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APPENDIX I TO PART 1917—SPECIAL CARGO GEAR AND CONTAINER SPREADER TEST REQUIREMENTS (MANDATORY) [SEE §1917.50(C)(5)]

AUTHORITY: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 6-96 (62 FR 111), as applicable; and 29 CFR part 1911.

Section 1917.28 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under Sec. 29, Hazardous Materials Transportation Uniform Safety Act of 1990 (49 U.S.C. 1801-1819 and 5 U.S.C. 553).

SOURCE: 48 FR 30909, July 5, 1983, unless otherwise noted.

Subpart A—General Provisions**§ 1917.1 Scope and applicability.**

(a) The regulations of this part apply to employment within a marine terminal as defined in §1917.2, including the loading, unloading, movement or

other handling of cargo, ship's stores or gear within the terminal or into or out of any land carrier, holding or consolidation area, any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment. All cargo transfer accomplished with the use of shore-based material handling devices shall be regulated by this part.

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

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

(ii) Facilities subject to the regulations of the Office of Pipeline Safety Regulation of the Materials Transportation Bureau, Department of Transportation, to the extent such regulations apply.

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

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

(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 of part 1910;

(iv) *Electrical*. Subpart S of part 1910;

(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

with Department of Transportation or International Maritime Organization requirements;¹

(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(1).

NOTE TO PARAGRAPH (a)(2)(xiv): The compliance dates of December 1, 1999 set forth in 29 CFR 1910.178(1)(7) are stayed until March 1, 2000 for Marine Terminals.

(b) [Reserved]

[48 FR 30909, July 5, 1983, as amended at 52 FR 36026, Sept. 25, 1987; 52 FR 49624, Dec. 31, 1987; 62 FR 40196, July 25, 1997; 63 FR 66274, Dec. 1, 1998; 64 FR 46847, Aug. 27, 1999; 65 FR 40938, June 30, 2000]

§ 1917.2 Definitions.

Apron means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

Authorized, in reference to an employee's assignment, means selected by the employer for that purpose.

Cargo door (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

Cargo packaging means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

Confined space means:

(1) A space having all of the following characteristics:

(i) Small size;

(ii) Severely limited natural ventilation;

(iii) Capability to accumulate or contain a hazardous atmosphere;

(iv) Exits that are not readily accessible; and

(v) A design not meant for continuous human occupancy.

¹The 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.

(2) Examples of confined spaces are intermodal tank containers, ballwater tanks and portable tanks.

Conveyor means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

Danger zone means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

Designated person means a person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

Dock means a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

Dockboards (car and bridge plates) mean devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than 4 feet (1.22 m).

Enclosed space means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

Examination, as applied to material handling devices required by this part to be certificated, means a comprehensive survey consisting of the criteria outlined in 29 CFR 1919.71(d) as applicable to the type of gear or device. The examination is supplemented by a unit proof test in the case of a quadrennial survey.

Flammable atmosphere means an atmosphere containing more than 10 percent of the lower flammable limit of a