

Best's Insurance Law Podcast



[Marine Terminals Workers Compensation and Safety Issues - Episode # 240](#)

Posted: Thurs. July 9, 2026



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John Czuba Welcome to Best Insurance Law Podcast, the broadcast about timely and important legal issues affecting the insurance industry. I'm John Czuba, manager of Best Insurance Professional Resources.

Very pleased to have with us today expert service provider Dr. Janine McCartney of [HHC Safety Engineering Services](#) and [HHC Safety Consulting Services, Corporation](#) Wilmington, Delaware, and Houston, Texas. The companies provide safety consulting, safety engineering consulting, and expert witness services to law firms and the insurance industry.

Dr. McCartney is a senior safety engineer and expert witness. She has a certified safety professional and a construction health and safety technician designation with 32 years' experience in safety, as well as possessing a PhD and MBA.

Dr. McCartney has two CSHO credentials and is working on a third CSHO in maritime certification, which she will complete by December of 2026. Her professional career has spanned over 46 years in private and government service with OSHA consultation.

She is an OSHA outreach trainer in maritime construction and general industry. She has experience in inspecting and investigating incidents at marine terminals and warehouses, inspecting port facilities. She worked offshore in oil and gas wells also.

Dr. McCartney has also worked in the oil and gas industry and the pipeline and construction industry as a regulatory expert. In safety, she worked her way up from safety representative to safety manager of 300 plus facilities. Then to Safety Officer 2 for the State of Texas, then to Consultant, Senior Safety Engineer, and then to an expert.

She has extensive OSHA policies knowledge and has technical and historical knowledge in marine terminals construction, telecommunication, utilities, manufacturing, food processing, distribution, oil and gas exploration and production, and property management.

Dr. McCartney served as an editor of *Science Direct Heliyon* and *Data in Brief*, and as an editor and reviewer of *Science of the Total Environment* from the years 2005 to 2024. She also works as an expert and consultant on a day-to-day basis. And Dr. McCartney, we're very pleased to have you with us again this morning.

Dr. Janine McCartney: Well, thank you, John, and thank you for the introduction and the opportunity to provide the information in this podcast.

John: Always a pleasure, Janine. Today's discussion is centered on marine terminals, workers' compensation, and safety issues. So, Dr. McCartney, for our first question, why is this topic important for the insurance industry?

Dr. McCartney: Well, that is a great question, John. The injury rates and safety issues are important topics in marine terminal safety. NIOSH estimates that there are 98,000 workers employed in support activities for water transportation, which includes marine terminals. Those workers who are employed in marine terminals and port operations have higher rates of fatality and injury illness rates than the overall workers of the United States. Using the latest published statistics from 2011 to 2017, fatalities in workers employed in marine terminals occur at a rate of 15.9 per 100,000 workers. That is a rate that's five times higher than the overall U.S. workforce for that same time period. The average rate for marine terminals for non-fatal injuries and illnesses is 4.916 per 100,000. And that is a rate which is nearly two times the overall U.S. workforce for that same time period.

The risk management department of workers' compensation companies can make a positive difference in helping their insureds reduce fatality and injury illness rates by offering inspections, safety plan writing, and training of marine terminal employees. It's important to note that OSHA enforcement does not have a large number of compliance, safety, and health officers to perform inspections of marine terminals. For the year 2025, there were only 13 citations issued in marine terminals nationwide.

The citations were issued for powered industrial trucks not maintained in a safe working order, Employees shall eliminate slippery working and walking surfaces. First aid kits shall be waterproof and weatherproof. U.S. Coast Guard approved life rings shall be made available. And lastly, material handling devices shall not be used until they're certified. So the OSHA regulations for marine terminals can be found in 29 CFR 1917 regulations.

John: Dr. McCartney, what factors contribute to traffic-related injuries and fatalities in marine terminals in general?

Dr. McCartney: Oh, John, that's another great question, just based on the number of incidents that are found in marine terminals. There are many factors that contribute to traffic accidents in marine terminals. The factors include unsafe equipment, so that's broken and properly maintained or missing safety equipment, such as light seatbelts, brakes, horns, that can lead to those injuries and fatalities. Inadequate traffic controls can lead to injuries and fatalities if there are lack of proper signage and lane markings.

The condition of the terminal driving surface also can contribute to an injury and a fatality. Many marine terminals, particularly larger ones, have paved terminal driving surfaces. The smooth surfaces also require heightened awareness because they can become slippery when they're wet. There can be driving obstacles. Vessel equipment, stacked materials, containers, and repair crews are some of the driving obstacles that increase the risk of traffic-related incidents. Weather is another factor. Inclement weather, such as snow, ice, fog, and rain, can create hazardous conditions. And those conditions are either slippery surfaces or poor visibility in the marine terminals. The sun may also cause glare on certain types of driving surfaces and vehicle windshields.

There can be inadequate illumination at the terminal. That poor lighting, particularly at night and shadows, can make it difficult for drivers to see and avoid pedestrians, making it hazardous for driving. There could be hazardous driving surfaces and other obstacles. There's welding that occurs on the marine terminals, and welding flashes can distract vehicle and crane operators. There can be those that operate vehicles unsafely, and factors such as improperly loaded equipment and speed can contribute to the traffic-related incidents.

Other factors include distracted driving, distractions such as talking on the cell phone, texting, and other electronic devices, or completing paperwork while you're in. in your vehicle can contribute to those traffic accidents. There can be improper parking, lack of communication, lack of training and awareness, shift changes, fatigue, and substance abuse that can contribute to these accidents as well.

John: Dr. McCartney, what safety issues have you seen professionally with loading cargo onto a ship at a port and dock, and how difficult is it to do a safety audit at a port facility?

Janine McCartney: Thanks, John. That's another great question. Personally, I've conducted safety audits on a port facility, and I have investigated incidents involving cargo loading onto a ship at a dock. I'll just pick one incident involving loading cargo onto a ship. The factors that contributed to this one noteworthy forklift ship loading accident is where a forklift fell through a cedarwood dock. And those factors included improper inspection of the dock on the day of the incident, which resulted in the forklift falling through the dock, improper inspection by the forklift operator of the dock prior to traveling with the load on the dock.

The next factor is improper maintenance of the dock by the operator. And then overloading of the forklift and obstructing the view of the forklift operator by the forklift operator themselves. And then lastly, the operator did not comply with the safety engineer's inspection report of the dock prior to the incident.

The Cedarwood dock was also past its date of replacement. The dock was at least 47 years old and was not maintained and was in disrepair. So as a consultant, it's very challenging to do a safety audit of an entire port facility.

Some factors that contributed to the challenge of doing this audit include just walking around with the traffic on the marine terminal itself. Navigating around the terminal itself on foot and avoiding the truck and forklift traffic is extremely challenging. Another factor that made a safety audit challenging is gaining acceptance by the various companies providing services on the terminal. And that is especially true when you're working for the port itself.

The next factor I found challenging is gaining access to the facilities owned by the tenants. Scheduling was a problem. The maritime industry itself does not like change. So as a consultant doing audits, you must realize that you have to build rapport with these same companies in order to, first of all, get the audit completed, but then also get compliance with any safety suggestion that you make. I think the challenges I face doing an audit of a port would be the same challenges that a risk manager would face inspecting their insured's facilities.

John: Dr. McCartney, what are some of the workers' compensation issues you have seen at marine terminals?

Dr. McCartney: The incidents I've seen at marine warehouse terminals are traffic incidents, vehicle and pedestrian incidents inside the warehouses. truck loading incidents inside the warehouses, forklift ship loading incidents.

At the marine bulk terminals, I have seen improper driver loading procedures, which resulted in driver injury. I've seen incidents where the drivers improperly loaded the wrong hydrocarbon in the wrong compartment of a tanker truck that resulted in a cross drop at the gas station.

So simply put, the driver loaded diesel fuel in the gasoline compartment. It's recognized by OSHA and the insurance industry that traffic incidents are a serious problem in marine terminals and inside the warehouses. This is based upon the fact that the operations are fast-paced and the operations of heavy and the operation of large heavy equipment.

The operators of vehicles and cargo loading equipment, mechanics, repair crews, port authority personnel, ships crews, and over-the-road truck drivers must be trained properly in the specific traffic program of that marine terminal.

John: Dr. McCartney, one final question today. Is there a difference between the levels of compliance with safety regulations at marine terminals compared to other industries?

Dr. McCartney: Oh, yeah, another great question, John. In my opinion, there's a different level of compliance with adherence to OSHA and Coast Guard regulations at marine terminals than other industries.

There seems to be less compliance with safety in the marine terminals industry than I have seen with other industries. I base my opinion in part on the injury illness rates and fatality rates that I have personally seen in the marine terminals and port facilities. I also base it on the lack of OSHA personnel and enforcement personnel performing inspections. And that's largely due to budget constraints to inspect these facilities, as well as the ease and education of the compliance officers to conduct the compliance audits and safety inspections.

And then lastly, there's the industry itself is resistance to change. I think that the resistance to change contributes to the difference level of compliance with safety regulations of the marine terminals than other industries.

The good news is that right now in the industry, more safety professionals are being adequately trained in marine safety. As more safety professionals become hired and adequately trained, such as taking the OSHA marine trainer courses and becoming Kosho in the marine industry, the level of safety will increase, hopefully, and those injury illness rates will decrease.



John: Dr. McCartney, always a pleasure. Thanks so much for joining us today.

Dr. McCartney: Well, thank you, John, and thank you for the opportunity to provide this podcast.

John: You just listened to Dr. Janine McCartney of [HHC Safety Engineering Services and HHC Safety Consulting Services Corporation](#), with offices Wilmington, Delaware; Houston, Texas; and Tampa, Florida.. Special thanks to today's producer, Frank Vowinkel.

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