



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 03-00-012 | **EFFECTIVE DATE: November 4, 2010**

SUBJECT: OSHA's National Emphasis Program (NEP) on Shipbreaking

ABSTRACT

Purpose: This instruction describes policies and procedures for continued implementation of a National Emphasis Program (NEP) to reduce and eliminate the workplace hazards associated with shipbreaking operations.

Scope: OSHA-wide.

References:

- A. [29 CFR Part 1910](#), General Industry Standards.
- B. [29 CFR Part 1915](#), Shipyard Employment Standards.
- C. [CPL 02-00-148](#), Field Operations Manual (FOM), November 9, 2009.
- D. [Memorandum of Agreement](#) on Ship Scrapping (i.e., shipbreaking) between DOD/DOT/EPA/DOL-OSHA, November 16, 1999.

Cancellations: CPL 02-00-136, OSHA's National Emphasis Program (NEP) on Shipbreaking, March 16, 2005.

State Impact: See [Section VI](#).

Action Offices: National, Regional and Area Offices.

Originating Office: Directorate of Enforcement Programs (DEP).

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By and Under the Authority of

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Executive Summary

This instruction provides guidance to Occupational Safety and Health Administration (OSHA) national, regional, and area offices, state programs, and Federal agencies concerning OSHA's policy and procedures for implementing an NEP to reduce or eliminate workplace hazards associated with shipbreaking operations.

In 1999, OSHA entered into a Memorandum of Agreement (MOA) on Interagency Coordination and Cooperation for Ship Scrapping (i.e., shipbreaking) with the Department of Defense (DOD) [U.S. Navy (Navy), and the Defense Logistics Agency (DLA) – Defense Reutilization and Marketing Service (DRMS)], Department of Transportation (DOT) [Maritime Administration (MARAD)], and Environmental Protection Agency (EPA). This MOA requires OSHA to have an emphasis program for scheduling programmed inspections of shipbreaking operations under contract with the Navy and MARAD. The Agency also has established a goal to reduce injuries and illnesses among Latino workers (a significant portion of the shipbreaking workforce) by enhancing knowledge of their workplace rights and improving their ability to exercise those rights. This instruction is issued in support of the Interagency MOA and OSHA's goal to reduce injuries and illnesses among Latino workers.

Significant Changes

This instruction continues implementation of an NEP for shipbreaking operations. Specifically, it:

- Supports the Interagency MOA requiring OSHA interventions in the breaking of Navy and MARAD vessels under contract; provides a scheduling system for the inspection of Navy and MARAD shipbreaking operations for vessels covered by the Interagency MOA; reaffirms coordination between the Navy, DLA-DRMS, MARAD, EPA, and OSHA for shipbreaking operations; and provides a national reporting system for all OSHA shipbreaking inspections, not just those involving Navy and MARAD vessels;
- Updates guidance pertaining to IMIS recording of shipbreaking operations;
- Updates the contact information for the Navy and MARAD approved shipbreaking sites;
- Supports the Agency's goal to reduce injuries and illnesses among Latino workers;
- Provides further explanation of the exemption in 29 CFR 1915.73(a) concerning the guarding of deck openings and edges; and
- Delivers available shipyard employment safety and health information in a web-based format with electronic links to noted references, particularly within the 21 identified inspection focus areas.

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- I. Purpose. This instruction describes policies and procedures for continuing a National Emphasis Program (NEP) to reduce or eliminate workplace hazards associated with shipbreaking operations.

In 1999, OSHA entered into a [Memorandum of Agreement](#) (MOA) on Interagency Coordination and Cooperation for Ship Scrapping (i.e., shipbreaking) with DOD, DOT, EPA, and DOL-OSHA. This MOA requires OSHA to develop an emphasis program for scheduling programmed inspections of shipbreaking operations.

OSHA has issued an [enforcement memorandum](#) directed at protecting Spanish speaking and other non-English speaking workers from workplace hazards. It directs compliance officers to ensure they check and verify that workers are receiving OSHA required training in a language they understand. In addition, the Agency has established a goal to reduce injuries and illnesses among non-English speaking workers, who make up a significant number of workers in the shipbreaking industry.

This instruction is issued in support of the Interagency MOA and OSHA's goal to reduce injuries and illnesses among Latino workers as discussed in the [Department of Labor Draft 2011-2016 Strategic Plan](#).

- II. Scope. This instruction applies OSHA-wide to all programmed and unprogrammed enforcement inspections of shipbreaking operations. For **scheduling purposes**, only inspections covered by the MOA will be programmed pursuant to this instruction. For **reporting purposes**, all inspections of shipbreaking operations (e.g., MOA programmed, MOA unprogrammed, Local Emphasis Program (LEP) programmed, LEP unprogrammed, and other unprogrammed) will be reported pursuant to this NEP.

III. References.

- A. [29 CFR Part 1904](#), Recording and Reporting Occupational Injuries and Illnesses.
- B. [29 CFR Part 1910](#), General Industry Standards.
- C. [29 CFR Part 1915](#), Shipyard Employment Standards.
- D. [29 CFR Part 1960](#), Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters (and [Executive Order 12196](#), Section 1-201).
- E. [Department of Labor Draft 2011-2016 Strategic Plan](#).
- F. [Memorandum of Agreement on Ship Scrapping](#) (i.e., shipbreaking) between DOD/DOT/EPA/DOL-OSHA, November 16, 1999.
- G. [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995.

- H. [CPL 02-00-135](#), Recordkeeping Policies and Procedures Manual (RKM), December 30, 2004.
- I. [CPL 02-00-142](#), Shipyard Employment “Tool Bag” Directive, August 3, 2006.
- J. [CPL 02-00-148](#), Field Operations Manual (FOM), November 9, 2009.
- K. [CPL 02-01-042](#), 29 CFR Part 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment – Inspection Procedures and Interpretive Guidelines, September 7, 2005.
- L. [CPL 02-01-047](#), OSHA Authority Over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS), February 22, 2010.
- M. [CPL 04-00-001](#), Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- N. [CPL 09-05](#), Site-Specific Targeting 2009 (SST-09), July 20, 2009.
- O. [CSP 01-03-001](#), Maritime Jurisdiction in State Plan States, October 30, 1978.
- P. [EPA 315-B-00-001](#), A Guide for Ship Scrappers: Tips for Regulatory Compliance, Summer 2000.
- Q. [STD 02-04-002](#), 29 CFR Part 1915 Subpart I, Personal Protective Equipment (PPE) for Shipyard Employment – Inspection Procedures and Interpretive Guidelines, September 27, 1996.
- R. [Safe Work Practices for Shipbreaking](#). OSHA Publication 3375-03 (April 2010).
- S. [Shipbreaking Fact Sheet](#). Provides basic information regarding shipbreaking operations and a schematic of common hazards (2001).
- T. [Shipyard Employment eTool](#). An eTool that is specific to the shipyard employment industry and describes common hazards and possible solutions for tasks performed during ship repair, shipbuilding, shipbreaking, and barge cleaning processes.
- U. [Shipyard Fatality Videos](#). Presents 16 computer-generated animated scenarios based on actual shipyard fatalities. Each scenario includes a review of the factors that contributed to the accident and how to avoid them.

IV. Cancellations.

CPL 02-00-136, OSHA's National Emphasis Program (NEP) on Shipbreaking, March 16, 2005.

V. Action Information.

- A. Responsible Office. Directorate of Enforcement Programs (DEP), [Office of Maritime Enforcement](#) (OME).
- B. Action Offices. National, Regional, and Area Offices; Consultation Project Managers.
- C. Information Offices. State Plan States.

VI. Federal Program Change. This instruction describes the continuation of a National Emphasis Program covering shipbreaking operations. As State plans are not subject to the Memorandum of Agreement between OSHA and several other Federal agencies discussed in this instruction ([MOA](#)), it is only applicable to Federal inspections under this Notice, at sites covered by the MOA. While a few States have jurisdiction over shipbreaking (i.e., California, Minnesota, Vermont, and Washington) their jurisdiction is limited to on-shore maritime activities. Any State Plan conducting an inspection of a shipbreaking operation is asked to follow the guidance in this instruction and report the inspection in the IMIS as instructed in [Section XVI](#).

VII. Significant Changes. This instruction provides tools to support intervention and inspection programs related to the implementation of an NEP for shipbreaking operations in a web-based interactive format. This instruction:

- Supports the Interagency MOA requiring OSHA interventions in the breaking of Navy and MARAD vessels under contract; provides a scheduling system for the inspection of Navy and MARAD shipbreaking operations for vessels covered by the Interagency MOA; reaffirms coordination between the Navy, DLA-DRMS, MARAD, EPA, and OSHA for shipbreaking operations; and provides a national reporting system for all OSHA shipbreaking inspections, not just those involving Navy and MARAD vessels;
- Updates guidance pertaining to IMIS recording of shipbreaking operations;
- Updates the contact information for the Navy and MARAD approved shipbreaking sites;
- Supports the Agency's goal to reduce injuries and illnesses among Latino workers;
- Provides further explanation of the exemption in 29 CFR 1915.73(a) concerning the guarding of deck openings and edges; and

- Delivers available shipyard employment safety and health information in a web-based format with electronic links to noted references, particularly within the 21 identified inspection focus areas.

VIII. Action. The policies and procedures set forth in this instruction are effective immediately and will remain in effect until superseded or canceled by proper authority. OSHA Regional Administrators, Area Directors and National Office Directors must ensure that the policies and procedures set forth in this instruction are followed. The NEP created by this instruction requires, among other things, annual comprehensive inspections of each Navy and MARAD vessel shipbreaking operation in support of the MOA.

Regional Administrators also must ensure that Consultation Program Managers in their Regions are informed of the requirements of this NEP. Regional Administrators are to encourage the involvement of Consultation Programs in this Agency-wide effort.

IX. Federal Agencies. This instruction describes a change that affects Federal agencies. [Executive Order 12196](#) (Section 1-201) and [29 CFR 1960.16](#) maintain that Federal agencies also must follow the enforcement policy and procedures contained in this instruction.

X. Definitions.

A. Data Initiative (i.e., Data Survey): The Data Initiative is a nationwide collection of establishment-specific injury and illness data from approximately 80,000 employers. The Data Initiative is OSHA's Annual Survey Form that is referenced in [29 CFR 1904.32](#).

B. Days Away, Restricted or Transferred (DART) Rate: This includes cases involving days away from work, restricted work activity, and transfers to another job. The DART rate is calculated based on $(N/EH) \times (200,000)$ where N is the number of cases involving days away and/or job transfer or restriction, EH is the total number of hours worked by all employees during the calendar year, and 200,000 is the base for 100 full-time equivalent employees (2,000 hours per worker x 100 workers). The DART rate replaced the Lost Workday Injury and Illness (LWDII) rate effective January 1, 2002.

C. Related Employment: Any employment performed as an incident to, or in conjunction with, ship repairing, shipbuilding or shipbreaking work, including, but not restricted to, inspection, testing and employment as a watchman. [[29 CFR 1915.4\(m\)](#)]

D. Shipbreaking: Any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component of the vessel [[29 CFR 1915.4\(l\)](#)]. This term also is commonly referred to as: ship scrapping, ship disposal, or ship recycling.

- E. Shipyard Employment: This includes ship repairing, shipbuilding, shipbreaking and related employments. [[29 CFR 1915.4\(i\)](#)]
- F. Vessel: 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. [[29 CFR 1915.4\(f\)](#)]

XI. Application. This instruction applies OSHA-wide to all enforcement inspections of shipbreaking operations. Area offices must conduct programmed comprehensive enforcement inspections of known shipbreaking operations following either this NEP (for Navy or MARAD vessels covered by the MOA) or an approved LEP. Each Navy and MARAD vessel undergoing shipbreaking operations must be inspected annually in support of the MOA. When significant shipbreaking operations that are not covered by the Interagency MOA are conducted on or immediately adjacent to navigable waterways, consideration should be given to developing an LEP. The development of an LEP for shipbreaking operations is at the discretion of the Regional or Area Office. Inspections of shipbreaking operations not covered by this NEP (MOA), or an approved LEP, will be conducted in accordance with the FOM. The inspection focus for all shipbreaking inspections will be as specified in this instruction ([paragraph XIII.D.](#)).

There are currently two active Navy locations covered by the MOA:

- Esco Marine, Inc., 16200 Joe Garza Sr. Road, Brownsville, TX 78521 (956-831-8300); and
- International Shipbreaking Limited, 18501 R.L. Ostos Road, Brownsville, TX 78526 (956-831-2299).

There are currently six active MARAD locations covered by the MOA:

- All Star Metals LLC, 101 Boxcar Road, Brownsville, TX 78521 (956-838-2110);
- Bay Bridge Enterprises, LLC, 4300 Buell Road, Chesapeake, VA 23324 (757-543-7464);
- Esco Marine, Inc., 16200 Joe Garza Sr. Road, Brownsville, TX 78521 (956-831-8300);
- International Shipbreaking Limited, 18501 R.L. Ostos Road, Brownsville, TX 78526 (956-831-2299);
- Marine Metals, 16901 R.L. Ostos Road, Brownsville, TX 78526 (956-831-4284); and
- Southern Recycling, 4801 Florida Ave., New Orleans, LA 70117 (504-942-0502).

The National Office (DEP) will notify Regional Administrators of other shipbreaking operations locations covered by the MOA as they are identified by the Navy and DOT-MARAD.

- XII. Background. OSHA has determined that this NEP is needed because of the continuing high incidence of injuries and illnesses related to shipbreaking operations. This instruction is issued in support of the Interagency Memorandum of Agreement (MOA) on Interagency Coordination and Cooperation for Ship Scrapping and OSHA's goal to reduce injuries and illnesses among Latino workers.

Shipbreaking of obsolete vessels presents many challenges, including the structural complexity of the ships themselves and environmental, safety, and health issues. Although many recognized problems with past practices have been addressed, an ongoing effort is required to further improve the process and ensure continued success.

In an effort to reduce work-related injuries and illnesses, along with the environmental hazards associated with shipbreaking operations of government-owned ships, OSHA has entered into an MOA with the DOD [Navy, and DLA-DRMS], DOT [MARAD], and EPA. This [MOA](#) was signed in November 1999, and provides for a coordinated effort between the Navy, DRMS, MARAD, EPA and OSHA to use the resources of each Agency to more effectively identify and regulate environmental and hazardous working conditions associated with the shipbreaking of government-owned ships.

In support of the Interagency MOA, an environmental and worker protection document has been published by the EPA to provide guidance to supervisors at shipbreaking facilities. This document, "[A Guide for Ship Scrappers: Tips for Regulatory Compliance](#)," is structured by specific processes (such as asbestos removal, metal cutting, and fuel and oil removal) that occur in shipbreaking operations. Employers conducting shipbreaking operations can review key environmental, safety and health requirements for each process and readily identify pertinent Code of Federal Regulations requirements.

- XIII. Program Procedures, Scheduling and Resource Allocation. This NEP is directed to all sites conducting shipbreaking operations. For **scheduling purposes**, only inspections covered by the MOA will be programmed pursuant to this instruction. For **reporting purposes**, all enforcement inspections of shipbreaking operations (i.e., MOA programmed, MOA unprogrammed, LEP programmed, LEP unprogrammed, and other unprogrammed inspections) will be reported via the IMIS (see [Section XVI](#)).
- A. Resources. Regional Administrators must ensure that adequate resources are designated for this NEP. The sharing of experienced field personnel between OSHA Regions is encouraged. In order to effectively communicate with the shipbreaking workforce, bilingual capability may be necessary.
- B. Priority. Inspections conducted under this NEP have priority over all programmed inspections except those conducted under the Data Initiative – Site-Specific Targeting

(SST). [OSHA CPL 10-05, Site-Specific Targeting 2010 (SST-10) (until canceled or superseded by a more current version)].

- C. Type of Inspections. Programmed inspections conducted under this NEP for shipbreaking operations will be comprehensive with emphasis on the hazards and activities listed in [paragraph XIII.D](#). Unprogrammed inspections will be conducted in accordance with the requirements of an approved LEP of the FOM ([CPL 02-00-148](#)).
- D. Inspection Focus. Inspections of shipbreaking operations will focus on the identified hazards and workplace activities listed below. The applicable OSHA standards and Shipyard Employment eTool on [Shipbreaking](#) are referenced to assist the CSHO. In addition, CSHOs can use Appendix A, in the Shipyard “[Tool Bag](#)” directive, to cross-reference and apply a 29 CFR Part 1910 standard when a 29 CFR Part 1915 standard does not address a recognized hazard in shipyard employment.
1. Asbestos exposure (e.g., permissible exposure limits, exposure assessments and monitoring, respiratory protection, communication of hazard to workers, methods of compliance, protective clothing, hygiene facilities and practices, medical surveillance, training for workers and supervisors, housekeeping and recordkeeping). [[29 CFR 1910.1001](#); eTools – [Typical Health Hazards](#) and [Inventory of Hazardous Materials](#); and [Shipbreaking Fact Sheet](#)]
 - a. Asbestos hanger liners.
 - b. Asbestos mastic under insulation.
 - c. Asbestos cloth over insulation.
 - d. Asbestos in cable.
 - e. Asbestos lagging and insulation on pipes and hull.
 - f. Asbestos adhesive.
 - g. Asbestos gaskets on piping connections.
 - h. Asbestos valve packing.
 2. Polychlorinated biphenyls (PCBs) exposure (e.g., exposure limits, inhalation and dermal protection, training of workers and supervisors). [[29 CFR 1910.134](#); [29 CFR 1915.1000](#); eTools – [Typical Health Hazards](#) and [Inventory of Hazardous Materials](#); and [Shipbreaking Fact Sheet](#)]
 - a. PCBs in rubber products such as hoses, gaskets, and machinery mounts.
 - b. PCBs in plastic foam insulation.
 - c. PCBs in cables.
 - d. PCBs in silver paint.
 - e. PCBs in habitability paint.
 - f. PCBs in felt gaskets and felt under septum plates (plates on top of hull bottom).
 - g. PCBs in primary paint on hull steel.

3. Lead exposure (e.g., burning through lead-coated surfaces, permissible exposure limits, exposure assessments and monitoring, respiratory protection, protective clothing, hygiene facilities and practices, medical surveillance, and training for workers and supervisors). [[29 CFR 1910.1025](#); and eTools – [Typical Health Hazards](#) and [Inventory of Hazardous Materials](#)]
 - a. Lead/chromate paint.
 - b. Lead ballast.
 - c. Batteries.
 - d. Generators.
 - e. Motor components.
4. Confined, enclosed and other dangerous atmospheres; space entry. [[29 CFR Part 1915, Subpart B](#); eTools – [Confined or Enclosed Spaces and Other Dangerous Atmospheres](#); and [Shipyard Fatality Videos](#)]
5. Paint removal operations. [[29 CFR Part 1915, Subpart C](#) and eTool – [Surface Preparation for Removal of Hazardous Materials](#)]
6. Metal cutting and disposal processes. [[29 CFR Part 1915, Subpart D](#); [29 CFR Part 1910, Subpart Q](#); and eTool - [Shipbreaking](#)]
7. Hazard communication/hazardous materials and chemicals. [[29 CFR 1910.1200](#); and eTools – [Typical Health Hazards](#) and [Inventory of Hazardous Materials](#)]
 - a. RCRA (Resource Conservation and Recovery Act) heavy metals (e.g., ship transducers, ballast, paint coatings). [[RCRA Quick Reference Guide, EPA](#)]
 - b. Mercury (e.g., fluorescent light tubes, thermometers, electrical switches, light fittings, fire detectors, tank level indicators). [[29 CFR 1915.1000](#)]
 - c. CFCs (chlorofluorocarbons) (e.g., self-contained refrigeration devices, including watercoolers and small freezer units).
 - d. Cadmium (e.g., nickel-cadmium batteries, cadmium coated base metals, cadmium bearing filler materials). [[29 CFR 1915.1027](#)]
 - e. Chromium (VI) (e.g., chromates in paints and varnishes). [[29 CFR 1915.1026](#) and [Hexavalent Chromium Hazard Recognition](#)]
8. Powered industrial truck (PIT) operations. [[29 CFR 1910.178](#) and eTool – [Powered Industrial Trucks](#)]
9. Guarding of deck openings and edges / fall protection. [[29 CFR 1915.73](#); [29 CFR 1915.152](#); [29 CFR 1915.159](#); [29 CFR 1915.160](#); [29 CFR 1910.23](#); eTools – [Fall Protection](#); and [Shipyard Fatality Videos](#)]

NOTE: Although the requirements in 29 CFR 1915.73 (Guarding of deck openings and edges) do not apply to shipbreaking, it is recommended that barriers

be placed around or near deck edges and openings whenever feasible. A temporary rail system or bulkheads cut to railing height could serve as guards against openings and edges (see [29 CFR 1915.71\(j\)](#)). Also, workers exposed to fall hazards from unguarded deck openings / edges must be protected with personal fall arrest systems ([29 CFR 1915.159](#)) or personal fall restraint systems ([29 CFR 1915.160](#)).

10. Hearing conservation (i.e., noise exposure). [[29 CFR 1910.95](#); and eTools – [Hearing Protection](#) and [Noise and Hearing Conservation](#)]
11. Bilge and ballast water removal. [eTools – [Cleaning and Other Cold Work](#) and [Barge Cleaning](#)]
12. Oil/fuel removal and tank cleaning. [eTools – [Cleaning and Other Cold Work](#) and [Barge Cleaning](#)]
13. Removal and disposal of ship's machinery. [eTool – [Shipbreaking](#)]
14. Cranes, gear and equipment for material handling. [[29 CFR Part 1915, Subpart G](#); eTools – [Gear and Equipment for Material Handling](#); and [Shipyard Fatality Videos](#)]
15. Cutting and welding, compressed gas. [[29 CFR Part 1915, Subpart D](#); eTools – [Shipbreaking](#); and [Shipyard Fatality Videos](#)]
16. Fire prevention. [[29 CFR Part 1915, Subpart P](#); eTools – [Fire Protection](#); [Fire Protection in Shipyard Employment](#); and [Shipyard Fire Protection Frequently Asked Questions](#)]
17. Personal protective equipment (PPE). [[29 CFR Part 1915, Subpart I](#) and eTool – [Personal Protective Equipment](#)]
18. Emergency response, rescue, and first aid. [[29 CFR 1915.98](#); [29 CFR 1915.505](#); and eTools – [First Aid](#) and [Fire Response](#)]
19. Scaffolds, ladders and working surfaces. [[29 CFR Part 1915, Subpart E](#); eTools – [Scaffolds \(Staging\)](#) and [Ladders](#); and [Shipyard Fatality Videos](#)]
20. Illumination of work areas. [[29 CFR 1915.92](#) and eTool – [Illumination](#)]
21. Other identified work activities and practices that create significant occupational hazards. [Section 5(a)(1) of the OSH Act, 29 U.S.C. 654(a)(1)]

XIV. Coordination.

- A. National Office (DEP/OME). This NEP will be coordinated by the Directorate of Enforcement Programs, Office of Maritime Enforcement (OME). Questions and comments should be directed to [OME](#) at 202-693-2399.
- B. Navy/DRMS/MARAD. Where a referral inspection is initiated by Navy/DRMS/MARAD, a copy of the OSHA referral form will be provided to the originating Navy/DRMS/MARAD contracting office. If, upon arrival at the vessel, right of entry is an issue, the Navy/DRMS/MARAD Administering Contracting Officer will be notified immediately. Such notification will be accomplished by the most expeditious method available, including, but not limited to, telephone, fax, or e-mail.

The Navy/DRMS/MARAD Administering Contracting Officer, or designated representative, will be invited to the closing conference with the employer at the completion of any inspection covered by the MOA. Following completion of inspections initiated under the provisions of the MOA, the respective OSHA Area Office will transmit copies of any citations issued to the employer to the Navy/DRMS/MARAD Administering Contracting Officer, as well as to the National Office, Directorate of Enforcement Programs (DEP).

- C. EPA. For inspections conducted pursuant to the MOA, where appropriate, OSHA has agreed to conduct joint coordinated inspections with the EPA. Such coordinated inspections should provide a more comprehensive and efficient approach to monitoring compliance with all applicable occupational safety and health, as well as environmental requirements.
- XV. Program Evaluation. Area Offices will collect data and information relevant to the effectiveness of this NEP and approved LEPs, and submit them to the Regional Office. Data and information on effectiveness includes, but is not limited to:
- reductions in fatalities;
 - reductions in DART rates;
 - safety and health programs implemented;
 - workers trained; and
 - outreach activities.

At the end of each fiscal year (September 30th), after summarizing the data and information, the Regional Office will forward the shipbreaking program evaluation to the National Office, Directorate of Enforcement Programs (DEP/OME) **no later than December 31st**. At a minimum, the evaluation should respond to the requirements of [CPL 04-00-001](#), Paragraph VIII.D. DEP will serve in a coordinating role, collecting information from the applicable field offices on best practices in shipbreaking operations and, after review and evaluation, disseminating necessary information back to field offices and to the OSHA Training Institute.

XVI. IMIS Coding. Any settlement agreement, whether formal or informal, where the employer commits to implementing or improving a safety and health program must be designated as such by entering the informal conference date in *item 13A* on the OSHA Form 167I and then marking *item 13D*, “**Safety and Health Program Initiated.**”

A. Enforcement – Inspections Covered by MOA.

1. The OSHA-1 Form for any programmed inspection covered by the MOA for shipbreaking operations must be marked “**Planned**” in *item 24h* and “**National Emphasis Program**” in *item 25d*. Record “**BreakMOA**” in the space in *item 25d* (NEP).
2. The OSHA-1 Form for any unprogrammed inspection covered by the MOA for shipbreaking operations must be marked “**Unprogrammed**” in *items 24a through 24l* as appropriate. In addition, it will be marked “**National Emphasis Program**” in *item 25d*. Record “**BreakMOA**” in the space in *item 25d* (NEP).
3. Whenever an OSHA-7 Form is completed by a Federal office, and the applicable complaint involves shipbreaking operations covered by the MOA, complete the OSHA-7 Form in the usual manner and record “**BreakMOA**” in the space in *item 50* (NEP).
4. Whenever an OSHA-36 Form is completed by a Federal office, and the fatality/catastrophe site is a shipbreaking operation covered by the MOA, complete the OSHA-36 Form in the usual manner and record “**BreakMOA**” in the space in *item 36*.
5. Whenever an OSHA-90 Form is completed by a Federal office and the applicable referral case involved shipbreaking operations covered by the MOA, complete the OSHA-90 Form in the usual manner and record “**BreakMOA**” in the space in *item 30* (NEP).

B. Enforcement – All Other Inspections (Those not covered by MOA).

1. The OSHA-1 Form for any programmed LEP inspection of shipbreaking operations not covered by the MOA must be marked “**Planned**” in *item 24h*, “**Local Emphasis Program**” in *item 25c*, and “**National Emphasis Program**” in *item 25d*. Record the LEP designator in *item 25c* (LEP), record “**BreakSHP**” in the space in *item 25d* (NEP).
2. The OSHA-1 Form for any unprogrammed inspection of shipbreaking operations not covered by the MOA must be marked “**Unprogrammed**” in *items 24a*

through 24l as appropriate. If the unprogrammed inspection is covered by an LEP, record the LEP designator in *item 25c* (LEP). In addition, it will be marked “**National Emphasis Program**” in *item 25d*. Record “**BreakSHP**” in the space in *item 25d* (NEP).

3. Whenever an OSHA-7 Form is completed by a Federal office and the applicable complaint involves shipbreaking operations not covered by the MOA, complete the OSHA-7 Form in the usual manner and record “**BreakSHP**” in the space in *item 50* (NEP).
4. Whenever an OSHA-36 Form is completed by a Federal office and the fatality/catastrophe site is a shipbreaking operation not covered by the MOA, complete the OSHA-36 Form in the usual manner and record “**BreakSHP**” in the space in *item 36*.
5. Whenever an OSHA-90 Form is completed by a Federal office and the applicable referral case involves shipbreaking operations not covered by the MOA, complete the OSHA-90 Form in the usual manner and record “**BreakSHP**” in the space in *item 30* (NEP).

C. Consultation.

Whenever a visit is made which involves shipbreaking operations, a Consultation Request Form and/or Visit Form must be completed as follows:

1. Complete the Consultation Request Form-20 in the usual manner and in the space for *item 25* (NEP) record: “**BreakMOA**” for activities covered by the MOA, and record “**BreakSHP**” for activities not covered by the MOA.
2. Complete the Visit Form-30 in the usual manner and in the space for *item 28* (NEP) record: “**BreakMOA**” for activities covered by the MOA and “**BreakSHP**” for activities not covered by the MOA.