

VOSH PROGRAM DIRECTIVE: 02-803B

ISSUED: January 9, 2020

Subject **29 CFR Part 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment**

Purpose This Directive transmits to field personnel current policy, inspection procedures, information and guidance to ensure uniform enforcement of the 29 CFR Part 1915, Subpart B standard. **VOSH's jurisdiction over such maritime activity is limited to the public sector.**

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program.

Certification This Program Directive is considered to meet the definition of "guidance document" contained in a §2.2-4101 of the Code of Virginia: "any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies."

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.B of the Code of Virginia, this Program Directive has been or will be subject to a 30-day public comment period, to include public comment through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to its effective date.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.C of the Code of Virginia, if a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period. During this additional period, the agency shall respond to any such comments in writing by certified mail to the commenter or by posting the response electronically in a manner consistent with the provisions for publication of comments on regulations provided in this chapter. Any person who remains aggrieved after the effective date of the final guidance document may avail himself of the remedies articulated in Article 5 (§ 2.2-4025 et seq.).

Scope This Directive applies to all VOSH personnel.

Reference OSHA Instruction CPL 02-01-061 (May 22, 2019).

Cancellation VOSH Program Directive 02-803A (August 15, 2011).

Action Directors and Managers shall ensure that field personnel understand and comply with the information and guidance to support intervention and inspection programs related to shipyard employment, where applicable.

Effective Date January 9, 2020

Expiration Not Applicable.

C. Ray Davenport
Commissioner

Distribution:	Commissioner of Labor and Industry Assistant Commissioner - Programs	Cooperative Programs Director & Manager VOSH Compliance & Cooperative Programs Staffs
	VOSH Directors and Managers Legal Support & IMIS Staffs	OSHA Regional III & Norfolk Area Offices

Attachment: OSHA Instruction CPL 02-01-061 (May 22, 2019) or refer to:
https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-01-061_1.pdf

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Agency	Department
Regional Administrator	Assistant Commissioner – Programs
Area Director	Regional Director VOSH Program Director
Area Office/Regional Office	Regional Office
Regional Solicitor	Attorney General or VOSH Office of Legal Support (OLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO) and/or Industrial Hygienist	CSHO
OSHA Field Operations Manual (FOM)	VOSH Field Operation Manual (FOM)

OSHA Directives:

CPL 02-00-162, Shipyard Employment “Tool Bag”

Directive (05/22/2019)

CPL 02-01-060, 29 CFR Part 1915, Subpart I,

Enforcement Guidance for Personal Protective

Equipment (PPE) in Shipyard Employment (05/22/2019)

CPL 02-00-160, OSHA Field Operations Manual (FOM)

(08/02/2016)

VOSH Program Directives:

VOSH Program Directive 02-801C,
Shipyard

Employment “Tool Bag” Directive
(09/30/2014) or its successor

VOSH Program Directive 02-804,
Subpart I,

Enforcement Guidance for Personal
Protective

Equipment (PPE) (8/01/2011) or its
successor

09-001, VOSH Field Operation Manual
(FOM)

(08/01/19) or its successor