



Safety Bulletin

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Cal/OSHA Appeals Board Decision involving the Discharge of Cargo Containers

The Cal/OSHA Appeals Board (the Board) has issued a decision upholding alleged violations of 8 CCR 3203 and 8 CCR 5002 concerning container discharge operations. The decision provides a new interpretation of the standards from the Board that may impact operations for California employers involved in container discharge operations.

[*\(Inspection #314758756 \(Decision after Reconsideration\) \(2018\)\)*](#)

Background

Following a fatal accident investigation, Cal/OSHA issued two citations to the employer in the Port of Long Beach. The incident involved a Foreman supervising container cargo discharge operations aboard a vessel while a shore-based container gantry crane transported containers to the apron.

The two citations alleged a violation of 8 CCR §3203(a) Injury & Illness Prevention Program (IIPP), and 8 CCR §5002 Overhead Loads.

The Alleged IIPP Violation

8 CCR 3203(a)(4) and (6) requires that an IIPP include procedures for identifying and evaluating workplace hazards including scheduled periodic inspections, as well as methods and procedures for correcting unsafe or unhealthy unsafe conditions or practices in a timely manner. And 8 CCR 3203(a)(7) goes on to require employee training with regard to such hazards and corrective measures.

In this new case, the Board upheld the Administrative Law Judge's Decision that the employer failed to implement its inspection plan by failing to identify and evaluate hazards associated with the movement of overhead loads, including the potential hazard of a load bumping into other cargo and causing a fall on to a worker (Decision p. 4). We believe that this is factually inaccurate given that that overhead hazards, no matter the cause, are well known by PMA members and among other things, such hazards are addressed by the PCMSC. However, to minimize exposure to such citations in the future, members should consider including this subject in their periodic inspection checklists if they are not already doing so.

PMA members are reminded of PCMSC Section 10 and 15, *shipboard & container ship safety rules*, with special attention to Rules 1048 & 1049 involving standing clear of overhead loads when cargo is moved out of vessel holds, and maintaining safe distance during loading and unloading operations.

The Board specifically found that during discharge operations, there was a failure to identify the hazards of crane cables snagging on other containers or the load bumping into another container on deck. Since this specific hazard was allegedly not identified, the employer did not provide specific instruction to employees requiring them to return to the catwalk after assisting the crane operator and before the crane operator begins to trolley and discharge the container load to the dock (Decision p. 4).

During the 2014 PCMSC Coast Negotiation's, PCMSC Rule 1525 was adopted to more specifically address such hazards. Employers are reminded that PCMSC Rule 1525 (Saggiani Rule) is required to be posted in its entirety in container crane cabs to alert operators of the potential hazard created by that situation. An [ILWU-PMA Safety Tip Flyer](#) detailing the rule can be found on the PMA website, along with a [poster](#).

The Alleged Overhead Load Violation

8 CCR 5002 requires the following:

Operations shall be conducted and the job controlled in a manner that will avoid exposure of employees to the hazard of overhead loads. Whenever loads must be passed directly over workers, occupied work spaces or occupied passage ways, safety type hooks or equivalent means of preventing the loads from becoming disengaged shall be used. NOTE: employees shall not work in the area directly beneath a suspended load.

It has long been understood that 8 CCR 5002 prohibits employees from working under overhead loads unless absolutely necessary and only when safety type hooks or equivalent means of preventing the loads from becoming disengaged are used. Further, the language in 5002 requiring operations to be conducted to “*avoid exposure of employees to the hazard of overhead loads*” has long been understood to not completely prohibit such exposure but to require that operations minimize such exposure to the extent reasonable. The note at the end of section 5002 also distinguishes between working under loads that are being passed overhead as opposed to work directly beneath a suspended load.

In this new case, the Board continues to acknowledge that section 5002 “allows loads to be passed over the heads of employees when required by the work” (Decision p. 7). Nevertheless, the Board went further and determined that an employee who was assisting in disengaging a twist lock could have returned to the catwalk while the crane operator suspended the load and waited for the employee to retreat to the catwalk after the twist lock problem had been fixed and before the crane operator trolleyed the load to the dock after the container was freed and cleared (Decision p. 7).

In order to comply with this new decision, such a procedure or a procedure providing equivalent safety would have to be followed whenever the work does not require the employee to stay in the area. PMA notes that PCMSC Rule 1525 does not address this situation. That rule involves container crane hoist wires being caught-up, and does not address the physical location of vessel employees. To best comply with this new decision, PMA members should incorporate a procedure to require vessel employees to leave the Zone of Danger area by retreating to the catwalk after the load becomes free and before moving the load to the dock (or incorporate a procedure providing equivalent safety). The Board noted *that the Zone of Danger is the area where an employee is working due to the unpredictable nature of where a load may land, and cannot be defined as only the area directly beneath the load*. In this case, the Board concluded that the entire 40-foot bay was the “Zone of Danger” even though the crane operator was discharging a 20-foot container at the time of the accident (Decision p.6).

Summary Review

PMA advises that Employers document and incorporate overhead load safety into their gangway safety talks, vessel inspection checklists, and during periodic inspections of the worksite. Without documentation, it is difficult for the Employer to identify what safety topics were passed to employees, and what conditions were observed during inspections.

Zone of Danger. Cal/OSHA will now consider “overhead” to be expanded out to the employee work space where the employee had the ability to move and enter (not where the employee was standing and not just directly overhead of the employee). The Board has noted that section 5002 is violated “if the load is suspended over an employee’s work space, an area where, more likely than not, and employee could be injured if the load fell.

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Cal/OSHA Regulatory References

California Code of Regulations,
title 8

[§3203. Injury and Illness Prevention Program](#)

California Code of Regulations,
title 8

[§5002. Overhead Loads](#)

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NOTE: Employees should not work in the area directly beneath a suspended load.

PCMSC Rule 1525

When on-deck 20' containers are stowed offset of an abreast 40' container stack, the hoist ropes can align with corner castings. The slack hoist ropes can snag on the corner castings, causing containers to be pulled down. This can also damage the integrity of the hoist ropes. Therefore, the following protocol shall be used:

- Bay plans shall identify and note whenever on deck 20' containers are abreast of 40' containers.
- Supercargo and Foremen shall be notified of such bays prior to the start of the shift.
- Foremen shall notify all longshore personnel working such bays prior to turning to.
- Offset 20' containers abreast of 40' containers that cannot be twinned shall never have more than a two (2) tier height differential when being discharged or loaded (see U-1 and U-2).
- All hoist ropes that have been snagged on a corner casting of the abreast 40' container shall have an inspection of the affected area on the hoist ropes performed prior to the crane being put back into service.

Exception: The two tier height differential requirement as outlined in item D does not apply when the abreast 40' container stack is not to be discharged (i.e. ride through cargo). The abreast 40' container stack shall be verified to be locked and lashed by the Foreman prior to the discharge or loading of any on deck offset 20' container. When containers utilize fully automatic twistlocks there shall be no exception for ride through cargo.

