



Reply to the Attention of:

FEB 17 2004

Captain Kirk Greiner
18226 Sunset Way
Edmonds, WA 98026-5332

Dear Captain Greiner:

Thank you for your June 4, 2002 letter to the Occupational Safety and Health Administration's (OSHA's) Directorate of Enforcement Programs. Your letter was received by the Directorate of Enforcement Programs on June 13, 2002. Please be aware that this response may not be applicable to any question not delineated within your original correspondence. We apologize for the delay in our response.

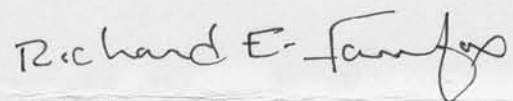
Question: Do OSHA regulations, specifically 29 CFR 1910.24, apply to uninspected vessels?

Reply: While all of the provisions of 29 CFR 1910.24 apply to fixed industrial stairs on vessels, OSHA exercises its enforcement discretion with respect to the design specification provisions when inspecting permanent fixed stairs on vessels. Thus, OSHA will enforce all of the provisions of 29 CFR 1910.24 with respect to fixed industrial stairs that *are not* a permanent part of the vessel (i.e., stairs brought in and installed for use during vessel construction, repair or overhaul to support worker access to the vessel or within the vessel). In addition, OSHA will enforce 29 CFR 1910.24(a), (b), (f) and (h) with respect to fixed stairs that *are* a permanent part of the vessel, since these provisions address the condition and use of fixed stairs. However, if fixed stairs that *are* a permanent part of the vessel comply with the design specifications discussed below, OSHA will not issue citations regarding design specification provisions in 29 CFR 1910.24(c), (d), (e), (g) and (i).

Design specifications for vessels (including fixed stairs) are addressed on U.S. "Inspected" vessels by Coast Guard regulations (46 CFR), on foreign flag vessels by foreign standards and various international vessel classification society rules (e.g., Bureau Veritas-France, Nippon Kaiji Kaokai-Japan, Lloyd's Register of Shipping-England), and on "Uninspected" vessels by a variety of standards, recommended guidelines, and established industry practice. Any hazardous conditions that employees are exposed to related to design will be evaluated using the standard, guidance or practice under which the vessel fixed stairs were designed. For uninspected vessels and commercial uninspected fishing vessels, OSHA regulations are applicable to the working conditions of all workers including crew members as detailed in CPL 02-01-020 (Previously CPL 2-1.20), *OSHA/U.S. Coast Guard Authority Over Vessels*, dated November 8, 1996.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprized of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact Stephen Butler, Director, Office of Maritime Enforcement at (202) 693-2152.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Fairfax". The signature is written in a cursive style with a large, stylized "F" at the end.

Richard E. Fairfax, Director
Directorate of Enforcement Programs