ILWU-PMA PACIFIC COAST MARINE SAFETY CODE

MEMORANDUM OF UNDERSTANDING

For the ILWU
/s/ Ed Ferris
Ed Ferris
Date: 03/03/15

For the PMA
/s/ Bill Alverson
Bill Alverson
Date: 03/03/15
ILWU-PMA
2014 PCMSC TENTATIVE AGREEMENT

AMEND COVER PAGE TO READ:

PACIFIC COAST MARINE SAFETY CODE
2014 Revision
INTERNATIONAL LONGSHORE AND WAREHOUSE UNION
and
PACIFIC MARITIME ASSOCIATION
Name ______________________________
Port ______________________________
Local No. ____ Reg. No. _____________
AMEND CITE ON PAGE iii TO READ:

Since 1946, the Code has been revised and amended on several occasions, usually when the Pacific Coast Longshore Contract is negotiated. The 2014 revision was completed on February 20, 2015 by the following committee:

**For the International Longshore and Warehouse Union**

Ed Ferris, Chairman
Ray M. Benavente
Tracy Burchett
Fred Gilliam
Luke Hollingsworth
George Lujan
Michael A. Podue
Paul Wieser
Adam Wetzell
Ryan Whitman

**For the Pacific Maritime Association**

Bill Alverson, Chairman
Michael Cuffe
Rob Dickey
Carlos Gonzalez
Robert Johnson
Jack Murphy
Dave Turner
Michael Hall
Curtis Shaw
Gerald Swanson

The effective date of this Code is July 1, 2014.
Amend Rule 317:

Provisions for the rescue of persons from drowning shall be made and maintained during the course of longshore operations and shall include life rings, with adequate life line attached to all hammerhead cranes, or at readily accessible points on each pier apron or bulkhead. One or more portable or permanent ladders giving access to the surface of the water shall be provided.
Amend Rules 344, 1051, and 1515:

Where a fall arrest system is used, the following shall apply:

(a) The fall arrest system shall be used only for employee fall protection.

(b) The components of the fall arrest system shall be "approved" as per Rule 612.

(c) Only a full body harness shall be used.

(d) The fall arrest system shall be rigged to minimize free fall distance, with a maximum free fall distance of six feet (6’).

(e) Each terminal shall have an established procedure to rescue personnel in case of a fall.

(f) The fall arrest system shall incorporate an energy absorbing mechanism.

(g) All connectors shall be designed and used to minimize accidental disengagement. Snap hooks shall be positive locking. (A spring-loaded keeper over the throat of the hook is not adequate.)

(h) The fall arrest system shall be attached to a tie-off point capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person, or 5,000 pounds in the absence of a certification by a qualified person. When more than one employee is attached to a tieoff point, the above limits shall be increased proportionately. Positive means shall be taken to prevent the movement of equipment when used as tie-off points. When container lifting beams are used as tieoff points, there shall be a shut off switch to prevent the crane from trolleying, hoisting, or gantrying. There shall be an indicator light visible to the workers on the container tops. Said indicator light shall be affixed to the bottom of the crane cab. When the light is on, the container beam is alive. When workers are tied off to a live beam, the crane shall operate only in “slow-mode.”

(i) When workers on container tops are tethered to a device other than the beam, the beam shall be disconnected from the device. In those rare cases where disconnecting from the device causes an extreme safety hazard or an emergency exists, the beam may remain connected with the power to the crane shut off.

(j) Harness, lanyards, and energy absorbers (except those which are integral to a self-retracting lifeline) which have been subjected to impact loading shall be removed from service and destroyed. All other components of the fall arrest system shall be inspected and serviced by a competent person as per the manufacturer's recommendations.
(k) Horizontal lifelines shall have a tensile strength capable of sustaining at least twice the potential impact load of an employee's fall when certified by a qualified person or 5,000 pounds in the absence of a certification by a qualified person. When more than one person is tied off to a horizontal lifeline, the above limits shall be increased proportionally.

(I) All components of the fall arrest system shall be inspected and maintained as per the manufacturer’s recommendations. (See also Rule 339.)
Amend Rule 354:

The Employers shall ensure that there shall be access to all terminal facilities by emergency, rescue, and law enforcement vehicles. Whenever there is an injury severe enough to warrant calling an ambulance or an emergency vehicle, work, equipment and machinery shall be stopped and cleared as necessary for access to and treatment of the injured. The Employers shall ensure that there is appropriate signage at all emergency gates.
ADD RULE 368:

Receptacles/outlets when used for supplying power to refrigerated containers shall be properly maintained and in good working order.
Amend Rule 403:

They shall instruct workers under them in the proper and safe methods of handling cargo, gear and equipment. These instructions shall be given in a safety talk at the start of each shift. Workers arriving late on the job will receive these instructions from their direct supervisors, as soon as practicable. Special attention shall be focused on safe lashing practices, traffic patterns, proper mounting/dismounting procedures on equipment, and hazardous material particular to each ship and dock operation. Workers shall be informed of the designated assembly areas.
Amend Rules 612, 1154, 1609, and 17.701:

All employees shall wear and properly use all personal protective equipment provided, including but not limited to:

(a) An approved high visibility reflective vest at all times within a marine terminal or on board a vessel. With the employer's approval, other articles of clothing which provide equivalent high visibility, reflective protection or are ANSI/OSHA approved may be worn in place of the vest.

(b) An approved protective helmet at all times when working in areas where there is a potential for injury to the head from falling objects. All such equipment issued after July 1, 2008 shall comply with the current American National Standards Institute ANSI Z 89.1-2003 (Industrial Head Protection). Employees employed in the following areas and employees engaged in the operation of the following equipment are exempted:

1) Offices on piers or marine terminals,
2) Rest rooms and cafeterias,
3) Cranes with enclosed cabs,
4) Vehicles with adequate overhead protection,
5) Terminal gates,
6) Container freight stations.

When employees leave the above equipment or areas to work on a marine terminal or aboard a vessel, or where the employer has issued or posted instructions that hard hats are required despite the above exceptions, employees shall wear their hard hats.

(c) Approved safety shoes shall be worn by all employees working in the terminal operating environment. (See Rule 650)

(d) Approved hearing protection when required to reduce exposure to noise. Employees shall be given an option of ear plugs or ear muffs. The temporary unavailability of ear muffs shall not cause a disruption of work nor a standby pursuant to Section 11 of the Pacific Coast Longshore and Clerks’ Agreement.

(e) Approved fall arrest system shall be worn when going aloft or when working within three (3’) feet of an unguarded edge that is eight (8’) feet or more above the adjoining surface.

(f) Approved safety eyewear or goggles when handling cargo or other work liable to injure or irritate the eyes.

(g) U.S. Coast Guard approved personal flotation devices (PFDs) shall be provided and worn as per the manufacturer's recommendations when working over sides of vessels (e.g. log booms or rafts) or other locations where the possibility of falling or being pulled into the water exists.
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(h) Respirators of an approved type when handling cargo, bulk commodities or using paints and chemicals liable to injure or irritate the respiratory passages or lungs.

(i) Approved PPE rated for the particular task shall be provided and worn while performing all job duties associated with cold ironing or its equivalent.

(j) Approved PPE rated for the particular task shall be provided and worn while grinding, welding, cutting, or brazing.

(k) The term "approved" in Rule 612 means approved and accepted by ANSI or applicable state or federal regulations, depending upon jurisdiction.
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Amend Rule 658:  

While installing or removing cones from containers, employees shall not position themselves in the bight where they could be injured by the tractor wheels, container, chassis, bombcarts, or other equipment.
Amend Rule 1052:

Where personnel cages are used to hoist or lower employees, they shall comply with the following:

(a) The cage shall be used to carry only personnel, their tools and necessary materials, and equipment to perform the work.

(b) The cage shall be designed to a minimum safety factor of four based on ultimate strength. The maximum rated capacity and the cage's weight shall be posted on the cage. Cages shall be maintained to their design specifications. The cage shall be taken out of service if any defects are found affecting safe use.

(c) Guardrails complying with Rule 1111, mid rails and toeboards or another equally effective enclosure shall be provided for employees riding the cage. The entrance(s) to the cage shall be provided with a means of closure. Adequate overhead clearance shall be provided for employees riding the cage. Where an overhead hazard exists the top of the cage shall be covered with expanded metal or equivalent. A solid covering is prohibited where it would obstruct the line of sight between the crane operator and the employees riding the cage. The cage shall be equipped with a means of storing tools, cones, materials, and equipment. The storage area shall not be loaded above the top restraining member.

(d) The cage shall be secured to the hoisting apparatus by a positive means. The means of attachment shall have a safety factor of at least five (5) based on the weight of the cage and its maximum rated capacity. Where the cage is secured by twistlocks on the container spreader beam, there shall be a secondary means of attachment.

(e) Prior to being placed into service for the first time the cage shall be loaded to 200 percent of its maximum rated capacity, hoisted over a full operational cycle, and suspended for a minimum of five (5) minutes.

(f) The crane operator shall remain at the controls at all times while employees are suspended in the cage. Employees being hoisted shall remain in continuous sight of, and communication with, the crane operator or signalman. The crane operator shall move the cage only on a clearly understood communication from the employee in the cage, which may be relayed by the signalman. When the cage is left aloft without the crane in attendance, a radio or an emergency alarm system shall be available. Employees shall keep their bodies and extremities within the periphery of the cage while it is in motion. The cage shall not be loaded in excess of its maximum rated capacity, as posted.
Amend Rule 1509(g):

When employees are required to ride the container beam or personnel cage the container gantry crane (when so equipped) shall be placed in slow speed mode. The employees shall not enter or exit the beam or cage at the bulwark rail of the vessel.
Amend Rule 1520:

When reefer containers are being lashed/unlashed, plugged/unplugged, supervision will coordinate lashing and reefer operations so work may be accomplished with minimal interference. Power cords and lashing equipment shall be arranged as to prevent slips, trips, and falls.
Add New Rule 1525:

When on-deck 20’ containers are stowed offset of an abreast 40’ container stack the hoist ropes can align with corner castings. The slack hoist ropes can snag on the corner castings causing containers to be pulled down, this can also damage the integrity of the hoist ropes. Therefore, the following protocol shall be used:

A. Bay plans shall identify and note whenever on deck 20’ containers are abreast of 40’ containers.

B. Supercargo and Foremen shall be notified of such bays prior to the start of the shift.

C. Foremen shall notify all longshore personnel working such bays prior to turning to.

D. Offset 20’ containers abreast of 40’ containers that cannot be twinned shall never have more than a two (2) tier height differential when being discharged or loaded (see diagram U1 and U2).

E. All hoist ropes that have been snagged on a corner casting of the abreast 40’ container shall have an inspection of the affected area on the hoist ropes performed prior to the crane being put back into service.

Exception: The two tier height differential requirement as outlined in item D does not apply when the abreast 40’ container stack is not to be discharged (i.e. ride through cargo). The abreast 40’ container stack shall be verified to be locked and lashed by the Foreman prior to the discharge or loading of any on deck offset 20’ container. When containers utilize fully automatic twistlocks there shall be no exception for ride through cargo.
LETTER OF UNDERSTANDING
Twenty Foot Containers Offset of an Abreast Forty Foot Container Stack

Mr. Alverson:

During the course of the 2014 Pacific Coast Marine Safety Code negotiations, the parties agreed that PCMSC Rule 1525 (Saggiani Rule) shall be posted in its entirety in container crane cabs to alert operators of the potential hazard.

In addition, the Joint Pacific Coast Marine Safety Code Committee shall author and distribute to the workforce an ILWU-PMA Safety Tip Flyer detailing the Saggiani Rule.

Sincerely,

/s/ Ed Ferris
Ed Ferris
Chairman, Pacific Coast Marine Safety Code Committee
International Longshore & Warehouse Union

Understanding Confirmed:

/s/ Bill Alverson
Bill Alverson
Chairman, Pacific Coast Marine Safety Code Committee
Pacific Maritime Association

Dated: 06/11/2014
Memoranda of Understanding

During the course of the 2014 negotiations, it was agreed that upon ratification, the Pacific Maritime Association shall encourage their member companies to:

A) Paint the bolsters/corners of the existing chassis pool a contrasting color.

B) Paint the bolsters/corners of all new chassis whether purchased or leased a contrasting color.

Sincerely,

/s/ Ed Ferris  
Ed Ferris  
Chairman, Pacific Coast Marine Safety Code Committee  
International Longshore & Warehouse Union

Understanding Confirmed:

/s/ Bill Alverson  
Bill Alverson  
Chairman, Pacific Coast Marine Safety Code Committee  
Pacific Maritime Association

Dated: 09/26/2014
HIGH VISIBILITY VESTS AND HARDHATS

Every three years at no cost to the employee, the employer will provide to every ILWU-PMA longshore worker identified or unidentified with at least 50 hours within the current year, a safety vest conforming to ANSI/SEA 107-1999 class 2 standards and hard hat (either Fibre Metal model #E-2SW-yellow or North A29SPR, including chin straps) conforming to ANSI Z 89.1 at the ILWU-PMA training centers during the GST training.

The above Items will be provided to all new members of the work force at their first GST class.

Vest/hats that are damaged or worn out will be replaced at no cost to the employee at the ILWU-PMA training centers, provided the damaged or worn out vest/hat is produced at the time of exchange.

Vest/hats lost or misplaced will be replaced at no cost to the employee at the ILWU-PMA training centers provided the employee completes a claim form giving reason/details of the loss.

The ILWU agrees to actively promote the wearing of the approved ANSI Standard safety vest and hard hats as outlined above.

For the ILWU
/s/ Ed Ferris
07/24/2014

For the PMA
/s/ Bill Alverson
RESCUE PROCEDURE

Add to Memoranda of Understanding Section of PCMSC:

During the course of the 2014 PCMSC contract negotiations the parties agreed that container terminals equipped with STS gantry cranes shall have a personnel cage that can be used to assist in the removal of an injured person from a vessel. During periods of repairs or certification of the personnel cage, container terminals shall implement alternate removal procedures. Personnel cages utilized for rescuing injured persons shall conform to rules 345 and 1516.

Container and breakbulk terminals shall have a procedure to assist emergency responders in the removal of an injured person from a vessel. These procedures shall be made available to the union upon request.

The parties agreed that at non-container terminals where personnel cages are currently utilized, that practice shall remain undisturbed absent a safer practice.

Employers shall be in compliance within 24 months of the signing of the PCL&CA.

/s/ Ed Ferris  
Chairman, Pacific Coast Marine Safety Code Committee  
International Longshore and Warehouse Union

/s/ Bill Alverson  
Chairman/Pacific Coast Marine Safety Code Committee  
Pacific Maritime Association

Dated: 01/15/15
Supplemental Agreement to Amend PCMSC Rule 354

March 03, 2015

The parties agree that the Employers shall be in compliance with the signage requirements of Rule 354 within 6 months of the signing of the PCL&CA.

As reference PCMSC Rule 354 was amended as follows:

The Employers shall ensure that there shall be access to all terminal facilities by emergency, rescue, and law enforcement vehicles. Whenever there is an injury severe enough to warrant calling an ambulance or an emergency vehicle, work, equipment and machinery shall be stopped and cleared as necessary for access to and treatment of the injured. **The Employers shall ensure that there is appropriate signage at all emergency gates.**

For the ILWU

/s/ Ed Ferris

03/15/2015

For the PMA

/s/ Bill Alverson
Supplemental Agreement to New PCMSC Rule 1525 Letter of Understanding
Twenty Foot Containers Offset of an Abreast Forty Foot Container Stack

March 03, 2015

The parties agree that the Employers shall be in compliance with the [Letter of Understanding, dated June 11, 2014] requirement to post PCMSC Rule 1525 (Saggiani Rule) in its entirety in container crane cabs within 4 months of the signing of the PCL&CA.

For the ILWU
/s/ Ed Ferris
03/03/2015

For the PMA
/s/ Bill Alverson