

## OSHA Directives

### STD 3-13.2 - 29 CFR 1926.605(a)(1) as Applied to Marine Construction

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  - **Standard Number:** 1926.605(a)(1)
  - **Subject:** 29 CFR 1926.605(a)(1) as Applied to Marine Construction
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Subject: 29 CFR 1926.605 (a)(1) As Applied to Marine Construction

A. Purpose. This instruction provides national guidelines to clarify the purpose and scope of 29 CFR 1926.605(a) (1) as it applies to marine construction material handling devices used in construction operations.

B. Scope. This instruction applies OSHA-wide.

C. Reference. OSHA Instruction CPL 2-1.3.B, June 14, 1982.

D. Action. OSHA Regional Administrators/Area Directors shall use the guidelines and procedures set forth in G. of this instruction.

E. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:

1. Ensure that this change is forwarded to each State designee.
2. Explain the technical content of the change to the State designee as requested.
3. Ensure that State designees are asked to acknowledge receipt of this Federal program change in writing, within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or of the reasons why the change should not apply to that State.
4. Review policies, instructions and guidelines issued by the State to determine if this change has been communicated to State program personnel. Routine monitoring activities (accompanied

inspections and case file reviews) shall also be used to determine if this change has been implemented in actual performance.

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F. Explanation. It was never intended that construction cranes or other construction lifting devices engaged in construction operations would be required to be tested and certificated in accordance with 29 CFR 1915.115(a) or 1918.13(a). However, when the construction employer is using this equipment in a longshoring or shipyard operation as defined below, and the material being loaded or discharged is handled as "cargo", or "shipyard repair material"; then these cranes or lifting devices shall be certified as required by 29 CFR 1915.115(a) and 1918.13(a).

#### 29 CFR 1918.3 - Definitions.

(i) The term "longshoring operations" means the loading, unloading, moving, or handling of cargo, ship's stores, gear, etc., into, in, on, or out of any vessel on the navigable waters of the United States. (Emphasis added.)

#### 29 CFR 1915.4

(i) The term "shipyard employment" means ship repairing, shipbuilding, shipbreaking and related employments as defined under (j), (k), (l) and (m) of this section:

1. Recent Commission and administrative Law Judge cases have held that when material is loaded or discharged from vessels as "cargo" it becomes a longshoring operation and the longshore safety and health regulations apply.

2. 29 CFR 1926.605 applies to construction operations only. The definition of longshoring contained in 1926.605(a)(1) applies to construction operations carried out over the water. This has been confused with the original definition of longshoring contained in 29 CFR 1918.3 and has resulted in attempts to apply 1918 standards to construction operations, especially 1918.13 - "Certification of Shore-Based Material Handling Devices," which does not cover construction operations. The Office of Safety Standards will modify 29 CFR 1926.605(a)(1) to more clearly reflect the purpose and scope of 29 CFR 1926.605.

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#### G. Guidelines and Procedures.

1. Construction employers engaged in marine construction operations are subject to the construction standards. Cranes and lifting devices used to move construction materials from shore to barge or from barge to the construction site are not required to be certificated. For example:

A construction employer has a crane mounted on a barge and loads material from the shore to the barge. The barge is then towed to the middle of a river to a bridge pier and the crane then hoists the material to the working site. This crane is not required to be certificated.

2. When it is determined that the employer is using shore-based cranes or other lifting devices to load or discharge material aboard vessels for transportation as "cargo" and the operation is identified as longshoring, the cranes or other lifting devices fall under the requirements of 29 CFR 1918 - Longshoring Standards and shall be certificated as required by 29 CFR 1918.13(a). For example:

A construction company uses mobile crawler cranes to load barges at a west coast port with construction material and equipment destined for the Alaska Pipe Line. Thus the material and equipment is "cargo." The cranes are performing a longshoring operation and must be certificated under 29 CFR 1918.13(a).

3. When it is determined that the employer is using derricks and/or cranes which are a part of, or regularly placed aboard barges, other vessels, or on the wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or dry dock for the purpose of shipyard employment as defined under 29 CFR 1915.4(i) then these lifting devices must be tested and certificated as required by 29 CFR 1915.115(a). This is not intended to include incidental maintenance or

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normal upkeep performed on floating equipment during actual construction operations. It does cover major overhaul of floating equipment when such equipment is taken out of service and not being used for construction operations. For example:

A construction employer is overhauling his barges during winter lay-up. He is using a crawler crane mounted on a barge to transfer repair material from shore to the barges. This is identified as a ship repair operation and the barge mounted crane is required to be tested and certificated to the requirements of 29 CFR 1915.115(a).

4. The requirements for testing and certifying shore-based and barge mounted cranes and other lifting devices are contained in 29 CFR 1919 - Gear Certification and OSHA Instruction CPL 2-1.3B.

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