

§ 1918.96

29 CFR Ch. XVII (7–1–10 Edition)

(3) Common drinking cups are prohibited.

(c) *Prohibited eating areas.* Consumption of food or beverages in areas where hazardous materials are stowed or being handled is prohibited.

(d) *Garbage and overboard discharges.* Work shall not be conducted close to uncovered garbage or in the way of overboard discharges from the vessel's sanitary lines unless employees are protected from the garbage or discharge by a baffle or splash boards.

§ 1918.96 Maintenance and repair work in the vicinity of longshoring operations.

(a) *Noise interference.* (See also § 1918.1(b)(6).) Longshoring operations shall not be carried on when noise interferes with communications of warnings or instructions.

(b) *Falling objects.* Longshoring operations shall not be carried on in the hold or on deck beneath work being conducted overhead whenever such work exposes the employee to a hazard of falling objects.

(c) *Hot work.* Longshoring operations shall not be carried on where the employee is exposed to damaging light rays, hot metal, or sparks from welding or cutting.

(d) *Abrasive blasting and spray painting.* Longshoring operations shall not be carried on in the immediate vicinity of abrasive blasting or spray painting operations.

(e) *Machine guarding.* (See also § 1918.2, definition of "Danger zone".)

(1) Danger zones on machines and equipment used by employees shall be guarded.

(2) The power supply to machines shall be turned off, locked out, and tagged out during repair, adjustment, or servicing.

§ 1918.97 First aid and lifesaving facilities. (See appendix V of this part).

(a) *Injury reporting.* The employer shall require each employee to report every work-related injury, regardless of severity, to the employer.

(b) *First aid.* A first aid kit shall be available at or near each vessel being worked. At least one person holding a valid first aid certificate, such as is issued by the Red Cross or other equiv-

alent organization, shall be available to render first aid when work is in progress.

(c) *First aid kits.* First aid kits shall be weatherproof and shall contain individual sealed packages for each item that must be kept sterile. The contents of each kit shall be determined by a person certified in first aid and cognizant of the hazards found in marine cargo handling operations. The contents shall be checked at intervals that allow prompt replacement of expended items.

(d) *Stretchers.* (1) For each vessel being worked, at least one Stokes basket stretcher, or its equivalent, shall be available to be permanently equipped with bridles for attachment to the hoisting gear.

(2) Stretchers shall be kept close to vessels and shall be positioned to avoid damage to the stretcher.

(3) A blanket or other suitable covering shall be available.

(4) Stretchers shall have at least four sets of effective patient restraints in operable condition.

(5) Lifting bridles shall be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five (lifting capability of 5,000 pounds), and shall be maintained in operable condition. Lifting bridles shall be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts shall have foot plates.

(6) Stretchers shall be maintained in operable condition. Struts and braces shall be inspected for damage. Wire mesh shall be secured and have no burrs. Damaged stretchers shall not be used until repaired.

(7) Stretchers in permanent locations shall be mounted to prevent damage and be protected from the elements if located out-of-doors. If concealed from view, enclosures shall be marked to indicate the location of the lifesaving equipment.

(e) *Life-rings.* (1) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch (76.2 cm) life-ring with no less than 90 feet (27.43 m) of line attached, and at least one portable or permanent ladder that will reach from the top of the apron to the surface of the water.

(2) In addition, when working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch (76.2 cm) life-ring, with no less than 90 feet (27.43 m) of line shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

(f) *Communication.* Telephone or equivalent means of communication shall be readily available at the work-site.

[62 FR 40202, July 25, 1997, as amended at 65 FR 40946, June 30, 2000]

§ 1918.98 Qualifications of machinery operators and supervisory training.

(a) *Qualification of machinery operators.* (1) Only an employee determined by the employer to be competent by reason of training or experience, and who understands the signs, notices and operating instructions and is familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. However, an employee being trained and supervised by a designated person may operate such machinery and give signals to operators during training.

(2) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments that may suddenly incapacitate the employee, shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus or a power-operated vehicle.

NOTE TO PARAGRAPH (a)(2): OSHA is defining suddenly incapacitating medical ailments consistent with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 (1990). Therefore, employers who act in accordance with the employment provisions (Title I) of the ADA (42 U.S.C. 12111-12117), the regulations implementing Title I (29 CFR Part 1630), and the Technical Assistance Manual for Title I issued by the Equal Employment Opportunity Commission (Publication number: EEOC-M1A), will be considered as being in compliance with this paragraph.

(b) *Supervisory accident prevention proficiency.* (1) By July 16, 1999, each immediate supervisor of a cargo handling

operation of more than five persons shall satisfactorily complete a course in accident prevention.

(2) Each employee newly assigned to supervisory duties after that date shall be required to meet the provisions of this paragraph within 90 days of such assignment.

(3) The accident prevention course shall consist of instruction suited to the particular operations involved.¹³

[62 FR 40202, July 25, 1997, as amended at 65 FR 40946, June 30, 2000]

§ 1918.99 Retention of DOT markings, placards and labels.

(a) Any employer who receives a package of hazardous material that is required to be marked, labeled or placarded in accordance with the U.S. Department of Transportation's Hazardous Materials Regulations (49 CFR parts 171 through 180) shall retain those markings, labels and placards on the package until the packaging is sufficiently cleaned of residues and purged of vapors to remove any potential hazards.

(b) Any employer who receives a freight container, rail freight car, motor vehicle, or transport vehicle that is required to be marked or placarded in accordance with the Hazardous Materials Regulations shall retain those markings and placards on the freight container, rail freight car, motor vehicle or transport vehicle until the hazardous materials that require the marking or placarding are sufficiently removed to prevent any potential hazards.

(c) Markings, placards and labels shall be maintained in a manner that ensures that they are readily visible.

(d) For non-bulk packages that will not be reshipped, the provisions of the section are met if a label or other acceptable marking is affixed in accordance with OSHA's Hazard Communication Standard (29 CFR 1910.1200).

¹³The following are recommended topics: Safety responsibility and authority; elements of accidents prevention; attitudes, leadership and motivation; hazards of longshoring, including peculiar local circumstances; hazard identification and elimination; applicable regulations; and accident investigations.