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Title 29: Labor

PART 1917—MARINE TERMINALS

Subpart B—Marine Terminal Operations

Contents

- §1917.11 Housekeeping.
- §1917.12 Slippery conditions.
- §1917.13 Slinging.
- §1917.14 Stacking of cargo and pallets.
- §1917.15 Coopering.
- §1917.16 Line handling. (See also §1917.95(b)).
- §1917.17 Railroad facilities.
- §1917.18 Log handling.
- §1917.19 Movement of barges and railcars.
- §1917.20 Interference with communications.
- §1917.21 Open fires.
- §1917.22 Hazardous cargo (See §1917.2(p)).
- §1917.23 Hazardous atmospheres and substances (see also §1917.2 Hazardous cargo, material, substance or atmosphere).
- §1917.24 Carbon monoxide.
- §1917.25 Fumigants, pesticides, insecticides and hazardous preservatives (see also §1917.2 Hazardous cargo, material, substance or atmosphere).
- §1917.26 First aid and lifesaving facilities.
- §1917.27 Personnel.
- §1917.28 Hazard communication (See also §1917.1(a)(2)(vi)).
- §1917.29 Retention of DOT markings, placards and labels.
- §1917.30 Emergency action plans.

§1917.11 Housekeeping.

(a) Active work areas shall be kept free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the

work in progress.

(b) Hatch beams, covers and pontoons placed in terminal working areas shall be stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material shall be used under and between tiers.

(c) Cargo and material shall not obstruct access to vessels, cranes, vehicles or buildings. Means of access and egress within buildings shall be similarly unobstructed.

(d) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area or if left in the area, the nails shall be rendered harmless.

[48 FR 30909, July 5, 1983, as amended at 62 FR 40196, July 25, 1997]

§1917.12 Slippery conditions.

The employer shall eliminate, to the extent possible, conditions causing slippery working and walking surfaces in immediate work areas used by employees.

§1917.13 Slinging.

(a) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(b) Bales of cotton, wool, cork, wood pulp, gunny bags or similar articles shall be hoisted only by straps strong enough to support the weight of the bale. At least two hooks, each in a separate strap, shall be used.

(c) Unitized loads bound by bands or straps may be hoisted by the banding or strapping only if the banding or strapping is suitable for hoisting and is strong enough to support the weight of the load.

(d) Additional means of hoisting shall be employed to ensure safe lifting of unitized loads having damaged banding or strapping.

(e) Case hooks shall be used only with cases designed to be hoisted by these hooks.

(f) Loads requiring continuous manual guidance during handling shall be guided by

guide ropes (tag lines) that are long enough to control the load.

(g) Intermodal containers shall be handled in accordance with §1917.71(f).

(h) The employer shall require employees to stay clear of the area beneath overhead drafts or descending lifting gear.

(i) Employees shall not be permitted to ride the hook or the load.

[48 FR 30909, July 5, 1983, as amended at 62 FR 40197, July 25, 1997]

§1917.14 Stacking of cargo and pallets.

Cargo, pallets and other material stored in tiers shall be stacked in such a manner as to provide stability against sliding and collapse.

§1917.15 Coopering.

Repair and reconditioning of damaged or leaking cargo packaging (coopering) shall be performed so as not to endanger employees.

§1917.16 Line handling. (See also §1917.95(b)).

(a) In order to provide safe access for handling lines while mooring and unmooring vessels, cargo or material shall not be stowed or vehicles placed where they obstruct the work surface to be used.

(b) When stringpiece or apron width is insufficient for safe footing, grab lines or rails shall be installed on the sides of permanent structures. (“Stringpiece” means a narrow walkway between the water edge of a berth and a shed or other structure.)

§1917.17 Railroad facilities.

(a) Work shall be performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and equipment being used.

(b) A route shall be established to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than 10 feet (3 m) apart on the same track.

(c) The employer shall direct that no employees remain in railcars after work is concluded.

(d) Railcars shall be chocked or otherwise prevented from moving:

(1) While dockboards or carplates are in position; or

(2) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(e) When employees are working in, on, or under a railcar, positive means shall be taken to protect them from exposure to impact from moving railcars.

(f) Before cars are moved, unsecured and overhanging stakes, wire straps, banding and similar objects shall be removed or placed so as not to create hazards.

(g) The employer shall institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees shall stand clear of the hauling rope and shall not stand between the rope and the cars.

(h) Before being opened fully, doors shall be opened slightly to ensure that the load has not shifted during transit. Special precautions shall be taken if the doors being opened are visibly damaged.

(i) If powered industrial trucks are used to open railcar doors, the trucks or the railcar doors shall be equipped with door opening attachments. Employees shall stand clear of the railcar doors while they are being opened and closed.

(j) Only railcar door openers or powered industrial trucks equipped with door opening attachments shall be used to open jammed doors.

(k) Employees shall not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or struck-by hazards are being landed in or on the railcar; end gates, if raised, shall be secured.

(l) Operators of railcar dumps shall have an unrestricted view of dumping operations and shall have emergency means of stopping movement.

(m) Recessed railroad switches shall be enclosed to provide a level surface.

(n) Warning signs shall be posted where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(o) Warning signs shall be posted if insufficient clearance for personnel exists between railcars and structures.

[48 FR 30909, July 5, 1983, as amended at 62 FR 40197, July 25, 1997]

§1917.18 Log handling.

(a) The employer shall ensure that structures (bunks) used to contain logs have rounded corners and rounded structural parts to avoid sling damage.

(b) Two or more binders or equivalently safe means of containment shall remain on logging trucks and railcars to secure logs during movement of the truck or car within the terminal. During unloading, logs shall be prevented from moving while binders are being removed.

(c) Logs shall be hoisted by two slings or by other gear designed for safe hoisting.

(d) Logs placed adjacent to vehicle curbs on the dock shall not be over one tier high unless placed in bunks or so stacked as not to roll or otherwise create a hazard to employees.

(e) Before logs are slung up from the dock, they shall be stably supported to prevent spreading and to allow passage of slings beneath the load. When bunks or similar retaining devices are used, no log shall be higher than the stanchions or retaining members of the device.

§1917.19 Movement of barges and railcars.

Barges and railcars shall not be moved by cargo runners (running rigging) from vessel cargo booms, cranes or other equipment not suitable for the purpose.

§1917.20 Interference with communications.

Cargo handling operations shall not be carried on when noise-producing, maintenance, construction or repair work interferes with the communication of warnings or

instructions.

[62 FR 40197, July 25, 1997]

§1917.21 Open fires.

Open fires and fires in drums or similar containers are prohibited.

§1917.22 Hazardous cargo² (See §1917.2(p)).

²The Department of Transportation and the United States Coast Guard apply requirements related to handling, storing and transportation of hazardous cargo (see 33 CFR part 126, 46 CFR, 49 CFR).

(a) Before cargo handling operations begin, the employer shall ascertain whether any hazardous cargo is to be handled and shall determine the nature of the hazard. The employer shall inform employees of the nature of any hazard and any special precautions to be taken to prevent employee exposure, and shall instruct employees to notify him of any leaks or spills.

(b) All hazardous cargo shall be slung and secured so that neither the draft nor individual packages can fall as a result of tipping the draft or slacking of the supporting gear.

(c) If hazardous cargo is spilled or if its packaging leaks, employees shall be removed from the affected area until the employer has ascertained the specific hazards, provided any equipment, clothing and ventilation and fire protection equipment necessary to eliminate or protect against the hazard, and has instructed cleanup employees in a safe method of cleaning up and disposing of a spill and handling and disposing of leaking containers. Actual cleanup or disposal work shall be conducted under the supervision of a designated person.

§1917.23 Hazardous atmospheres and substances (see also §1917.2 Hazardous cargo, material, substance or atmosphere).

(a) *Purpose and scope.* This section covers areas in which the employer is aware that a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: §1917.22 Hazardous cargo; §1917.24 Carbon monoxide; §1917.25

Fumigants, pesticides, insecticides and hazardous preservatives; §1917.73 Terminal facilities handling menhaden and similar species of fish; §1917.152 Welding, cutting, and heating (hot work); and §1917.153 Spray painting.

(b) *Determination of hazard.* (1) When the employer is aware that a room, building, vehicle, railcar, or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person shall test the atmosphere before employee entry to determine whether a hazardous atmosphere exists.

(2) Records of results of any tests required by this section shall be maintained for at least thirty (30) days.

(c) *Testing during ventilation.* When mechanical ventilation is used to maintain a safe atmosphere, tests shall be made by a designated person to ensure that the atmosphere is not hazardous.

(d) *Entry into hazardous atmospheres.* Only designated persons shall enter hazardous atmospheres, in which case the following shall apply:

(1) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory and emergency protective equipment meeting the requirements of subpart E of this part;

(2) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such space;

(3) Except for emergency or rescue operations, employees shall not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than 19.5% oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations shall be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which shall be utilized.

(4) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means shall be posted at all means of access to those spaces.

(e) When the packaging of asbestos cargo leaks, spillage shall be cleaned up by designated employees protected from the harmful effects of asbestos as required by §1910.1001 of this chapter.

[48 FR 30909, July 5, 1983, as amended at 49 FR 28551, July 13, 1984; 61 FR 5509, Feb.

13, 1996; 62 FR 40197, July 25, 1997; 65 FR 40938, June 30, 2000]

§1917.24 Carbon monoxide.

(a) *Exposure limits.* The carbon monoxide content of the atmosphere in a room, building, vehicle, railcar, or any enclosed space shall be maintained at not more than 50 parts per million (ppm) (0.005%) as an eight hour average area level and employees shall be removed from the enclosed space if the carbon monoxide concentration exceeds a ceiling of 100 ppm (0.01%).

(b) *Testing.* Tests to determine carbon monoxide concentration shall be made when necessary to ensure that employee exposure does not exceed the limits specified in paragraph (a) of this section.

(c) *Instrumentation.* Tests for carbon monoxide concentration shall be made by designated persons using gas detector tube units certified by NIOSH under 30 CFR part 11 or other measuring instruments whose accuracy is as great or greater.

(d) *Records.* A record of the date, time, location and results of carbon monoxide tests shall be available for at least thirty (30) days.

[48 FR 30909, July 5, 1983, as amended at 49 FR 28551, July 13, 1984; 61 FR 5509, Feb. 13, 1996; 62 FR 40197, July 25, 1997]

§1917.25 Fumigants, pesticides, insecticides and hazardous preservatives (see also §1917.2 Hazardous cargo, material, substance or atmosphere).

(a) At any time that the concentration in any space reaches the level specified as hazardous by the fumigant manufacturer or by Table Z-1 of 29 CFR 1910.1000, whichever is lower, all employees shall be removed from the space and shall not be permitted to re-enter until such time as tests demonstrate that the atmosphere is safe.

(b) Tests to determine the atmospheric concentration of chemicals used to treat cargo shall be:

(1) Appropriate for the hazard involved;

(2) Conducted by designated persons; and

(3) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved.

(c) Results of any tests shall be available for at least 30 days. Such records may be entered on any retrievable medium, and shall be available for inspection.

(d) Chemicals shall only be applied to cargoes by designated persons.

(e) Only designated persons shall enter hazardous atmospheres, in which case the following provisions apply.

(1) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory and emergency protective equipment meeting the requirements of subpart E of this part; and

(2) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such a space.

(f) Signs shall be clearly posted where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs shall note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical in use.

(g) In the case of containerized shipments of fumigated tobacco, the contents of the container shall be aerated by opening the container doors for a period of 48 hours after the completion of fumigation and prior to loading. When tobacco is within shipping cases having polyethylene or similar bag liners, the aeration period shall be 72 hours. The employer shall obtain a written warranty from the fumigation facility stating that the appropriate aeration period has been met.

[48 FR 30909, July 5, 1983, as amended at 49 FR 28551, July 13, 1984; 61 FR 5509, Feb. 13, 1996; 62 FR 40197, July 25, 1997]

§1917.26 First aid and lifesaving facilities.

(a) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(b) A first aid kit shall be available at the terminal, and at least one person holding a valid first aid certificate shall be at the terminal when work is in progress.

(c) *First aid kit.* 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) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching 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, 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 shall be protected from the elements if located out-of-doors. If concealed from view, closures shall be marked to indicate the location of the life saving equipment.

(e) Telephone or equivalent means of communication shall be readily available.

(f) A U.S. Coast Guard approved 30-inch (76.2 cm) life ring, with at least 90 feet (27.43m) of line attached, shall be available at readily accessible points at each waterside work area where the employees' work exposes them to the hazard of drowning. Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear U.S. Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines. A readily available portable or permanent ladder giving access to the water shall also be provided within 200 feet (61 m) of such work areas.

[48 FR 30909, July 5, 1983, as amended at 62 FR 40197, July 25, 1997; 65 FR 40938, June 30, 2000]

§1917.27 Personnel.

(a) *Qualifications of machinery operators.* (1) Only those employees determined by the employer to be competent by reason of training or experience, and who understand the signs, notices and operating instructions and are 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. *Exception:* Employees 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) After October 3, 1985 immediate supervisors of cargo-handling operations of more than five (5) persons shall satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties after that date shall be required to meet the provisions of this paragraph within ninety (90) days of such assignment.

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

³The following are recommended topics: (i) Safety responsibility and authority; (ii) elements of accident prevention; (iii) attitudes, leadership and motivation; (iv) hazards of longshoring, including peculiar local circumstances; (v) hazard identification and elimination; (vi) applicable regulations; and (vii) accident investigations.

[48 FR 30909, July 5, 1983, as amended at 62 FR 40197, July 25, 1997; 65 FR 40938, June 30, 2000]

§1917.28 Hazard communication (See also §1917.1(a)(2)(vi)).

§1917.29 Retention of DOT markings, placards and labels.

(a) Any employer who receives a package of hazardous material which 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 residue 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 which 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 which will not be reshipped, the provisions of this section are met if a label or other acceptable marking is affixed in accordance with the Hazard Communication Standard (29 CFR 1910.1200).

(e) For the purposes of this section, the term “hazardous material” and any other terms not defined in this section have the same definition as in the Hazardous Materials Regulations (49 CFR parts 171 through 180).

[59 FR 36700, July 19, 1994]

[↑ Back to Top](#)

§1917.30 Emergency action plans.

(a) *Emergency action plans*—(1) *Scope and application*. This paragraph (a) requires all employers to develop and implement an emergency action plan.^{3a} The emergency action plan shall be in writing (except as provided in paragraph (a)(5)(iv) of this section) and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

^{3a}When an employer directs his employees to respond to an emergency that is beyond the scope of the Emergency Action Plan developed in accordance with this section, then §1910.120(q) of this chapter shall apply.

(2) *Elements*. The following elements, at a minimum, shall be included in the plan:

(i) Emergency escape procedures and emergency escape route assignments;

(ii) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

(iii) Procedures to account for all employees after emergency evacuation has been completed;

(iv) Rescue and medical duties for those employees who are to perform them;

(v) The preferred means of reporting fires and other emergencies; and

(vi) Names or regular job titles of persons or departments that can be contacted for further information or explanation of duties under the plan.

(3) *Alarm system.* The employer shall establish an employee alarm system that provides warning for necessary emergency action and for reaction time for safe escape of employees from the workplace or the immediate work area.

(4) *Evacuation.* The employer shall establish the types of evacuation to be used in emergency circumstances.

(5) *Training.* (i) Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(ii) The employer shall review the plan with each employee covered by the plan at the following times:

(A) Initially when the plan is developed;

(B) Whenever the employee's responsibilities or designated actions under the plan change; and

(C) Whenever the plan is changed.

(iii) The employer shall review with each employee upon initial assignment those parts of the plan that the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and be made available for employee review.

(iv) Employers with 10 or fewer employees may communicate the plan orally to employees and need not maintain a written plan

(b) [Reserved]

[62 FR 40198, July 25, 1997, as amended at 65 FR 40938, June 30, 2000