



## ILA-USMX JOINT SAFETY COMMITTEE

**OSH Circular 2023-03** (04 March 2023)

# Entry Into Shipboard Enclosed Spaces

OSHA's current standards addressing this subject look like this:

### 29 CFR 1918.93(a)

**Purpose and scope.** This section covers areas in which the employer *knows, or has reason to believe*, that a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: § 1918.94(a), Carbon monoxide; § 1918.94(b), Fumigated grains; § 1918.94(c), Fumigated tobacco; § 1918.94(d), Other fumigated cargoes; § 1918.94(e), Catch of menhaden and similar species of fish.

### 29 CFR 1918.93(b)

**Determination of the hazard.** When the employer *knows, or has reason to believe*, that a space on a vessel contains or has contained a hazardous atmosphere, a designated and appropriately equipped person shall test the atmosphere prior to employee entry to detect whether a hazardous atmosphere exists.

The meaning of the terms, “*...knows, or has reason to believe,...*” has been periodically debated since the time OSHA finalized the current standards (1997). At that time, the final rule's explanatory preamble offered very little clarity as to those terms:

“Final section 1918.93 requires protection from atmospheric hazards that are not addressed specifically in other sections of part 1918. A list of those sections is included in paragraph (a) for ease of reference. This section establishes requirements for the determination of the hazard, testing for the hazard when ventilation is being applied, and procedures for entry into hazardous atmospheres. In addition, the hazards associated with emergency entry and asbestos spills are also addressed. This section remains essentially the same as the parallel section of the proposal. The types of atmospheric hazards likely to be encountered by shipboard employees are much the same as those found in shoreside operations. Consequently, this section of the final rule contains provisions that are essentially identical to those found in the Marine Terminals Standard (see § 1917.23). This approach will provide consistent requirements that appropriately address both aspects of marine cargo transport operations.”

Looking at the potential circumstances responsibly, a reasonable view would conclude that given the enormous variety of cargoes carried ... coupled with the almost inevitable opening and closing of ships spaces that can easily entertain atmospheres that are contaminated, toxic or oxygen deficient, the testing of all spaces before employee entry is permitted makes perfect sense.

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

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