

# CURRENT SAFETY TOPICS

## JAPC

Los Angeles/Long Beach

October 01, 2009

### JAPC UNION REPRESENTATIVES

*Gary Kelley	ILWU Local 13
*Kenny Ursich	ILWU Local 63
*Pete Favazza	ILWU Local 13
Tim Podue	ILWU Local 13
Ray Benevente	ILWU Local 13
Harry Dong	ILWU Local 13
Mark Mascola	ILWU Local 13
Floyd Bayan	ILWU Local 13

### INDUSTRY REPRESENTATIVES

Greg Barker (Chairman)	Ports America Group
Kat Evans	APL/Eagle Marine
Dave Turner	APM Terminals
Richard Buonocore	SSA Marine
	SSA Terminals
	Coast Maritime Services
	CCMW&D
Claudia Thomas	International Transportations Serv.
Gary Dalton	Long Beach Container Terminals
Steve Nott	Metro Ports
Ed Mitchell	Ports America Group
Erin Pierson	Ports America Group
Sharifa Batts	Ports America Group
Bob Johnson	Ports America Group
Tom DeNarlo	Ports America Group
Carlos Gonzalez	PCMC
Mike Outland	PCMC
Paul Richey	Trapac
Ken Fletcher	Yusen Terminals

### SECRETARY

Michael Hall

Pacific Maritime Association

**REVIEW OF SEPTEMBER 3, 2009 JAPC NOTES**

Amend Serious Accidents #1: Delete windshield, add steering wheel.

Amend Old Business #2: To read, "they are not"

Notes approved as amended.

**DISCUSSION TOPICS****ACCIDENT ANALYSIS**

The accident analysis will be provided at the next meeting to reflect 2009 Q3.

It was noted that the increased injury rate for the West Coast was discussed at the Coast LRC level. The local committee anxiously awaits their solution to this problem.

The committee discussed at length several conditions that could result in increased lost-time rates.

The longshore representative noted that the poor conditions of terminal yard's, such as uneven pavement, bad walkways, could be leading to an increase of S/T/Falls.

The PMA representative stated that outside factors could also be involved in the increased rate.

**SERIOUS ACCIDENTS**

1. A POLA container terminal operator reported an injury to a swingman operating a forklift on the hiline. Possibly due to the large size of the driver, his foot extended from the side of the forklift. The driver struck the cone bin with his foot extended. The impact resulted in a fractured foot to the employee who is now out on loss-time.
2. Details surrounding the workplace death of a longshore worker were provided to the committee. The worker, employed as a swingman, was struck by the rear wheels of a chassis being hauled by a semi tractor. The fatality is currently under investigation by both CalOSHA and the employer and until completion any and all discussion is speculative in nature.

The exact cause of death will remain unknown until the coroners report is obtained.

The coast longshore safety chairman expressed concern over the response to the fatality, in particular post-incident investigations. The employer stated that they have a responsibility under CalOSHA to investigate the incident.

The longshore LRC representative inquired about the role of the gearman moving cone bins immediately preceding the incident. A letter of request involving gearmen

operations was sent directly to PMA LR by the Union, and as such, it remains in the LRC forum for discussion.

3. A stevedore safety manager provided details of a dockman that died after working at a POLA container terminal. The dockman collapsed due to unknown reasons upon return from the meal hour. The initial cause is believed to be a heart attack, but the exact cause of death cannot be determined until the investigation is complete.

It was noted that an AED was placed upon the employee by both supervision and the paramedics.

The committee went on to discuss the CA heat illness standard in depth. Short of the fact that the temperature was above average on the date of the death, no evidence has been provided to the employer that heat was involved in any way with the incident.

It was noted by all employers that they are fully compliant with the CA heat illness regulations and that CalOSHA has reviewed their plans during terminal inspections.

The committee went on to discuss heat illness training provided to the longshore workforce. Safety Tip Flyers and a PPT discussion on heat illness is provided during GST training. Foremen are also required under Section 9.3 of the PCWBFA to be FA/CPR certified. The American Red Cross first aid training contains a heat illness module.

4. A POLA safety manager reported two S/T/Fall injuries from semi tractor drivers.

A longshore LRC representative inquired about a recent incident in which a semi tractor driver was lifted & dropped. Questions surrounding the issuance of an LS-1 was asked.

It was later noted that this issue was before the longshore LRC committee, and that an open complaint was issued in regards to this incident.

## **OLD BUSINESS**

### **1. JAPC PROJECT**

The committee discussed the role of the JAPC in regards to longshore workers. The committee discussed several suggestions noted from the previous meeting.

Due to the lengthy discussion on other topics, this project will be held over the following meeting.

### **2. CARBON MONOXIDE DETECTORS**

The marine clerk representative inquired if any member companies had CO monitors available of use. Several terminals responded that they have, or recently purchased, CO monitors for use.

Several other employer representatives stated that are not required to have CO detectors made available. It was expressed that the requirement is to maintain exhaust systems and to inspect exhaust systems for defects.

The committee agreed that vehicles with exhaust problems should be reported and evaluated by M&R.

The committee reached disagreement on the need to maintain CO monitors.

## **NEW BUSINESS**

### **1. LEAKING HAZMAT CONTAINER**

This item was carried over from the previous meeting.

The longshore LRC representative asked the POLB container terminal operator as to what control measures have been implemented regarding the hazardous materials release on the vessel.

The representative stated that a communication problem existed between the night second shift, and the following day first shift. The night shift was aware that a hazmat container was leaking in the bay, but yet this information was not passed to the day shift.

The employer representative responded that several control measures have been implemented. Re-training of superintendent's regarding evacuation and notification procedures has occurred. Additional focus on hazmat is to be passed during the gangway safety talks.

The committee also discussed the need to have terminal maps with muster locations up to date with the terminal layout changes. Copies should be made available when requested by employees.

The coast longshore safety representative expressed concern that the employers, as a collective group, are not compliant with 29 CFR 1918.100. It was noted that this issue was of topic during the coast PCMSC negotiations, and it was doubtful that agreement could be reached at the local level.

The committee then went on to discuss the OSHA Green Book containing both 29 CFR 1917 & 1918. The employers stated that on several recent occurrences, local longshore representative's have referenced citations found in 29 CFR 1917. It was noted that within the State of California, marine terminal operations fall within CA Title 8 General Industry Safety Orders, and not 1917. For vessel (longshoring) operations, 1918 is applicable as that falls outside of the state plan agreement with FedOSHA.

## 2. TERMINAL LIGHTING

The committee discussed terminal lighting.

It was noted that a letter was sent directly to PMA LR regarding this issue.

The letter referenced 29 CFR 1917.123 along with PCMSC Rule 304.

*Rule 304. Employers shall provide adequate illumination. Adequate illumination is defined as light levels in walking and working areas which enable employees to safely perform assigned tasks and to be seen by other employees operating equipment. Lights shall be so placed that they do not shine in the eyes of employees.*

The employers responded that 29 CFR 1917 is the federal marine terminal standard which does not apply with California, due to its adoption of a State Plan.

Upon further research by the employer, the correct regulation is T8 GISO §3462.

*CalOSHA T8 GISO  
Subchapter 7. General Industry Safety Orders  
Group 3. General Plant Equipment and Special Operations  
Article 14. Marine Terminal Operations  
§3462. Hazardous Cargo.*

*(a) Explosives and other hazardous cargo shall be loaded, unloaded, stored, transported or otherwise handled in accordance with the regulations of the U.S. Department of Transportation and the United States Coast Guard. (q.v., 33 CFR Part 126, 46 CFR Part 146, 49 CFR Part 172.)*

Since all member companies engaged in container operations handled hazardous materials, the reader is re-directed to 33 CFR 126.15

*33 CFR § 126.15 What conditions must a designated waterfront facility meet?*

*(4) Lighting. If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see § 126.5.) and must be located or shielded so that it cannot be mistaken for an aid to navigation and does not interfere with navigation on waterways.*

## 3. TERMINAL MAINTENANCE

A longshore LRC representative stated he has noticed an increased of pot holes and poor road conditions within several terminals. It was suggested this is causing an increase of muscle injuries that are reported by semi tractor drivers.

4. PCMSC RULE 339

The longshore LRC representative referenced PCMSC Rule 339:

*Rule 339. All gear and equipment, including twist locks on container handling equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.*

Several questions were asked of the employer:

*Who is currently doing this inspection for twist locks on CHE?  
When & how often?*

5. REQUEST FOR INFORMATION

The coast longshore safety chairman requested the following two data sets: Any & all information related to both "speeding" and "incidents under the container gantry crane".

It was noted by the PMA representative that only information relating to the recordkeeping standard is maintained by PMA. Near-miss injuries and other incidents not required to be tracked under the federal recordkeeping standard are not available.

LRC complaints against longshore workers was also requested. This data is not available thru this committee. That information request should be directed to the PMA LR Dept.

Meeting adjourned 3:28 PM.  
MLH