

## § 1910.16

## 29 CFR Ch. XVII (7–1–07 Edition)

### § 1910.16 Longshoring and marine terminals.

(a) *Safety and health standards for longshoring.* (1) Part 1918 of this chapter shall apply exclusively, according to the provisions thereof, to all employment of every employee engaged in longshoring operations or related employment aboard any vessel. All cargo transfer accomplished with the use of shore-based material handling devices shall be governed by part 1917 of this chapter.

(2) Part 1910 does not apply to longshoring operations except for the following provisions:

(i) *Access to employee exposure and medical records.* Subpart Z, § 1910.1020;

(ii) *Commercial diving operations.* Subpart T;

(iii) *Electrical.* Subpart S when shore-based electrical installations provide power for use aboard vessels;

(iv) *Hazard communication.* Subpart Z, § 1910.1200;

(v) *Ionizing radiation.* Subpart Z, § 1910.1096;

(vi) *Noise.* Subpart G, § 1910.95;

(vii) *Nonionizing radiation.* Subpart G, § 1910.97;

NOTE TO PARAGRAPH (a)(2)(vii): Exposures to nonionizing radiation emissions from commercial vessel transmitters are considered hazardous under the following conditions: (1) where the radar is transmitting, the scanner is stationary, and the exposure distance is 18.7 feet (6 m.) or less; or (2) where the radar is transmitting, the scanner is rotating, and the exposure distance is 5.2 feet (1.8 m.) or less.

(viii) *Respiratory protection.* Subpart I, § 1910.134;

(ix) *Toxic and hazardous substances.* Subpart Z applies to marine cargo handling activities except for the following:

(A) When a substance or cargo is contained within a sealed, intact means of packaging or containment complying with Department of Transportation or International Maritime Organization requirements;<sup>1</sup>

(B) Bloodborne pathogens, § 1910.1030;

(C) Carbon monoxide, § 1910.1000 (See § 1918.94 (a)); and

(D) Hydrogen sulfide, § 1910.1000 (See § 1918.94 (f)).

(x) Powered industrial truck operator training, Subpart N, § 1910.178(l).

(b) *Safety and health standards for marine terminals.* Part 1917 of this chapter shall apply exclusively, according to the provisions thereof, to employment within a marine terminal, except as follows:

(1) The provisions of part 1917 of this chapter do not apply to the following:

(i) Facilities used solely for the bulk storage, handling, and transfer of flammable and combustible liquids and gases.

(ii) Facilities subject to the regulations of the Office of Pipeline Safety of the Research and Special Programs Administration, Department of Transportation (49 CFR chapter I, subchapter D), to the extent such regulations apply to specific working conditions.

(iii) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(2) Part 1910 does not apply to marine terminals except for the following:

(i) *Abrasive blasting.* Subpart G, § 1910.94(a);

(ii) *Access to employee exposure and medical records.* Subpart Z, § 1910.1020;

(iii) *Commercial diving operations.* Subpart T;

(iv) *Electrical.* Subpart S;

(v) *Grain handling facilities.* Subpart R, § 1910.272;

(vi) *Hazard communication.* Subpart Z, § 1910.1200;

(vii) *Ionizing radiation.* Subpart Z, § 1910.1096;

(viii) *Noise.* Subpart G, § 1910.95;

(ix) *Nonionizing radiation.* Subpart G, § 1910.97.

(x) *Respiratory protection.* Subpart I, § 1910.134.

(xi) *Safety requirements for scaffolding.* Subpart D, § 1910.28;

(xii) *Servicing multi-piece and single piece rim wheels.* Subpart N, § 1910.177;

(xiii) *Toxic and hazardous substances.* Subpart Z applies to marine cargo handling activities except for the following:

(A) When a substance or cargo is contained within a sealed, intact means of packaging or containment complying

<sup>1</sup>The International Maritime Organization publishes the International Maritime Dangerous Goods Code to aid compliance with the international legal requirements of the International Convention for the Safety of Life at Sea, 1960.

with Department of Transportation or International Maritime Organization requirements;<sup>2</sup>

(B) Bloodborne pathogens, § 1910.1030;

(C) Carbon monoxide, § 1910.1000 (See § 1917.24(a)); and

(D) Hydrogen sulfide, § 1910.1000 (See § 1917.73(a)(2)); and

(xiv) Powered industrial truck operator training, Subpart N, § 1910.178(l).

(c) *Definitions.* For purposes of this section:

(1) *Longshoring operation* means the loading, unloading, moving, or handling of, cargo, ship's stores, gear, etc., into, in, on, or out of any vessel;

(2) *Related employment* means any employment performed as an incident to or in conjunction with, longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman; and

(3) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

(4) *Marine terminal* means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel including structures which are devoted to receiving, handling, holding, consolidation and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor does the term include storage facilities directly associ-

ated with those production or manufacturing areas.

[39 FR 23502, June 27, 1974, as amended at 48 FR 30908, July 5, 1983; 52 FR 36026, Sept. 25, 1987; 62 FR 40195, July 25, 1997; 63 FR 66270, Dec. 1, 1998]

#### § 1910.17 Effective dates.

(a)-(b) [Reserved]

(c) Except whenever any employment or place of employment is, or becomes, subject to any safety and health standard prescribed in part 1915, 1916, 1917, 1918, or 1926 of this title on a date before August 27, 1971, by virtue of the Construction Safety Act or the Longshoremen's and Harbor Workers' Compensation Act, that occupational safety and health standard as incorporated by reference in this subpart shall also become effective under the Williams-Steiger Occupational Safety and Health Act of 1970 on that date.

[39 FR 23502, June 27, 1974, as amended at 61 FR 9235, Mar. 7, 1996]

#### § 1910.18 Changes in established Federal standards.

Whenever an occupational safety and health standard adopted and incorporated by reference in this subpart B is changed pursuant to section 6(b) of the Act and the statute under which the standard was originally promulgated, and in accordance with part 1911 of this chapter, the standard shall be deemed changed for purposes of that statute and this subpart B, and shall apply under this subpart B. For the purposes of this section, a change in a standard includes any amendment, addition, or repeal, in whole or in part, of any standard.

#### § 1910.19 Special provisions for air contaminants.

(a) *Asbestos, tremolite, anthophyllite, and actinolite dust.* Section 1910.1001 shall apply to the exposure of every employee to asbestos, tremolite, anthophyllite, and actinolite dust in every employment and place of employment covered by § 1910.16, in lieu of any different standard on exposure to asbestos, tremolite, anthophyllite, and actinolite dust which would otherwise be applicable by virtue of any of those sections.

<sup>2</sup>The International Maritime Organization publishes the International Maritime Dangerous Goods Code to aid compliance with the international legal requirements of the International Convention for the Safety of Life at Sea, 1960.