).

Consolidation of all CA Crane Safety Orders (CSO & GISO). OSHSB has scheduled this rulemaking proposal for a May 2021 hearing date.

CA Adoption of the FED Walking & Working Surfaces. OSHSB is continuing review of additional regulatory action to adopt the OSHA W&WS rule. While the FedOSHA W&WS does not apply to vessels and marine terminals, Cal/OSHA has decided to include marine terminals in their adoption.

PMA is continuing to monitor new California workplace safety regulations. Questions involving regulatory activity should be directed to the Accident Prevention department.

The screenshot shows the title page and introductory sections of the Cal/OSHA COVID-19 Emergency Temporary Standards document. The header includes the Cal/OSHA logo and the California Department of Industrial Relations, Division of Occupational Safety & Health. The title is "Cal/OSHA COVID-19 Emergency Temporary Standards – What Employers Need to Know" dated December 18, 2020. The text states that California approved emergency temporary Cal/OSHA standards on COVID-19 infection prevention on November 30, 2020. It lists requirements for employers covered by the COVID-19 Prevention standard, including establishing a written prevention program, implementing policies for physical distancing and PPE, and providing training. A callout box highlights that Cal/OSHA has developed a COVID-19 Model Prevention Program to assist employers. The document also discusses testing and notification requirements for multiple infections and outbreaks, and recordkeeping obligations.

Cal/OSHA: [COVID-19 Guidance and Resource Webpage](#)

Cal/OSHA: [COVID-19 Emergency Temporary Standard FAQ](#)

Longshore and Harbor Worker's Compensation Act

The Department of Labor - OWCP recently updated their Frequently Asked Question website on LHWCA coverage, and COVID coverage.

[Claims under the Longshore and Harbor Workers' Compensation Act due to COVID-19](#)

[Longshore and Harbor Workers' Compensation Act Frequently Asked Questions](#)

In addition, a report was published by the Congressional Research Service. [Overview of Workers' Compensation for Certain Private-Sector Maritime Workers](#) includes updates to possible COVID-19 coverage under the Longshore Act.

EPA

- Clean Air Practices at Ports

The EPA has developed an [interactive map highlighting clean air practices at ports](#) and a listing of emission reduction activities.

Washington State L&I

Washington Labor & Industries recently published their [Semi-Annual Rules Development Agenda](#) detailing those regulatory actions that L&I is actively moving forward with.

Of interest to maritime employers, L&I is continuing to move forward with a [wildfire smoke regulation](#). Presentation materials can be reviewed [here](#) with a Virtual Stakeholder Meeting scheduled for April 20, 2021

U.S. Coast Guard

- Marine Safety Information Bulletin (MSIB) 02-21 Change 1

The USCG has implemented public health measures consistent with CDC guidelines at sea ports (e.g., passenger terminals, cargo handling facilities, and other shoreside facilities that provide transportation of persons or cargo). [MSIB 02-21 Change 1](#) reflects the inclusion of sea ports, provides additional information on applicability for mask wear in the marine transportation system.

[CDC Mask Order Frequently Asked Questions](#)

Employers are reminded that ILWU-PMA CLRC 43-20 has been extended and remains in effect:

individuals accessing PCL&CA covered work sites, joint dispatch halls, and/or training sites (e.g., longshore worker, marine clerk, casual worker, walking boss/foreman, superintendent, manager, outside truck driver, vendor, contractor, other employees of PMA member companies, and PMA staff) are required to wear face coverings at all times when indoors, except when working alone in an office, and at all times outdoors, including in equipment, when six feet of social distancing is not possible.

Governmental Reports

A GAO report on Workplace Safety and Health: [Actions Needed to Improve Reporting of Summary Injury and Illness Data](#) was recently published. Questions concerning the OSHA recordkeeping standard should be directed to the PMA Accident Prevention department.

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**2020 ILWU Lost Time
Injury Rate Statistics**

Coast	3.28
Southern California	2.33
Northern California	6.53
Oregon Area	6.49
Washington Area	4.79

**2020 Coast ILWU Lost Time
Injury Rate Statistics**

All Longshore OCC	3.64
All Clerk OCC	1.57
All Foremen/WB OCC	3.83

PMA TAPD Continued:

• Hazardous Materials Function Specific & Security Training Reminder

Member companies should be aware of their on-going requirement to train [Haz-Mat employees](#) under the DOT 49 CFR 172.704 hazardous materials regulation.

Many longshore workers are HazMat employees as they either directly affect hazardous materials transportation safety or the operate a vehicle used to transport HazMat.

While PMA General Safety Training (GST) covers 49 CFR § 172.704 (1) it is the responsibility of the direct Employer to provide both function-specific and security awareness training to their employees, including longshore workers. Please contact the PMA Accident Prevention department for training materials that can be used by Employers to meet their regulatory requirement.

• ILWU-PMA Safety Tip Flyers


Employers are reminded that several jointly developed ILWU-PMA safety tip flyers on COVID-19 have been distributed to ILWU longshore workers. All flyers can be found on the [PMA website](#).

Longshore Safety Tip


December - 2020

Evaluation of COVID-19 Symptoms


Longshore workers are required to evaluate their own symptoms before reporting to work. If you develop any of the symptoms below, contact your doctor to discuss your condition, you may need to isolate yourself or get a COVID test. Do not report to work if you develop COVID symptoms. Contact your Employer or Union representative.



Fever



Cough



Shortness of breath or difficulty breathing


COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales. COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common. Many infectious persons have no symptoms, and you should treat all persons, regardless of symptoms or negative COVID test results, as potentially infectious.

Infectious COVID particles can travel more than 6 feet, especially indoors. It is important to follow all required social distancing controls (always maintain at least 6 ft distance between others unless 6 ft of separation is not possible), to wear a facial covering, and to frequently wash your hands for 20 seconds with soap & water.

If you become Sick While on the Job
If while on the job you start to develop COVID-19 symptoms, or are not feeling well, notify your supervisor immediately. Keep your facial covering on at all times, and remain at least 6 feet away from others.

If you have been Around Others with COVID Symptoms
Longshore workers should report all possible COVID-19 exposures to their local JIAC as soon as possible. A COVID exposure means being within 6 feet of a COVID positive individual for a cumulative total of 15 minutes or greater in any 24 hour period, even if you were wearing a face covering.

The COVID benefits Leave Request Option // Guidance for Reporting COVID Cases // and additional information may be reviewed on the PMA website at [www.PMANET.org](#)



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PACIFIC COAST MARINE SAFETY COMMITTEE
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