

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive A-250
Issued February 14, 2002

- Subject:** Recreational Boat Building Industry.
- Purpose:** This directive provides guidance concerning policies and procedures on the enforcement of the OR-OSHA standards for Shipyard Employment and the General Industry Standards in the recreational boat building industry.
- Scope:** This instruction applies OR-OSHA wide.
- References:** Division 2 (1910) General Industry Standards, and Division 5 (1915) Shipyard Employment Standards. OR-OSHA Field Inspection Reference Manual (FIRM).
- Background:** There is a need for clearer guidance regarding the applicability of the general industry standards and shipyard standards to the recreational boat building industry. Many firms engaged in the building of small, recreational vessels have understood that this industry was regulated under Shipyard Standards (1915), but OR-OSHA inspectors have usually applied General Industry Standards only to recreational boat building facilities located inland, while applying Shipyard Standards (1915) to recreational boat building facilities that are on or adjacent to navigable waters. OR-OSHA acknowledges that 1915 requirements for shipyards do not appropriately address the hazards and processes involved in recreational boat building.
1. Recreational boat building is classified in a different SIC code, 3732, than shipbuilding, which is 3731. The Lost-Workday Injury and Illness (LWDII) rate for SIC code 3732 is historically about half that of SIC code 3731.
 2. Shipyards (SIC code 3731) primarily engaged in the construction of large commercial or naval vessels that are fabricated in place, most often of steel, typically with the vessel afloat or in drydock on or adjacent to navigable water.
 3. Recreational boat building (SIC code 3732), unlike shipbuilding, involves a repeatable, production line process performed in a manufacturing plant specifically designed for the type of boats being built. The average recreational boat plant manufactures from 30 to 35 boats per day.

4. The majority of recreational boats are manufactured of fiberglass reinforced plastic, and some small boats are made of aluminum.
5. The building of ships in shipyards presents hazards quite different from the production of small recreational boats, such as work at high elevations, fall hazards over water, extensive use of moveable rather than permanent scaffolding, and welding and confined space hazards that are unique to the construction of large vessels.

Notwithstanding the marked difference in processes and hazards between shipbuilding and small boat manufacturing, 1915 literally applies to all vessels built on or adjacent to the navigable waters of the United States. OR-OSHA's compliance policy has been that 1910 applied to boat building operations that are located inland (i.e., are not on or adjacent to the navigable waters); and that 1915 applies to recreational boat building facilities if they are located on or adjacent to the navigable waters.

Note: Originally, 1915 was issued as a safety regulation under the Longshoreman's and Harbor Workers Compensation Act and was subsequently adopted as an OSHA standard under Section 6(a) of the Occupational Safety and Health (OSH) Act (see 1910.15). By its terms, 1915 applies to employment on the navigable waters of the United States in shipbuilding, ship repairing, ship breaking and related employments. Ships and boats are "vessels" which are defined by 1915.4(k) as: "*every description of watercraft...capable of being used as a means of transportation on the water.*" By its terms, 1915 applies to the construction of any vessel without regard to size or intended use. The literal language of the regulation requires builders of small recreational boats on the navigable waters of the United States to comply with the shipyard standard.

Based on its compliance experience in this industry, OR-OSHA acknowledges that the production processes described for small recreational boats are closely akin to many processes covered by the general industry standards in 1910, and differs significantly from the processes involved in shipbuilding. Based on a review of compliance experience in boat building facilities and a comparison of these two sets of standards, it is OR-OSHA's opinion that the general industry standards of 1910 more closely address the types of operations and hazards of recreational boat building than do the shipyard standards of 1915. Further, the 1910 standards are as protective of workers as the requirements of 1915 that could be enforced in recreational boat building.

Procedures:

application of the shipyard and general industry standards in the recreational boat building industry.

1. Facilities Located Inland.

The Division 2 general industry standards of apply to recreational boat building operations that are located inland (i.e., are not on or adjacent to the navigable waters of the United States). Boat manufacturing establishments that are located inland use manufacturing methods, operations, and processes of the type found in general industry. These establishments are not considered to be engaged in shipyard employment under 1915. Examples of products produced by these establishments include small fiberglass or aluminum boats.

2. Facilities Located On or Adjacent to Navigable Waters.

The shipyard standards apply to recreational boat building facilities located on or adjacent to navigable waterways. The 1915 standards (Division 5) are applicable to vessels located on the navigable waters, including adjoining shore installations such as wharves, drydocks, graving docks, terminals, building ways, marine railways and other areas customarily used by an employer in repairing, building or breaking vessels.

When a shipyard standard (Division 5) is specifically applicable to a condition, practice, means, method, operation, or process, it takes precedence over any general industry standard (Division 2) that might otherwise be applicable. In accordance with §1910.5, *Applicability of Standards*, 1910 is applicable where coverage by 1915 is either limited or absent.

3. Minimal Violations.

It will be considered a minimal violation of 1915 for employers building recreational boats located on or adjacent to navigable waters who are not in compliance with OR-OSHA's shipyard standards, but who are in compliance with all applicable Division 2 standards. This policy is consistent with OR-OSHA's Field Inspection Reference Manual, Chapter III, paragraph C.2.f.