

for "roadability," which is compliance with the Department of Transportation's regulations for equipment on public roads, such as brakes and lights. The OSHA proposal does not consider the ACEP program to be sufficient for liftlocks. Instead, it requires that liftlocks be inspected once every twelve months by a competent person. Liftlocks are subject to extreme weather conditions, exposure to salt water, cold temperatures, stresses through the movement of the vessel on the ocean, stresses when used for lifting, and rough handling when being removed during unloading operations. For these reasons, OSHA believes that an ACEP-type inspection program is inadequate and that the liftlocks must be inspected on an annual basis by a competent person. Vessel operators could use some kind of color coding to determine which liftlocks had been examined, as a positive visual indicator that a liftlock had been examined. OSHA seeks comment on this issue.

6. Currently, the inspection of intermodal containers is governed by the CSC, which is an international convention issued under the auspices of the IMO. In this country, the United States Coast Guard is responsible for overseeing compliance with the CSC. One of the provisions of the CSC is the periodic inspections of containers for wear and damage. This can be done in two ways. The first way is for an independent third party to inspect every container initially after 5 years and then every 30 months. The second way is to develop an ACEP plan as described above. During the 1998 VTL public meeting, a representative from the U.S. Coast Guard testified that the CSC container inspection programs have been successful, citing few container failures (Tr. pp. 31–48). A concern was raised by the unions about the inspection of the containers' bottom corner castings under the CSC (Exs. 11–1B, 11–1G). The bottom corner castings have a greater importance when doing VTLs because they carry the load of the container below. The concern is that the bottom corner castings may be obscured by the equipment that is carrying the containers so that cracks and other damage to corner castings could be missed during the inspection. OSHA seeks comment on this issue. Do the current inspections adequately inspect the bottom corner castings, or are additional measures needed?

7. OSHA is requesting comment on whether or not the standard should include a reporting mechanism for VTL accidents and near-misses. As noted earlier, OSHA's experience with VTLs has primarily been with two empty

containers. Given the relatively limited number of VTLs that have thus far been performed in this country, the Agency is considering whether to require employers to report to OSHA when any of the following events occur during VTLs: accidents, drops, near misses, and damage to containers or liftlocks. What would be an appropriate minimum threshold for reporting? Damage to equipment? What would be the appropriate authorities (OSHA or another Agency) to receive this information? For how long should the Agency receive this information?

8. Another issue is the effect of wind on a VTL operation, both when loading and unloading from a vessel and when moving VTLs in the terminal. The ICHCA guidelines and OSHA's proposed standard would prohibit VTL operations both at the vessel and in the terminal when wind speed exceeds 34 mph. OSHA seeks comment on the effect of wind on VTLs and on the maximum wind speed allowable in VTL operations. Is a permissible wind speed of up to 34 mph excessive for VTLs being transported and handled in a marine terminal? A wind speed that is appropriate when handling VTLs with a container gantry crane may not be appropriate for VTLs being transported to the crane on a chassis or flatbed. As discussed, the proposed 34 mph limit was based on research involving VTLs of three containers. Is that limit also appropriate for VTLs of two containers?

9. The Agency solicits comment on training that might be necessary for safe VTL operations. The current Marine Terminals and Longshoring Standards address crane operator training in § 1917.27(a)(1) and § 1918.98(a)(1), respectively. Those regulations require that only an employee "determined by the employer to be competent by reason of training or experience, and who understands the signs, notices and operating instructions and is familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus." Thus far, VTLs have been performed by crane operators with no specific required off-site training in VTLs. In addition, making up and breaking down VTLs is little different from the work already performed by longshore employees. Is it necessary to provide specialized training for VTLs? How much, in what topics, and for whom?

10. To what extent are vertically coupled containers currently being lifted and by whom? What are the

potential productivity gains associated with lifting VTLs?

11. What information (both recorded data and anecdotes) is available on incidents involving vertically coupled containers that have fallen? Have any employees been injured or killed in VTL incidents? Have there been "near-misses," and if so, what were the causes?

12. What should be in the terminal VTL handling plan? Do VTLs introduce into the workplace new hazards other than those discussed in this notice? What safe practices are necessary to ensure safe transport of stacked containers via ground transport?

13. OSHA requires the employer to ascertain that the certification of the liftlocks are in accordance with ILO requirements, but does not require that the certification records be available for inspection. Historically, in parts 1917 and 1918, OSHA requires that the records produced by the employer be available for inspection at the request of representatives of the U.S. Department of Labor. However, with liftlocks, the records are not currently the responsibility of or in the possession of the employer, but of the vessel owner. Does OSHA need to require the employer to make certificates available for inspection?

14. OSHA is seeking comment on whether to require, when some containers on a vessel are handled as VTLs, that all the containers on the deck of the vessel be interconnected by liftlocks, regardless of whether they are lifted in VTLs or single-container lifts. The Agency is concerned that, if SATLs are used to interconnect containers to be lifted in single-container lifts and liftlocks are used on the same vessel to interconnect containers to be lifted in VTLs, SATLs may sometimes be used instead of liftlocks in VTLs. Requiring a vessel using VTLs to only employ liftlocks and not SATLs onboard would eliminate this safety hazard. OSHA is aware that container vessels use a different type of lock to secure the bottom container on the deck to the hatchcover. This lock is different from SATLs and liftlocks and cannot be used for lifting due to its design (it is flat on one end). The Agency intends that these flat-ended locks should continue to be used to secure bottom containers to the hatchcover.

IV. Preliminary Economic Analysis and Preliminary Regulatory Flexibility Analysis

The Agency is proposing to incorporate provisions in its Marine Terminal and Longshoring Standards that permit VTLs of two containers with