

VOSH PROGRAM DIRECTIVE: 02-801D

ISSUED: January 9, 2020

SUBJECT: Shipyard Employment “Tool Bag” Directive

Purpose

This Directive transmits to field personnel comprehensive guidance concerning the application of occupational safety and health standards in shipyard employment by providing consistent information and ensuring consistent enforcement of the shipyard employment standards. **VOSH’s jurisdiction over such maritime activity is limited to the public sector.**

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program.

Certification

This Program Directive is considered to meet the definition of “guidance document” contained in a §2.2-4101 of the Code of Virginia: “any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies.”.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.B of the Code of Virginia, this Program Directive has been or will be subject to a 30-day public comment period, to include public comment through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to its effective date.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.C of the Code of Virginia, if a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period. During this additional period, the agency shall respond to any such comments in writing by certified mail to the commenter or by posting the response electronically in a manner consistent with the provisions for publication of comments on regulations provided in this chapter. Any person who remains aggrieved after the effective date of the final guidance document may avail himself of the remedies articulated in Article 5 (§ 2.2-4025 et seq.).

Scope

This Directive applies VOSH-wide. Virginia unique regulation, 16VAC25-60-150, Maritime Standards, also applies to all public sector employers and employees engaged in maritime-related activities as follows:

The employer shall comply with the manufacturer’s specifications and limitations applicable to the operation, training, use, installation,

inspection, testing, repair and maintenance of all machinery, vehicles, tools, materials and equipment, unless specifically superseded by a more stringent corresponding requirement in Part 1915, 1917, 1918 or 1919. The use of any machinery, vehicle, tool, material or equipment that is not in compliance with any applicable requirement of the manufacturer is prohibited, and shall either be identified by the employer as unsafe by tagging or locking the controls to render them inoperable or be physically removed from its place of use or operation.

Reference OSHA Instruction CPL 02-00-162 (05/22/2019)

Cancellation VOSH PD 02-801C (09/30/2014)

Effective Date January 9, 2020

C. Ray Davenport
Commissioner

Action Directors and Managers shall ensure that guidelines in this Directive are followed and that compliance officers are familiar with the contents of the standard and its applicability only to the public sector for VOSH.

Expiration Date Not Applicable.

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & IMIS Support Staff

Cooperative Programs Director and Manager
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & Norfolk Area Offices

Attachment: OSHA Instruction CPL 02-00-162 (May 22, 2019) or refer to:

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-00-162_1.pdf

When the guidelines, as set forth in this Program Directive, are applied to the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Assistant Secretary	Commissioner of Labor and Industry
Regional Administrator	Assistant Commissioner
Area Director	Regional Director VOSH Program Director
Area Office/Regional Office	Regional Office
Regional Solicitor	Attorney General or VOSH Division of Legal Support (DLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO) and/or Industrial Hygienist	CSHO
Agency	Department

OSHA Directives:

CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act (5/28/98)

CPL 02-00-124, Multi-Employer Citation Policy (10/10/99)

CPL 02-00-135, Recordkeeping Policies and Procedures Manual (12/30/04)

CPL 02-00-149, Severe Violator Enforcement Program (SVEP) (6/18/10)

CPL 02-00-160, OSHA Field Operations Manual (FOM) (08/02/16)

CPL 02-00-151, Subpart T – Commercial Diving Operations (06/13/11)

CPL 02-01-028, Compliance Assistance for the Powered Industrial Truck Operators Training Standards (11/30/00)

CPL 02-01-049, 29 CFR Part 1915, Subpart I, Enforcement Guidance for Personal Protective Equipment (PPE) (11/04/10)

CPL 02-01-051, 29 CFR Part 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (05/20/11)

CPL 02-01-055, Maritime Cargo Gear Standards and 29 CFR 1919 Certification (09/30/13)

CPL 02-02-063, Inspection Procedures for Occupational Exposure to Asbestos Final Rule, 29 CFR Parts 1910.1001, 1926.1101, and 1915.1001 (11/3/95)

CPL 02-02-074, Inspection Procedures for the Chromium (VI) Standards (01/24/08)

CPL 02-02-076, National Emphasis Program - Hexavalent Chromium (02/23/10)

VOSH Program Directives:

02-003T, VOSH Procedures to comply with OSHA Enforcement Exemptions and Limitations under the Federal Appropriations Act (04/15/2019) or its successor

See 12-003H, Administrative Regulation Manual, §16VAC25-60-260.F. and G. (01/15/2019) or its successor

09-104A, Recordkeeping Policies and Procedures Manual (04/15/2014) or its successor

02-024A, Severe Violator Enforcement Program (SVEP) (09/01/13) or its successor

09-001, VOSH Field Operation Manual (FOM) (08/01/19) or its successor

02-234A, Subpart T – Commercial Diving Operations (09/01/11) or its successor

02-232A, Compliance Assistance for the Powered Industrial Truck Operator Training Standards (02/01/02) or its successor

02-804, Subpart I, Personal Protective Equipment (PPE) for Shipyard Employment (Public Sector) – Inspection Procedures and Interpretive Guidelines (08/01/11) or its successor

02-803A, 29 CFR Part 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (08/15/11) or its successor

02-802A, Maritime Cargo Gear Standards and Part 1919 Certification (02/15/14) or its successor

02-422A, Inspection Procedures for 29 CFR 1910.1001, 1926.1101 and 29 CFR 1915.1101- Occupational Exposure to Asbestos, Tremolite, Anthophyllite, Actinolite (08/15/96) or its successor

02-440, Inspection Procedures for the Chromium (VI) Standards (05/01/08) or its successor

14-441, National Emphasis Program – Hexavalent Chromium (05/15/10) or its successor

CPL 03-00-008, Combustible Dust National Combustible Dust (Reissued) (03/11/08)

14-236A, National Emphasis Program – Combustible Dust (Reissued) (04/01/08) or its successor

CPL 03-00-009, National Emphasis Program - Lead (08/14/08)

14-437B, National Emphasis Program: Lead (12/14/2014) or its successor

CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs) (11/13/18)

01-010, Local Emphasis Programs: Development and Approval of Special Targeting Activities (02/15/14) or its successor

CSP 03-01-003, Voluntary Protection Program (VPP): Policies and Procedures Manual (04/18/08)

12-005, VOSH Voluntary Protection Program 06/15/18) or its successor

CSP 02-00-003, Consultation Policies and Procedures Manual (11/19/15)

03-001C, Consultation Policies and Procedures Manual (10/01/16) or its successor