

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the Attention of:

MAR 16 2005

Mr. Walter L. Hutchens
Marine Chemist Service, Inc.
11850 Tug Boat Lane
Newport News, VA 23606-2527

Dear Mr. Hutchens:

Thank you for your September 17, 2004 letter to our office of Maritime Enforcement requesting our evaluation of your burning Hose Identification & Security Device (BHISD) for compliance to specific OSHA standards.

On September 15, 2004 OSHA published in the Federal Register, 29 CFR 1915-Fire Protection in Shipyard Employment; Final Rule. This final rule became effective on December 14, 2004. Based on the above regulations, you requested our evaluation of your BHISD device and its compliance with the provisions stated in 29 CFR 1915.503(b)(2)(iv).

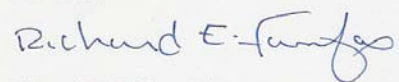
OSHA is generally precluded from approving or endorsing specific products. The variable working conditions at job sites and possible alteration or misapplication of an otherwise safe piece of equipment could easily create a hazardous condition beyond the control of the equipment manufacturer. However, where appropriate, we try to give some guidance to help employers assess whether products are appropriate to use in light of OSHA requirements.

Based on the information you submitted, our evaluation of your BHISD sample and the Safety Operating Procedure (MCS-003) dated June 22, 2004, this device, if used in accordance with the above procedure, would appear to satisfy OSHA's provisions stated in 29 CFR 1915.503(b)(2)(iv). We have also noted that the Department of the Navy, SUPSHIP Portsmouth, VA approved this device on June 14, 2002.

Thank you for your interest in occupational safety and health. As you are probably aware, 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 interpretations 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 apprised of such developments you can consult OSHA's website <http://www.osha.gov>. If you have any further questions, please feel free to contact Mr. George Poneris of the Office of Maritime Enforcement at (202) 693-2157.

Sincerely,

A handwritten signature in blue 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