

VOSH PROGRAM DIRECTIVE: 02-804A

ISSUED: January 9, 2020

SUBJECT: Subpart I, Personal Protective Equipment (PPE) for Shipyard Employment (Public Sector)—Inspection Procedures and Interpretive Guidelines

Purpose: This directive provides guidance concerning the application of current enforcement policy and procedures for PPE in shipyard employment and ensures consistent enforcement of Part 1915, Subpart I, PPE, including PPE payment for shipyard employment activities. **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 to all VOSH personnel, and specifically to Occupational Safety Compliance and Consultation Services personnel. These Part 1915 standards apply to all

work in public sector shipyard employment regardless of geographical location, but they do not apply to construction operations in shipyards covered by Part 1926.

Reference OSHA Instruction CPL 02-01-060 (05/22/2019)

Cancellation VOSH PD 02-804 (08/01/2011)

Effective Date January 9, 2020

C. Ray Davenport
Commissioner

Action Directors and Managers shall assure that the guidelines in this directive are followed and assure that CSHOs performing inspections in shipyard employment are aware of these guidelines.

Expiration Date Not Applicable.

Distribution:	Commissioner of Labor and Industry Assistant Commissioner VOSH Directors and Managers Legal Support & IMIS Support Staffs	Cooperative Programs Director and Manager VOSH Compliance & Cooperative Programs Staff OSHA Region III & Norfolk Area Offices
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Attachment: OSHA Instruction CPL 02-00-160 (May 22, 2019) or refer to:

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-01-060_2.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:

Federal Terms

VOSH Equivalent

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

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VOSH Standard

Compliance Safety and Health Officer (CSHO)
and/or Industrial Hygienist

CSHO

Agency

Department

OSHA Directives:

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

CPL 02-00-162, Shipyard Employment “Tool Bag” Directive (05/22/2019)

CPL 02-00-158, Inspection Procedures for the Respiratory Protection Standard (06/26/2014)

CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations (11/27/1995)

TED 01-00-015, OSHA Technical Manual (OTM) 01/20/1999)

VOSH Program Directives:

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

02-801C, Shipyard Employment “Tool Bag” Directive (09/30/2014) or its successor

02-411A, Inspection Procedures for the Respiratory Protection Standard, §1910.134 (09/30/2014) or its successor

01-009A, Citation Policy for Paperwork and Written Program Requirement Violations (10/15/2017)

09-052E, OSHA Technical Manual (02/15/2018) or its successor