



# ILA-UMX JOINT SAFETY COMMITTEE

OSH Circular 2016-01 (29 February 2016)

## Close Enough? We Don't Think So.



Lately, at ports up and down the East and Gulf Coasts, we've been observing a higher than normal number of poorly stacked, upper tier containers. That's obviously not good, in that containers that are not stacked corner-fitting-to-corner-fitting have a way of causing serious, life threatening hazards to the people we care the most about: **YOU!**

It should come as no surprise to any of us, that the population of people voicing the most concern about poorly stacked containers are the workers who have to "sweep up after the elephants" and make something right out of somebody else's carelessness.

**It's really simple... Being close, only counts when you're tossing horseshoes.**

That's why the ILA~USMX Joint Safety Committee would like to earnestly ask all container handling equipment operators who stack containers, to please, please, please make certain that your stacks are uniformly built. Ensure, by checking, that each container you stack is evenly placed; corner-fitting-to-corner-fitting. It'll make life a lot easier (and safer) for you and your fellow workers.

Caring for each other is the single best way to care for ourselves. Here on the waterfront, it's all about caring for one another, pride in our industry, pride in the ILA and pride in our contribution in the furthering of U.S. ocean commerce. It's a unique and impressive position to be in, and it's what we are..... on the job. Own it!

## Working Together For The Benefit Of All

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## ILA-UMX JOINT SAFETY COMMITTEE

OSH Circular 2016-02 (21 March 2016)

### **Wearing a Respirator Voluntarily?**

### **What You Should Know First.**



The ILA~USMX Joint Safety Committee has taken notice that there are a growing number of waterfront workers who voluntarily wear a respirator to protect themselves against potential airborne contaminants in the workplace. As a policy matter, the Occupational Safety & Health Administration (OSHA) advocates for workers who wish to protect themselves in that manner, even if the levels of potential contaminants in their breathing zones aren't reaching the levels which require employers to provide mandatory respiratory protection.

When such voluntary respiratory protection is undertaken, however, an employer still has a legal obligation to make the employee aware of the content of **29 CFR 1910.134 [Appendix D]**. It says:

**Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use is encouraged, even when exposures are below the exposure limit, to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.**

**You should do the following:**

- 1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.**
- 2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.**
- 3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.**
- 4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.**

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# ILA-USMX JOINT SAFETY COMMITTEE

**OSH Circular 2016-03** (07 April 2016)

## A Little About OSHA Inspections

Examining the publicly-accessible inspection data that OSHA maintains at its website, here's an empirical snapshot of the agency's **Calendar Year 2015** performance within the U.S. marine cargo handling sector:

Total number of inspections recorded:	<b>116</b>
Total number of inspections with citations issued:	<b>67</b>
Total number of alleged violations of OSHA standards:	<b>165</b>
Total number of "Serious" alleged violations:	<b>55</b>
Total number of "Other Than Serious" alleged violations:	<b>88</b>
Total unadjusted [proposed] civil penalties:	<b>\$320,291</b>
Total adjusted [collected] civil penalties:	<b>\$224,019</b>

### Inspections By State/Territory

Alaska:	<b>13</b>	Kentucky:	<b>14</b>	Tennessee:	<b>17</b>
Arkansas:	<b>01</b>	Louisiana:	<b>01</b>	Texas:	<b>01</b>
American Samoa:	<b>02</b>	Maryland:	<b>03</b>	Virginia:	<b>05</b>
California:	<b>09</b>	Minnesota:	<b>01</b>	Washington:	<b>10</b>
Florida:	<b>10</b>	New Jersey:	<b>10</b>	West Virginia:	<b>02</b>
Georgia:	<b>01</b>	New York:	<b>02</b>		
Hawaii:	<b>05</b>	Oregon:	<b>06</b>		
Indiana:	<b>01</b>	Pennsylvania:	<b>03</b>		
Illinois:	<b>01</b>	South Carolina:	<b>03</b>		

In reviewing the data, it's fairly apparent that OSHA has, in **CY 2015**, spread itself fairly thin in relation to its waterfront presence. Furthermore, while we can (and do) rely upon OSHA regulations as a viable benchmark, we should not, as an industry, become reliant upon OSHA to serve as a principal player in our efforts to create and maintain safe workplaces. That is so, with good reason.

While the ILA~USMX Joint Safety Committee clearly understands that workers have a right to file complaints with OSHA about workplace safety and health conditions, all things considered we believe in the principle of keeping our own house in order whenever possible.

Consequently, we urge all industry participants to utilize local resources at your disposal in resolving any perceived workplace safety shortcomings. Work through your stewards and managers. *Clearly document your concerns.* If that process is disappointing, have the issue raised up to your local port's labor/management joint safety committee. Most of them meet at least quarterly. In the event that a local port joint safety committee cannot resolve the issue, the ILA~USMX Joint Safety Committee is empowered to act in a fair, equitable and responsible manner in curing any impasses.

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## ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2016-04 (15 April 2016)

### Windy Out There?



Recently, a couple of U.S. North Atlantic ports experienced some strong wind gusts and sustained high wind speeds. While no container cranes were displaced, several marine terminals experienced dozens of tiered containers blown from their stacks.

Those events prompted lots of questions in the direction of the ILA~USMX Joint Safety Committee. The answers to those questions were generally found within the applicable OSHA regulations dealing with container handling gantry cranes. **Here's a link:**

<https://www.gpo.gov/fdsys/pkg/CFR-2015-title29-vol7/pdf/CFR-2015-title29-vol7-sec1917-45.pdf>

The wind-relevant regulations are found at 1917.45 (g) (3) (4) & (5) [**See page 233**]

Perhaps the most pivotal subparagraph within that section appears here:

(iii) *Instructions.* The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

The stability of stacked containers (against windy conditions) is addressed nowhere within the OSHA regulations. Just the same, that lack of stability is fairly characterized as “**a recognized hazard**” within our industry. That being the case, OSHA is free to cite the OSH law's [General Duty Clause](#) when requiring employers to take affirmative action.

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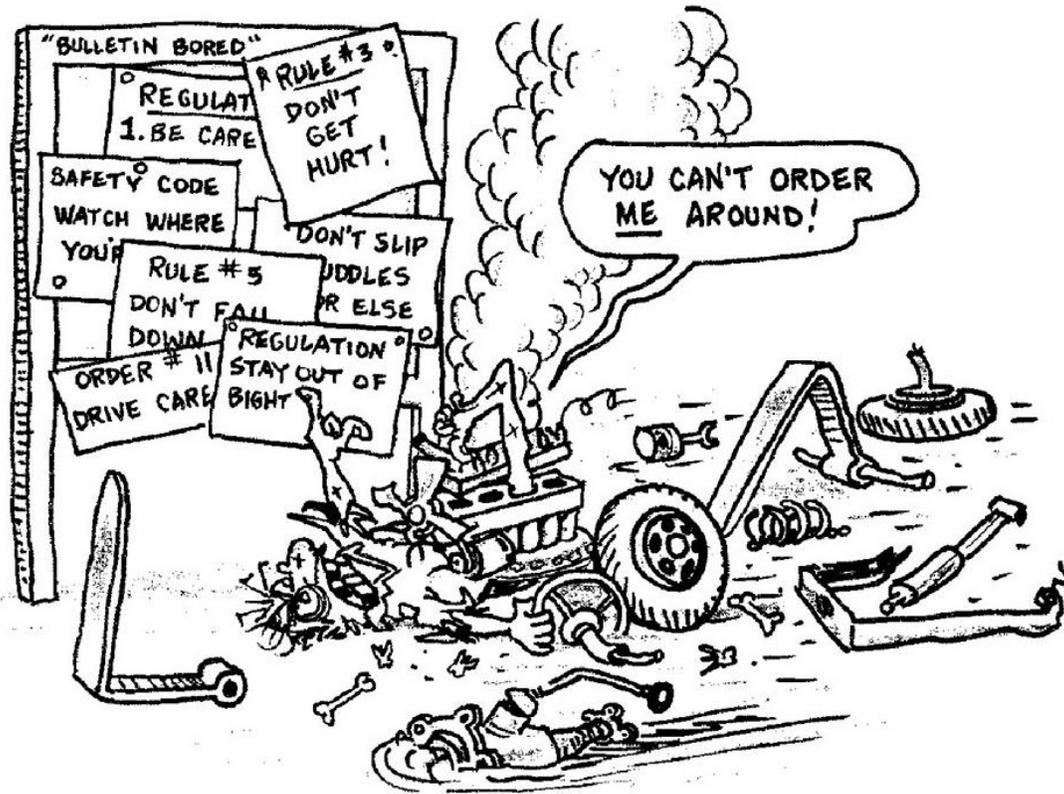
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## ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2016-05 (01 May 2016)

### Cat On A Leash Syndrome?



Back in the Early 1980's, a Portland, Oregon longshore worker (Bob Nixon) produced a series of OSH-related posters that received wide distribution at West Coast ports. The image above represents one of them.

The ILA~USMX Joint Safety Committee would be the first to admit that in today's world the poster's meaning could go in several different directions. Just the same, we invite you to interpret it any way you choose. The bottom line, however, is beyond dispute.

Here on the waterfront, being properly trained, knowing, respecting and observing OSH regulations save lives. The regulations provide us with a good foundation to do just that. All the regulations become meaningless, however, unless we all work together in creating and maintaining safe workplaces. If you're truly interested in saving some lives, take the time to ensure that labor and management are doing their part... by doing yours.

Training; Knowledge; Respect for the regulations; Respect for one another.... It works!

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## ILA-UMX JOINT SAFETY COMMITTEE

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OSH Circular 2016-06 (10 May 2016)

### Speed Kills!



The sign shown above was observed at a marine terminal in Oakland, California recently. It reflects an awareness that excessive vehicular speed is dangerous and has no place on the waterfront.

Whether it's a terminal bus transporting marine terminal workers to various locations inside the facility, an over-the-road truck driver in a hurry to get in and out of a marine terminal, or perhaps a terminal service pickup being driven down a long stretch of a crane backreach area, allowing the operators to travel at an excessive speed threatens the lives of every other nearby member of our waterfront workplace. That's unacceptable...

A worker's ability to go home, safe and sound, at the end of his/her shift should not be put in question or in jeopardy by anyone! Complying with speed limits shows you care for yourself and for your fellow workers. Don't be afraid to show you care!

Marine terminal speed limits should be established, posted ***and enforced***.

***Anyone*** observed violating the posted speed limit, should be taken to task by terminal management immediately.

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## ILA-USMX JOINT SAFETY COMMITTEE

] OSH Circular 2016-07 (13 May 2016)

# OSHA's New Rules For Injury & Illness Reporting

Yesterday, the U.S. Occupational Safety & Health Administration (OSHA) issued a Final Rule that requires most employers to electronically submit their workplace injury and illness records to the agency once each year. OSHA feels that having such information sent directly to them will allow the agency to concentrate its resources in a more efficient way. Within the FEDERAL REGISTER notice that accompanied the Final Rule, OSHA has also indicated its intention to publish the employer-specific data they receive at the agency's website.

Here's a link to yesterday's Final Rule: [Recordkeeping Final Rule \(051216\)](#)

The actual text of the regulation begins at Page 29691. The preceding pages (the regulation's preamble) serve as an explanation of the agency's rationale and intentions. Both parts of the notice are very important.

Within the regulations, employers have a responsibility to establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. OSHA notes that "*A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness.*"

The ILA~USMX Joint Safety Committee can assist employers and employees in making determinations about individual accident reporting procedures.

### **Employers also have an obligation to inform employees of the following:**

- 1). That all workplace injuries or illnesses must be reported to supervisory personnel immediately;**
- 2). That, under the Occupational Safety & Health Act, employees have the right to make such reports; and**
- 3). That employers are prohibited from discharging or discriminating against employees for reporting workplace injuries or illnesses.**

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## ILA-UMX JOINT SAFETY COMMITTEE

] **OSH Circular 2016-08** (04 August 2016)

### **How Not To Get Hit By One Of These!**



We have all heard the phrase “Statistics don’t Lie.” When it comes to lost time accidents, deck crafts like lashers, deckman and even some mechanics are at or near the top of the most often injured waterfront workers. In fact, recent data compiled by USMX shows that 20% of all injuries on the waterfront were to lashers working on deck and one of the biggest hazards they face is that of dislodged, falling twistlocks. Some of these injuries can be severe, leading to long term disabilities and, as happens from time to time, some end up in court as the subject of third party litigation.

The ILA~USMX Joint Safety Committee, as a matter of policy, takes no sides in such legal matters. We are an unbiased, non-political group, and we focus only on furthering the occupational safety & health of people (both labor and management people) who work within the marine cargo handling industry.

We do recognize, however, that there have been several incidents over the years wherein longshore workers have been struck (or nearly struck) by twistlocks that have been knocked out or have fallen out of lower corner fittings. There’s no perfect twistlock we know of that is failsafe, in terms of its ability to “stay put.” Some are merely better than others.

As exponents of marine cargo handing safety, we have the unique ability to widely disseminate and advocate for meaningful safe practices in our industry. Thus, we believe it’s important for us to prevail again upon those who we advise and represent, that lashers, reefer mechanics (and other personnel who require a presence on deck) should be trained to **stay well clear of bays that are being actively worked**. Enforcing that proposition is equally as important. Yes, we understand the economics and the priorities of this situation. We hope you do, too.

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## ILA-USMX JOINT SAFETY COMMITTEE

] **OSH Circular 2016-09** (28 September 2016)

### **Wave of Shipboard & Shoreside Fires!**



Over the last several months, there has been a noticeable increase in the number of fires aboard commercial trading vessels and marine terminals, globally. Most often, such fires are the result of improper HazMat packaging or stowage. Other times, the result of hot work being conducted too close to cargo stows. Whatever the case, it's important for longshore workers and stevedore managers to appreciate that in the United States there are established regulations that are meant to ensure appropriate emergency plans and procedures are in place with which to reliably react to such emergencies... and that workers and managers are trained in how to effectuate those plans and procedures.

In sum, OSHA's regulations at [29 CFR 1917.30](#) and [29 CFR 1918.100](#) require marine cargo handling employers to "...develop and implement..." written emergency plans that address "... actions employers and employees must take to ensure employee safety from fire and other emergencies."

In those plans, there should be adequate procedures dealing with reporting emergencies, establishment of alarms, evacuation routes, counting of heads after an emergency, identification and contact information of action plan administrators..... and, very importantly: the training of workers who are assigned emergency coordination duties and of all those workers to whom the plan applies.

Use the [blue links](#) above to access the full text of the relevant OSHA regulations, and be in touch with the ILA~USMX JSC if you require assistance in understanding them.

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## ILA-USMX JOINT SAFETY COMMITTEE

] OSH Circular 2016-10 (25 October 2016)

### Container-Over-Container Clearance



Globally, The ILA-USMX Joint Safety Committee has observed an increased incidence of stowed/stacked containers that are knocked out of position (toppled) by another container being trolleyed along the bridge of ship to shore or yard gantry cranes (RTGs).

In nearly every such case, the root cause ended up being the operator's failure to ensure that the container he/she was moving horizontally had sufficient enough height to clear the adjacent, stationary stack(s).

While there are different means to limit the risk in such operations, such as artificial intelligence software programs; procedures to prevent vehicles and individuals from positioning themselves "in the bight", and planning the stacks to minimize hoisting up and over... they are not, in our experience, always effective or practical. In all cases, however, the operator should exercise caution when hoisting, lowering, trolleying and gantrying... and should always move at a safe, controlled speed regardless of any other controls that may be in place.

Vehicle operators and workers & managers obliged to be in close proximity to hazards such as those shown in the photographs above, should always be alert to those potentials and should exercise the wisdom of staying at least one container length in front of (or behind) the potential path of an upset,

**There are lives to be saved.....!**

Let's all do our part in protecting our selves, our friends and our families.

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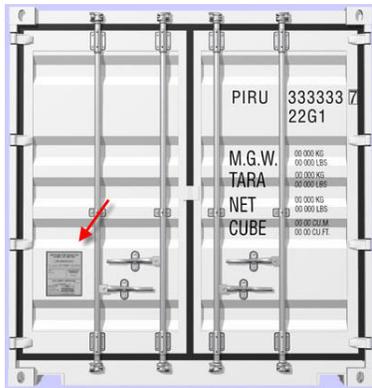
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## ILA-USMX JOINT SAFETY COMMITTEE

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**OSH Circular 2016-11** (20 November 2016)

# The Convention for Safe Containers



Have you ever noticed the tag riveted to the door end of the vast majority of intermodal containers? If you answered “No”, you’re not alone. Most workers (and managers) within the global marine cargo handling community haven’t got a clue as to what it is; nor what it does. This OSH Circular would like to provide some answers and hopefully prompt some questions.

The Convention for Safe Containers (CSC) is, essentially, an intermodal container-specific international treaty administered by an agency of the United Nations (The International Maritime Organization [IMO]). The United States is signatory to the CSC, and compliance in our country is overseen by the U.S. Coast Guard. The CSC sets out mandatory design and operational requirements for all containers being carried on nearly every ship moving in international trade. Here’s a link to the original (1972) Convention:

<http://www.admiraltylawguide.com/conven/containers1972.html>

The ILA~USMX Joint Safety Committee (JSC) advocates for our industry’s workers and managers learning all they can about the CSC Convention, and we encourage shipping associations, companies and unions to include components of CSC-related instruction within their local training curriculums.

As a baseline for that purpose, the JSC would like to provide some informational material that will allow workers and managers a broader understanding of some of the CSC Convention’s more meaningful requirements. Here’s a link:

[http://containerownersassociation.org/downloads/418/CSC Presentation 5April15.pdf](http://containerownersassociation.org/downloads/418/CSC%20Presentation%205April15.pdf)

**Got a CSC-related question? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)**

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## ILA-USMX JOINT SAFETY COMMITTEE

] OSH Circular 2016-12 (20 December 2016)

# Enclosed/Confined Space Testing Before Entry

In the United States, OSHA's regulations for marine terminals (29 CFR Part 1917) and OSHA's regulations for longshoring aboard vessels (29 CFR Part 1918) both contain mandatory requirements designed to ensure a worker's safety when he/she is obliged to enter a workspace that has contained (or may contain) a dangerous atmosphere.

Here are links to those respective regulations:

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10365](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10365)

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10482](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10482)

In principal sum, when employers know or believe (with the exercise of actual and/or constructive knowledge) that a workspace has contained or may contain a hazardous atmosphere (an atmosphere that is or may be toxic, explosive, flammable or oxygen deficient) there is an obligation to test the atmosphere before employees are allowed to enter. There is an accompanying obligation that records reflecting the outcomes of atmospheric testing must be maintained.

Take, for example, the opening up of a hatch and then requiring workers to enter and perform their activities. If an employer has actual or constructive knowledge that would allow it to believe a hazardous atmosphere does or may exist within that hatch, there is a responsibility for a designated and appropriately equipped person to conduct atmospheric testing.

What's a "**designated person**?"

Here's OSHA's definition: **Designated person** means a person who possesses specialized abilities in a specific area and is assigned by the employer to do a specific task in that area.

What's a shipboard "**enclosed space**?"

Here's OSHA's definition: **Enclosed space** means an interior space in or on a vessel that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are holds, deep tanks and refrigerated compartments.

Got an atmospheric test-related question? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)

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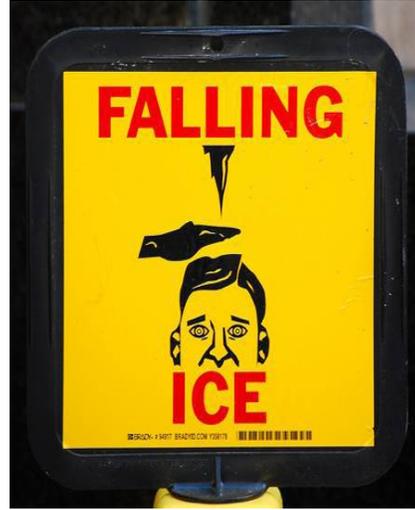
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# ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2017-01 (03 January 2017)

## ICE ON DECK! ~ ICE ALOFT!



With Winter upon us, at the more Northern ports it's realistic to foresee ice-occasioned slippery walking and working surfaces (aboard ship and ashore) as well as ice formations aloft that may have a propensity to thaw and fall (also aboard ship and ashore) upon unsuspecting workers and managers.

In relation to those hazards, common law holds that vessels have a (turnover) duty to inspect for and correct hazardous conditions before the vessel is handed over to the contract stevedore. It doesn't require a lot of imagination to conclude that iced-up walking and working surfaces encountered aboard ship can be a hazardous condition. Consequently, ocean carriers have a responsibility to ensure that those hazards are corrected before allowing longshore personnel to conduct work. In OSHA's eyes, marine terminal & stevedore employers share those responsibilities.

### **OSHA's regulations aboard vessels:**

#### **1918.91(b)**

Slippery surfaces. The employer shall eliminate conditions causing slippery walking and working surfaces in immediate areas used by employees.

#### **1918.91(g)**

Ice aloft. Employees shall be protected from ice that may fall from aloft.

### **OSHA's regulation on shore:**

#### **1917.12**

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

Got a Winter Weather-related question? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)

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# ILA-UMX JOINT SAFETY COMMITTEE

**OSH Circular 2017-02** (06 February 2017)

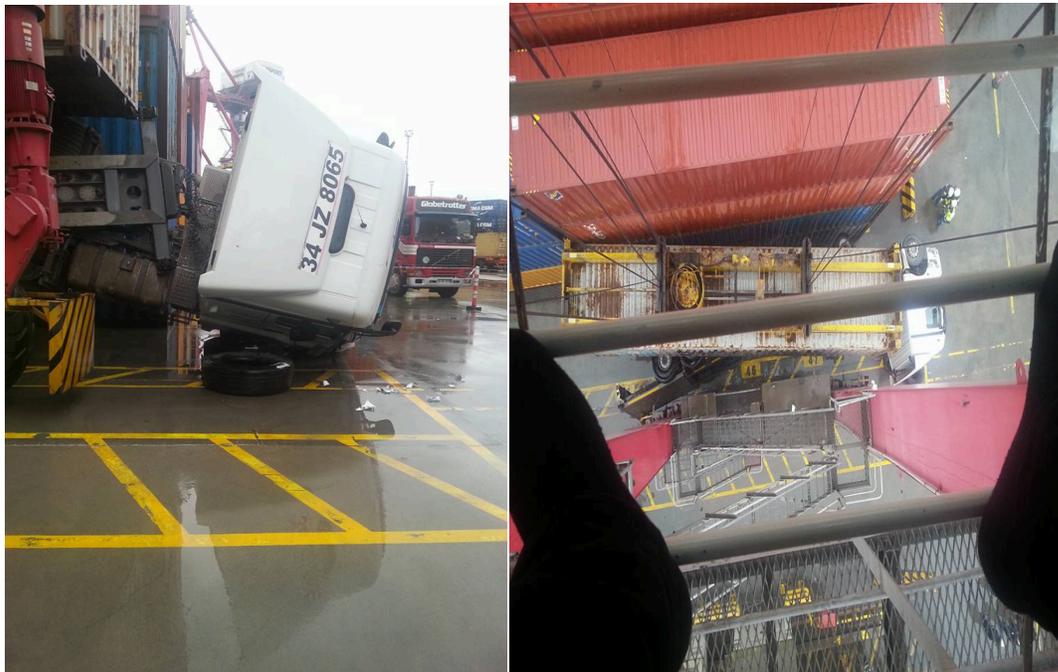
## **Who Releases Chassis Twistlocks at Your Terminal?**

A recent (18 January) accident that occurred at a Turkish port (see photographs below) reminds us of similar accidents that have lately been occurring at ports throughout the world; including U.S. ports. In those accidents, entire rigs (tractor/chassis & container) have been hoisted by the lifting appliance (mostly yard gantries). Sometimes, the crane operator is able to then gently lower the lift to the ground; other times the chassis and the tractor abruptly disconnect, drop and then, well..... anything can happen after that.

The ILA-UMX Joint Safety Committee prefers to keep over-the-road truckers in their operator cabs at all times possible while at our terminals. Whenever ILA workers are tasked with chassis twistlock release, they must ensure that all four twistlocks are fully released before the operator of any lifting device is signalled to hoist. When, however, terminal operators choose to allow over-the-road drivers the responsibility of chassis twistlock release, we urge that strict monitoring (and discipline, if necessary) reinforces the proposition that release must be accomplished *before* a hoist signal of any sort is provided to the lifting device operator.

**OSHA's mandatory regulation is worthy of setting out here:**

**1917.71(h) Containers shall not be hoisted unless all engaged chassis twist locks are released.**



**Got an OSH-related question? Write to the JSC at: [blueoceana@optonline.net](mailto:blueoceana@optonline.net)**

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## ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2017-03 (06 March 2017)

### The Benefits of “Floating” The Load

“Floating” the load, simply means taking a few seconds after the initial hoisting of the container(s) by any lifting device, to ensure that:

- A. The load is securely engaged and can move safely to its next location; *and*
- B. The load consists only of the container(s) intended to be hoisted; *not a chassis, bombcart, etc.*



Lifting device operators, workers releasing chassis twistlocks and signal persons each have an obligation to work closely with one another on every lift, in order to ensure that the load is securely engaged before hoisting, and that container-carrying vehicles are not going up with the load.

Floating the load, allows time for the signal person to instantaneously communicate with the lifting device operator in the event the load is not properly engaged or, alternatively, in the event more than the intended load is being hoisted. **Save a life... Float the load!**

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