



March 12, 1991

Notice No. 71

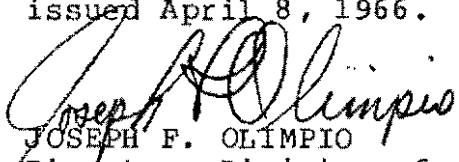
NOTICE TO INSURANCE CARRIERS, SELF-INSURED EMPLOYERS UNDER THE
LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, AND OTHER
INTERESTED PERSONS

SUBJECT: Application of the Longshore Act to the Virgin Islands

The United States Court of Appeals for the Third Circuit, in denying the petition for rehearing in *Peter v. Hess Oil Virgin Islands Corp.*, 903 F.2d 935, reh. den. 910 F.2d 1179, 1180 n.2 (3d Cir. 1990), cert. den. January 22, 1991 (59 U.S.L.W. 3500), recommended that the Department of Labor clarify its position concerning the application of the Longshore Act to the Virgin Islands.

Upon further review of the statutory language set forth in sections 2(9) and 3(a) of the Longshore Act, the Office has determined that the Act does apply in the Virgin Islands. This conclusion is based on the plain language of the Act which covers disabilities and deaths resulting from injuries on the navigable waters of the United States and in certain adjoining shoreside areas. As noted by the Third Circuit the navigable waters of the United States includes navigable waters of its territories such as the Virgin Islands.

This notice is intended to advise all interested parties of the Department's policy regarding this issue and to notify covered employers in the Virgin Islands of the obligation to secure their compensation liability as required by sections 4 and 32 of the Longshore Act. The Department has also issued a program directive to all district offices setting forth the Department's position and expressly rescinding LS/HW Program Memorandum No. 24 issued April 8, 1966.


JOSEPH F. OLIMPIO
Director, Division of
Longshore and Harbor
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